



# CITY COUNCIL REGULAR MEETING

## City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX  
Tuesday, July 20, 2021 at 6:00 PM

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## AGENDA

### CALL TO ORDER AND ROLL CALL

#### City Council Members

Mayor Bill Foulds, Jr.  
Mayor Pro Tem Taline Manassian  
Council Member Place 2 Wade King  
Council Member Place 3 Geoffrey Tahuahua  
Council Member Place 4 April Harris Allison  
Council Member Place 5 Sherrie Parks

#### Staff, Consultants & Appointed/Elected Officials

City Administrator Michelle Fischer  
Deputy City Administrator Ginger Faught  
City Attorney Laura Mueller  
City Treasurer Shawn Cox  
City Secretary Andrea Cunningham  
Parks & Community Services Director Kelly Schmidt  
DSRP Manager Emily Nelson  
DSRP Assistant Manager Lilly Sellers  
Planning Consultant Robyn Miga

### PLEDGE OF ALLEGIANCE

### PRESENTATION OF CITIZENS

*A member of the public who desires to address the City Council regarding any item on an agenda for an open meeting may do so at presentation of citizens before an item or at a public hearing for an item during the City Council's consideration of that item. Citizens wishing to discuss matters not contained within the current agenda may do so, but only during the time allotted for presentation of citizens. Speakers are allowed two (2) minutes to speak during presentation of citizens or during each public hearing. Speakers may not cede or pool time. Members of the public requiring the assistance of a translator will be given twice the amount of time as a member of the public who does not require the assistance of a translator to address the City Council. It is the request of the City Council that members of the public wishing to speak on item(s) on the agenda with a noticed Public Hearing hold their comments until the item(s) are presented for consideration. Speakers are encouraged to sign in. Anyone may request a copy of the City's policy on presentation of citizens from the city secretary. By law no action may be taken during Presentations of Citizens.*

## CONSENT AGENDA

The following items are anticipated to require little or no individualized discussion due to their nature being clerical, ministerial, mundane or routine. In an effort to enhance the efficiency of City Council meetings, it is intended that these items will be acted upon by the City Council with a single motion because no public hearing or determination is necessary. However, a City Council Member or citizen may request separate deliberation for a specific item, in which event those items will be removed from the consent agenda prior to the City Council voting on the consent agenda as a collective, singular item. Prior to voting on the consent agenda, the City Council may add additional items that are listed elsewhere on the same agenda.

- 1. Approval of the July 6, 2021, City Council Special Budget meeting minutes and the July 6, 2021, City Council and Board of Adjustment Workshop and Regular meeting minutes.**
- 2. Approval of the June 2021 City Treasurer's Report.**
- 3. Approval of a Resolution approving MUD Reimbursement Bonds for Springhollow MUD for reimbursement for construction of water, wastewater, and drainage facilities. Applicant: Carter Dean, Armbrust & Brown, PLLC.**
- 4. Approval of a Resolution joining the County to allow fire inspections and approvals as provided for in the Driftwood development agreements. Sponsor: Bill Foulds, Jr., Mayor.**
- 5. Approval of a Resolution approving MUD Reimbursement Bonds for Hays County MUD Number 4 for reimbursement for construction of water, wastewater, and drainage facilities. Applicant: Felix J. Manka, CMA Engineering, P.E..**

## BUSINESS AGENDA

- 6. Public hearing and consideration of an ordinance annexing an approximately 78.021-acre tract of land situated in Benjamin F. Hanna Survey, No. 28, Abstract No. 222. This property is located at 2901 W US Highway 290, Dripping Springs, TX (R15103). Applicant: Brian Estes, Civil and Environmental Consultants Inc.**

Applicant has requested postponement to a date certain.

- a. Presentation
- b. Staff Report
- c. Public Hearing
- d. Ordinance and Agreement

- 7. Public hearing and consideration of an Ordinance regarding ZA2021-0002: an application for a Zoning Amendment to consider a proposed zoning map amendment from Agriculture (AG) to Single-Family Residential District - Moderate Density (SF-2) for an approximately 78.021-acre tract of land situated in Benjamin F. Hanna Survey, No. 28, Abstract No. 222. This property is located at 2901 W US Highway 290, Dripping Springs, TX (R15103). Applicant: Brian Estes, Civil and Environmental Consultants Inc.**

Applicant has requested postponement to a date certain.

- a. Presentation
- b. Staff Report
- c. Planning and Zoning Commission Report
- d. Public Hearing
- e. Zoning Amendment

**8. Public hearing and consideration of an Ordinance regarding CUP2021-0005: an application for Conditional Use Permit for an Accessory Dwelling Unit for property located at 221 Ramirez Lane, Dripping Springs, Texas. Legal Description: A0415 PHILIP A SMITH SURVEY, SERIAL CSS020640TXA, TITLE # 00746769, LABEL # NTA1849450, ACRES 2. Applicant: David Edwards; Dripping Springs Community Mission Partnership, Inc.**

- a. Presentation
- b. Staff Report
- c. Planning & Zoning Commission Report
- d. Public Hearing
- e. Ordinance

**9. Discuss and consider approval of a Street Closure Request for portions of Roger Hanks Parkway and Creek Road for the annual Run by the Creek 5K and 10k event to take place Sunday, November 14, 2021. Sponsor: Mayor Pro Tem Manassian.**

**10. Public hearing and consideration of approval of an Ordinance Approving the 2021 Dripping Springs Ranch Park Master Plan Update.**

- a. Presentation
- b. Staff Report
- c. Public Hearing
- d. Master Plan Ordinance

**11. Discuss and consider approval of an Ordinance Amending the Membership of the Transportation Committee. Sponsor, Bill Foulds, Jr., Mayor**

**12. Discuss and consider the Appointment of two (2) Public Members to the Transportation Committee for terms ending June 30, 2023; and the appointment of a Committee Member to serve as the Chair. Sponsor: Mayor Foulds, Jr.**

**13. Discuss and consider the Appointment of one (1) individual to the TIRZ No. 1 & No. 2 Board for an unexpired seat with a term expiring December 31, 2021. Sponsor: Mayor Pro Tem Manassian**

**14. Discuss and consider the Appointment of Council Member Sherrie Parks to the Greater San Marcos Partnership Board of Directors to Represent the City of Dripping Springs.**

## REPORTS

*Reports of Staff, Boards, Commissions, Committees, Boards and Agencies are on file and available for review upon request. The City Council may provide staff direction; however, no action may be taken.*

**15. 2021 Texas Legislative Session Report**  
*Laura Mueller, City Attorney*

- 16. Parks & Community Services May 2021 Director's Report**  
*Kelly Schmidt, PCS Director*
- 17. Parks & Community Services June 2021 Director's Report**  
*Kelly Schmidt, PCS Director*
- 18. Maintenance Director's June 2021 Report**  
*Craig Rice, Maintenance Director*
- 19. Transportation Committee Report**  
*Jim Martin, TC Interim Chair*

## **EXECUTIVE SESSION AGENDA**

*The City Council for the City of Dripping Springs has the right to adjourn into executive session at any time during the course of this meeting to discuss any matter as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development). The City Council for the City of Dripping Springs may act on any item listed in Executive Session in Open Session or move any item from Executive Session to Open Session for action.*

- 20. Consultation with City Attorney regarding to legal issues related to legislation passed at the 2021 Texas Legislative Session including issues related to immunity, contracts, utilities, and tax rates.** *Consultation with Attorney, 551.071*
- 21. Consultation with City Attorney and Deliberation of Real Property regarding legal issues related to Real Property for the Tax Increment Reinvestment Zone including the Town Center Project and uses.** *Consultation with City Attorney, 551.071; Deliberation of Real Property, 551.072*
- 22. Consultation with City Attorney regarding legal issues related to Emergency Management, Disaster Declaration, Public Safety, and Emergency Orders.** *Consultation with City Attorney, 551.071*
- 23. Consultation with City Attorney and Deliberation of Real Property regarding the extension of Roger Hanks Parkway including related agreements.** *Consultation with City Attorney, 551.071; Deliberation of Real Property, 551.071.*
- 24. Consultation with City Attorney regarding legal issues and Deliberation of Real Property related to the Wild Ridge Subdivision and Agreement related to the Wild Ridge Subdivision.** *Consultation with City Attorney, 551.071; Deliberation of Real Property, 551.072*
- 25. Consultation with City Attorney and Deliberation of Real Property regarding legal issues related to the South Regional Water Reclamation Expansion Project Easement Acquisition and operation of the Lazy W WCID in the Extraterritorial Jurisdiction of the City of Dripping Springs.** *Consultation with City Attorney, 551.071; Deliberation regarding Real Property, 551.072*

26. **Consultation with City Attorney regarding legal issues related to Rob Shelton Improvements and Texas Department of Transportation and other sources of funding related to improvements and the provision of wastewater to PDD 11.** *Consultation with City Attorney, 551.071*
27. **Deliberation of Personnel Matters regarding the job description, compensation, benefits, and employment of the Records Management Clerk.** *Deliberation of Personnel Matters, 551.074*

## UPCOMING MEETINGS

### City Council & Board of Adjustment Meetings

July 29, 2021, at 6:00 p.m., Special Budget Meeting  
August 3, 2021, at 6:00 p.m., City Council & BOA Regular Meeting  
August 12, 2021, at 6:00 p.m., Special Budget Meeting  
August 20, 2021, at 6:00 p.m., City Council Regular Meeting

### Board, Commission and Committee Meetings

July 26, 2021, at 3:30 p.m., Transportation Committee  
July 27, 2021, at 6:30 p.m., Planning & Zoning Commission  
July 28, 2021, at 4:00 p.m., Economic Development Committee

## ADJOURN

### TEXAS OPEN MEETINGS ACT PUBLIC NOTIFICATION & POSTING OF MEETING

*All agenda items listed above are eligible for discussion and action unless otherwise specifically noted. This notice of meeting is posted in accordance with Chapter 551, Government Code, Vernon's Texas Codes. Annotated. In addition, the City Council may consider a vote to excuse the absence of any City Council Member for absence from this meeting.*

*I certify that this notice of meeting was posted at the City of Dripping Springs City Hall and website, [www.cityofdrippingsprings.com](http://www.cityofdrippingsprings.com), on **July 16, 2021, at 1:00 p.m.***

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City Secretary

*This facility is wheelchair accessible. Accessible parking spaces are available. Request for auxiliary aids and services must be made 48 hours prior to this meeting by calling (512) 858-4725.*



## CITY COUNCIL SPECIAL BUDGET MEETING

### City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Tuesday, July 06, 2021 at 5:00 PM

## MINUTES

### CALL TO ORDER AND ROLL CALL

With a quorum of the City Council present, Mayor Foulds, Jr. called the meeting to order at 5:07 p.m.

#### City Council Members

Mayor Bill Foulds, Jr.  
 Mayor Pro Tem Taline Manassian  
 Council Member Place 2 Wade King (arrived at 5:54 p.m.)  
 Council Member Place 3 Geoffrey Tahuahua  
 Council Member Place 4 April Harris Allison  
 Council Member Place 5 Sherrie Parks

#### Staff, Consultants & Appointed/Elected Officials

City Administrator Michelle Fischer  
 Deputy City Administrator Ginger Faught  
 City Attorney Laura Mueller  
 City Secretary Andrea Cunningham  
 Finance Director Shawn Cox  
 Communications Director Lisa Sullivan  
 Parks & Community Services Director Kelly Smith  
 IT Coordinator Misty Dean  
 Public Works Coordinator Aaron Reed  
 DSRP Manager Emily Nelson  
 Programs & Aquatics Manager Mack Rusick  
 Maintenance Director Craig Rice  
 Emergency Management Coordinator Roman Baligad  
 Utility Commission Vice Chair Chuck Miller

### PLEDGE OF ALLEGIANCE

Council Member Tahuahua led the Pledge of Allegiance to the Flag.

### PRESENTATION OF CITIZENS

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*translator will be given twice the amount of time as a member of the public who does not require the assistance of a translator to address the City Council. It is the request of the City Council that members of the public wishing to speak on item(s) on the agenda with a noticed Public Hearing hold their comments until the item(s) are presented for consideration. Speakers are encouraged to sign in. Anyone may request a copy of the City’s policy on presentation of citizens from the city secretary. By law no action may be taken during Presentations of Citizens.*

No one spoke during Presentation of Citizens.

**BUSINESS AGENDA**

- 1. Presentation and discussion regarding Budget Activities related to the City of Dripping Springs Fiscal Year 2022 Budget. Shawn Cox, Finance Director.**

Shawn Cox gave the presentation which is on file.

No action was taken regarding this item.

**EXECUTIVE SESSION AGENDA**

*The City Council for the City of Dripping Springs has the right to adjourn into executive session at any time during the course of this meeting to discuss any matter as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development). The City Council for the City of Dripping Springs may act on any item listed in Executive Session in Open Session or move any item from Executive Session to Open Session for action.*

The City Council did not meet in Executive Session.

**ADJOURN**

A motion was made by Mayor Pro Tem Manassian to adjourn the meeting. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

This special meeting adjourned at 6:03 p.m.

**APPROVED ON:** July 20, 2021

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Bill Foulds, Jr., Mayor

**ATTEST:**

\_\_\_\_\_  
Andrea Cunningham, City Secretary



# CITY COUNCIL & BOARD OF ADJUSTMENT REGULAR MEETING

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Tuesday, July 06, 2021 at 6:00 PM

## MINUTES

### CALL TO ORDER AND ROLL CALL

#### City Council Members

Mayor Bill Foulds, Jr.

Mayor Pro Tem Taline Manassian

Council Member Place 2 Wade King

Council Member Place 3 Geoffrey Tahuahua

Council Member Place 4 April Harris Allison

Council Member Place 5 Sherrie Parks

#### Staff, Consultants & Appointed/Elected Officials

City Administrator Michelle Fischer

Deputy City Administrator Ginger Faught

City Attorney Laura Mueller

Finance Director Shawn Cox

City Secretary Andrea Cunningham

Communications Director Lisa Sullivan

IT Coordinator Misty Dean

Parks & Community Services Director Kelly Schmidt

DSRP Manager Emily Nelson

Programs & Aquatics Manager Mack Rusick

Emergency Management Coordinator Roman Baligad

City Engineer Chad Gilpin

Transportation Consultant Leslie Pollack, HDR Engineering

Planning Consultant Robyn Miga

Planning & Zoning Commission Chair Mim James

### **WORKSHOP**

The City Council did not hold a Workshop.

*Workshop items are for discussion only and no action will be taken.*

- 1. Presentation and discussion regarding the City of Dripping Springs Fiscal Year 2021-2022 Municipal Budget.**

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**CITY COUNCIL & BOARD OF ADJUSTMENT REGULAR MEETING**

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**PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Manassian led the Pledge of Allegiance to the Flag.

**PRESENTATION OF CITIZENS**

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No one spoke during Presentation of Citizens.

**PROCLAMATIONS & PRESENTATIONS**

2. **Approval of a Proclamation proclaiming the month of July 2021 as "Parks and Recreation Month" in the City of Dripping Springs.** *Sponsor: Councilmember King.*

Council Member King and Kelly Schmidt read the proclamation.

Via unanimous consent, the City Council approved a Proclamation proclaiming the month of July 2021 as "Parks and Recreation Month" in the City of Dripping Springs.

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**BOARD OF ADJUSTMENT**

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**CALL TO ORDER AND ROLL CALL**

**Board of Adjustment Members present were:**

Board Chair Bill Foulds, Jr.  
 Board Member Taline Manassian  
 Board Member Wade King  
 Board Member Geoffrey Tahuahua  
 Board Member April Harris Allison  
 Board Member Sherrie Parks

**BOARD OF ADJUSTMENT AGENDA**

3. **Public hearing and consideration of approval regarding VAR2021-0008: an application to consider a Special Exception to Parking Requirements for the property located at 249 Sportsplex Dr., Dripping Springs, TX 78620 (Legal Description: 1.293 Acres in the**

**JWLP FAMILY Survey, Lot 6, Hays County). The applicant is asking for a special exception to Section 5.7.6 of the Zoning Ordinance which requires buildings with mixed uses to calculate parking requirements for the most intense use. As well as a variance to Section 5.6.2 Parking Based on use the applicant is proposing a different parking ratio for medical office. The last request is to utilize existing parking. Applicant: Jon Thompson**

*a. Presentation*

Chris Nygard presented the item.

*b. Staff Report*

Robyn Miga presented the staff report which is on file. Staff recommends denial of the special exception.

*c. Planning and Zoning Commission Report*

Chair James: Commission recommended denial 6 to 0

*d. Public Hearing* – No one spoke during the Public Hearing.

*e. Special Exception*

A motion was made by Board Member Manassian to deny approval of VAR2021-0008: an application to consider a Special Exception to Parking Requirements for the property located at 249 Sportsplex Dr., Dripping Springs, TX 78620 (Legal Description: 1.293 Acres in the JWLP FAMILY Survey, Lot 6, Hays County). Board Member Tahuahua seconded the motion which carried unanimously 6 to 0.

- 3. Public hearing and consideration of approval regarding VAR2020-0026: Special Exception Application to consider a variance to encroach within the setback defined in Chapter 30, Exhibit B, Planned Development District 10, 2.4.5 (b) and the Public Utility Easement for two (2) corner lots within the Planned Development District No. 10 (PDD 10) at the properties located at 133 Dome Peak Terrace and 159 Delaware Mountains Terrace (Lot 9, Block 9 and Lot 9, Block 10 of Big Sky Ranch, Phase 1). Applicant: Christopher A. Reid, PE**

***Applicant requested to withdraw the application.***

Chair Foulds, Jr. opened the Public Hearing to which no one spoke.

No action was taken on this item.

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**CITY COUNCIL**

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**CONSENT AGENDA**

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meetings, it is intended that these items will be acted upon by the City Council with a single motion because no public hearing or determination is necessary. However, a City Council Member or citizen may request separate deliberation for a specific item, in which event those items will be removed from the consent agenda prior to the City Council voting on the consent agenda as a collective, singular item. Prior to voting on the consent agenda, the City Council may add additional items that are listed elsewhere on the same agenda.

5. **Approval of the June 8, 2021 City Council & Board of Adjustment regular meeting minutes, and the June 15, 2021 City Council workshop and regular meeting minutes.**
6. **Approval of a Resolution Accepting Improvements as Complete and Approving a Maintenance Bond for Arrowhead Ranch Subdivision Phase 3 Streets, Drainage, and Wastewater Improvements, and Releasing a Construction Bond.**

**Filed as Resolution No. 2021-R20**

7. **Approval of the termination of the existing Professional Services Agreement between the City of Dripping Springs and Daikin Applied, and approval of a new Professional Services Agreement between the City of Dripping Springs and Daikin Applied related to HVAC services at the Dripping Springs Ranch Park & Event Center. Sponsor: Council Member King**
8. **Approval of an Agreement between the City of Dripping Springs and Jani-King for Custodial Services at Dripping Springs Ranch Park for regular and post-event cleaning. Sponsor: Council Member King**

A motion was made by Mayor Pro Tem Manassian to approve Consent Agenda Items 5 – 8. Council Member King seconded the motion which carried unanimously 5 to 0.

## **BUSINESS AGENDA**

Via unanimous consent, Items 9 – 12 were presented together and taken up in one motion.

Steven Pierce gave a presentation on items 9 – 12 which is on file.

Laura Mueller presented the staff report for items 9 – 12 which is on file. Staff recommends approval of items 9 – 12.

9. **Public Hearing and consider approval of an Ordinance and Annexation Agreement regarding approximately 101 acres of the Cannon Tract on the northern portion of Cannon Ranch just east of Rob Shelton and just south of Founders Park Road. Applicant: Steven Pierce, Ashton Austin, L.L.C.**

- a. *Presentation*
- b. *Staff Report*
- c. *Public Hearing*

Chuck Miller spoke in favor of the annexation but has concerns regarding City reimbursement for construction costs.

*d. Ordinance*

*e. Agreement*

- 10. Public hearing and consideration of approval of an Ordinance enacting PDD # 12 and rezoning a property from Agriculture (AG) to PDD # 12 with base zoning of SF-3, the property being an approximately 101 acre portion of the Cannon Tract directly south of Founders Park Road and directly east of Rob Shelton Boulevard at A0415 Philp A Smith Survey, A0044 Edward W Brown Survey, A0475 Wm Walker Jr Survey, ABS 673 IV Davis Jr Survey, ABS 693 IV Davis Jr Survey. Applicant: Steven Pierce, Ashton Austin Residential, L.L.C.**

*a. Presentation*

*b. Staff Report*

*c. Planning & Zoning Commission Report*

Chair James: Commission recommended approval 6 to 0

*d. Public Hearing – No one spoke during the Public Hearing.*

*e. Zoning Ordinance: PDD No. 12*

- 11. Discuss and consider approval of an Offsite Road Agreement between the City of Dripping springs and Ashton Austin Residential, L.L.C. related to improvements on the Cannon Ranch Tract and Rob Shelton Boulevard. Applicant: Steven Pierce, Ashton Austin Residential, L.L.C.**

- 12. Discuss and consider approval of a Utility Agreements for Wastewater Service and Water Service between the City of Dripping Springs and Ashton Austin Residential for an approximately 97 acre tract in Cannon Ranch for up to 375 dwelling units. Applicant: Steven Pierce, Ashton Austin Residential, L.L.C.**

A motion was made by Mayor Pro Tem Manassian to approve Business Agenda Items 9 – 12. Council Member Tahuahua seconded the motion which carried unanimously 5 to 0.

**Annexation Filed as Ordinance No. 2021-23**

**PDD No. 12 Filed as Ordinance No. 2021-24**

- 13. Public hearing and consideration of approval for a Sign Variance Request to allow two flags with noncommercial messages to exceed the maximum height and area allowed at Dreamland, located at 2770 W. Highway 290, Dripping Springs, Texas. Applicant: Greg Bland, CEO, Dreamland**

*a. Presentation*

Greg Bland presented the item.

*b. Sign Administrator Report*

Michelle Fischer presented the Sign Administrator's report which is on file.

*c. Public Hearing*

Lee Sawyer spoke in favor of granting the sign variance request.

A motion was made by Council Member Tahuahua to adjourn into Executive Session under Texas Government Code Section 551.071, Consultation with City Attorney and regarding Business Agenda Item 13. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

**EXECUTIVE SESSION**

The City Council met in Executive Session from 7:30 p.m. – 8:02 p.m. No vote or action was taken during Executive Session.

A motion was made by Council Member Harris-Allison to return to Open Session. Council Member Tahuahua seconded the motion which carried unanimously 5 to 0.

Mayor Foulds, Jr. returned the meeting to Open Session at 8:02 p.m.

**OPEN SESSION**

Mayor Foulds, Jr. returned the meeting to Open Session and continued with Agenda Item 13d.

*d. Sign Variance Request*

A motion was made by Council Member Tahuahua to approve a Sign Variance Request to allow two flags with noncommercial messages to exceed the maximum height and area allowed at Dreamland, located at 2770 W. Highway 290, Dripping Springs, Texas with the following conditions:

- (1) No more than one (1) flag per flagpole.
- (2) Should the owner/operator decide to add lighting to the flags, lighting shall be in compliance with the City's lighting ordinance.
- (3) Sign Variance Request is granted only to Dreamland as that company has filed with the Secretary of State and is not transferable to future owners.
- (4) Owner/operator shall provide the City Engineer a copy of the stamped engineering plans and reports related to the installation of both flag poles within thirty (30) days for review and acceptance.
- (5) Only two (2) poles are granted with one (1) flag each are granted, and should the poles be damaged or require replacement the owner/operator is required to reapply for Sign Variance Request:
  - (a) Pole 1: no more than 150' (feet) in height, with a flag no more than 60' x 80', or no more than 4800 square feet; and
  - (b) Pole 2: no more than 80' (feet) in height, with a flag no more than 30' x 60', or 1800 square feet.

Council Member King seconded the motion which carried 4 to 1, with Mayor Pro Tem Manassian opposed.

Mayor Foulds, Jr. stepped away from the dais and Mayor Pro Tem Manassian presided over the meeting.

**14. Discuss and consider approval of a Job Description for Dripping Springs Ranch Park Assistant Manager Position. Sponsor: Council Member King.**

Michelle Fischer presented the staff report which is on file. Staff recommends approval of the job description.

A motion was made by Council Member Harris-Allison to approve a Job Description for Dripping Springs Ranch Park Assistant Manager Position. Council Member King seconded the motion which carried unanimously 5 to 0.

**15. Discuss and consider approval of a Resolution amending the Dripping Springs Farmers Market Rules. Sponsor: Mayor Pro Tem Manassian**

Charlie Reed presented the staff report which is on file. Staff recommends approval of the resolution.

A motion was made by Council Member King to approve a Resolution amending the Dripping Springs Farmers Market Rules. Council Member Parks seconded the motion which carried unanimously 5 to 0.

**Filed as Resolution No. 2021-R21**

**16. Discuss and consider approval of the Appointment of four (4) individuals to the Planning & Zoning Commission for terms ending June 30, 2022; and the appointment of a Chair to serve a term of one year.**

Andrea Cunningham presented the staff report which is on file. Staff recommends the reappointment of Mim James, Christian Bourguignon and John McIntosh.

Mim James presented the Planning & Zoning recommendation also recommending the reappointment of Mim James, Christian Bourguignon and John McIntosh, and the appointment of Doug Crosson.

A motion was made by Council Member King to reappoint Mim James, Christian Bourguignon and John McIntosh, and to appoint Doug Crosson to the Planning & Zoning Commission for terms ending June 30, 2023; and to appoint Mim James as the Chair for a term of year. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

Mayor Foulds, Jr. returned to the dais and presided over the remainder of the meeting.

**17. Discuss and consider approval of the Appointment of three (3) individuals to the Historic Preservation Commission for terms ending June 30, 2022.**

Andrea Cunningham presented the staff report which is on file. Staff recommends the reappointment of Emilie Kopp and Ashley Bobel, and the appointment of Nichole Prescott.

A motion was made by Council Member Tahuahua to reappoint Emilie Kopp and Ashley Bobel, and to appoint Nichole Prescott to the Historic Preservation Commission for terms ending June 30, 2023. Mayor Pro Tem Manassian seconded the motion which carried unanimously 5 to 0.

- 18. Discuss and consider approval of the Appointment of six (6) individuals to the Economic Development Committee for terms ending June 1, 2022; and the appointment of a Chair to serve a term of one year.**

Andrea Cunningham presented the staff report which is on file. Staff recommends the reappointment of Kim Fernea, Dave Edwards, Melanie Fenelon, Whit Hanks and Keenan Smith.

A motion was made by Council Member Harris-Allison to reappoint Kim Fernea, Dave Edwards, Melanie Fenelon, Whit Hanks and Keenan Smith, and to appoint Tiffany Duncan to the Economic Development Committee for terms ending June 1, 2023; and the appointment of Kim Fernea as the Chair for a term of one year. Council Member Parks seconded the motion which carried unanimously 5 to 0.

A motion was made by Mayor Pro Tem Manasian to adjourn into Executive Session under Texas Government Code Sections 551.071, Consultation with City Attorney, and 551.072, Deliberation of Real Property and regarding Executive Session Agenda Items 19, 20 and 24. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

#### **EXECUTIVE SESSION AGENDA**

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- 19. Consultation with City Attorney and Deliberation of Real Property regarding legal issues related to the South Regional Water Reclamation Expansion Project Easement Acquisition and operation of the Lazy W WCID in the Extraterritorial Jurisdiction of the City of Dripping Springs.** *Consultation with City Attorney, 551.071; Deliberation regarding Real Property, 551.072*
- 20. Consultation with City Attorney and Deliberation of Real Property regarding legal issues related to Real Property for the Tax Increment Reinvestment Zone including the Town Center Project and uses.** *Consultation with City Attorney, 551.071; Deliberation of Real Property, 551.072*
- 21. Consultation with City Attorney regarding legal issues related to Rob Shelton Improvements and Texas Department of Transportation and other sources of funding related to improvements and the provision of wastewater to PDD 11.** *Consultation with City Attorney, 551.071*
- 22. Consultation with City Attorney regarding legal issues related to Emergency Management, Disaster Declaration, Public Safety, and Emergency Orders.** *Consultation with City Attorney, 551.071*

- 23. Consultation with City Attorney and Deliberation of Real Property regarding the extension of Roger Hanks Parkway including related agreements.** *Consultation with City Attorney, 551.071; Deliberation of Real Property, 551.071.*
- 24. Deliberation of Personnel Matters regarding the job description, compensation, benefits, and employment of the Planning Director and Senior Planner.** *Deliberation of Personnel Matters, 551.074*

The City Council met in Executive Session from 8:45 p.m. – 9:24 p.m. No vote or action was taken during Executive Session.

A motion was made by Council Member Tahuahua to return the meeting to Open Session. Mayor Pro Tem Manassian seconded the motion which carried unanimously 5 to 0.

Mayor Foulds, Jr. returned the meeting to Open Session at 9:25 p.m.

## OPEN SESSION

### UPCOMING MEETINGS

#### City Council Meetings

July 20, 2021 at 6:00 p.m.

August 3, 2021 at 6:00 p.m.

August 12, 2021 at 6:00 p.m. (Budget Workshop)

August 20, 2021 at 6:00 p.m.

#### Board, Commission & Committee Meetings

July 7, 2021 DSRP Board at 12:00 p.m.

July 12, 2021 TIRZ No. 1 & No. 2 Board at 4:00 p.m.

July 12, 2021 Founders Day Commission at 6:30 p.m.

July 13, 2021 Planning & Zoning Commission at 6:30 p.m.

July 14, 2021 Utility Commission at 4:00 p.m.

July 15, 2021 Farmers Market Board at 10:00 a.m.

July 15, 2021 Emergency Management Commission at 12:00 p.m.

## ADJOURN

A motion was made by Mayor Pro Tem Manassian to adjourn the meeting. Council Member King seconded the motion which carried unanimously 5 to 0.

This regular meeting adjourned at 9:25 p.m.

**APPROVED ON:** July 20, 2021

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Bill Foulds, Jr., Mayor

**ATTEST:**

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Andrea Cunningham, City Secretary



## City of Dripping Springs

Item 2.

### Report to the Mayor and Members of the City Council

Submitted by the Finance Director/City Treasurer

For the Month Ending June 30, 2021

July 20, 2021

General Fund Revenues are **\$1.047 Million** over expected year-to-date figures. Subdivision fees are currently behind year-to-date figures for the adopted FY 2021 Budget but are consistent with the FY 2021 Projected revenues, which have been reduced to \$500,000.00. We are projecting to collect \$325,000.00 in Site Development Fees for the year. Currently, \$312,867.46 has been collected. Additionally, \$1.305 million in Building Code fees have been collected through June. We are currently projecting to collect \$1,500,000.00 for the year.

General Fund Expenditures are inline with the Projected Year end budget. We are now solely using Incode for our financial operations. June was the last month we used Sage. Future statements will have a different look from what has historically been presented. There are still transfers needing to be made to reimburse the General Fund (such as salaries and benefits for the Farmers Market & Camp Counselors, and DSRP on-call pay). We anticipate finalizing those transfers in July or August.

Wastewater Revenues are ahead of expected year-to-date collections by approximately **\$136,000.00**. Again, the strong sales tax collections and Water Service Fees are the primary drivers. Delayed Connection Fees continue to be behind by approximately \$65,000.00. For FY 2021, we are projecting to collect \$150,250.00, rather than the \$159,200.00 budgeted.

Year-to-date expenditures in the Wastewater Fund are over year-to-date figures by approximately **\$129,000.00**. Legal Fees and many of the TWDB project expenses are the primary contributors to the overage. The City has been contacted by UMB Bank (who holds our TWDB money), and the TWDB is preparing to release \$245,573.41 in reimbursements to the City.

Currently the DSRP continues to be behind on revenues. However, only \$33,642.81 of the \$117,275.62 in budgeted transfers from the HOT Fund have been made. Camp revenues have continued to come in strong, and we are projecting to receive over \$90,000.00 by year end. DSRP expenditures are in line with the FY 2021 Projected year-end figures.

On June 30<sup>th</sup>, the City's cash balances were **\$17.705 Million**. This is a 2% decrease from the previous month's cash balances. A total of **\$17,518.92** was collected in interest revenues for the month of June. The General Fund, Wastewater Utility Fund, and Dripping Springs Ranch Park Fund Operating statements are included with this report.

Respectfully Submitted,

A handwritten signature in blue ink that reads 'Shawn Cox'.

Shawn Cox  
Finance Director/City Treasurer

City of Dripping Springs GENERAL FUND  
Income Statement  
For the Nine Months Ending June 30, 2021

Item 2.

	Current Month Actual	Current Month Budget	Year to Date Actual	Year to Date Budget
<b>Revenues</b>				
Sales Tax Revenue	\$ 243,555.16	\$ 214,172.85	\$ 1,778,279.92	\$ 1,927,555.65
Mixed Beverage	6,841.69	0.00	49,741.74	29,000.00
Alcohol Permit Fees	348.00	416.67	1,962.39	3,750.03
Ad Val Tax Interest /Penalties	464.69	333.33	5,100.86	2,999.97
Ad Valorem Tax	7,010.88	135,943.15	1,598,318.00	1,223,488.35
Transfer from Park Dedication	0.00	14,350.00	56,334.88	129,150.00
TXF from Landscaping Fund	0.00	541.67	0.00	4,875.03
FEMA Funds Dam Repair	0.00	17,163.95	205,967.45	154,475.55
CARES Act	43,568.42	24,917.51	107,058.43	49,835.02
City Sponsored Events	0.00	0.00	1,277.50	0.00
Subdivision Fees	11,167.50	51,850.00	393,663.75	466,650.00
Site Development Fees	64,477.07	16,208.33	312,867.46	145,874.97
Other Fees (Zoning, Sign, Ord)	5,145.00	5,416.67	47,134.81	48,750.03
Building Code Fees	162,550.51	83,333.33	1,305,129.90	749,999.97
Solid Waste	0.00	0.00	29,952.23	27,000.00
Daily Pool Entries	283.00	0.00	283.00	0.00
Community Service Fees	925.00	0.00	3,180.00	0.00
Other Aquatics Income	4,060.00	0.00	4,060.00	0.00
Programs	3,180.00	0.00	12,352.00	0.00
Swim Lesson Fees	965.00	0.00	1,045.00	0.00
Pool Pass Fees	11,774.00	0.00	14,711.50	0.00
Park Rental Income	1,075.00	0.00	3,341.78	0.00
Park Donations & sponsors	0.00	0.00	13,509.08	0.00
Pavilion, & Pool Rental	1,130.00	0.00	3,060.50	0.00
Muni Court Fines/Special Fees	0.00	20.83	0.00	187.47
Checking Acct Interest	4,745.19	2,916.67	38,684.71	26,250.03
Txf from Contingencies	0.00	0.00	0.00	12,800.00
Other Income	8,911.12	3,333.33	58,938.68	29,999.97
Fleet and Equipment Sales	0.00	0.00	2,100.00	0.00
Health Permits/Inspections	10,850.00	3,750.00	68,900.00	33,750.00
ESD Inspections Income	0.00	833.33	6,402.44	7,499.97
TXF from HOT	0.00	0.00	0.00	2,200.00
	<u>593,027.23</u>	<u>575,501.62</u>	<u>6,123,358.01</u>	<u>5,076,092.01</u>
<b>Expenses</b>				
TML Liability Insurance	0.00	0.00	11,370.00	11,076.75
TML Property Insurance	0.00	0.00	26,134.50	18,775.50
TML Workmen's Comp Insurance	0.00	0.00	20,537.25	16,519.50
Office Salaries	582.08	151,593.51	1,157,091.54	1,364,341.59
City OT	0.00	0.00	5,571.98	0.00
DSRP Parks	0.00	27,013.13	164,406.63	243,118.17
Pool Management	0.00	0.00	5,279.12	0.00
DSFM Manager	0.00	0.00	(252.65)	0.00
FM Specialist	0.00	0.00	4.01	0.00
DSRP OT	0.00	0.00	3,630.83	0.00
PCS Parks PR	0.00	0.00	4,723.92	0.00
Camp Staff	0.00	0.00	1,333.42	0.00
PCS Parks OT	0.00	0.00	20.25	0.00
Storm Damage	2,831.10	0.00	39,811.34	0.00
Dam Repair	0.00	0.00	3,050.85	0.00
Harrison Hills Trails project	0.00	0.00	6.43	0.00
Vandalism Repairs	311.07	0.00	541.85	0.00
ON CALL	0.00	0.00	6,600.00	0.00
Bldg. Inspector	124,880.50	76,666.67	1,207,468.23	690,000.03
Health Inspector	9,891.18	3,750.00	35,518.72	33,750.00
Bad Debt Expense	0.00	416.67	2,570.66	3,750.03
St. Unemployment Ins.-Off	0.00	0.00	22,713.15	0.00

City of Dripping Springs GENERAL FUND  
Income Statement  
For the Nine Months Ending June 30, 2021

Item 2.

	Current Month Actual	Current Month Budget	Year to Date Actual	Year to Date Budget
TMRS Retirement	0.00	8,888.48	72,446.25	79,996.32
Employee Benefits	0.00	18,982.93	139,650.40	170,846.37
Office FICA	0.00	0.00	72,730.16	0.00
Parks FICA	0.00	0.00	27,772.10	0.00
Office Med	0.00	0.00	17,869.20	0.00
Parks Med	0.00	0.00	2,267.22	0.00
Financial Services	500.00	10,416.67	119,085.00	93,750.03
Engr/Surveying Services	0.00	5,833.33	31,271.25	52,499.97
Architect&Landscape Consultant	0.00	416.67	4,780.68	3,750.03
OFR Grant Writer	0.00	1,071.43	0.00	4,285.72
Lighting Consultant	0.00	83.33	50.00	749.97
Human Resource Consultant	0.00	833.33	500.00	7,499.97
Special Counsel and Consultant	1,235.18	6,166.67	32,024.28	55,500.03
Muni Court Attorney/ Judge	600.00	1,291.67	3,200.00	11,625.03
Records Management	60.00	83.33	540.00	749.97
Fleet Acquisition	84.23	7,066.67	80,008.17	63,600.03
Fleet Maintenance	1,121.12	1,112.50	8,294.47	10,012.50
Office Supplies	2,273.89	2,083.33	14,361.90	18,749.97
Founders Park/Pool Supplies	534.14	864.58	1,614.70	7,781.22
Sports & Rec Park Supplies	0.00	16.67	0.00	150.03
Pool Operations	1,692.94	0.00	5,037.36	0.00
Pool Chemicals	0.00	500.00	7,278.32	4,500.00
Office Equip & Misc Office Exp	0.00	500.00	5,569.30	4,500.00
Maintenance Equipment	112.05	750.00	5,928.24	6,750.00
Maintenance Supplies	181.79	377.08	1,639.12	3,393.72
Pool Equipment	0.00	83.33	953.00	749.97
Charro Ranch Supplies	0.00	16.67	37.10	150.03
General Park Supplies	134.20	333.33	2,076.54	2,999.97
Park Public Relations	0.00	5,000.00	0.00	5,000.00
Parks Mileage	0.00	0.00	136.20	0.00
Park Dues, Fees, Subscriptions	0.00	226.59	1,543.92	2,039.31
Pool Training	400.00	0.00	400.00	0.00
Network & Telephone	1,144.03	2,083.33	12,747.38	18,749.97
Office IT Equipment & Support	8,050.53	5,255.83	56,467.61	47,302.47
Software	13,627.56	17,781.08	133,382.89	160,029.72
Pool Phone & Network	95.31	100.00	1,126.29	900.00
Park Telephone	0.00	0.00	20.66	0.00
Portable Toilets Parks	460.00	481.67	4,140.00	4,335.03
Postage & Shipping	7.60	291.67	1,796.29	2,625.03
Family Violence Center	0.00	0.00	0.00	7,000.00
Lighting Compliance	0.00	166.67	1,000.00	1,500.03
Public Safety	0.00	0.00	3,400.00	3,400.00
Real Property Purchase	(102.75)	0.00	(102.75)	0.00
Stephenson Maintenance	0.00	0.00	8.98	0.00
Office Maintenance/Repairs	950.24	905.00	7,467.25	8,145.00
City Hall Improvements	0.00	416.67	715.19	3,750.03
Equipment Maintenance	89.08	139.58	694.43	1,256.22
Equipment Rental	0.00	83.33	0.00	749.97
Uniforms	0.00	131.25	753.94	1,181.25
Office Electricity	390.82	333.33	3,234.74	2,999.97
Street Electricity	1,474.28	1,666.67	13,455.65	15,000.03
Founders Park/Pool Electricity	536.84	541.67	2,761.34	4,875.03
Sports & Rec Park Electricity	237.40	100.00	1,233.66	900.00
Triangle Electricity	38.25	54.17	344.25	487.53
DSRP House Network/Phone	0.00	0.00	175.84	0.00
DSRP Electricity	0.00	0.00	97.13	0.00
Stephenson Bldg Electric	84.80	125.00	803.63	1,125.00
Historic District	62.50	250.00	2,125.00	2,250.00
All Parks Improvements	0.00	4,166.67	659.08	37,500.03
Founders Park/Pool Improvmts	0.00	5,375.00	66,247.38	48,375.00

For Management Purposes Only

City of Dripping Springs GENERAL FUND  
Income Statement  
For the Nine Months Ending June 30, 2021

Item 2.

	Current Month Actual	Current Month Budget	Year to Date Actual	Year to Date Budget
Sports & Rec Park Improvements	0.00	5,166.67	5,950.00	46,500.03
Stephenson Bldg	0.00	1,166.67	0.00	10,500.03
Street Maintenance	3,528.50	14,583.33	43,767.77	131,249.97
Street Improvements	0.00	20,833.33	0.00	187,499.97
Transportation Improvements	83,504.00	30,583.67	105,623.15	275,253.03
General Parks Maintenance	0.00	20.83	304.36	187.47
Charro Ranch Maintenance	0.00	912.08	126.49	8,208.72
Founders Pool/Park Maintenance	(38.97)	1,437.50	419.59	12,937.50
Sports & Rec Park Maintenance	131.46	1,168.33	6,195.36	10,514.97
Triangle Maintenance	0.00	66.67	77.15	600.03
Stephenson Lawn Maintenance	0.00	458.33	0.00	4,124.97
Founders Park Lawn Maintenance	900.00	0.00	2,800.00	0.00
Sports & Rec Park Lawn Mainten	1,450.00	0.00	7,550.00	0.00
Triangle Lawn Maintenance	0.00	0.00	100.00	0.00
Charro Ranch Lawn Maintenance	1,000.00	0.00	8,050.00	0.00
S&R Trail Maintenance	0.00	41.67	0.00	375.03
Pool Maintenance	42.24	0.00	4,235.95	0.00
Founders Park/Pool Water	328.74	416.67	4,078.64	3,750.03
Sports & Rec Park Water	(27,995.97)	1,083.33	19,331.73	9,749.97
Triangle Water	37.67	39.58	327.33	356.22
City Hall Water	41.96	54.17	370.63	487.53
City Streets Water	281.73	333.33	2,594.22	2,999.97
Stephenson Bldg Water	35.18	41.67	334.82	375.03
Training/Education	1,838.50	3,248.26	7,279.66	29,234.34
Future Land Use Plan	0.00	4,166.67	0.00	37,500.03
Land Aquisition	0.00	5,450.11	26,179.42	49,050.99
Dues, Fees, Publications	3,949.65	2,500.00	17,577.67	22,500.00
Public Notices	194.82	500.00	4,030.94	4,500.00
Park Special Events	0.00	0.00	1,627.00	0.00
Park Miscellaneous	0.00	0.00	(98.00)	0.00
Public Relations	0.00	416.67	5,344.48	3,750.03
Newsletter- Website	0.00	552.08	6,625.00	4,968.72
Code Publication	0.00	503.92	140.00	4,535.28
Downtown Bathroom	0.00	100,000.00	0.00	100,000.00
FD Publicity	0.00	0.00	97.84	0.00
City Mileage	62.27	166.67	697.55	1,500.03
City Sponsored Events	0.00	416.67	1,580.00	3,750.03
Government Affairs	0.00	833.33	0.00	7,499.97
Miscellaneous Office Expense	(6,981.66)	833.33	2,622.07	7,499.97
Economic Development	0.00	0.00	5,000.00	5,000.00
Emergency Management	392.09	32.50	2,354.98	292.50
Emergency Equipment Maint	0.00	530.92	644.84	16,778.28
Emergency Fire& Safety	83.00	83.00	747.00	747.00
EM Mgt PR	0.00	333.33	0.00	2,999.97
COVID 19	0.00	0.00	94,910.18	0.00
Municipal Election	1,540.65	0.00	1,540.65	2,000.00
Contingencies	0.00	7,197.82	6,064.14	64,780.38
Transfer to Reserve Fund	0.00	0.00	200,000.00	162,328.76
TXF to TIRZ	0.00	0.00	250,000.00	419,379.41
TXF to DSRP OP	0.00	0.00	43,286.21	27,812.00
<b>Total Expenses</b>	<b>238,897.82</b>	<b>579,060.27</b>	<b>4,582,441.59</b>	<b>5,051,477.20</b>
<b>Net Income</b>	<b>\$ 354,129.41</b>	<b>\$ (3,558.65)</b>	<b>\$ 1,540,916.42</b>	<b>\$ 24,614.81</b>

City of DS Wastewater Utility Fund  
Income Statement  
For the Nine Months Ending June 30, 2021

Item 2.

	Current Month Actual	Current Month Budget	Year to Date Actual	Year to Date Budget
<b>Revenues</b>				
1/4 Cent Sales Tax	\$ 64,586.37	\$ 52,967.92	\$ 531,707.60	\$ 476,711.28
Cable	0.00	11,208.33	105,272.94	100,874.97
Telephone Franchise Fees	0.84	1,250.00	4,235.73	11,250.00
PEC Franchise fees	0.00	0.00	105,533.12	90,000.00
Texas Gas Franchise Fees	0.00	250.00	2,096.83	2,250.00
Water	0.00	8,333.33	100,000.00	74,999.97
Delayed Connection Fees	14,500.00	13,266.67	54,150.00	119,400.03
Over Use fees	10,660.24	5,505.69	57,930.98	49,551.21
Transfer Fees	0.00	291.67	5,520.00	2,625.03
Wastewater Service	79,300.18	66,176.05	677,687.82	595,584.45
FM 150 WWU Line Reimbursement	0.00	12,000.00	0.00	24,000.00
Interest Income	0.00	3,750.00	48,456.31	33,750.00
Late Fees	1,010.70	333.33	8,642.98	2,999.97
Other Income	698.52	2,916.67	45,188.86	26,250.03
<b>Total Revenues</b>	<b>170,756.85</b>	<b>178,249.66</b>	<b>1,746,423.17</b>	<b>1,610,246.94</b>
<b>Expenses</b>				
Administrative	6,594.00	9,200.00	84,912.75	82,800.00
Operations- Routine	0.00	6,666.67	34,695.42	60,000.03
Operations Non Routine	0.00	12,500.00	135,813.06	112,500.00
Regulatory	0.00	291.67	2,440.26	2,625.03
Legal Fees	48,253.25	2,500.00	76,256.92	22,500.00
Financial	0.00	0.00	10,000.00	10,000.00
Planning/Permitting	23,256.45	4,166.67	57,270.83	37,500.03
Engineering and Surveying	1,037.50	0.00	1,037.50	0.00
Chlorinator Alarm	0.00	83.33	0.00	749.97
Misc Planning/Cons 1431-001	4,353.38	2,083.33	21,578.58	18,749.97
Construction Phase Services	0.00	2,500.00	345.00	22,500.00
Road Reconstruction	58.99	833.33	502.17	7,499.97
TWDB East Interceptor	52,492.34	8,333.33	193,264.54	74,999.97
Fill Station1873-001	0.00	10,416.67	17,850.00	93,750.03
TWDB West Interceptor	21,771.15	20,833.33	151,913.82	187,499.97
CIP 2nd Amend1881-001	0.00	416.67	0.00	3,750.03
TWDB 1923-001	14,088.20	3,333.33	34,826.60	29,999.97
TWDB Misc	224,290.76	56,666.67	606,274.58	510,000.03
Reclaimed Water Fac 1953-001	18,808.12	0.00	131,942.15	0.00
Reclaim Wtr Hold Pond 1952-001	21,393.25	10,416.67	52,912.00	93,750.03
Sewer CAD Modeling	0.00	2,083.33	4,097.67	18,749.97
FM 150 Utility 1989-001	4,327.25	5,000.00	6,930.25	45,000.00
Other Expense	0.00	416.67	12,000.00	3,750.03
WW Lawn Maintenance	168.20	833.33	3,418.20	7,499.97
System Maintenance and Repair	0.00	1,666.67	99.20	15,000.03
Odor Control	0.00	1,041.67	10,231.80	9,375.03
Jetting Lines	0.00	1,250.00	0.00	11,250.00
Drip Fld Maintenance & Repair	1,029.33	1,666.67	9,472.52	15,000.03
Lift Station Cleaning	0.00	750.00	2,640.00	6,750.00
Meter Calibration	0.00	58.33	0.00	524.97
Chlorinator Maintenance	0.00	208.33	0.00	1,874.97
Drip Field Maintenance	558.42	1,666.67	722.87	15,000.03
Electric	5,613.22	3,750.00	47,398.60	33,750.00
Phone	242.04	500.00	2,394.64	4,500.00
Supplies	17.40	833.33	1,371.40	7,499.97
Chemicals	0.00	666.67	2,404.65	6,000.03
Lab Testing	0.00	2,083.33	12,372.40	18,749.97
Sludge Hauling	4,646.25	6,666.67	45,871.25	60,000.03
Wastewater Flow Measurement	1,578.00	750.00	6,298.00	6,750.00
Lift Station Repairs & Maint	0.00	3,333.33	21,264.32	29,999.97

For Management Purposes Only

City of DS Wastewater Utility Fund  
Income Statement  
For the Nine Months Ending June 30, 2021

Item 2.
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	Current Month Actual	Current Month Budget	Year to Date Actual	Year to Date Budget
WWTP/Pump Repairs	0.00	4,166.67	40,984.29	37,500.03
Equipment	747.30	333.33	1,371.08	2,999.97
Pump and Haul	0.00	0.00	12,353.60	0.00
Dues, Fees and Subscriptions	0.00	0.00	190.00	0.00
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Total Expenses	455,324.80	190,966.67	1,857,722.92	1,728,700.03
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Net Income	\$ (284,567.95)	\$ (12,717.01)	\$ (111,299.75)	\$ (118,453.09)
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DSRP Operating Fund  
Income Statement  
For the Nine Months Ending June 30, 2021

Item 2.

	Current Month Actual	Current Month Budget	Year to Date Actual	Year to Date Budget
<b>Revenues</b>				
Riding Series	\$ 0.00	\$ 7,416.67	\$ 33,660.01	\$ 66,750.03
Fair and Rodeo Profit	0.00	0.00	7,900.00	0.00
General Donations	0.00	0.00	45.11	0.00
DSRP Programs	18,972.60	0.00	55,532.10	0.00
Cleaning Fees	175.00	833.33	3,650.00	7,499.97
Staff Fees	350.00	333.33	3,233.40	2,999.97
Horse Riding Permits	1,690.00	833.33	10,102.05	7,499.97
Interest Income	0.00	83.33	415.52	749.97
Bleacher Rental Fees	4,000.00	0.00	4,000.00	0.00
Other Income	174.40	83.33	4,129.40	749.97
Field Rental	0.00	0.00	1,975.00	0.00
Miscellaneous Fees	30.00	0.00	1,710.00	0.00
Indoor Arena Rental	450.00	0.00	16,537.50	0.00
Event Facility Rental	0.00	9,333.33	850.00	83,999.97
RV Site Rental	30.00	1,500.00	13,410.00	13,500.00
Stall Rental	1,150.00	1,833.33	29,839.99	16,499.97
Outdoor Arena	400.00	0.00	3,850.00	0.00
Equipment Rental	325.00	416.67	2,893.00	3,750.03
Special Event Room Rental	1,275.00	0.00	3,775.00	0.00
Merchandise Sales	744.00	1,250.00	19,707.16	11,250.00
TXF from HOT Parking Lot	0.00	0.00	0.00	50,000.00
NA Small Event Room	150.00	0.00	3,175.00	0.00
Small Indoor Arena	0.00	0.00	3,462.00	0.00
NA Concession	0.00	0.00	950.00	0.00
DSRP Concessions	0.00	0.00	2,650.00	0.00
TXF from Gen Fund	0.00	0.00	43,286.21	43,286.21
TXF from HOT	0.00	5,606.30	33,642.81	50,456.70
DSRP Sponsorship	0.00	0.00	7,625.00	0.00
TXF from Ag Facility Fund	0.00	2,146.67	19,950.00	19,320.03
<b>Total Revenues</b>	<b>29,916.00</b>	<b>31,669.62</b>	<b>331,956.26</b>	<b>378,312.79</b>
<b>Expenses</b>				
Sales Tax	0.00	0.00	1,129.66	0.00
Advertising	0.00	58.33	0.00	524.97
Bank Fees	0.00	0.00	2,292.74	0.00
DSRP ON CALL	0.00	866.67	6,200.00	7,800.03
Camp Staff	0.00	6,621.00	86.16	13,242.00
Camp Program Supplies	13,275.82	550.00	13,519.80	1,650.00
Training and Education	0.00	416.67	226.58	3,750.03
Stall Cleaning	0.00	166.67	0.00	1,500.03
Grounds Maintenance	2,900.00	852.42	12,950.00	7,671.78
House Maintenance	773.27	1,237.50	16,027.60	11,137.50
House Furniture & Equipment	737.73	20.83	807.72	187.47
House Supplies	237.56	45.83	272.22	412.47
General Maintenance & Repairs	3,025.56	5,000.00	18,337.48	45,000.00
Fleet Aquisition	0.00	0.00	0.00	42,568.00
Dues, Fees and Subscriptions	2,577.79	498.62	5,724.73	4,487.58
Network/Communications	982.95	1,625.25	5,503.53	14,627.25
Riding Series	894.66	4,083.33	20,795.44	36,749.97
DSRP Postage	20.38	0.00	31.09	0.00
Merchandise Supplies	0.00	583.33	11,169.00	5,249.97
DSRP Improvements	5,848.31	2,166.67	26,713.31	19,500.03
Other Expense	824.96	1,708.33	19,400.06	15,374.97
Mileage	0.00	41.67	0.00	375.03
Alarm	0.00	0.00	5,527.00	1,080.00
House Septic	0.00	62.50	0.00	562.50
Propane/Gas	0.00	250.00	1,275.12	2,250.00

For Management Purposes Only

DSRP Operating Fund  
Income Statement  
For the Nine Months Ending June 30, 2021

	Current Month Actual	Current Month Budget	Year to Date Actual	Year to Date Budget
Electric	6,070.86	5,000.00	44,449.89	45,000.00
Water	554.26	833.33	4,811.67	7,499.97
Supplies	1,186.55	2,500.00	16,052.70	22,500.00
Office Equipment and Supplies	222.31	425.00	9,804.27	3,825.00
TXF to HCLE	0.00	1,100.00	0.00	9,900.00
Portable Toilets	65.00	0.00	585.00	0.00
Equipment Maintenance	319.74	2,083.33	10,464.68	18,749.97
Equipment	0.00	858.33	0.00	7,724.97
Equipmental Rental	0.00	83.33	(125.00)	749.97
Fleet Maintenance	1,336.18	208.33	2,265.77	1,874.97
Contingencies	0.00	4,166.67	0.00	37,500.03
	<u>41,853.89</u>	<u>44,113.94</u>	<u>256,298.22</u>	<u>391,026.46</u>
Total Expenses				
Net Income	\$ (11,937.89)	\$ (12,444.32)	\$ 75,658.04	\$ (12,713.67)

**CITY OF DRIPPING SPRINGS**

**RESOLUTION 2021-R\_\_\_\_\_**

A RESOLUTION OF THE CITY OF DRIPPING SPRINGS CONSENTING TO  
THE ISSUANCE OF BONDS BY SPRINGHOLLOW MUNICIPAL UTILITY  
DISTRICT OF HAYS COUNTY

**WHEREAS**, Springhollow Municipal Utility District of Hays County (the "District") is a municipal utility district, a body corporate and politic and governmental agency of the State of Texas, created under Article XVI, Sec. 59 of the Texas Constitution by order of the Texas Commission on Environmental Quality, and the District operates under Chapters 49 and 54 of the Texas Water Code, as amended;

**WHEREAS**, the District and HM Parten Ranch Development, Inc. and the City of Dripping Springs entered into that certain "Agreement Concerning Creation and Operation of Springhollow Municipal Utility District" dated to be effective December 18, 2007, as subsequently amended by that certain "Assignment and Assumption Agreement" dated February 3, 2016; (collectively, the "Consent Agreement");

**WHEREAS**, among other matters, the Consent Agreement provides that all bonds of the District shall be approved by the City of Dripping Springs prior to issuance;

**WHEREAS**, the District now desires to proceed with the issuance of its second series to reimburse water, wastewater, and drainage facilities system bonds in a principal amount not to exceed \$4,375,000 in order to reimburse costs of the facilities (the "Bonds"); and

**WHEREAS**, the Bonds will be obligations solely of the District, and the City of Dripping Springs will not be responsible for payment of the Road Bonds.

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Dripping Springs City, Texas, that:**

1. This meeting of the City Council of the City of Dripping Springs has been properly posted in accordance with the Texas Open Meetings Act.
2. The City Council of the City of Dripping Springs hereby approves the issuance by the District of the Bonds in a par amount not to exceed \$4,375,000.
3. This Resolution shall be effective upon the date of its approval.

**PASSED & APPROVED this, the 20<sup>th</sup> day of July 2021, by the City Council of Dripping Springs, Texas.**

**CITY OF DRIPPING SPRINGS:**

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Bill Foulds, Jr., Mayor

**ATTEST:**

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Andrea Cunningham, City Secretary

**AGREEMENT CONCERNING CREATION AND OPERATION  
OF SPRINGHOLLOW MUNICIPAL UTILITY DISTRICT**

This Agreement Concerning Creation and Operation of Springhollow Municipal Utility District (this "Agreement") is entered into by the City of Dripping Springs, Texas, a Type A general law municipal corporation situated in Hays County, Texas (the "City"), and Bill R. Hall, Trustee of the Martha J. Parten Trust created under the Will of Martha J. Parten probated in Hays County, Texas, and as Trustee of the Ben L. Parten, Jr. Trust created under the Will of Ben L. Parten, Jr. probated in Hays County, Texas (in such collective capacities, "Owner"). Following the District Confirmation Date, as defined below, Springhollow Municipal Utility District (the "District"), a municipal utility district to be created pursuant to Article XVI, Section 59, of the Texas Constitution and Chapters 49 and 54 of the Water Code, will join in and become a party to this Agreement.

**ARTICLE I**  
**RECITALS**

A. Owner represents that it is the owner of approximately 541.003 acres in Hays County, Texas, as described in Exhibit A and shown on Exhibit B attached to this Agreement (the "Land"). The Land lies entirely within the City's extraterritorial jurisdiction ("ETJ").

B. Owner filed a petition with the City on September 18, 2007, seeking the City's consent to the creation of the District (the "Consent Petition").

C. The purposes of this Agreement are to set out mutually agreeable terms and conditions relating to the creation and operation of the District, which include the provisions under which the City has adopted its resolution consenting to the creation of the District consistent with Section 42.042 of the Texas Local Government Code and Section 54.016 of the Texas Water Code. It is an essential element of the granting of the City's consent to the creation of the District that, after the District Confirmation Date, the District approves and executes this Agreement and becomes a Party to it.

D. On December 11, 2007, pursuant to the Consent Petition, the City Council of the City adopted Resolution No. 2008-3 consenting to the creation of the District (the "Consent Resolution"), which Consent Resolution approved, and is subject to, the terms and conditions of this Agreement.

E. The City intends that this Land also will be subject to a Development Agreement to be negotiated and entered into between the City and the developer of the Land.

NOW THEREFORE, for and in consideration of the mutual agreements, covenants, and conditions hereinafter set forth, the Parties contract and agree as follows:

**ARTICLE II**  
**DEFINITIONS**

"Agreement" means this Agreement Concerning Creation and Operation of Springhollow Municipal Utility District.

"Assignee" means a successor to Owner, as defined in **Section 11.10(b)** of this Agreement.

"Attorney General" means the Attorney General of the State of Texas.

“Board” means the Board of Directors of the District.

“Bond” means (a) any instrument, including a bond, note, certificate of participation, or other instrument evidencing a proportionate interest in payments, due to be paid by the District, or (b) any other type of obligation that (1) is issued or incurred by the District under the District’s borrowing power, without regard to whether it is subject to annual appropriation, and (2) is represented by an instrument issued in bearer or registered form or is not represented by an instrument but the transfer of which is registered on books maintained for that purpose by or on behalf of the District. The term shall include obligations issued to refund outstanding Bonds, but shall not include reimbursement agreements entered into between the District and a developer of the Land, any other contracts entered into by the District not within the items listed in (a) or (b) above, or bond anticipation notes.

“CCN” means a certificate of convenience and necessity or similar permit issued by the TCEQ authorizing a specified entity to be the retail water or sewer service provider in a specified area.

“City” means the City of Dripping Springs, Texas, a Type A General Law municipality located in Hays County, Texas.

“City Council” means the City Council of the City.

“City Administrator” means the City Administrator of the City.

“City Engineer” means one or more engineers hired or engaged to work for the City.

“City Objection” means an objection by the City to a Bond issue as defined in **Section 5.05** of this Agreement.

“City Review Fees” means: (a) the fees and charges applicable to the City’s preliminary and final plat review and approval process according to the fee schedule adopted by the City Council and in effect on the date of submittal of each plat application; and (b) fees and charges applicable to the review of plans relating to construction of Infrastructure according to the fee schedule adopted by the City Council and in effect on the date of submittal of such plans.

“City Secretary” means the City Secretary of the City.

“Consent Petition” means the petition submitted by Owner and filed with the City on September 18, 2007, seeking the City’s consent to the creation of the District.

“Consent Resolution” means Resolution No. \_\_\_ adopted \_\_\_\_\_, 2007 by the City Council that approves this Agreement and that contains the City’s consent to the creation of the District.

“Contractor” means a person or entity that constructs, alters or repairs Infrastructure required to serve the Land.

“Development Agreement” means the anticipated development agreement between the developer and the City regarding development of the Land.

“District” means the Springhollow Municipal Utility District, to be created in Hays County, Texas, with boundaries contiguous with the Land.

“District Confirmation Date” means the date on which the Board canvasses the results of the election held within the District to confirm the creation of the District.

“District Infrastructure” means Infrastructure improvements constructed by or on behalf of the District to serve the Land, whether located within or outside the Land.

“Effective Date” means the effective date of this Agreement and is \_\_\_\_\_, 2007, the date of the City’s adoption of the Consent Resolution.

“ETJ” means the extraterritorial jurisdiction of a city, as defined by the Texas Local Government Code, as amended.

“Governing Regulations” means the following, as amended from time to time:

- (i) Concerning fire protection, water distribution design will incorporate provisions for future connection to surface water supply and fire flow when such becomes available, and line sizing sufficient to maintain adequate fire flow for all residences in the subdivision. Water distribution design also will incorporate flush valves at all dead-legs and a sesame connection at the water storage tank. Fitting size / type to the water storage tank will be coordinated with the fire district, if applicable, to permit filling (via gravity) of fire trucks.
- (ii) All City manuals, standards, ordinances and regulations for design, location, construction, operation and maintenance of water and wastewater infrastructure, including the TCSS Manual.
- (iii) Utility location standards;
- (iv) Hays County regulations and rules applicable to subdivisions within the City’s ETJ;
- (v) All rules and regulations of those other governmental entities with state and local jurisdiction, including but not limited to those promulgated by the TCEQ, the Texas Department of Transportation and the Hays-Trinity Groundwater Conservation District.

“Infrastructure” means all water, wastewater, drainage, roadway and other infrastructure improvements installed or constructed to serve the Land, whether located within or outside the Land.

“Land” means that certain 541.003-acre tract located in Hays County, Texas as described in **Exhibit A** and shown on **Exhibit B**.

“LCRA” means the Lower Colorado River Authority.

“Notice” means notice as defined in **Section 11.01** of this Agreement.

“Owner” means Bill R. Hall, Trustee of the Martha J. Parten Trust created under the Will of Martha J. Parten, and as Trustee of the Ben L. Parten, Jr. Trust created under the Will of Ben L. Parten, Jr., and their respective successors and Assignees as permitted by this Agreement.

“Party” means, individually, the City, Owner, or the District, their successors and their assignees as permitted by this Agreement, collectively “Parties.”

“TCEQ” means the Texas Commission on Environmental Quality or its successor state agency.

“TCSS Manual” means City’s Technical Construction Standards and Specifications Manual, as it may be amended from time to time.

“Water Code” means the Texas Water Code, as amended from time to time.

### ARTICLE III CONSENT TO CREATION

3.01 In accordance with the terms of this Agreement, the City consents to the creation of the District over the Land.

### ARTICLE IV CONSTRUCTION, OPERATION, MAINTENANCE AND INSPECTION OF DISTRICT FACILITIES

4.01 Infrastructure Standards. The Owner or the District shall, at no cost to the City, construct the District Infrastructure in accordance with plans and specifications that have been approved by the City. The City agrees to review all plans and specifications provided by the Owner or the District in a timely manner and pursuant to the procedures set forth in City ordinances and guidelines; not to unreasonably withhold its approval of such plans and specifications; and to conduct its inspections of ongoing construction in a manner that minimizes interference with such construction. All District Infrastructure shall be designed and constructed in compliance with: (a) the Governing Regulations; (b) the rules and regulations, if any, of the District; (c) the rules and regulations of TCEQ; and (d) if applicable, the rules and regulations of LCRA for retail water service. In the event a conflict between the City’s requirements under this Agreement and those of LCRA (for water) or the District’s wholesale wastewater provider (for wastewater) which causes the District to be unable to comply with both sets of requirements, the requirements of LCRA or the wholesale wastewater provider will control to the extent of the conflict and the District’s compliance with such requirements will be deemed sufficient to comply with this Agreement.

4.02 Additional Construction Standards for Water and Wastewater Utility Infrastructure. Any wastewater treatment, collection or disposal systems, or portions thereof, that are constructed on the Land shall also comply with the specifications set forth in Exhibit C. The Owner and District hereby agree that they will require any offsite wastewater District Infrastructure that is constructed or expanded after the Effective Date for the purpose of providing retail wastewater collection, treatment or disposal services to the Land to also comply with the specifications set forth in Exhibit C, and shall take such reasonable steps, through written agreements or otherwise, as may be necessary to ensure or enforce such requirements.

4.03 Plan Review; Payment of Fees; and Pre-Construction Conference. Construction of Infrastructure shall not commence until the plans and specifications have been reviewed and accepted by the City for compliance with the **Section 4.01** Infrastructure Standards; and the City has been offered the option to attend a pre-construction conference held by the Contractor, the District’s or the Owner’s engineer, as applicable, and the City’s Engineer at a reasonably agreeable time and place; and the applicable City Review Fees have been paid. The City will timely designate both the City’s project manager and the City’s inspector for purposes of this Agreement either by Notice to the Owner or the District, as applicable, or at the pre-construction conference.

4.04 Inspection by City. The City has the right, but not the obligation, to inspect and test the Infrastructure at any time, including inspection of District Infrastructure being constructed by the Owner or the District. Further, the City has the right to participate in a final inspection of all Infrastructure. The Owner or its Contractor shall notify the City's inspector when Infrastructure is ready for final inspection. and shall schedule final inspection by the City at a mutually agreed time. Thereafter, upon prior Notice by the City, any duly authorized employee of the City bearing proper credentials and identification shall be granted access to any property of the District within the Land as the City may reasonably determine necessary for the purpose of inspection and testing of District Infrastructure from time to time; provided, however, that any such inspections or tests must be conducted in a manner that does not materially interrupt or impair the District's operations and ability to provide service to its customers. So that the District may avoid duplication of its inspection costs, the City shall not charge inspection fees for any inspections of water and sewer Infrastructure that the Owner or the District are required by TCEQ to perform, unless the City's inspections are conducted in a manner that satisfies those applicable TCEQ inspection requirements.

4.05 Contracts with Contractors. If a Contractor is not an Owner, then the Owner shall incorporate the infrastructure standards and inspection requirements of this **Article IV** into a written construction contract with the Contractor. All contracts with such non-Owner Contractors shall provide that the City is a third-party beneficiary of, and may enforce the infrastructure standards and inspection requirements of this Agreement against, the Contractors.

4.06 Operation and Maintenance of District Infrastructure. The District shall cause all District Infrastructure to be operated and maintained in accordance with the Governing Regulations.

4.07 As-Built Drawings. The Owner or the District, as applicable, shall request that its Contractor timely prepare, and shall deliver to the City Administrator within 30 days of receipt of such drawing from the Contractor, mylar record drawings for all District Infrastructure.

4.08 Water Supplies. The Parties acknowledge that the Owner currently intends that the Land will receive water service, whether retail or wholesale, from LCRA. Once the Land is connected to a surface water supply, the Owner and the District agree to discontinue use of all existing public water supply wells for potable water service. Wells may continue to be used for irrigation water supply for District property, open space and/or common areas or for emergency water supply. Emergency water supply does not include use during a drought or period of mandatory water use restrictions during drought conditions. All restrictive covenants established by the Owner for the development of the Land shall include these limitations on the use of water wells. In addition to other remedies that may be available, the City is expressly authorized to enforce this **Section 4.08** by specific performance.

4.09 CCNs. The Owner or the District may , but will not be required to, obtain a CCN to provide water and/or sewer services throughout the boundaries of the District. If the Owner or the District obtain a water or a sewer CCN, then the Owner or the District, as applicable, agrees that it shall not transfer such CCN to any other person, utility, political subdivision or other entity (except that the Owner may transfer a CCN to the District without compliance with this Section) without first (i) giving the City 60 days Notice and a right of first refusal to obtain such CCN and become the service provider for the District or (ii) requiring the transferee to enter into a binding agreement to transfer to the City its CCN within the District upon the City's annexation of the Land. This provision regarding service areas constitutes a contract between retail public utilities designating areas to be served and customers to be served by those retail public utilities pursuant to Section 13.248 of the Water Code ("Section 13.248"). The Parties further agree that each of them may file a copy of this Agreement with the TCEQ in support of applications and other filings provided for in, or consistent with, this Agreement and may request that the TCEQ honor the terms of this Agreement as a contract between retail public utilities pursuant to

Section 13.248. If the District becomes the retail provider of water or sewer service to the Land, then it shall not transfer the CCN or the District Infrastructure used for water or sewer service to any other person, utility, political subdivision or other entity without first (i) giving the City 60 days notice and a right of first refusal to acquire such District Infrastructure used for water or sewer service or (ii) requiring the transferee to enter into a binding agreement to transfer such District Infrastructure to the City upon the City's annexation of the Land.

4.10 Service Outside the District. The District shall not sell or deliver services to areas outside the District without prior City Council approval; provided, however, the District may serve a maximum of twenty-five (25) retail residential water and wastewater connections outside the District without such City approval. Outside district service pursuant to this **Section 4.10** shall be subject to **Section 4.01** Infrastructure Standards.

## **ARTICLE V** **ISSUANCE OF BONDS**

5.01 Purposes. The District may issue Bonds as permitted by law and this Agreement. The purposes for which the District may issue Bonds shall be restricted to the following:

- (a) Purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment, and appliances, including contract rights and capacity, necessary to:
  - (i) Provide a water supply for the District for municipal, domestic, and commercial uses;
  - (ii) Collect, transport, process, dispose of, and control all domestic, commercial, industrial, or communal wastes from the District, whether in fluid, solid, or composite state;
  - (iii) Gather, conduct, divert, and control local storm water or other local harmful excesses of water in the District;
  - (iv) Exercise Road Utility District powers pursuant to Section 54.234 of the Water Code; and
  - (v) Provide park and recreational facilities, if authorized by the Texas Constitution and the Water Code;
- (b) Payment of creation and organization expenses; operation expenses during the creation and construction periods; cost of issuance, including consultant fees, paying agent/registrar fees and escrow fees; interest during construction; capitalized interest and any other expenses authorized by Section 49.155 of the Water Code;
- (d) Refunding of any outstanding Bonds of the District for a debt service savings ("Refunding Bonds"); provided, however, that any such Refunding Bonds otherwise satisfy the requirements of this Agreement.

5.02 Bond Requirements. The District shall obtain all necessary authorizations for Bonds issued in accordance with this Agreement and laws applicable to the District. All Bonds issued by the District shall comply with the following requirements:

- (a) Maximum maturity of 25 years from the date of closing of the sale of the Bonds for any one series of Bonds;
- (b) Interest rate that does not exceed two percent (2%) above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one month period immediately preceding the date that the notice of the sale of such Bonds is given;
- (c) Amortization that results in level debt service payments over the life of the District's total outstanding debt, except for an initial period of up to 5 years of interest only payments;
- (d) Shall expressly provide that the District shall reserve the right to redeem Bonds at any time beginning not later than the tenth (10th) anniversary of the date of issuance, without premium. No variable rate Bonds shall be issued by the District without City Council approval;
- (e) Any Refunding Bonds of the District must provide for a minimum of three percent (3%) present value savings and, further, must provide that the latest maturity of the refunding Bonds may not extend beyond the latest maturity of the refunded Bonds unless approved by the City Council; and
- (f) No Bonds shall be issued if the District's debt to the most recent estimate of certified taxable assessed valuation as determined by the records of the Hays County Appraisal District will exceed 25 percent upon issuance.

5.03 Notice of Bond Issues. At least thirty (30) days before submission of an application for approval of issuance of Bonds other than Refunding Bonds to the TCEQ or the Attorney General, whichever occurs first, the District shall deliver to the City Administrator the certifications required by **Section 5.04** and **Section 5.07** and a Notice containing: (a) the amount of Bonds being proposed for issuance; (b) a description of the projects to be funded; and (c) the proposed debt service and District tax rate after issuance of the Bonds. For Refunding Bonds, at least seven days before submission of an application for approval of the issuance of Refunding Bonds to the Attorney General, the District shall deliver to the City Administrator the certifications required by **Sections 5.04** and **Section 5.07** and a Notice containing (a) the amount of Refunding Bonds being proposed for issuance; (b) a description of Bonds to be refunded; and (c) the proposed debt service and District tax rate after issuance of the Refunding Bonds. The District shall, within five (5) days of submittal, provide any bond package that it submits to the TCEQ to the City for review.

5.04 Compliance with Agreements. At least thirty (30) days before submission of an application for approval of issuance of Bonds other than Refunding Bonds to the TCEQ or the Attorney General, whichever occurs first, the District shall certify in writing to the City Administrator that the District is not in breach of any material provision of this Agreement. For Refunding Bonds, at least seven days before submission of an application for approval of issuance of Refunding Bonds, the District shall certify in writing to the City Administrator that the District is not in breach of any material provision of this Agreement. Material provisions include, but are not limited to the provisions of **Articles IV and VI** of this Agreement.

5.05 Bond Objections. The City shall have a period of thirty (30) days after receiving the last of the certifications and Notices required by **Section 5.04** and **Section 5.07** within which to object to any Bonds other than Refunding Bonds and shall have a period of seven days after receiving such certifications and Notices within which to object to any Refunding Bonds. The only basis for an

objection by the City to a proposed Bond issue shall be that the District is in default of a material provision of this Agreement. If the City objects to a proposed Bond issue (a "City Objection"), such objection (a) shall be in writing, (b) shall be given to the District; (c) shall be signed by the Mayor or the City Administrator, and (d) shall specifically identify the material provision(s) of this Agreement as to which the District is in default. It shall not be a basis for a City Objection that the City disagrees with the District's financial advisor as to the financial feasibility of the Bonds so long as the proposed Bonds are approved by the TCEQ (if applicable) and Attorney General. In the event a City Objection is given to the District within the time period required by this Section with respect to a specific Bond application, the City and the District shall cooperate to resolve the City Objection within a reasonable time, and the advertisement of sale of the Bonds to which the City Objection applies shall be delayed until the City Objection has been cured or waived. If the certifications and Notices required by Sections 5.04 and 5.07 are accurate and in compliance with this Article V in all material respects, and the City does not provide Notice of a City Objection within the time and in the manner required by this Section, then the City will be deemed to have waived any right to object to the Bond issue in question, and will, promptly upon the District's request, provide the District with written confirmation that the City does not have any objections to, or has waived any right to object to, as applicable, to the application in question.

5.06 Official Statements. Within thirty (30) days after the District closes the sale of each series of Bonds, the District shall deliver to the City Administrator a copy of the final official statement for such series of Bonds. If the City requests additional information regarding such issuance of the Bonds, the District shall promptly provide such information as it has in its files to the City at no cost to the City, but the District will not be required to create any additional schedules or information that is not already available.

5.07 Economic Feasibility. Before submission of an application for approval of issuance of Bonds to the TCEQ or the Attorney General, the District's financial advisor shall certify in writing to the City Administrator that the Bonds are being issued within the then-current economic feasibility guidelines established by the TCEQ for districts issuing bonds for water, sewer or drainage facilities in Hays County.

5.08 Certifications. With respect to any matter required by this **Article V** to be certified in writing, this Agreement also requires, and the District hereby warrants, that every statement in any certification shall be true and correct in all material respects and that the person signing the certification has been given the requisite authority to do so on behalf of the District.

**ARTICLE VI**  
**EXECUTION OF AGREEMENTS**

6.01 Documents To Be Executed. Owner covenants and agrees to cause the District to approve, execute and deliver to the City this Agreement within thirty (30) days after the District Confirmation Date. Upon receipt of a copy of this Agreement executed by the District, the City agrees to provide a certificate to the District confirming that this requirement has been satisfied.

6.02 Effect on Issuance of Bonds. If the District fails to approve, execute and deliver this Agreement to the City within the time frame required by **Section 6.01** and such failure is not cured within fifteen (15) days after Notice from the City to Owner and the District, such failure shall constitute a material breach of this Agreement by Owner and shall entitle the City to prevent the issuance of Bonds until the failure has been cured.

6.03 Effect on Reimbursement. If Owner fails to cause the District to approve, execute and deliver to the City this Agreement within the time frame required by **Section 6.01** and such failure is not

cured within fifteen (15) days after Notice from the City to Owner and the District, then Owner shall not, from and after the date of such failure, enter into any agreements with the District or seek reimbursement from the District for any expenses incurred in connection with the District or development of the Land until the failure has been cured.

6.04 Reporting Requirements. The District shall: (a) send a copy of each order or other action setting an ad valorem tax rate to the City Administrator within thirty (30) days after the District adopts the rate; (b) send a copy of each annual audit to the City Administrator within thirty (30) days after approval by the Board; and (c) provide copies of any material event notices filed under applicable federal securities laws or regulations to the City Administrator within thirty (30) days after filing such notices with the applicable federal agency.

## **ARTICLE VII** **INDEMNIFICATION**

7.01 INDEMNITY. TO THE FULLEST EXTENT PERMITTED BY APPLICABLE LAW, OWNER AGREES TO INDEMNIFY AND DEFEND THE CITY, ITS OFFICERS, ELECTED OFFICIALS, EMPLOYEES, AGENTS, ATTORNEYS, SUCCESSORS AND ASSIGNS (COLLECTIVELY, "INDEMNITEES") WITH REGARD TO ANY AND ALL CLAIMS, LOSSES, DAMAGES, LIABILITIES, LIENS, FINES, SUITS, JUDGMENTS, ADMINISTRATIVE PROCEEDINGS, ENFORCEMENT ACTIONS, AND ALL COSTS AND EXPENSES INCURRED IN CONNECTION THEREWITH (INCLUDING, BUT NOT LIMITED TO, REASONABLE ATTORNEYS' FEES, COSTS OF INVESTIGATION AND EXPENSES, INCLUDING THOSE INCURRED BY CITY IN ENFORCING THIS INDEMNITY), DIRECTLY OR INDIRECTLY ARISING OUT OF, CAUSED BY OR RESULTING FROM (IN WHOLE OR IN PART) (I) ANY BREACH OF THIS AGREEMENT BY OWNER OR (II) ANY DESIGN, CONSTRUCTION, OPERATION, OR MAINTENANCE OF THE INFRASTRUCTURE BY OWNER (COLLECTIVELY, "LIABILITIES"), EVEN IF SUCH LIABILITIES ARISE OUT OF THE INDEMNITEE'S CONCURRENT NEGLIGENCE.

## **ARTICLE VIII** **CONVERSION, ANNEXATION OR DISANNEXATION BY DISTRICT**

8.01. District shall not: (a) annex any additional lands to the District; (b) convert into another type of district; (c) consolidate with another district; (d) divide into two or more new districts; or (e) seek additional governmental powers beyond those consistent with this Agreement without prior City Council approval.

## **ARTICLE IX** **ANNEXATION OF DISTRICT BY CITY**

9.01 General Terms. The Parties acknowledge and agree that the Land lies wholly within the City's ETJ and is not bordered by another city, town, or village. The Parties further acknowledge that the creation of the District, and the City's consent thereto, are for purposes that include promoting the orderly development and extension of City services to the Land upon annexation.

9.02 Incorporation. In furtherance of the purposes of this Agreement, the District and Owner, on behalf of themselves and their respective successors and Assignees, covenant and agree to the extent allowed by law that, except upon written consent of the City Council, neither the District nor Owner will: (a) seek or support any effort to incorporate the Land or any part thereof; or (b) sign, join in, associate with, or direct to be signed any petition seeking to incorporate any of the Land or seeking to include any of the Land within the boundaries of any other incorporated entity.

9.03 Authority to Annex and Related Agreements. The City will not give any notice of proposed annexation of or annex the Land into the City any earlier than the first to occur of (a) the date that construction of water, sanitary sewer, drainage and road facilities to serve 90% of the Land is complete; (b) fifteen (15) years after the Effective Date; or (c) the dissolution of the District (other than as a result of annexation by the City). If the City annexes the entire area in the District, then the City will succeed to all the powers, duties, assets and obligations of the District, including but not limited to any rights and obligations under valid and duly-authorized contracts entered into by the District prior to the first notice of annexation (e.g., developer reimbursement agreement) and any bond obligations. The District will not enter into any developer reimbursement agreements or agreements for new projects or extraordinary expenses, except as necessary for continued operation and maintenance of existing District facilities, after publication of the first notice of proposed annexation provided that the City thereafter proceeds with annexation of the Land in accordance with the notice. The District further agrees that any agreements with the District in violation of this restriction shall be void.

9.04 Agreement Not to Contest. The Owner and the District agree not to contest the City's annexation of the Land pursuant to the terms of this Agreement.

9.05 Utility Rates after Annexation. After annexation, the City may set rates for water and/or sewer services for property that was within the District at the time of annexation which may include a surcharge in addition to the rates charged to other ratepayers of the City for the purpose of wholly or partially compensating the City for the assumption of the District's obligations; provided that the City does not annex the area within the District until at least 90% of the District Infrastructure for which District bonds are authorized pursuant to this Agreement have been installed. Such additional surcharges shall be calculated to recover those District debts and other obligations assumed by the City upon annexation. The surcharge may continue for thirty (30) years after the initial District debt is issued or until the bonded indebtedness of the District has been retired, whichever occurs last, but in no case for a longer period of time than is necessary to wholly compensate the City for its assumption of the obligations of the District. The District shall comply with all of the requirements of Section 54.016(h), or such similar laws as may be in effect, regarding filing with the county clerk a duly affirmed and acknowledged statement which includes certain notice information to purchasers of property regarding the City's right to collect this surcharge.

9.06 Deed Record Notice. Within thirty (30) days after the District Confirmation Date, the District shall file in the real property records of Hays County a notice in the form required by Section 49.452 of the Water Code which includes notice that the City has the authority to annex the District subject to the limitations set forth in **Section 9.03**.

9.07 Conflict with Development Agreement. If the Development Agreement provides additional terms that authorize the City to annex the Land, for example upon termination of the Development Agreement, then the City may proceed with annexation in compliance with the terms of the Development Agreement, notwithstanding that they may conflict with this **Article V**.

**ARTICLE X**  
**TERM OF AGREEMENT**

10.01. Term. This Agreement shall be effective from the Effective Date and shall continue in effect until the District is annexed for full purposes and dissolved by the City or until terminated in writing by mutual agreement of the City and the District; provided, however, if the creation of the District has not been confirmed at an election conducted on or before December 1, 2011, then this Agreement may be terminated by the Owner by providing Notice to the City or by the City by providing Notice to

Owner, and the City's consent to creation of the District shall be withdrawn and shall no longer be in effect.

**ARTICLE XI  
ADDITIONAL PROVISIONS**

11.01 Notice. Any notices, certifications, approvals, or other communications (a "Notice") required to be given by one Party to another under this Agreement shall be given in writing addressed to the Party to be notified at the address set forth below and shall be deemed given: (a) when the Notice is delivered in person to the person to whose attention the Notice is addressed; (b) when received if the Notice is deposited in the United States Mail, certified or registered mail, return receipt requested, postage prepaid; (c) when the Notice is delivered by Federal Express, UPS, or another nationally recognized courier service with evidence of delivery signed by any person at the delivery address; or (d) five business days after the Notice is sent by FAX (with electronic confirmation by the sending FAX machine) with a confirming copy sent by United States mail within 48 hours after the FAX is sent. If any date or period provided in this Agreement ends on a Saturday, Sunday, or legal holiday, the applicable period for calculating the Notice shall be extended to the first business day following the Saturday, Sunday, or legal holiday. For the purpose of giving any Notice, the addresses of the Parties are set forth below. The Parties may change the information set forth below by sending Notice of such changes to the other Party as provided in this **Section 11.01**.

To the City:

City of Dripping Springs, Texas  
P.O. Box 384  
Dripping Springs, TX 78620  
Attn: City Administrator  
FAX: 512-858-5646

To the District:

Springhollow Municipal Utility District  
~~c/o: Armbrust & Brown, LLP~~  
100 Congress Avenue, Suite 1300  
Austin, Texas 78701  
~~FAX: 512-435-2360~~

*c/o Vacek, Kiecke + Currier, LLP  
1005 Congress Ave., Suite 950  
Austin, Texas 78701  
FAX: (512) 472-5124*

To Owner:

Bill R. Hall, Trustee of the Ben L. Parten, Jr. Trust and the Martha J. Parten Trust  
c/o Gary I. Currier  
Vacek, Kiecke & Currier, L.L.P.  
1005 Congress Ave., Ste. 950  
Austin, Texas 78701  
FAX: 512- 472-5124

With copy to:

~~Hanna/Magee L.P.#1  
1101 North Lamar Blvd.~~

Austin, Texas 78703  
 FAX: 512-481-0333

11.02 No Waiver. Any failure by a Party to insist upon strict performance by the other Party of any material provision of this Agreement shall not be deemed a waiver thereof, and the Party shall have the right at any time thereafter to insist upon strict performance of any and all provisions of this Agreement. No provision of this Agreement may be waived except by writing signed by the Party waiving such provision. Any waiver shall be limited to the specific purposes for which it is given. No waiver by any Party hereto of any term or condition of this Agreement shall be deemed or construed to be a waiver of any other term or condition or subsequent waiver of the same term or condition.

11.03 City Consent and Approval. In any provision of this Agreement that provides for the consent or approval of the City staff or City Council, such consent or approval is not effective unless provided in writing, and may be withheld or conditioned by the staff or City Council at its sole discretion, except as provided in **Section 4.01, and 5.05**.

11.04 Governing Law and Venue. **THIS AGREEMENT MUST BE CONSTRUED AND ENFORCED IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS, AS THEY APPLY TO CONTRACTS PERFORMED WITHIN THE STATE OF TEXAS AND WITHOUT REGARD TO ANY CHOICE OF LAW RULES OR PRINCIPLES TO THE CONTRARY. THE PARTIES ACKNOWLEDGE THAT THIS AGREEMENT IS PERFORMABLE IN HAYS COUNTY, TEXAS AND HEREBY SUBMIT TO THE JURISDICTION OF THE COURTS OF HAYS COUNTY, TEXAS, AND HEREBY AGREE THAT ANY SUCH COURTS SHALL BE A PROPER FORUM FOR THE DETERMINATION OF ANY DISPUTE ARISING HEREUNDER.**

11.05 Authority to Execute. Owner warrants that the execution of this Agreement is duly authorized in conformity with the terms of the Martha J. Parten Trust created under the Last Will and Testament of Martha J. Parten dated January 6, 1999, and of the Ben L. Parten, Jr. Trust created under the Last Will and Testament of Ben L. Parten, Jr. dated January 6, 1999, such Wills being duly admitted to probate as evidenced by the Orders attached hereto as **Exhibit D**. Owner warrants that no court has entered any order or judgment superseding such Orders, no other Wills or Codicils of either Martha J. Parten or Ben L. Parten, Jr. has been admitted to probate in any court. Owner warrants that he is the current serving Trustee of the Martha J. Parten Trust and the Ben L. Parten, Jr. Trust and that there are no legal proceedings pending seeking his removal as such. The District warrants that this Agreement has been approved by the Board in accordance with all applicable public meeting and public notice requirements (including, but not limited to, notices required by the Texas Open Meetings Act) and that the individual executing this Agreement on behalf of the Board has been authorized to do so.

11.06 Severability. The provisions of this Agreement are severable and, in the event any word, phrase, clause, sentence, paragraph, section, or other provision of this Agreement, or the application thereof to any person or circumstance, shall ever be held or determined to be invalid, illegal, or unenforceable for any reason, and the extent of such invalidity or unenforceability does not cause substantial deviation from the underlying intent of the parties as expressed in this Agreement, then such provision shall be deemed severed from this Agreement with respect to such person, entity or circumstance, without invalidating the remainder of this Agreement or the application of such provision to other persons, entities or circumstances, and a new provision shall be deemed substituted in lieu of the provision so severed which new provision shall, to the extent possible, accomplish the intent of the Parties as evidenced by the provision so severed.

11.07 Changes in State or Federal Laws. If any state or federal law changes so as to make it impossible for the City or the District to perform its obligations under this Agreement, the Parties will

cooperate to amend the Agreement in such a manner that is most consistent with the original intent of the Agreement as legally possible.

11.08 Additional Documents and Acts. Owner and District agree that, at any time after execution of this Agreement, they will, upon the request of the City, execute and/or exchange any other documents reasonably necessary to effectuate the terms of this Agreement and perform any further acts or things as the City may reasonably request to effectuate the terms of this Agreement.

11.09 Captions. Captions and headings used in this Agreement are for reference purposes only and shall not be deemed a part of the Agreement.

11.10 Assignment.

(a) Neither the District nor the Owner, except in compliance with **Section 11.10(b)** below, may assign this Agreement without the written consent of the City.

(b) Owner has the right, from time to time, to assign this Agreement, in whole or in part, and including any obligation, right, title, or interest of Owner under this Agreement, to the District (after the District Confirmation Date) and to any person or entity (an "Assignee") without the consent of the City, provided that the following conditions are satisfied: (1) if not the District, Assignee is a successor owner of all or any part of the Land or is a lender to a successor owner of all or any part of the Land; (2) if not the District, Assignee has a contractual right to be reimbursed for water, sewer, or drainage improvements from District Bonds (or has a lien or other security interest in such reimbursements); (3) the assignment is in writing executed by Owner and Assignee in the form of assignment attached as **Exhibit E**; (4) Assignee expressly assumes in the assignment any assigned obligations and expressly agrees in the assignment to observe, perform, and be bound by this Agreement to the extent this Agreement relates to the obligations, rights, titles, or interests assigned; and (5) a copy of the executed assignment is provided to all Parties within 15 days after execution. Provided the foregoing conditions are satisfied, from and after the date the assignment is executed by Owner and Assignee, the City agrees to look solely to Assignee for the performance of all obligations assigned to Assignee and agrees that Owner shall be released from performing the assigned obligations and from any liability that results from the Assignee's failure to perform the assigned obligations. No assignment by Owner shall release Owner from any liability that resulted from an act or omission by Owner that occurred prior to the effective date of the assignment. Owner shall maintain written records of all assignments made by Owner (including, for each Assignee, the Notice information required by this Agreement, and including a copy of each executed assignment) and, upon written request from any Party or Assignee, shall provide a copy of such records to the requesting person or entity. It is specifically intended that this Agreement, and all terms, conditions and covenants herein, shall survive a transfer, conveyance, or assignment occasioned by the exercise of foreclosure of lien rights by a creditor or a Party, whether judicial or non-judicial. This Agreement shall be binding upon and insure to the benefit of the Parties and their respective successors and Assignees. Notwithstanding the foregoing, however, Owner shall not have the right to assign this Agreement, or any right, title, or interest of Owner under this Agreement to any Assignee ~~other than Jay Hanna, Blake Magee, Hanna/Magee L.P.#1, a Texas limited partnership, or an entity in which Jay Hanna, Blake Magee and/or Hanna/Magee L.P.#1 are the majority interest owner(s) (the "Approved Assignees")~~ until the District has become a Party unless such assignment is approved by the City. Owner may assign this Agreement and its rights and obligations hereunder to one or more of the Approved Assignees without the City's consent, but with compliance with provisions (1) through (5) above.

11.11 Current Laws. All references in this Agreement to a City ordinance or other state or local law shall refer to the law then in effect (as it may be amended from time to time after the Effective Date), at the time of the action or requirement of this Agreement to which it applies.

11.12 Amendment. This Agreement may be amended only with the written consent of all Parties and with approval of the governing bodies of the City and the District; provided, however, that, after the District Creation Date, this Agreement may be amended by written consent of the City and the District acting alone, provided that such amendment does not affect the rights or obligations of Owner under this Agreement.

11.13 Interpretation. The Parties acknowledge that each Party and, if it so chooses, its counsel have reviewed and revised this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement or exhibits hereto. As used in this Agreement, the term "including" means "including, without limitation," and the term "days" means calendar days, not business days. Wherever required by the context, the singular shall include the plural, and the plural shall include the singular. Each defined term herein may be used in its singular or plural form whether or not so defined.

11.14 No Third Party Beneficiary. This Agreement is solely for the benefit of the Parties, and neither the City, the District nor Owner intends by any provision of this Agreement to create any rights in any third-party beneficiaries or to confer any benefit upon or enforceable rights under this Agreement or otherwise upon anyone other than the City, the District and Owner.

11.15 Reimbursement for City’s Professional Fees. Owner will reimburse the City for reasonable attorneys fees incurred by the City in connection with negotiation and preparation of this Agreement and any other documents executed by Owner, the District, and the City in connection with the Land. Owner’s obligation is limited to the actual, out-of-pocket costs and expenses paid to or owed to third-parties for services rendered prior to the approval of this Agreement by the City Council. Owner shall reimburse the City for such fees within thirty (30) days after this Agreement has been executed by the City and Owner, and the City has delivered to Owner an invoice for such fees.

11.16 Authority and Vesting of Rights. This Agreement is entered into, in part, under the statutory authority of Section 212.172, *Texas Local Government Code* which authorizes the City to make written contracts with the owners of land relating to guaranteeing the extraterritorial status of and providing for the future annexation of land, providing for infrastructure for the land, and establishing other lawful terms and considerations that the parties agree to be reasonable, appropriate, and not unduly restrictive of business activities. The City acknowledges that the Owner has the vested right to develop the Land in accordance with this Agreement, with any future agreements entered into by the Owner and the City (subject to any limitations contained in Chapter 245, *Texas Local Government Code*), and all City ordinances in effect on the date of this Agreement, unless modified by such this Agreement or such future agreements. Unless a preliminary plat for the development of the Land is approved within eighteen (18) months of the date of this Agreement, this **Section 11.16** shall be void and of no further force and effect.

11.17 Incorporation of Exhibits by Reference. All exhibits attached to this Agreement are incorporated into this Agreement by reference for the purposes set forth herein, as follows:

- Exhibit A      Legal Description of the Land
- Exhibit B      Map of the Land
- Exhibit C      Water and Sewer Utility Specifications
- Exhibit D      Probate Court Orders
- Exhibit E      Assignment and Assumption Agreement

11.18 Conspicuous Provisions. The City, the District, and Owner acknowledge that the provisions of this Agreement set out in **bold, CAPITALS** (or any combination thereof) satisfy the requirements for the express negligence rule and/or are conspicuous.

11.19 Governmental Powers; Waiver of Immunity. By execution of this Agreement, neither the City nor the District waives or surrenders any of its powers, immunities or rights, except as specifically waived pursuant to this **Section 11.19**. The City and the District each waives its governmental immunity from suit and liability only as to any action brought by the other, to pursue the remedies available under this Agreement, and only to the extent necessary to pursue such remedies. Nothing in this section shall waive any claims, defenses or immunities that the City or the District has with respect to the suits against each of them by persons or entities not a party to this Agreement.

11.20 Counterpart Originals. This Agreement may be executed in multiple counterparts, each of which shall be deemed to be an original.

ATTEST:

Amanda Craig  
Amanda Craig, City Secretary

CITY OF DRIPPING SPRINGS

By: Todd Purcell  
Mayor Todd Purcell

Date: December 18, 2007

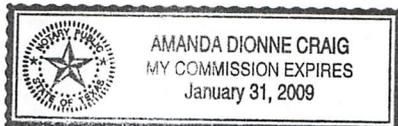
APPROVED AS TO FORM AND LEGALITY:

Susan G. Zecher  
City Attorney

STATE OF TEXAS                   §  
   §  
COUNTY OF HAYS               §

This instrument was acknowledged before me, on the 18 day of December, 2007 by Todd Purcell, Mayor of the City of Dripping Springs, Texas on behalf of said city.

Amanda Craig  
Notary Public, State of Texas  
Printed Name: Amanda Craig  
My Commission Expires: Jan 31, 2009



OWNER:

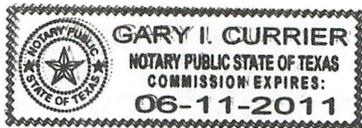
*Bill R. Hall*

Bill R. Hall, as Trustee of the Martha J. Parten Trust created under the Will of Martha J. Parten, and as Trustee of the Ben L. Parten, Jr. Trust created under the Will of Ben L. Parten Jr.

Date: 1/11/2008

STATE OF TEXAS           §  
  §  
COUNTY OF MILAM       §

This instrument was acknowledged before me by Bill R. Hall, as Trustee of the Martha J. Parten Trust created under the Will of Martha J. Parten, and as Trustee of the Ben L. Parten, Jr. Trust created under the Will of Ben L. Parten, Jr., on this, the 11th day of January, 2008.



*Gary I. Currier*  
\_\_\_\_\_  
Notary Public, State of Texas  
Printed Name: GARY I. CURRIER  
My Commission Expires: 6/11/2011

[SEAL]

Pursuant to Article IV hereof and following the District Confirmation Date, the District has executed the Agreement.

**SPRINGHOLLOW MUNICIPAL UTILITY DISTRICT**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

President, Board of Directors

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

[SEAL]

STATE OF TEXAS                    §  
  §  
COUNTY OF \_\_\_\_\_       §

This instrument was acknowledged before me, on the \_\_\_ day of \_\_\_\_\_, 200\_\_ by \_\_\_\_\_, President, Board of Directors of Springhollow Municipal Utility District, on behalf of said district.

\_\_\_\_\_  
Notary Public, State of Texas  
Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

[SEAL]

**EXHIBIT A**

Being 541.003 acres, more or less, of land out of the Seaborn J. Whatley Survey, Abstract No. 18 and the Lamar Moore Survey, Abstract No. 323, Hays County, Texas, and being a 476.834 acre tract shown on Exhibit A-1, a 11.686 acre tract shown on Exhibit A-2, a 45.961 acre tract shown on Exhibit A-3 and a 6.522 acre tract shown on Exhibit A-4.

In Re: 461.825 Acres  
 Being all of the residue of a called  
 476.834 Acre tract  
 Lamar Moore Survey  
 Abstract No. 323  
 Seaborn J. Whatley Survey  
 Abstract No. 18  
 Hays County, Texas



All that certain tract or parcel of land situated in Hays County, Texas, being out of the Lamar Moore Survey, Abstract No. 323, Seaborn J. Whatley Survey, Abstract No. 18, being all of Lots 1-17, Block E of the Oakridge Park, Section 1, At Kinnicnik recorded in Volume 182, Page 004 of the Deed Records of Hays County, Texas, all of Lots 1-5, Block F, All of Lots 2-6, Block G of Oakridge Park, Section 2 at Kinnicnik and Resubdivision of a Portion of Oakridge Park Section 1, at Kinnicnik recorded in Volume 189, Page 441 of the Deed Records of Hays County, Texas, all of Lot 4, Block K, and all of Lots 1-3, Block M of the Oakridge Park, Section 3, At Kinnicnik recorded in Volume 192, Page 392 of the Deed Records of Hays County, Texas and all of Lots 1-4 of Oakridge Park, Section 4 at Kinnicnik recorded in Volume 1, Page 005 of the Plat Records of Hays County, Texas, all of which being contained within all of the residue of a called 476.834 Acre tract (Parcel 1) (Undivided 1/2 Interest) conveyed from Bill R. Hall, Independent Executor of the Estate of Martha J. Parten, Deceased to Bill R. Hall, Trustee of the Martha J. Parten Trust by deed dated March 11, 2003 recorded in Volume 2175, Page 669 of the Official Records of Hays County, Texas and all of the residue of a called 476.834 Acre tract (Parcel 1) (Undivided 1/2 Interest) conveyed from Bill R. Hall, Independent Executor of the Estate of Ben L. Parten, Jr. to Bill R. Hall, Trustee of the B. L. Parten, Jr. Trust by deed dated March 11, 2003 recorded in Volume 2175, Page 683 of the said Official Records of Hays County, Texas and being more particularly described by metes and bounds as follows to wit:

**BEGINNING** at a found 1/2" iron rod on the common line between the said Moore Survey and the James B. Pier Survey, A-362, at an interior ell-corner of a called 117.74 Acre tract conveyed to Pulte Homes of Texas, LP in Volume 2684, Page 084, for the common northwest corner of the said 476.834 Acre residue tract and of this tract;

**THENCE** along the common line between the said 476.834 Acre residue tract and the said 117.74 Acre tract, a called 38.50 Acre tract (Tract 2) conveyed to Linda A. Fluke in Volume 317, Page 167, the residue of a called 210.23 Acre tract conveyed to Thomas J. Wissemann DBA Wise Enterprises in Volume 1041, Page 376 and Lot 18 of the Whispering Oaks Subdivision – Phase II respectively for the following courses and distances:

N 87°37'59" E - 2882.77 feet to a found 1/2" iron rod on the west line of the said 210.32 Acre residue tract, the southeast corner of the said 38.50 Acre tract, for an exterior ell corner of this tract;  
 S 01°52'51" E - 197.53 feet to a found 5/8" iron rod at the southwest corner of the said 210.23 Acre Residue Tract, for an interior ell corner of this tract;  
 N 87°26'31" E - 1807.17 feet to a found 3/4" iron pipe at the northwest corner of a 10.21 Acre tract conveyed to Wayne Hardin, et ux in Volume 300, Page 580, for the common northeast corner of the said 476.834 Acre residue tract and of this tract;

**THENCE** along the common line between the said 476.834 Acre residue tract, the east line of the said Block E (Lots 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3 and 2 respectively) of the said Oakridge Park Section 1 and the said 10.21 Acre tract and the west Right-of-Way line of a public roadway dedicated by plat of the said Oakridge Park, Section 1, at Kinnicnik and the west Right-of-Way line of Kinnicnik Loop (County Road), respectively for the following courses and distances:

S 03°01'25" E - 730.94 feet to a set 5/8" iron rod at the northeast corner of the said Lot 17, Block E, for an interior ell corner of this tract;  
 S 03°02'35" E - 2403.51 feet to a found 3/4" iron pipe for an exterior ell corner of this tract;  
 S 02°56'02" E - 650.74 feet to a found 3/4" iron pipe at the intersection of the said Kinnicnik Loop and a Public Roadway (Not Open) Dedicated by the plat of the said Oakridge Park, Section 1 at Kinnicnik, at the common southeast corner of the said Lot 2 and Block E, for the most northerly southeast corner of this tract;

**THENCE** along the common line between the said 476.834 Acre residue tract and the said Public Roadway of the said Oakridge Park, Section 1 for the following courses and distances:

N 23°02'02" W - 167.43 feet to a point for an exterior ell corner of this tract;  
 Along the arc of a curve to the right having a delta angle of 13°35'00", an arc distance of 110.27 feet, a radius of 465.13 feet, and a chord of N 16°14'32" W - 110.01 feet to a point for an exterior ell corner of this tract;  
 N 09°27'02" W - 167.34 feet to a point for an interior ell corner of this tract;  
 Along the arc of a curve to the left having a delta angle of 34°26'00", an arc distance of 120.38 feet, a radius of 200.30 feet, and a chord of N 26°40'02" W - 118.57 feet to a point for an interior ell corner of this tract;  
 N 43°53'02" W - 133.87 feet to a point for an interior ell corner of this tract;  
 Along the arc of a curve to the left having a delta angle of 22°48'00", an arc distance of 90.78 feet, a radius of 228.13 feet, and a chord of N 55°17'02" W - 90.18 feet to a point for an interior ell corner of this tract;  
 N 66°41'02" W - 105.21 feet to a point for an interior ell corner of this tract;  
 Along the arc of a curve to the left having a delta angle of 30°35'04", an arc distance of 163.91 feet, a radius of 307.06 feet, and a chord of N 81°58'02" W - 161.97 feet to a point for an interior ell corner of this tract;  
 Along the arc of a curve to the left having a delta angle of 42°11'07", an arc distance of 185.49 feet, a radius of 251.93 feet, and a chord of S 61°38'31" W - 181.33 feet to a point for an interior ell corner of this tract;  
 S 40°32'58" W - 73.93 feet to a point for an exterior ell corner of this tract;  
 Along the arc of a curve to the right having a delta angle of 38°13'59", an arc distance of 130.51 feet, a radius of 195.58 feet, and a chord of S 59°39'58" W - 128.10 feet to a point for an exterior ell corner of this tract;  
 Along the arc of a curve to the right having a delta angle of 34°06'00", an arc distance of 70.19 feet, a radius of 117.93 feet, and a chord of N 84°10'02" W - 69.16 feet to a point for an exterior ell corner of this tract;  
 N 67°07'02" W - 83.65 feet to a set 5/8" iron rod for an exterior ell corner of this tract;  
 S 56°38'36" W - 60.63 feet to a set 5/8" iron rod at the southeast corner of the said Lot 4, Block G, the northeast corner of the said Lot 3, Block G, for an interior ell corner of this tract;  
 S 14°38'02" E - 444.08 feet to a found 1/2" iron pipe at the southeast corner of the said Lot 2, Block G, the northeast corner of Lot 1, Block G of the said Oakridge Park, Section 1, At Kinnicini, for an exterior ell corner of this tract;

**THENCE** S 75°20'10" W - 225.19 feet along the common line between the said 476.834 Acre residue tract (Lot 2, Block G) and the said Lot 1, Block G to a found 1/2" iron pipe at the southwest corner of the said Lot 2, Block G, northwest corner of the said Lot 1, Block G, for an interior ell corner of this tract;

**THENCE** along the common line between the said 476.834 Acre residue tract and the said Lot 1, Block G and the said Lots 1-3, Block K of the said Oakridge Park, Section 3, at Kinnicini respectively for the following courses and distances:

S 15°14'29" E - 639.66 feet to a found 1/2" iron pipe for an exterior ell corner of this tract;  
 S 01°29'41" W - 155.22 feet to a found 3/4" iron pipe at the southwest corner of the said Lot 3, Block K, at the northwest corner of the said Lot 4, Block K, for an interior ell corner of this tract;

**THENCE** S 85°17'22" E - 215.82 feet along the common line between the said Lot 3, Block K and the said 476.834 Acre tract (Lot 4, Block K) to a found 1/2" iron pipe on the west line of the said Public Roadway, at the southeast corner of the said Lot 3, Block K, the northeast corner of the said Lot 4, Block K, for an exterior ell corner of this tract;

**THENCE** along the common line between the said Public Roadway and the said Lot 4, Block K, the said 476.834 Acre tract and the said Lots 1-3, Block M of the said Oakridge Park, Section 3, at Kinnicini respectively for the following courses and distances:

S 01°42'21" E - 126.85 feet to a set 5/8" iron rod for an exterior ell corner of this tract;  
 S 32°47'27" W - 50.16 feet to a set 5/8" iron rod for an interior ell corner of this tract;  
 S 54°39'52" E - 280.08 feet to a point for an interior ell corner of this tract  
 S 55°04'51" E - 350.21 feet to a found 1" iron pipe for an exterior ell corner of this tract;

S 35°09'04" E - 35.77 feet to a found "X" cut in concrete on the north Right-of-Way line of F.M. Highway No. 1826, at the southeast corner of the said Lot 3, Block M, for the most southerly southeast corner of this tract;

*THENCE* S 58°11'07" W - 478.47 feet along the common line between the said F.M. Highway 1826 and the said 476.834 Acre residue tract to a set 5/8" iron rod at the southeast corner of a Public Roadway dedicated by Plat of the said Oakridge Park, Section 4 at Kinnicinic, for an exterior ell corner of this tract;

*THENCE* along the common line between the said 476.834 Acre residue tract and the said Public Roadway for the following courses and distances:

N 42°29'22" W - 309.43 feet to a found 1/2" iron pipe for an interior ell corner of this tract;  
 S 56°06'32" W - 60.68 feet to a found 1/2" iron pipe for an interior ell corner of this tract;  
 S 42°29'22" E - 307.20 feet to a set 5/8" iron rod on the said north Right-of-Way line of F.M. Highway 1826, at the southwest corner of the said Public Roadway, for an exterior ell corner of this tract;

*THENCE* S 68°26'57" W - 187.65 feet continuing along the said common line between F.M. Highway 1826 and the said 476.834 Acre residue tract to a set 5/8" iron rod at the intersection of the east line of the Driftwood Firehouse Subdivision recorded in Volume 11, Page 46 of the said Plat Records of Hays County, Texas conveyed to the Driftwood Volunteer Fire Department in Volume 2192, Page 757 and the said north Right-of-Way line of F.M. Highway No. 1826, for an exterior ell corner of this tract;

*THENCE* entering the said 476.834 Acre residue tract, along the east, north and west lines of the said Driftwood Firehouse Subdivision respectively for the following courses and distances:

N 08°10'51" W - 225.06 feet to a found 5/8" iron rod for an interior ell corner of this tract;  
 S 81°53'09" W - 330.28 feet to a found 5/8" iron rod for an interior ell corner of this tract;  
 S 04°17'06" W - 305.81 feet to a found 8" cedar fence corner post at the intersection of the said west line of the Driftwood Firehouse Subdivision and the said north Right-of-Way line of F.M. Highway 1826, for an exterior ell corner of this tract;

*THENCE* along the common line between the said 476.834 Acre tract and the said F.M. Highway 1826 for the following courses and distances:

S 81°55'36" W - 7.47 feet to a found 5/8" iron rod for an interior ell corner of this tract;  
 Along the arc of a curve to the left having a delta angle of 21°55'00", an arc distance of 563.22 feet, a radius of 1472.40 feet, and a chord of S 70°58'07" W - 559.79 feet to a set 5/8" iron rod for an interior ell corner of this tract;  
 S 59°59'47" W - 4.20 feet to a set 5/8" iron rod on the east Right-of-Way line of Green Hills Loop (County Road), for the common most easterly southwest corner of the said 476.834 Acre residue tract and of this tract;

*THENCE* N 12°49'23" W - 209.45 feet along the west line of the said 476.834 Acre residue tract, crossing the said Green Hills Loop to a set 5/8" iron rod for an exterior ell corner of this tract;

*THENCE* N 09°21'14" W - 235.00 feet continuing along the said west line of the said 476.834 Acre residue tract, re-crossing the said Green Hills Loop to a set 5/8" iron rod on the fenced north Right-of-Way line of Green hills Loop, for an interior ell corner of this tract;

*THENCE* N 61°53'23" W - 70.66 feet along the common line between the said 476.834 Acre residue tract and the said Green Hills Loop to a set 5/8" iron rod at the southeast corner of the said 60.3 Acre tract conveyed to Harold Gene Patterson in Volume 261, Page 010, for an exterior ell corner of this tract;

*THENCE* along the common line between the said 476.834 Acre residue tract and the said 60.3 Acre tract for the following courses and distances:

N 24°54'08" W - 1527.81 feet to a found 5/8" iron rod for an interior ell corner of this tract;  
 S 68°47'57" W - 2093.81 feet to a found 3/4" iron pipe at the southeast corner of Fieldstone (Subdivision) as shown in Volume 2, Page 213 of the said Plat Records for the common most westerly southwest corner of the said 476.834 Acre tract and of this tract;

**THENCE** along the common line between the said 476.834 Acre residue tract and the said Fieldstone for the following courses and distances:

- N 38°04'03" E - 256.98 feet to a found 3/4" iron pipe for an interior ell corner of this tract;
- N 01°23'42" W - 2425.63 feet to a found 1" iron pipe for an interior ell corner of this tract;
- N 69°17'14" W - 313.03 feet to a set 5/8" iron rod on the common line between the said Moore Survey and the Fanny D. Darden Survey, A-664, for an exterior ell corner of this tract;

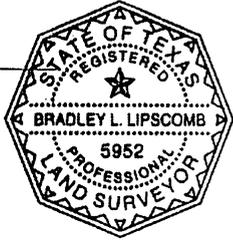
**THENCE** N 2°09'00" W - 1906.25 feet along the common line between the said Moore Survey and the said Darden and Pier Surveys respectively, the common line between the said 476.834 Acre residue tract and the said Fieldstone and the said 117.74 Acre tract to the **POINT OF BEGINNING** containing within these metes and bounds 461.825 Acres of land of which 0.255 Acres lies within the said Green Hills Loop.

Bearings are based on the Texas State Plane Coordinate System of 1983, Texas Central Zone.

I, Bradley L. Lipscomb, Registered Professional Land Surveyor No. 5952 in the State of Texas, do hereby certify that this survey was performed on the ground under my supervision and that the field notes hereon are true and correct to the best of my knowledge.

Given under my hand and seal this 3<sup>rd</sup> day of July, 2007.

  
Bradley L. Lipscomb RPLS



In Re: 11.686 Acres  
Being all of a 11.686 Acre tract  
Lamar Moore Survey  
Abstract No. 323  
Seaborn J. Whatley Survey  
Abstract No. 18  
Hays County, Texas



All that certain tract or parcel of land situated in Hays County, Texas, being out of the Lamar Moore Survey, Abstract No. 323, Seaborn J. Whatley Survey, Abstract No. 18, being all of Lots 1-9, Block H of Oakridge Park, Section 2, at Kinnicnik and Resubdivision of a Portion of Oakridge Park, Section 1, at Kinnicnik recorded in Volume 189, Page 441 of the Deed Records of Hays County, Texas, all of which being contained within an 11.686 Acre tract (Parcel 2) (Undivided 1/2 Interest) conveyed from Bill R. Hall, Independent Executor of the Estate of Martha J. Parten, Deceased to Bill R. Hall, Trustee of the Martha J. Parten Trust by deed dated March 11, 2003 recorded in Volume 2175, Page 669 of the Official Records of Hays County, Texas and all of an 11.686 Acre tract (Parcel 2) (Undivided 1/2 Interest) conveyed from Bill R. Hall, Independent Executor of the Estate of Ben L. Parten, Jr. to Bill R. Hall, Trustee of the B. L. Parten, Jr. Trust by deed dated March 11, 2003 recorded in Volume 2175, Page 683 of the said Official Records of Hays County, Texas and being more particularly described by metes and bounds as follows to wit:

**BEGINNING** at a found 3/4" iron pipe at an interior ell corner of a Public Roadway dedicated by the said plat, at the common northwest corner of the said Lot 5, the said Block H, the said 11.686 Acre tract and of this tract;

**THENCE** along the common line between the said Public Roadway and the said Block H, the said 11.686 Acre tract for the following courses and distances:

S 67°07'02" E - 34.33 feet to a point for an interior ell corner of this tract;

Along the arc of a curve to the left having a delta angle of 34°06'00", an arc distance of 105.90 feet, a radius of 177.93 feet, and a chord of S 84°10'02" E - 104.34 feet to a point for an interior ell corner of this tract;

Along the arc of a curve to the left having a delta angle of 38°13'59", an arc distance of 170.55 feet, a radius of 255.58 feet, and a chord of N 59°39'58" E - 167.40 feet to a point for an interior ell corner of this tract;

N 40°32'58" E - 73.93 feet to a point for an exterior ell corner of this tract;

Along the arc of a curve to the right having a delta angle of 42°11'00", an arc distance of 141.31 feet, a radius of 191.93 feet, and a chord of N 61°38'28" E - 138.14 feet to a point for an exterior ell corner of this tract;

Along the arc of a curve to the right having a delta angle of 30°35'04", an arc distance of 131.88 feet, a radius of 247.06 feet, and a chord of S 81°58'02" E - 130.32 feet to a point for an exterior ell corner of this tract;

S 66°41'02" E - 105.22 feet to a point for an exterior ell corner of this tract;

Along the arc of a curve to the right having a delta angle of 22°48'00", an arc distance of 66.90 feet, a radius of 168.13 feet, and a chord of S 55°17'02" E - 66.46 feet to a point for an exterior ell corner of this tract;

S 43°53'02" E - 133.87 feet to a point for an exterior ell corner of this tract;

Along the arc of a curve to the right having a delta angle of 34°26'00", an arc distance of 84.32 feet, a radius of 140.30 feet, and a chord of S 26°40'02" E - 83.05 feet to a point for an exterior ell corner of this tract;

S 9°27'02" E - 167.34 feet to a point for an interior ell corner of this tract;

Along the arc of a curve to the left having a delta angle of 13°35'00", an arc distance of 124.49 feet, a radius of 525.13 feet, and a chord of S 16°14'32" E - 124.20 feet to a point for an interior ell corner of this tract;

S 23°02'02" E - 331.39 feet to a found 1/2" iron pipe at the intersection of the south Right-of-Way line of the said Public Roadway and the west Right-of-Way line of Kinnicnik Loop

(County Road), for the common northeast corner of the said Lot 9, Block H, the said 11.686 Acre tract and of this tract;

**THENCE** S 02°56'02" E - 331.45 feet along the common line between the said Lots 9 and 1 respectively, the said Block H, the said 11.686 Acre tract and the said Kinnicnik Loop to a found 1/2" iron pipe at the intersection of the said west Right-of-Way line of Kinnicnik Loop and the

north Right-of-Way line of a Public Roadway dedicated by the said plat, for the common southeast corner of the said Lot 1, Block H, the said 11.686 Acre tract and of this tract;

*THENCE* along the common line between the said Public Roadway and the said Lots 1-4 respectively, the said Block H, the said 11.686 Acre tract for the following courses and distances:

- N 46°21'02" W - 250.22 feet to a point for an interior ell corner of this tract;
- N 75°09'02" W - 100.36 feet to a point for an exterior ell corner of this tract;
- Along the arc of a curve to the right having a delta angle of 62°56'00", an arc distance of 46.55 feet, a radius of 42.38 feet, and a chord of N 43°41'02" W - 44.24 feet to a point for an exterior ell corner of this tract;
- N 12°13'02" W - 129.50 feet to a point for an interior ell corner of this tract;
- N 24°16'02" W - 188.93 feet to a point for an interior ell corner of this tract;
- Along the arc of a curve to the left having a delta angle of 26°58'17", an arc distance of 184.20 feet, a radius of 391.30 feet, and a chord of N 37°46'04" W - 182.50 feet to a point for an interior ell corner of this tract;
- Along the arc of a curve to the left having a delta angle of 56°18'00", an arc distance of 180.62 feet, a radius of 183.81 feet, and a chord of N 79°23'02" W - 173.44 feet to a point for an interior ell corner of this tract;
- S 72°27'58" W - 173.49 feet to a point for an exterior ell corner of this tract;
- N 88°23'02" W - 116.10 feet to a found 1/2" iron pipe at the intersection of the said north Right-of-Way line of the said Public Roadway and the east Right-of-Way line of the above said Public Roadway, for the common southwest corner of the said Lot 4, Block H, the said 11.686 Acre tract and of this tract;

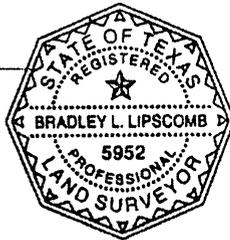
*THENCE* N 14°38'02" W - 361.60 feet along the common line between the said Lots 4 and 5 respectively, the said Block H, the said 11.686 Acre tract and the said Public Roadway to the POINT OF BEGINNING containing within these metes and bounds 11.686 Acres of land.

Bearings are based on the Texas State Plane Coordinate System of 1983, Texas Central Zone.

I, Bradley L. Lipscomb, Registered Professional Land Surveyor No. 5952 in the State of Texas, do hereby certify that this survey was performed on the ground under my supervision and that the field notes hereon are true and correct to the best of my knowledge.

Given under my hand and seal this 3<sup>rd</sup> day of July, 2007.

Bradley L. Lipscomb RPLS



In Re: 45.961 Acres  
 Being all of a 45.961 Acre tract  
 Lamar Moore Survey  
 Abstract No. 323  
 Hays County, Texas



All that certain tract or parcel of land situated in Hays County, Texas, being out of the Lamar Moore Survey, Abstract No. 323, being all of Lots 1 and 2 Block D of Oakridge Park, Section 1, at Kinnicinic recorded in Volume 182, Page 004 of the Deed Records of Hays County, Texas and being all of Lots 3A, 4A, 4B, 5A, 5B, 6A, 6B, 7, 8, 9, & 10, Block D of Oakridge Park, Section 2, At Kinnicinic and Resubdivision of a Portion of Oakridge Park, Section 1, at Kinnicinic recorded in Volume 189, Page 441 of the Deed Records of Hays County, Texas, all of which being contained within a 45.961 Acre tract (Parcel 3) (Undivided ½ Interest) conveyed from Bill R. Hall, Independent Executor of the Estate of Martha J. Parten, Deceased to Bill R. Hall, Trustee of the Martha J. Paten Trust by deed dated March 11, 2003 recorded in Volume 2175, Page 669 of the Official Records of Hays County, Texas and all of an 45.961 Acre tract (Parcel 3) (Undivided ½ Interest) conveyed from Bill R. Hall, Independent Executor of the Estate of Ben L. Parten, Jr. to Bill R. Hall, Trustee of the B. L. Parten, Jr. Trust by deed dated March 11, 2003 recorded in Volume 2175, Page 683 of the said Official Records of Hays County, Texas and being more particularly described by metes and bounds as follows to wit:

**BEGINNING** at a found 1/2" iron rod on the south line of a called 10.21 Acre tract conveyed to Wayne Hardin, et ux in Volume 300, Page 580, at the northeast corner of a public roadway dedicated by plat of the said Oakridge Park, Section 1 at Kinnicinic, for the northwest corner of this tract;

***THENCE*** along the common line between the said 45.961 Acre tract and the said 10.21 Acre tract and Lot 14 of the Whispering Oaks Subdivision – Phase II for the following courses and distances:

N 86°58'59" E - 789.61 feet to a found 3/4" iron pipe for an exterior ell corner of this tract;  
 S 03°01'01" E - 60.00 feet to a found 60D nail in the top of a fence corner post on the north line of the said Lot 10, for an interior ell corner of this tract;

N 86°58'59" E - 186.26 feet to a found 1/2" iron rod at the northwest corner of Lot 13 of the said Whispering Oaks Subdivision – Phase II, for the common northeast corner of the said Lot 10, Block D, the said 45.961 Acre tract and of this tract;

***THENCE*** S 02°02'10" E - 2412.14 feet along the common line between the said Lots 10, 9, 8, 7, 6B, 5B, 4B, 2, and 1 respectively, the said Block D (the said 45.961 Acre tract) and the said Lot 13 (Whispering Oaks Subdivision – Phase II), a called 23.055 Acre tract conveyed to Barbara N. Poth in Volume 913, Page 520 and Lots 8, 7, 6, 5, 4, and 3 respectively of the Fox Run Estates to a set 5/8" iron rod on the common line between the said Moore Survey and the Seaborn J. Whatley Survey, A-18, at the northeast corner of a Public Roadway dedicated by the said plat of Oakridge Park, Section 1, At Kinnicinic, for the common southeast corner of the said Lot 1, Block D (the said 45.961 acre tract) and of this tract;

***THENCE*** S 87°27'38" W - 278.69 feet along the common line between the said Moore and

Whatley Surveys, the common line between the said Lot 1, Block D (the said 45.961 Acre tract) and the said Public Roadway to a set 5/8" iron rod at the intersection of the north Right-of-Way line of the said Public Roadway and the east Right-of-Way line of another public Roadway dedicated by said Plat of Oakridge Park, Section 1, at Kinnicink, at the northeast corner of the existing Right-of-Way of Kinnicink Loop (County Road) at the southwest corner of the said Lot 1, for the common most southerly southwest corner of the said Block D, the said 45.961 Acre tract and of this tract;

**THENCE** along the common line between the said Lots 1, 2, a platted roadway (previously closed) and Lot 3A respectively, the said Block D, the said 45.961 Acre tract and the said Public Roadway for the following courses and distances:

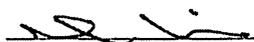
- N 02°01'31" W - 340.60 feet to a found 3/4" iron pipe at the northwest corner of the said Lot 1, the south corner of the said Lot 2, for an interior ell corner of this tract;
- N 39°53'26" W - 255.83 feet to a set 5/8" iron rod at the southwest corner of the said Lot 2, the southeast corner of the said closed roadway, for an interior ell corner of this tract;
- S 88°43'29" W - 60.78 feet to a found 3/4" iron pipe at the southwest corner of the said closed roadway, the southeast corner of the said Lot 3A, for an exterior ell corner of this tract;
- N 89°42'14" W - 125.81 feet to a found 3/4" iron pipe for an interior ell corner of this tract;
- S 86°25'24" W - 321.95 feet to a found 3/8" iron rod at the intersection of the north Right-of-Way line of the said Public Roadway and the east Right-of-Way line of a public roadway, at the southwest corner of the said Lot 3A, for the common most northerly southwest corner of the said Block D, the said 45.961 Acre tract and of this tract;

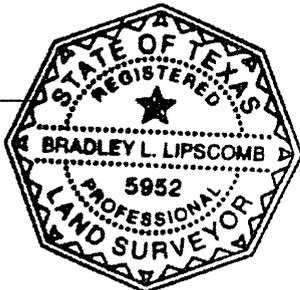
**THENCE** N 03°01'01" W - 1918.29 feet along the common line between the said Lots 3A, 4A, 5A, 6A, 7, 8, 9 and 10 respectively, the said Block D, the said 45.961 Acre tract and the said Public Roadway to the POINT OF BEGINNING containing within these metes and bound 45.961 Acres of land.

Bearings are based on the Texas State Plane Coordinate System of 1983, Texas Central Zone.

I, Bradley L. Lipscomb, Registered Professional Land Surveyor No. 5952 in the State of Texas, do hereby certify that this survey was performed on the ground under my supervision and that the field notes hereon are true and correct to the best of my knowledge.

Given under my hand and seal this 3<sup>rd</sup> day of July, 2007.

  
Bradley L. Lipscomb RPLS



In Re: 6.522 Acres  
Being all of a 6.522 Acre tract  
Seaborn J. Whatley Survey  
Abstract No. 18  
Hays County, Texas



All that certain tract or parcel of land situated in Hays County, Texas, being out of the Seaborn J. Whatley Survey, Abstract No. 18, being all of Lots 1, 2 and 3 Block A of Oakridge Park, Section 1, At Kinnicinik recorded in Volume 182, Page 004 of the Deed Records of Hays County, Texas, all of which being contained within a 6.522 Acre tract (Parcel 4) (Undivided 1/2 Interest) conveyed from Bill R. Hall, Independent Executor of the Estate of Martha J. Parten, Deceased to Bill R. Hall, Trustee of the Martha J. Paten Trust by deed dated March 11, 2003 recorded in Volume 2175, Page 669 of the Official Records of Hays County, Texas and all of a 6.522 Acre tract (Parcel 4) (Undivided 1/2 Interest) conveyed from Bill R. Hall, Independent Executor of the Estate of Ben L. Parten, Jr. to Bill R. Hall, Trustee of the B. L. Parten, Jr. Trust by deed dated March 11, 2003 recorded in Volume 2175, Page 683 of the said Official Records of Hays County, Texas and being more particularly described by metes and bounds as follows to wit:

**BEGINNING** at a set 5/8" iron rod at the intersection of the south Right-of-Way line of a public roadway dedicated by the said plat and the east Right-of-Way line of Kinnicinik Loop (County Road), for the common northwest corner of the said Lot 3, Block A, the said 6.522 Acre tract and of this tract;

**THENCE** N 87° 27'38" E - 278.70 feet along the common line between the said public roadway and the said Lot 3, Block A (the said 6.522 Acre tract) to a set 5/8" iron rod on the west line of Lot 3 of the Fox Run Estates, at the southeast corner of the said Public Roadway, for the common northeast corner of the said Lot 3, Block A, the 6.522 Acre tract and of this tract;

**THENCE** S 02° 02'10" E - 899.99 feet along the common line between the said Lots 3, 2 and 1 respectively of the Fox Run Estates and the said Lots 3, 2 and 1 respectively of the said Block A (the said 6.522 Acre tract) to a found 3/4" iron pipe on the north Right-of-Way line of F.M. Highway 1826, at the southwest corner of the said Lot 1 of the Fox Run Estates, for the common southeast corner of the said Lot 1, Block A, the 6.522 Acre tract and of this tract;

**THENCE** S 47° 11'37" W - 368.27 feet along the common line between the said F.M. Highway 1826 and the said Lot 1, Block A (the said 6.522 Acre tract) to a point at the most easterly southeast corner of the said Kinnicinik Loop, for the common southwest corner of the said Lot 1, Block A, the 6.522 Acre tract and of this tract from which a found 1/2" iron rod for reference bears: N 47°11'37" E - 1.64 feet;

**THENCE** N 02° 01'31" W - 1138.04 feet along the common line between the said Lots 1-3, Block A (the said 6.522 Acre tract) respectively and the said Kinnicinik Loop to the **POINT OF BEGINNING** containing within these metes and bounds 6.522 Acres of land.

Bearings are based on the Texas State Plane Coordinate System of 1983, Texas Central Zone.

I, Bradley L. Lipscomb, Registered Professional Land Surveyor No. 5952 in the State of Texas, do hereby certify that this survey was performed on the ground under my supervision and that the field notes hereon are true and correct to the best of my knowledge.

Given under my hand and seal this 3<sup>rd</sup> day of July, 2007.

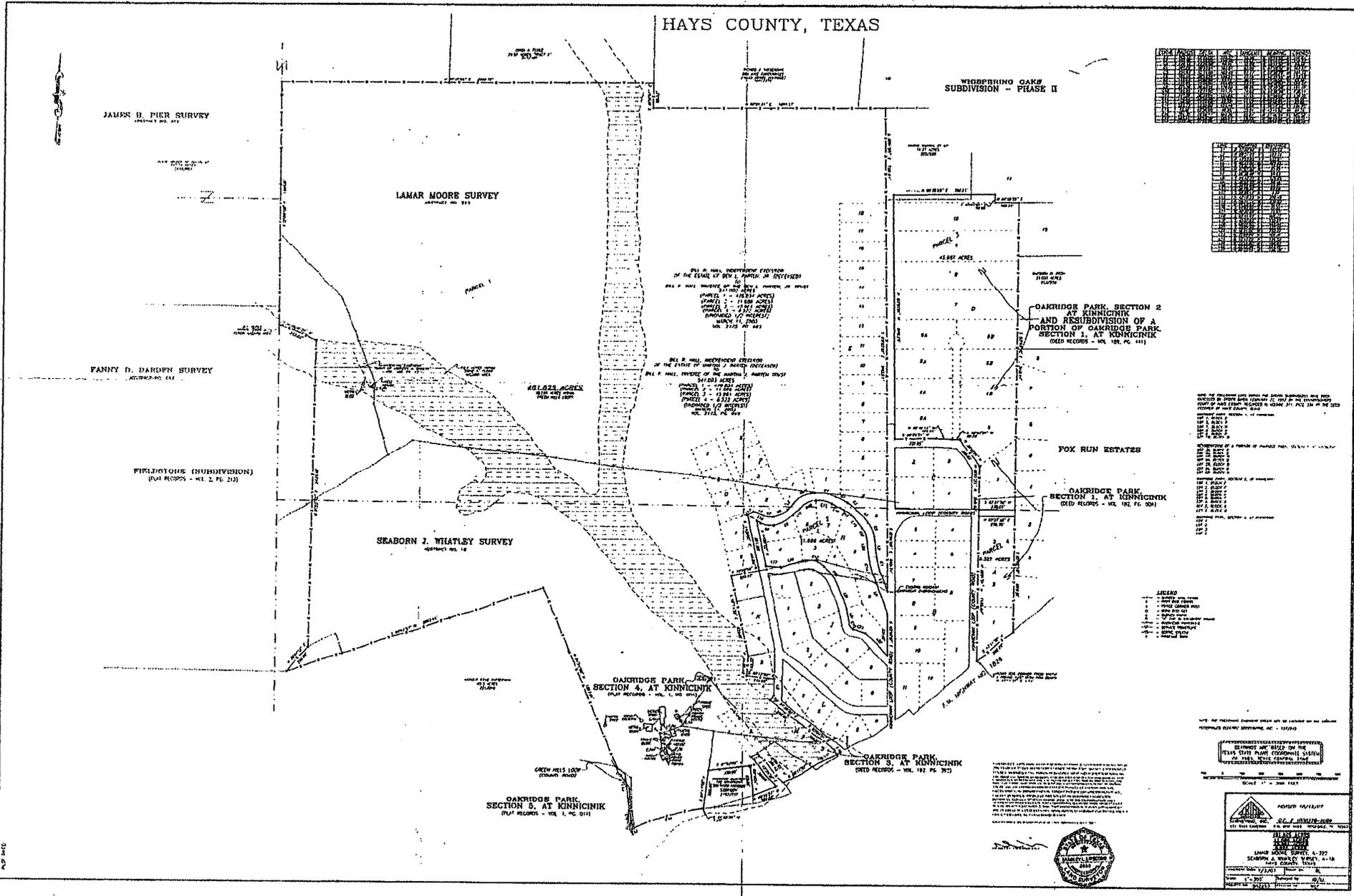
\_\_\_\_\_  
Bradley L. Lipscomb RPLS



**Exhibit B**  
**[Map Showing the Land]**

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HAYS COUNTY, TEXAS



### **Exhibit C Wastewater Specifications**

If the District seeks a TPDES permit application and constructs its own wastewater plant, it shall provide for disposal via subsurface irrigation, and contain proposed permit conditions that comply with all applicable TCEQ statutes that shall include Texas Administrative Code Chapters 210, 305, 307, 309, 312, 317 and 319. Among other requirements, the permit application shall include the following standards and specifications:

#### **A. Effluent Limitations, Treatment and Storage**

1. Effluent limitations shall be based on a daily average of 5 mg/l CBOD<sub>5</sub>, 5 mg/l TSS, and a pH of not be less than 6.0 standard units nor greater than 9.0 standard units.
2. Treated effluent shall be applied to rangeland consisting of native grasses and trees. The permitted application rate shall be determined by the TCEQ and approved by the City.
3. Treated effluent shall be chlorinated in a chlorine contact chamber to a residual of 1.0 mg/l with a minimum detention time of 20 minutes based on peak flow. Effluent transferred to a holding pond or tank shall be re-chlorinated as needed prior to delivery into the irrigation system. A trace chlorine residual shall be maintained in the effluent at the point of irrigation application.
4. Any holding ponds or tanks shall be double-lined with a leak detection system. The permitted volume shall be determined by the TCEQ and approved by the City.
5. The permit application shall provide for a total average daily treatment capacity of up to that necessary to serve the un-served areas of the District, in one or more phases.

#### **B. Siting, Operation and Management**

1. The siting of any treatment, storage and disposal facilities shall meet the applicable site characteristics and location requirements of the TCEQ, as set forth in 30 Tex. Admin Code part 309.
2. The permit shall provide for an operations building to protect and secure maintenance supplies and equipment; computers and other essential record-keeping items; and pumps and plant machinery.
3. The plant will be required to have an automated "Supervisory Control and Data Acquisition ("SCADA") system to monitor flows, provide for automatic emergency shut down, to provide alarm notification for certain system conditions. and perform other operational and safety functions and data gathering.

#### **C. Sludge Use, Disposal and Transportation**

1. Sludge shall be used, disposed and transported in compliance with the applicable requirements of 30 TAC Chapter 312, regarding Sludge Use, Disposal and Transportation.

2. Sludge may be disposed at a TCEQ authorized land application site, or co-disposal landfill. In addition, subject to the applicable authorizations, sludge may be hauled by a registered transporter to City of Austin Wastewater Treatment Facility, Permit No. 10543-001 to be digested, dewatered and then disposed of with the bulk of the sludge from the plant accepting the sludge.
3. Onsite sludge disposal shall not be permitted.

**Exhibit D**  
**Probate Court Orders**  
**[38 folowing pages]**

**Ilyse Lerner**

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**From:** fast@etitledocs.com on behalf of mmgonzales@firstam.com  
**Sent:** Tuesday, July 31, 2007 2:20 PM  
**To:** Ilyse Lerner  
**Cc:** mmgonzales@firstam.com  
**Subject:** Vesting Deeds (Email Ref=497457656)



Deed Chain.TIF (1 MB)

RE: GF# 1030378 copy of vesting deeds per your request.

File No.: 1030378 AU80

Buyer: Hanne/Magee L.P#1, a Texas limited partnership BY: Hanna/Magee GP #1, Inc. a Texas corporation, its general partner

Seller: Bill R. Hall, Trustee of the Ben L. Parten, Jr. Trust and the Martha J. Parten Trust

Property Address: 541 Acres on Highway 1826, TX

Michele Gonzales  
Escrow Assistant  
First American Title Insurance Company  
Phone: 512-263-0542  
Fax: 866-766-2816

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DISTRIBUTION DEED

STATE OF TEXAS           §  
                                  §   KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF HAYS         §

Bill R. Hall, Independent Executor of the Estate of Ben L. Parten, Jr., Deceased (the "Estate") owns an undivided one-half (1/2) interest in the land described in Paragraph (a) below. This undivided 1/2 interest is called in this Distribution Deed the "interest owned by the Estate."

The Independent Executor of the Estate is in the process of distributing the assets of the Estate pursuant to the Last Will and Testament of Ben L. Parten, Jr. which was admitted to probate in Cause No. 8855-P in the County Court of Hays County, Texas.

It is the intention of Bill R. Hall, Independent Executor of the Estate ("Grantor") to distribute the interest owned by the Estate to the Grantee named in this Distribution Deed.

NOW, THEREFORE, I, Bill R. Hall, Independent Executor of the Estate of Ben L. Parten, Jr., Deceased, of Travis County, Texas, have GIVEN, GRANTED and CONFIRMED, and by these presents do GIVE, GRANT, and CONFIRM, subject to the exceptions hereinafter made, unto Bill R. Hall, Trustee of the Ben L. Parten, Jr. Trust created under the Will of Ben L. Parten, Jr. (who together with his assigns are called "Grantee") the interest owned by the Estate in the following described property:

- (a) Land. The certain tract of land being 541.003 acres, more or less, located in Hays County, Texas, and more particularly described in Exhibit A ("Land"); together with
- (b) Rights and Appurtenances. The benefits, privileges, easements, tenements, hereditaments and appurtenances thereon or in anywise appertaining thereto, and any and all right, title and interest in and to adjacent roads, and rights-of-way (the "Rights and Appurtenances"); and together with
- (c) Improvements. Any improvements located on Land (the "Improvements").

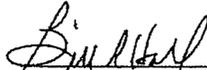
This conveyance is made and accepted, however, subject to the following:

- (a) All restrictive covenants, easements, liens, and interests outstanding in others relating to Land and shown of public record in the office of the County Clerk of Hays County, Texas, but only to the extent they remain in force and in effect.
- (b) All laws, ordinances and regulations relating to Land.
- (c) The liens for all governmental assessments and ad valorem taxes for the year 2003 and all subsequent years; the payment of which are hereby assumed by Grantee.
- (d) Grantor conveys Land and Grantee accepts the same "AS IS."

TO HAVE AND TO HOLD the above-described property, together with all and singular the right, improvements, rents and appurtenances thereunto in anywise belonging, subject to the exceptions hereinabove made, unto the Grantee, and to his assigns forever.

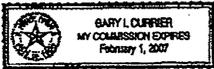
DATED this 11<sup>th</sup> day of March, 2003.

GRANTOR:

  
 Bill R. Hall Independent Executor of the  
 Estate of Ben L. Parten, Jr., Deceased.

STATE OF TEXAS                   §  
   §  
 COUNTY OF WILLIAMSON       §

This instrument was acknowledged before me on the 11<sup>th</sup> day of March, 2003, by Bill R. Hall, Independent Executor of the Estate of Ben L. Parten, Jr., Deceased.



  
 NOTARY PUBLIC, State of Texas

GRANTEE'S ADDRESS:

308 Pintail  
Taylor, Texas 76574

AFTER RECORDING RETURN TO:

Mueller, Vacek & Kiecke, L.L.P.  
P.O. Box 1845  
Austin, TX 78767

EXHIBIT A



In Re: Total - 541.003 Acres  
(Parcel 1 - 476.834 Acres)  
(Parcel 2 - 11.686 Acres)  
(Parcel 3 - 45.961 Acres)  
(Parcel 4 - 6.522 Acres)  
Seaborn J. Whatley Survey, A-18  
Lamar Moore Survey, A-323  
Hays County, Texas

All that certain tract or parcel of land situated in Hays County, Texas and being part of the Seaborn J. Whatley Survey, Abstract No. 18 and the Lamar Moore Survey, Abstract No. 323 and being the residue of a 640.42 acre tract as conveyed from Ben L. Parten Jr., Trustee to Ben Parten, Jr. et ux by Deed dated December 29, 1977 and being recorded in Volume 304, Page 854 of the Deed Records of said Hays County and being all of a 186.34 acre tract as conveyed from Thomas R. Sawyer to Ben L. Parten, Jr., et ux by Deed dated September 9, 1979 and being recorded in Volume 331, Page 396 of said Deed Records and also all of the following which are a part of the residue of above said 640.42 acre tract: Lots 1 thru 3, Block A, Lots 1, 2, 7 thru 10, Block D, Oakridge Park, Sec. 1, at Kinnicink recorded in Volume 182, Page 4 of said Deed Records; Lots 3A thru 6B, Block D, Lots 1 thru 18, Block E, Lots 1 thru 6, Block F and Lots 2 thru 6, Block G, Oakridge Park, Sec. 2, at Kinnicink and Resubdivision of Oakridge Park, Sec. 1, at Kinnicink recorded in Volume 189, Page 441 of said Deed Records; Lot 4, Block K and Lots 1 thru 3, Block M, Oakridge Park, Sec. 3, at Kinnicink recorded in Volume 192, Page 392 of said Deed Records and Lots 1 thru 4, Oakridge Park, Sec. 4, at Kinnicink recorded in Volume 1, Page 5 of the Plat Records of said Hays County and also the closing of Streets as conveyed from the Commissioner's Court of Hays County, Texas, to Ben L. Parten, Jr., et ux by "Tracts 1 thru 3" (closing of Streets adjacent to property owned by Parten) by Deed dated February 22, 1982 and being recorded in Volume 371, Page 336 of said Deed Records and being more particularly described by metes and bounds as follows, to wit:

BASIS OF BEARINGS: East line of Oakridge Park, Sec. 1, at Kinnicink being a plat bearing of S00°05'00"E.

PARCEL 1 - 476.834 ACRES

BEGINNING at an iron pin found at a fence corner post a common line between said Moore Survey and the James B. Pier Survey, Abstract No. 362 for an interior ell corner of the residue of a Norma Jean S. Cleveland and Thomas R. Sawyer 2039.21 acre tract (491/335) and for a common Northwest corner of said original 186.34 acre tract and of this tract;

THENCE with an occupied common line as fenced between said original 186.34 and 640.42 acre tracts, respectively and the residue of said Cleveland and Sawyer 2039.21 acre tract, the

residue of a Thomas J. Wissemann DBA Wise Enterprises 210.23 acre tract (1041/375), Tract 18 of Whispering Oaks - Phase II and a Wayne Hardin, et ux 10.21 acre tract (300/380), respectively, as follows:

- N89°35'09"E - 2882.77 feet to an iron pin found at a fence corner post on the West line of the residue of said Wissemann 210.23 acre tract for the Northeast corner of said original 186.34 acre tract and for the most westerly Northeast corner of this tract;
- S00°04'19"W - 197.53 feet to a an iron pin set at a 10" fence corner post for the Southwest corner of the residue of said Wissemann 210.23 acre tract, same being the Northwest corner of said original 640.42 acre tract and for an interior ell corner of this tract;
- N89°23'41"E - 1807.17 feet to a 3/4" iron pipe found at a fence corner post for the Northwest corner of said Hardin 10.21 acre tract, same being the most westerly Northeast corner of said original 640.42 acre tract and for the most easterly Northeast corner of this tract;

THENCE S01°04'15"E, with an occupied common line as fenced between said original 640.42 acre tract and said Hardin 10.21 acre tract, at 670.94 feet passing an iron pin set for the Southwest corner of said 10.21 acre tract, same being the Northwest corner of a platted Street (Oakridge Park, Sec. 1), continuing with the West line of said Street and entering said 640.42 acre tract for division for a total distance of 730.94 feet to a point for the Northeast corner of Lot 18, Block E and for an interior ell corner of this tract;

THENCE a common line between the East line of said platted Street and said Lots 18 thru 2, Block E, respectively, as follows:

- S01°05'25"E - 2403.51 feet to an iron pin found for the Southeast corner of said Lot 3, same being the Northeast corner of said Lot 2 and for an exterior ell corner of this tract;
- S00°58'52"E - 650.74 feet to an iron pin set at the intersection with the North line of a platted Street (Oakridge Park, Sec. 2) for the Southeast corner of said Lot and for the most northerly Southeast corner of this tract;

THENCE a common line between the North line of said platted Street and said Lots 2, 3 and 1, Block E, respectively, as follows:

- N21°04'52"W - 167.43 feet to a point for the point of curvature of a curve to the right and for an exterior ell corner of this tract;

With said curve to the right for an arc distance of 110.27 feet, said curve having a delta angle of 13°35'00", a radius of 465.13 feet and a chord of N14°17'22"W - 110.01 feet to a point for the point of tangency of said curve and for an exterior ell corner of this tract;

N07°29'52"W - 167.34 feet to a point for the point of curvature of a curve to the left and for an interior ell corner of this tract;

With said curve to the left for an arc distance of 120.38 feet, said curve having a delta angle of 34°26'00", a radius of 200.30 feet and a chord of N24°42'52"W - 118.57 feet to a point for the point of tangency of said curve and for an interior ell corner of this tract;

N41°55'52"W - 133.87 feet to a point for the point of curvature of a curve to the left and for an interior ell corner of this tract;

With said curve to the left for an arc distance of 90.78 feet, said curve having a delta angle of 22°48'00", a radius of 228.13 feet and a chord of N53°19'52"W - 90.18 feet to a point for the point of tangency of said curve and for an interior ell corner of this tract;

N64°43'52"W - 105.21 feet to a point for the point of curvature of a curve to the left and for an interior ell corner of this tract;

With said curve to the left for an arc distance of 163.91 feet, said curve having a delta angle of 30°35'04", a radius of 307.06 feet and a chord of N80°00'52"W - 161.97 feet to a point at the intersection with the East line of a closed Street (Tract 2 - 371/336) for the Southwest corner of said Lot 1 and for an interior ell corner of this tract;

THENCE S77°50'54"W - 60.00 feet continuing with the North line of said platted Street, same being the South line of said closed Street to a point for the Southeast corner of said Lot 1, Block F and for an interior ell corner of this tract;

THENCE a common line between the North line of said platted Street and said Lots 1 and 2, Block F respectively, as follows:

With said curve to the left for an arc distance of 125.35 feet, said curve having a delta angle of 28°30'26", a radius of 251.93 feet and a chord of S56°45'21"W - 124.06 feet to a point for the point of tangency of said curve and for an exterior ell corner of this tract;

S42°30'08"W - 73.93 feet to a point for the point of curvature of a curve to the right and for an exterior ell corner of this tract;

With said curve to the right for an arc distance of 130.51 feet, said curve having a delta angle of  $38^{\circ}13'59''$ , a radius of 195.58 feet and a chord of  $S61^{\circ}37'08''W - 128.10$  feet to a point for the point of compound curvature and for an exterior ell corner of this tract;  
With a curve to the right for an arc distance of 70.19 feet, said curve having a delta angle of  $34^{\circ}06'26''$ , a radius of 117.93 feet and a chord of  $N82^{\circ}12'52''W - 69.16$  feet to a point for the point of tangency of said curve and for an exterior ell corner of this tract;  
 $N55^{\circ}09'52''W - 83.65$  feet to a point at the intersection with the East line of a closed Street (Tract 2 - 371/336) for the Southwest corner of said Lot 2 and for an exterior ell corner of this tract;

- 3 -

THENCE  $S58^{\circ}35'46''W - 60.63$  feet with the South line of said closed Street to an iron pin set on the West line of said platted Street for the Southeast corner of said Lot 4, Block G, same being the Northeast corner of said Lot 3, Block G and for an interior ell corner of this tract;

THENCE  $S12^{\circ}40'52''E - 652.92$  feet with a common line between the West line of said platted Street and said Lots 3 and 2, Block G, respectively, to an iron pin found for the Southeast corner of said Lot 2, same being the Northeast corner of Lot 1, Block G and for an exterior ell corner of this tract;

THENCE  $S77^{\circ}10'03''W - 222.92$  feet with a common line between said Lots 2 and 1, Block G, respectively, to an iron pin found for the Southwest corner of said Lot 2, same being the Northwest corner of Lot 1 and for an interior ell corner of this tract;

THENCE with a common East line as fenced of Lots 1, Block G and Lots 1, 2 and 3, Block K, (Oakridge Park, Sec. 3), respectively, as follows:

$S13^{\circ}16'52''E - 430.34$  feet to an iron pin found for the Southwest corner of said Lot 2, same being the Northwest corner of said Lot 3 and for an interior ell corner of this tract;

$S03^{\circ}26'51''W - 155.22$  feet to an iron pin set for the Southwest corner of said Lot 3, same being the Northwest corner of said Lot 4, Block K and for an interior ell corner of this tract;

THENCE  $S83^{\circ}20'12''E - 215.82$  feet with a common line between said Lots 3 and 4, Block K to an iron pin set on the West line of a platted Street (Oakridge Park, Sec. 3) for the Southeast corner of said Lot 3, same being the Northeast corner of said Lot 4 and for an exterior ell corner of this tract;

- 4 -

THENCE with a common line between the West line of said platted street and said Lot 4, Block K, and said Lots 1 thru 3, Block M as follows:

- S00°14'49"W - 126.85 feet to an iron pin set for an exterior all corner of this tract;
- S34°44'37"W - 50.16 feet to an iron pin found for the Southeast corner of said Lot 4 and for an interior all corner of this tract;
- S52°42'42"E - 280.08 feet to a point for the Southeast corner of said Lot 1, same being the Northeast corner of Lot 2 and for an interior all corner of this tract;
- S53°07'41"E - 350.00 feet to an iron pin found for an exterior all corner of this tract;
- S33°18'41"E - 35.96 feet to an iron pin set on the North ROW of F. M. Highway No. 1826 for the most southerly Southeast corner of this tract;

THENCE S60°08'17"W - 478.48 feet with the North ROW of F. M. Highway No. 1826 to an iron pin set on the East line of a platted Street for an exterior all corner of this tract;

THENCE N40°32'12"W - 309.43 feet with the East line of said platted Street to an iron pin found at the intersection with the South line of a closed Street (Tract 3 - 371/336) and for an interior all corner of this tract;

THENCE S58°03'42"W - 60.68 feet with the South line of said closed Street to an iron pin set on the West line of said platted Street for an interior all corner of this tract;

THENCE S40°32'12"E - 307.20 feet with the West line of said platted Street to an iron pin set at the intersection with the North ROW of said F. M. Highway No. 1826 for an exterior all corner of this tract;

THENCE with the North ROW of said F. M. Highway No. 1826 as follows:

- S70°24'07"W - 504.07 feet to an iron pin set for an exterior all corner of this tract;
- S83°52'47"W - 95.31 feet to a point for the point of curvature of a curve to the left and for an interior all corner of this tract;
- With said curve to the left for an arc distance of 563.22 feet, said curve having a delta angle of 21°55'00", a radius of 1472.40 feet and a chord of S72°55'17"W - 559.79 feet to a point for the point of tangency of said curve and for an interior all corner of this tract;
- S61°56'58"W - 4.20 feet to an iron pin set on the East line of a Green Hills Loop (County Road) for the most easterly Southwest corner of this tract;

THENCE with the East line of said Green Hills Loop as follows:

N10°52'13"W - 209.45 feet to an iron pin set for an exterior ell corner of this tract;  
N07°24'04"W - 235.00 feet to an iron pin set for an interior ell corner of this tract;  
N59°56'13"W - 70.66 feet to an iron pin set in an occupied fence line prolongation for the Southeast corner of a Harold Gene Patterson 60.3 acre tract (261/010) and for an exterior ell corner of this tract;

THENCE N22°56'58"W - 1527.81 feet with the East line and occupied fence line prolongation of said Patterson 60.3 acre tract an iron pin found at a fence corner post for the Northeast corner of said 60.3 acre tract and for an interior ell corner of this tract;

THENCE S70°45'08"W - 2093.81 feet with the occupied North fence line of said Patterson 60.3 acre tract to an iron pin found at a fence corner post for the Southeast corner of Tract 6, Fieldstone (Subdivision) (Plat Records - Volume 2, Page 213), same being an interior ell corner of the residue of said original 640.42 and for the most westerly Southwest corner of this tract;

THENCE with an occupied common line as fenced between the residue of said original 640.42 acre and said 186.34 acre tracts, respectively, and said Tracts 6, 7C, 7B, 7A, 8 and 9, Fieldstone (Subdivision), respectively, as follows:

N40°01'13"E - 256.98 feet to an iron pin found at a fence corner post for an interior ell corner of this tract;  
N00°33'28"W - 2425.63 feet to an iron pin found at a fence corner post for an interior ell corner of this tract;  
N67°20'04"W - 313.03 feet to an iron pin found at a fence corner post on a common line between said Moore Survey and the Fanny A. D. Darden Survey, Abstract No. 664 for an interior ell corner of said Tract 9, same being the most westerly Southwest corner said original 186.34 acre tract and for an exterior ell corner of this tract;

THENCE N00°11'50"W - 1906.25 feet with an occupied common line as fenced between said original 186.34 acre tract and said Tract 9 and the residue of said Cleveland and Sawyer 2039.21 acre tract, respectively, to the PLACE OF BEGINNING and containing 476.834 Acres of Land.

PARCEL 2 - 11.686 ACRES

BEGINNING at an iron pin set at the intersection of Two platted Streets (Oakridge Park, Sec. 2) for a common Southeast corner of said Lot 1, Block B and of this tract;

THENCE a common line between the North line of said platted Street and said Lots 1 thru 4, Block H, respectively, as follows:

N44°23'52"W - 250.22 feet to a point for an interior all corner of this tract;  
N73°11'52"W - 100.36 feet to a point for the point of curvatura of a curve to the right and for an exterior all corner of this tract;  
With said curve to the right for an arc distance of 46.55 feet, said curve having a delta angle of 62°56'00", a radius of 42.38 feet and a chord of N41°53'52"W - 44.25 feet to a point for the point of tangency of said curve and for an exterior all corner of this tract;  
N10°15'22"W - 129.50 feet to a point for an interior all corner of this tract;  
N22°18'52"W - 188.93 feet to a point for the point of curvatura of a curve to the left and for an interior all corner of this tract;  
With said curve to the left for an arc distance of 184.20 feet, said curve having a delta angle of 26°58'00", a radius of 184.20 feet and a chord of N35°48'54"W - 182.50 feet to a point for the point of compound curvatura and for an interior all corner of this tract;  
With a curve to the left for an arc distance of 180.62 feet, said curve having a delta angle of 56°18'17", a radius of 183.81 feet and a chord of N77°25'52"W - 173.44 feet to a point for the point of tangency of said curve and for an interior all corner of this tract;  
S74°25'08"W - 173.49 feet to a point for an exterior all corner of this tract;  
N86°25'52"W - 116.10 feet to a point at the intersection with the East line of a platted Street (Oakridge Park, Sec. 2) for a common Southwest corner of said Lot 4, Block H and of this tract;

THENCE N12°40'52"W - 361.60 feet with a common line between the East line of said platted Street and said Lots 4 and 5, Block H to a point at the intersection with the South line of a platted Street (Oakridge Park, Sec. 2) for a common Northwest corner of said Lot 5, Block H and of this tract;

THENCE with a common line between the South line of said platted Street and said Lots 5 thru 9, Block H, respectively, as follows:

S65°09'52"E - 34.33 feet to a point for the point of curvatura of a curve to the left and for an interior all corner of this tract;  
With said curve to the left for an arc distance of 105.90 feet, said curve having a delta angle of 34°06'00", a radius of 177.93 feet and a chord of S82°12'52"E - 104.34 feet to a point for the point of compound curvatura and for an interior all corner of this tract;

With a curve to the left for an arc distance of 170.55 feet, said curve having a delta angle of  $38^{\circ}13'59''$ , a radius of 255.58 feet and a chord of  $N61^{\circ}37'08''E$  - 167.40 feet to a point for the point of tangency of said curve and for an interior ell corner of this tract;

$N42^{\circ}30'08''E$  - 73.93 feet to a point for the point of curvature of a curve to the right and for an exterior ell corner of this tract;

With said curve to the right for an arc distance of 141.31 feet, said curve having a delta angle of  $42^{\circ}11'00''$ , a radius of 191.93 feet and a chord of  $N63^{\circ}35'38''E$  - 138.14 feet to a point for the point of compound curvature and for an exterior ell corner of this tract;

With a curve to the right for an arc distance of 131.88 feet, said curve having a delta angle of  $30^{\circ}35'04''$ , a radius of 247.06 feet and a chord of  $S80^{\circ}00'52''E$  - 130.32 feet to a point for the point of tangency of said curve and for an exterior ell corner of this tract;

$S64^{\circ}43'52''E$  - 105.22 feet to a point for the point of curvature of a curve to the right and for an exterior ell corner of this tract;

With said curve to the right for an arc distance of 66.91 feet, said curve having a delta angle of  $22^{\circ}48'00''$ , a radius of 168.13 feet and a chord of  $S53^{\circ}19'52''E$  - 66.46 feet to a point for the point of tangency of said curve and for an exterior ell corner of this tract;

$S41^{\circ}55'52''E$  - 133.87 feet to a point for the point of curvature of a curve to the right and for an exterior ell corner of this tract;

With said curve to the right for an arc distance of 84.32 feet, said curve having a delta angle of  $34^{\circ}26'00''$ , a radius of 140.30 feet and a chord of  $S24^{\circ}42'52''E$  - 83.05 feet to a point for the point of tangency of said curve and for an exterior ell corner of this tract;

$S07^{\circ}29'52''E$  - 167.34 feet to a point for the point of curvature of a curve to the left and for an interior ell corner of this tract;

With said curve to the left for an arc distance of 124.50 feet, said curve having a delta angle of  $13^{\circ}35'00''$ , a radius of 525.13 feet and a chord of  $S14^{\circ}17'22''E$  - 124.20 feet to a point for the point of tangency of said curve and for an interior ell corner of this tract;

$S21^{\circ}04'52''E$  - 331.39 feet to a point at the intersection with the West line of a platted Street (Oakridge Park, Sec. 2) for a common Northeast corner of said Lot 9, Block H and of this tract;

THENCE S00°58'52"E - 331.45 feet with a common line between the West line of said platted Street and said Lots 9 and 1, Block H to the PLACE OF BEGINNING and containing 11.686 Acres of Land.

PARCEL 3 - 43.961 ACRES

BEGINNING at an iron pin found at a fence corner post on the South line of said Tract 14 (Whispering Oaks Subdivision) for the most southerly Northwest corner of said Tract 13 (Whispering Oaks Subdivision) and for the Northeast corner of said Lot 10, Block D (Oakridge Park, Sec. 1) and for the most easterly Northeast corner of this tract;

THENCE S00°05'00"E - 2412.14 feet with an occupied common line as fenced between said Lots 10 thru 7, Block D (Oakridge Park, Sec. 1), Lots 6B thru 4B, Block D (Oakridge Park, Sec. 2), Lots 2 and 1, Block D (Oakridge Park, Sec. 1), respectively, and said Tract 13 (Whispering Oaks Subdivision), a Richard Crum, et ux 107.25 acre tract (1725/749) and Tracts 8 thru 3 (Fox Run Estates), respectively, to an iron pin set at the intersection with the North line of a platted Street (Oakridge Park, Sec. 1), same being a common line between said Moore Survey and said Whatley Survey for a common Southeast corner of said Lot 1 and of this tract;

THENCE S89°24'48"W - 278.69 feet with a common line between the North line of said platted Street and said Lot 1, Block D, same being a common line between said Moore Survey and said Whatley Survey to an iron pin found at the intersection with the East line of a platted Street (Oakridge Park, Sec. 1) for the Southwest corner of said Lot 1 and for the most easterly Southwest corner of this tract;

THENCE with a common line between the West line of said platted Street and said Lots 1 and 2, Block D, respectively, as follows:

N00°04'21"W - 340.60 feet to an iron pin found for the Northwest corner of said lot 1, same being the Southwest corner of said Lot 2 and for an interior all corner of this tract;

N37°56'16"W - 255.83 feet to a 10" fence corner post at the intersection with the East line of a closed Street (Tract 1 - 371/336) for the Southwest corner of said Lot 2 and for an interior all corner of this tract;

THENCE N89°19'21"W - 60.78 feet with the North line of said platted Street, same being the South line of said closed Street to an iron pin found for the Southeast corner of said Lot 3A, Block D and for an interior all corner of this tract;

THENCE with an occupied common line as fenced between the North line of said platted Street and said Lot 3A, Block D as follows:

N87°45'04"W - 125.81 feet to an iron pin found for an exterior all corner of this tract;  
S88°22'34"W - 321.95 feet to an iron pin found at the intersection with the East line of a platted Street (Oakridge Park, Sec. 1) for the Southwest corner of said Lot 3A and for the most westerly Southwest corner of this tract;

THENCE N01°03'51"W - 1918.29 feet with a common line and occupied fence line prolongation between the East line of said platted Street and said Lots 3A thru 6A, Block D (Oakridge Park, Sec. 2); and Lots 7 thru 10, Block D (Oakridge Park, Sec. 2) to an iron pin set on a common line between the North line of a closed Street (Tract 1 - 371/336) and said Hardin 10.21 acre tract for the Northwest corner of this tract;

THENCE N88°56'09"E - 789.61 feet with a common line between the North line of said closed Street (Tract 1 - 371/336) and said Hardin 10.21 acre tract and said Tract 14 (Whispering Oaks Subdivision), respectively, to an iron pin set for the most westerly Northeast corner of this tract;

THENCE S01°03'51"E - 60.00 feet with a common line between the East line of said closed Street (Tract 1 - 371/336) and said Tract 14 (Whispering Oaks Subdivision) to a 60d nail found on a 6" fence corner post on the North line of said Tract 10 (Oakridge Park, Sec. 1) for an interior all corner of this tract;

THENCE N88°56'09"E - 186.26 feet with an occupied common line as fenced between said Lot 10 (Oakridge Park, Sec. 1) and said Tract 14 (Whispering Oaks Subdivision) to the PLACE OF BEGINNING and containing 45.961 Acres of Land.

PARCEL 4 - 6.522 ACRES

BEGINNING at an iron pin found at a fence corner post on the North ROW of F. M. Highway No. 1826 for the Southwest corner of said Tract 1 (Fox Run Estates) and for a common Southeast corner of said Lot 1, Block A (Oakridge Estates - Sec. 1) and of this tract;

THENCE S49°08'47"W - 368.27 feet with a common line between the North ROW of said F. M. Highway No. 1826 and said Lot 1, Block A, to a point at the intersection with the East line of a platted Street (Oakridge Park, Sec. 1) for a common Southwest corner of said Lot 1 and of this tract, a reference iron pin found bears N00°04'21"W - 2.00 feet;

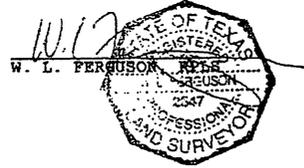
THENCE N00°04'21"W - 1138.04 feet with an occupied common line as fenced between the East line of said platted Street and said Lots 1 thru 3, Block A, respectively, to an iron pin set at the intersection with the South line of a platted Street (Oakridge Park, Sec. 1) for a common Northwest corner said Lot 3 and of this tract;

THENCE N89°24'48"E - 278.70 feet with a common line between said platted Street and Lot 3, Block A to an iron pin set on the West line of Tract 3 (Fox Run Estates) for a common Northeast corner said Lot 3 and of this tract;

THENCE S00°05'00"E - 900.00 feet with an occupied common line as fenced between said Lots 3 thru 1, Block A, respectively, and Tracts 3 thru 1 (Fox Run Estates), respectively, to the PLACE OF BEGINNING and containing 6.522 Acres of Land.

I, W. L. Ferguson, Registered Professional Land Surveyor No. 2347 in the State of Texas, do hereby certify that the above survey was performed on the ground under my supervision and that the field notes hereon are true and correct to the best of my knowledge.

Given under my hand and seal this            day of December, 2002.



FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS  
On: Mar 13, 2003 at 03:41P  
Decasent Number: 03007626  
Fee: 35.00  
Lee Carlisle  
County Clerk  
By  
Lynn Curry, Deputy  
Hays County

11/23/14

DISTRIBUTION DEED

STATE OF TEXAS                    §  
  §    KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF HAYS                   §

Bill R. Hall, Independent Executor of the Estate of Martha J. Parten, Deceased (the "Estate") owns an undivided 1/2 interest in the land described in Paragraph (a) below. The 1/2 interest is called in this Distribution Deed the "interest owned by the Estate."

The Independent Executor of the Estate is in the process of distributing the assets of the Estate pursuant to the Last Will and Testament of Martha J. Parten which was admitted to probate in Cause No. 8808-P in the County Court of Hays County, Texas.

It is the intention of Bill R. Hall, Independent Executor of the Estate ("Grantor") to distribute the interest owned by the Estate to the Grantee named in this Distribution Deed.

NOW, THEREFORE, I, Bill R. Hall, Independent Executor of the Estate of Martha J. Parten, Deceased, of Travis County, Texas, have GIVEN, GRANTED and CONFIRMED, and by these presents do GIVE, GRANT, and CONFIRM, subject to the exceptions hereinafter made, unto Bill R. Hall, Trustee of the Martha J. Parten Trust created under the Will of Martha J. Parten (who together with his assigns are called "Grantee") the interest owned by the Estate in the following described property:

- (a) Land. The certain tract of land being 541.003 acres, more or less, located in Hays County, Texas, and more particularly described in Exhibit A ("Land"); together with
- (b) Rights and Appurtenances. The benefits, privileges, easements, tenements, hereditaments and appurtenances thereon or in anywise appertaining thereto, and any and all right, title and interest in and to adjacent roads, and rights-of-way (the "Rights and Appurtenances"); and together with
- (c) Improvements. Any improvements located on Land (the "Improvements").

This conveyance is made and accepted, however, subject to the following:

- (a) All restrictive covenants, easements, liens, and interests outstanding in others relating to Land and shown of public record in the office of the County Clerk

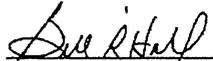
of Hays County, Texas, but only to the extent they remain in force and in effect.

- (b) All laws, ordinances and regulations relating to Land.
- (c) The liens for all governmental assessments and ad valorem taxes for the year 2003 and all subsequent years; the payment of which are hereby assumed by Grantee.
- (d) Grantor conveys Land and Grantee accepts the same "AS IS."

TO HAVE AND TO HOLD the above-described property, together with all and singular the right, improvements, rents and appurtenances thereunto in anywise belonging, subject to the exceptions hereinabove made, unto the Grantee, and to his assigns forever.

DATED this 1<sup>st</sup> day of March, 2003.

GRANTOR:

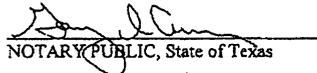
  
 Bill R. Hall Independent Executor of the  
 Estate of Martha J. Parten, Deceased.

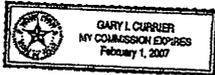
STATE OF TEXAS

§  
§  
§

COUNTY OF WILLIAMSON

This instrument was acknowledged before me on the 1<sup>st</sup> day of March, 2003, by Bill R. Hall, Independent Executor of the Estate of Martha J. Parten, Deceased.

  
 NOTARY PUBLIC, State of Texas



GRANTEE'S ADDRESS:  
TO:

308 Pintail  
Taylor, Texas 76574

AFTER RECORDING RETURN

Mueller, Vacek & Kiecke, L.L.P.  
P.O. Box 1845  
Austin, TX 78767

In Re: Total - 541.003 Acres  
 (Parcel 1 - 476.834 Acres)  
 (Parcel 2 - 11.686 Acres)  
 (Parcel 3 - 45.961 Acres)  
 (Parcel 4 - 6.522 Acres)  
 Seaborn J. Whatley Survey, A-18  
 Lamar Moore Survey, A-323  
 Hays County, Texas



All that certain tract or parcel of land situated in Hays County, Texas and being part of the Seaborn J. Whatley Survey, Abstract No. 18 and the Lamar Moore Survey, Abstract No. 323 and being the residue of a 640.42 acre tract as conveyed from Ben L. Parten, Jr., Trustee to Ben Parten, Jr. et ux by Deed dated December 29, 1977 and being recorded in Volume 304, Page 854 of the Deed Records of said Hays County and being all of a 186.34 acre tract as conveyed from Thomas R. Sawyer to Ben L. Parten, Jr., et ux by Deed dated September 9, 1979 and being recorded in Volume 331, Page 396 of said Deed Records and also all of the following which are a part of the residue of above said 640.42 acre tract: Lots 1 thru 3, Block A, Lots 1, 2, 7 thru 10, Block D, Oakridge Park, Sec. 1, at Kinnicinik recorded in Volume 182, Page 4 of said Deed Records; Lots 3A thru 6B, Block D, Lots 1 thru 18, Block E, Lots 1 thru 6, Block F and Lots 2 thru 6, Block G, Oakridge Park, Sec. 2, at Kinnicinik and Resubdivision of Oakridge Park, Sec. 1, at Kinnicinik recorded in Volume 189, Page 441 of said Deed Records; Lot 4, Block K and Lots 1 thru 3, Block M, Oakridge Park, Sec. 3, at Kinnicinik recorded in Volume 192, Page 392 of said Deed Records and Lots 1 thru 4, Oakridge Park, Sec. 4, at Kinnicinik recorded in Volume 1, Page 5 of the Plat Records of said Hays County and also the closing of Streets as conveyed from the Commissioner's Court of Hays County, Texas, to Ben L. Parten, Jr., et ux by "Tracts 1 thru 3" (closing of Streets adjacent to property owned by Parten) by Deed dated February 22, 1982 and being recorded in Volume 371, Page 336 of said Deed Records and being more particularly described by metes and bounds as follows, to wit:

BASIS OF BEARINGS: East line of Oakridge Park, Sec. 1, at Kinnicinik being a plat bearing of S00°05'00"E.

PARCEL 1 - 476.834 ACRES

BEGINNING at an iron pin found at a fence corner post a common line between said Moore Survey and the James B. Pier Survey, Abstract No. 362 for an interior ell corner of the residue of a Norma Jean S. Cleveland and Thomas R. Sawyer 2039.21 acre tract (491/335) and for a common Northwest corner of said original 186.34 acre tract and of this tract;

THENCE with an occupied common line as fenced between said original 186.34 and 640.42 acre tracts, respectively and the residue of said Cleveland and Sawyer 2039.21 acre tract, the

residue of a Thomas J. Wissemann DBA Wise Enterprises 210.23 acre tract (1041/376), Tract 18 of Whispering Oaks - Phase II and a Wayne Hardin, et ux 10.21 acre tract (300/380), respectively, as follows:

- N89°35'09"E - 2882.77 feet to an iron pin found at a fence corner post on the West line of the residue of said Wissemann 210.23 acre tract for the Northeast corner of said original 186.34 acre tract and for the most westerly Northeast corner of this tract;
- S00°04'19"W - 197.53 feet to an iron pin set at a 10" fence corner post for the Southwest corner of the residue of said Wissemann 210.23 acre tract, same being the Northwest corner of said original 640.42 acre tract and for an interior ell corner of this tract;
- N89°23'41"E - 1807.17 feet to a 3/4" iron pipe found at a fence corner post for the Northwest corner of said Hardin 10.21 acre tract, same being the most westerly Northeast corner of said original 640.42 acre tract and for the most easterly Northeast corner of this tract;

THENCE S01°04'15"E, with an occupied common line as fenced between said original 640.42 acre tract and said Hardin 10.21 acre tract, at 670.94 feet passing an iron pin set for the Southwest corner of said 10.21 acre tract, same being the Northwest corner of a platted Street (Oakridge Park, Sec. 1), continuing with the West line of said Street and entering said 640.42 acre tract for division for a total distance of 730.94 feet to a point for the Northeast corner of Lot 18, Block E and for an interior ell corner of this tract;

THENCE a common line between the East line of said platted Street and said Lots 18 thru 2, Block E, respectively, as follows:

- S01°05'25"E - 2403.51 feet to an iron pin found for the Southeast corner of said Lot 3, same being the Northeast corner of said Lot 2 and for an exterior ell corner of this tract;
- S00°58'52"E - 650.74 feet to an iron pin set at the intersection with the North line of a platted Street (Oakridge Park, Sec. 2) for the Southeast corner of said Lot and for the most northerly Southeast corner of this tract;

THENCE a common line between the North line of said platted Street and said Lots 2, 3 and 1, Block E, respectively, as follows:

- N21°04'52"W - 167.43 feet to a point for the point of curvature of a curve to the right and for an exterior ell corner of this tract;

With said curve to the right for an arc distance of 110.27 feet, said curve having a delta angle of  $13^{\circ}35'00''$ , a radius of 465.13 feet and a chord of  $N14^{\circ}17'22''W$  - 110.01 feet to a point for the point of tangency of said curve and for an exterior all corner of this tract;

$N07^{\circ}29'52''W$  - 167.34 feet to a point for the point of curvature of a curve to the left and for an interior all corner of this tract;

With said curve to the left for an arc distance of 120.38 feet, said curve having a delta angle of  $34^{\circ}26'00''$ , a radius of 200.30 feet and a chord of  $N24^{\circ}42'52''W$  - 118.57 feet to a point for the point of tangency of said curve and for an interior all corner of this tract;

$N41^{\circ}55'52''W$  - 133.87 feet to a point for the point of curvature of a curve to the left and for an interior all corner of this tract;

With said curve to the left for an arc distance of 90.78 feet, said curve having a delta angle of  $22^{\circ}48'00''$ , a radius of 228.13 feet and a chord of  $N53^{\circ}19'52''W$  - 90.18 feet to a point for the point of tangency of said curve and for an interior all corner of this tract;

$N64^{\circ}43'52''W$  - 105.21 feet to a point for the point of curvature of a curve to the left and for an interior all corner of this tract;

With said curve to the left for an arc distance of 163.91 feet, said curve having a delta angle of  $30^{\circ}35'04''$ , a radius of 307.06 feet and a chord of  $N80^{\circ}00'52''W$  - 161.97 feet to a point at the intersection with the East line of a closed Street (Tract 2 - 371/336) for the Southwest corner of said Lot 1 and for an interior all corner of this tract;

THENCE  $S77^{\circ}50'54''W$  - 60.00 feet continuing with the North line of said platted Street, same being the South line of said closed Street to a point for the Southeast corner of said Lot 1, Block F and for an interior all corner of this tract;

THENCE a common line between the North line of said platted Street and said Lots 1 and 2, Block F respectively, as follows:

With said curve to the left for an arc distance of 125.35 feet, said curve having a delta angle of  $28^{\circ}30'26''$ , a radius of 251.93 feet and a chord of  $S56^{\circ}45'21''W$  - 124.06 feet to a point for the point of tangency of said curve and for an exterior all corner of this tract;

$S42^{\circ}30'08''W$  - 73.93 feet to a point for the point of curvature of a curve to the right and for an exterior all corner of this tract;

With said curve to the right for an arc distance of 130.51 feet, said curve having a delta angle of  $38^{\circ}13'59''$ , a radius of 195.58 feet and a chord of  $S61^{\circ}37'08''W$  - 128.10 feet to a point for the point of compound curvature and for an exterior ell corner of this tract;  
With a curve to the right for an arc distance of 70.19 feet, said curve having a delta angle of  $34^{\circ}06'26''$ , a radius of 117.93 feet and a chord of  $N82^{\circ}12'52''W$  - 69.16 feet to a point for the point of tangency of said curve and for an exterior ell corner of this tract;  
 $N65^{\circ}09'52''W$  - 83.65 feet to a point at the intersection with the East line of a closed Street (Tract 2 - 371/336) for the Southwest corner of said Lot 2 and for an exterior ell corner of this tract;

- 3 -

THENCE  $S58^{\circ}35'46''W$  - 60.63 feet with the South line of said closed Street to an iron pin set on the West line of said platted Street for the Southeast corner of said Lot 4, Block G, same being the Northeast corner of said Lot 3, Block G and for an interior ell corner of this tract;

THENCE  $S12^{\circ}40'52''E$  - 652.92 feet with a common line between the West line of said platted Street and said Lots 3 and 2, Block G, respectively, to an iron pin found for the Southeast corner of said Lot 2, same being the Northeast corner of Lot 1, Block G and for an exterior ell corner of this tract;

THENCE  $S77^{\circ}10'03''W$  - 222.92 feet with a common line between said Lots 2 and 1, Block G, respectively, to an iron pin found for the Southwest corner of said Lot 2, same being the Northwest corner of Lot 1 and for an interior ell corner of this tract;

THENCE with a common East line as fenced of Lots 1, Block G and Lots 1, 2 and 3, Block K, (Oakridge Park, Sec. 3), respectively, as follows:

$S13^{\circ}16'52''E$  - 430.34 feet to an iron pin found for the Southwest corner of said Lot 2, same being the Northwest corner of said Lot 3 and for an interior ell corner of this tract;

$S03^{\circ}26'51''W$  - 155.22 feet to an iron pin set for the Southwest corner of said Lot 3, same being the Northwest corner of said Lot 4, Block K and for an interior ell corner of this tract;

THENCE  $S83^{\circ}20'12''E$  - 215.82 feet with a common line between said Lots 3 and 4, Block K to an iron pin set on the West line of a platted Street (Oakridge Park, Sec. 3) for the Southeast corner of said Lot 3, same being the Northeast corner of said Lot 4 and for an exterior ell corner of this tract;

- 4 -

THENCE with a common line between the West line of said platted street and said Lot 4, Block K, and said Lots 1 thru 3, Block M as follows:

S00°14'49"W - 126.35 feet to an iron pin set for an exterior ell corner of this tract;  
S34°44'37"W - 50.15 feet to an iron pin found for the Southeast corner of said Lot 4 and for an interior ell corner of this tract;  
S52°42'42"E - 280.08 feet to a point for the Southeast corner of said Lot 1, same being the Northeast corner of Lot 2 and for an interior ell corner of this tract;  
S53°07'41"E - 350.00 feet to an iron pin found for an exterior ell corner of this tract;  
S33°18'41"E - 35.96 feet to an iron pin set on the North ROW of F. M. Highway No. 1826 for the most southerly Southeast corner of this tract;

THENCE S60°08'17"W - 478.48 feet with the North ROW of F. M. Highway No. 1826 to an iron pin set on the East line of a platted Street for an exterior ell corner of this tract;

THENCE N40°32'12"W - 309.43 feet with the East line of said platted Street to an iron pin found at the intersection with the South line of a closed Street (Tract 3 - 371/336) and for an interior ell corner of this tract;

THENCE S58°03'42"W - 50.68 feet with the South line of said closed Street to an iron pin set on the West line of said platted Street for an interior ell corner of this tract;

THENCE S40°32'12"E - 307.20 feet with the West line of said platted Street to an iron pin set at the intersection with the North ROW of said F. M. Highway No. 1826 for an exterior ell corner of this tract;

THENCE with the North ROW of said F. M. Highway No. 1826 as follows:

S70°24'07"W - 504.07 feet to an iron pin set for an exterior ell corner of this tract;  
S83°52'47"W - 95.31 feet to a point for the point of curvature of a curve to the left and for an interior ell corner of this tract;  
With said curve to the left for an arc distance of 563.22 feet, said curve having a delta angle of 21°55'00", a radius of 1472.40 feet and a chord of S72°55'17"W - 559.79 feet to a point for the point of tangency of said curve and for an interior ell corner of this tract;  
S61°56'58"W - 4.20 feet to an iron pin set on the East line of a Green Hills Loop (County Road) for the most easterly Southwest corner of this tract;

THENCE with the East line of said Green Hills Loop as follows:

N10°52'13"W - 209.45 feet to an iron pin set for an exterior  
ell corner of this tract;  
N07°24'04"W - 235.00 feet to an iron pin set for an interior  
ell corner of this tract;  
N59°56'13"W - 70.66 feet to an iron pin set in an occupied  
fence line prolongation for the Southeast corner of a  
Harold Gene Patterson 60.3 acre tract (261/010) and for  
an exterior ell corner of this tract;

THENCE N22°56'58"W - 1527.81 feet with the East line and occupied  
fence line prolongation of said Patterson 60.3 acre tract an iron  
pin found at a fence corner post for the Northeast corner of said  
60.3 acre tract and for an interior ell corner of this tract;

THENCE S70°45'08"W - 2093.81 feet with the occupied North fence  
line of said Patterson 60.3 acre tract to an iron pin found at a  
fence corner post for the Southeast corner of Tract 6, Fieldstone  
(Subdivision) (Plat Records - Volume 2, Page 213), same being an  
interior ell corner of the residue of said original 640.42 and  
for the most westerly Southwest corner of this tract;

THENCE with an occupied common line as fenced between the residue  
of said original 640.42 acre and said 186.34 acre tracts,  
respectively, and said Tracts 6, 7C, 7B, 7A, 8 and 9, Fieldstone  
(Subdivision), respectively, as follows:

N40°01'13"E - 256.98 feet to an iron pin found at a fence  
corner post for an interior ell corner of this tract;  
N00°33'28"E - 2425.63 feet to an iron pin found at a fence  
corner post for an interior ell corner of this tract;  
N67°20'04"W - 313.03 feet to an iron pin found at a fence  
corner post on a common line between said Moore Survey  
and the Fanny A. D. Darden Survey, Abstract No. 664 for  
an interior ell corner of said Tract 9, same being the  
most westerly Southwest corner said original 186.34  
acre tract and for an exterior ell corner of this  
tract;

THENCE N00°11'50"W - 1906.25 feet with an occupied common line as  
fenced between said original 186.34 acre tract and said Tract 9  
and the residue of said Cleveland and Sawyer 2039.21 acre tract,  
respectively, to the PLACE OF BEGINNING and containing 476.834  
Acres of Land.

PARCEL 2 - 11.686 ACRES

BEGINNING at an iron pin set at the intersection of Two platted  
Streets (Oakridge Park, Sec. 2) for a common Southeast corner of  
said Lot 1, Block H and of this tract;

- 6 -

THENCE a common line between the North line of said platted Street and said Lots 1 thru 4, Block H, respectively, as follows:

N44°23'52"W - 250.22 feet to a point for an interior ell corner of this tract;  
N73°11'52"W - 100.36 feet to a point for the point of curvature of a curve to the right and for an exterior ell corner of this tract;  
With said curve to the right for an arc distance of 46.55 feet, said curve having a delta angle of 62°56'00", a radius of 42.38 feet and a chord of N41°53'52"W - 44.25 feet to a point for the point of tangency of said curve and for an exterior ell corner of this tract;  
N10°15'22"W - 129.50 feet to a point for an interior ell corner of this tract;  
N22°18'52"W - 188.93 feet to a point for the point of curvature of a curve to the left and for an interior ell corner of this tract;  
With said curve to the left for an arc distance of 184.20 feet, said curve having a delta angle of 26°58'00", a radius of 184.20 feet and a chord of N35°48'54"W - 182.50 feet to a point for the point of compound curvature and for an interior ell corner of this tract;  
With a curve to the left for an arc distance of 180.62 feet, said curve having a delta angle of 56°18'17", a radius of 183.81 feet and a chord of N77°25'52"W - 173.44 feet to a point for the point of tangency of said curve and for an interior ell corner of this tract;  
S74°25'08"W - 173.49 feet to a point for an exterior ell corner of this tract;  
N46°25'52"W - 116.10 feet to a point at the intersection with the East line of a platted Street (Oakridge Park, Sec. 2) for a common Southwest corner of said Lot 4, Block H and of this tract;

THENCE N12°40'52"W - 361.60 feet with a common line between the East line of said platted Street and said Lots 4 and 5, Block H to a point at the intersection with the South line of a platted Street (Oakridge Park, Sec. 2) for a common Northwest corner of said Lot 5, Block H and of this tract;

THENCE with a common line between the South line of said platted Street and said Lots 5 thru 9, Block H, respectively, as follows:

S65°09'52"E - 34.33 feet to a point for the point of curvature of a curve to the left and for an interior ell corner of this tract;  
With said curve to the left for an arc distance of 105.90 feet, said curve having a delta angle of 34°06'00", a radius of 177.93 feet and a chord of S82°12'52"E - 104.34 feet to a point for the point of compound curvature and for an interior ell corner of this tract;

With a curve to the left for an arc distance of 170.55 feet, said curve having a delta angle of  $38^{\circ}13'59''$ , a radius of 255.58 feet and a chord of  $N61^{\circ}37'08''E - 167.40$  feet to a point for the point of tangency of said curve and for an interior ell corner of this tract;  
N42°30'08"E - 73.93 feet to a point for the point of curvature of a curve to the right and for an exterior ell corner of this tract;  
With said curve to the right for an arc distance of 141.31 feet, said curve having a delta angle of  $42^{\circ}11'00''$ , a radius of 191.93 feet and a chord of  $N63^{\circ}35'38''E - 138.14$  feet to a point for the point of compound curvature and for an exterior ell corner of this tract;  
With a curve to the right for an arc distance of 131.88 feet, said curve having a delta angle of  $30^{\circ}35'04''$ , a radius of 247.06 feet and a chord of  $S80^{\circ}00'52''E - 130.32$  feet to a point for the point of tangency of said curve and for an exterior ell corner of this tract;  
S64°43'52"E - 105.22 feet to a point for the point of curvature of a curve to the right and for an exterior ell corner of this tract;  
With said curve to the right for an arc distance of 66.91 feet, said curve having a delta angle of  $22^{\circ}48'00''$ , a radius of 168.13 feet and a chord of  $S53^{\circ}19'52''E - 66.46$  feet to a point for the point of tangency of said curve and for an exterior ell corner of this tract;  
S41°55'52"E - 133.87 feet to a point for the point of curvature of a curve to the right and for an exterior ell corner of this tract;  
With said curve to the right for an arc distance of 84.32 feet, said curve having a delta angle of  $34^{\circ}26'00''$ , a radius of 140.30 feet and a chord of  $S24^{\circ}42'52''E - 83.05$  feet to a point for the point of tangency of said curve and for an exterior ell corner of this tract;  
S07°29'52"E - 167.34 feet to a point for the point of curvature of a curve to the left and for an interior ell corner of this tract;  
With said curve to the left for an arc distance of 124.50 feet, said curve having a delta angle of  $13^{\circ}35'00''$ , a radius of 525.13 feet and a chord of  $S14^{\circ}17'22''E - 124.20$  feet to a point for the point of tangency of said curve and for an interior ell corner of this tract;  
S21°04'52"E - 331.39 feet to a point at the intersection with the West line of a platted Street (Oakridge Park, Sec. 2) for a common Northeast corner of said Lot 9, Block H and of this tract;

THENCE S00°58'52"E - 331.45 feet with a common line between the West line of said platted Street and said Lots 9 and 1, Block H to the PLACE OF BEGINNING and containing 11.686 Acres of Land.

PARCEL 3 - 45.951 ACRES

BEGINNING at an iron pin found at a fence corner post on the South line of said Tract 14 (Whispering Oaks Subdivision) for the most southerly Northwest corner of said Tract 13 (Whispering Oaks Subdivision) and for the Northeast corner of said Lot 10, Block D (Oakridge Park, Sec. 1) and for the most easterly Northeast corner of this tract;

THENCE S00°05'00"E - 2412.14 feet with an occupied common line as fenced between said Lots 10 thru 7, Block D (Oakridge Park, Sec. 1), Lots 6B thru 4B, Block D (Oakridge Park, Sec. 2), Lots 2 and 1, Block D (Oakridge Park, Sec. 1), respectively, and said Tract 13 (Whispering Oaks Subdivision), a Richard Crum, et ux 107.25 acre tract (1725/749) and Tracts 3 thru 3 (Fox Run Estates), respectively, to an iron pin set at the intersection with the North line of a platted Street (Oakridge Park, Sec. 1), same being a common line between said Moore Survey and said Whatley Survey for a common Southeast corner of said Lot 1 and of this tract;

THENCE S89°24'48"W - 278.69 feet with a common line between the North line of said platted Street and said Lot 1, Block D, same being a common line between said Moore Survey and said Whatley Survey to an iron pin found at the intersection with the East line of a platted Street (Oakridge Park, Sec. 1) for the Southwest corner of said Lot 1 and for the most easterly Southwest corner of this tract;

THENCE with a common line between the West line of said platted Street and said Lots 1 and 2, Block D, respectively, as follows:

N00°04'21"W - 340.60 feet to an iron pin found for the Northwest corner of said lot 1, same being the Southwest corner of said Lot 2 and for an interior all corner of this tract;

N37°56'16"W - 255.83 feet to a 10" fence corner post at the intersection with the East line of a closed Street (Tract 1 - 371/336) for the Southwest corner of said Lot 2 and for an interior all corner of this tract;

THENCE N89°19'21"W - 60.78 feet with the North line of said platted Street, same being the South line of said closed Street to an iron pin found for the Southeast corner of said Lot 3A, Block D and for an interior all corner of this tract;

THENCE with an occupied common line as fenced between the North line of said platted Street and said Lot 3A, Block D as follows:

N87°45'04"W - 125.81 feet to an iron pin found for an exterior all corner of this tract;  
S88°22'34"W - 321.95 feet to an iron pin found at the intersection with the East line of a platted Street (Oakridge Park, Sec. 1) for the Southwest corner of said Lot 3A and for the most westerly Southwest corner of this tract;

THENCE N01°03'51"W - 1918.29 feet with a common line and occupied fence line prolongation between the East line of said platted Street and said Lots 3A thru 6A, Block D (Oakridge Park, Sec. 2) and Lots 7 thru 10, Block D (Oakridge Park, Sec. 2) to an iron pin set on a common line between the North line of a closed Street (Tract 1 - 371/336) and said Hardin 10.21 acre tract for the Northwest corner of this tract;

THENCE N88°56'09"E - 789.61 feet with a common line between the North line of said closed Street (Tract 1 - 371/336) and said Hardin 10.21 acre tract and said Tract 14 (Whispering Oaks Subdivision), respectively, to an iron pin set for the most westerly Northeast corner of this tract;

THENCE S01°03'51"E - 60.00 feet with a common line between the East line of said closed Street (Tract 1 - 371/336) and said Tract 14 (Whispering Oaks Subdivision) to a 60d nail found on a 6" fence corner post on the North line of said Tract 10 (Oakridge Park, Sec. 1) for an interior all corner of this tract;

THENCE N88°56'09"E - 186.26 feet with an occupied common line as fenced between said Lot 10 (Oakridge Park, Sec. 1) and said Tract 14 (Whispering Oaks Subdivision) to the PLACE OF BEGINNING and containing 45.961 Acres of Land.

PARCEL 4 - 6.522 ACRES

BEGINNING at an iron pin found at a fence corner post on the North ROW of F. M. Highway No. 1826 for the Southwest corner of said Tract 1 (Fox Run Estates) and for a common Southeast corner of said Lot 1, Block A (Oakridge Estates - Sec. 1) and of this tract;

THENCE S49°08'47"W - 368.27 feet with a common line between the North ROW of said F. M. Highway No. 1826 and said Lot 1, Block A, to a point at the intersection with the East line of a platted Street (Oakridge Park, Sec. 1) for a common Southwest corner of said Lot 1 and of this tract, a reference iron pin found bears N00°04'21"W - 2.00 feet;

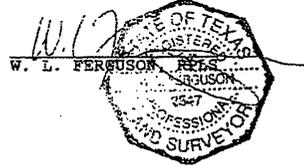
THENCE N00°04'21"W - 1138.04 feet with an occupied common line as fenced between the East line of said platted Street and said Lots 1 thru 3, Block A, respectively, to an iron pin set at the intersection with the South line of a platted Street (Oakridge Park, Sec. 1) for a common Northwest corner said Lot 3 and of this tract;

THENCE N89°24'48"E - 278.70 feet with a common line between said platted Street and Lot 3, Block A to an iron pin set on the West line of Tract 3 (Fox Run Estates) for a common Northeast corner said Lot 3 and of this tract;

THENCE S00°05'00"E - 900.00 feet with an occupied common line as fenced between said Lots 3 thru 1, Block A, respectively, and Tracts 3 thru 1 (Fox Run Estates), respectively, to the PLACE OF BEGINNING and containing 6.522 Acres of Land.

I, W. L. Ferguson, Registered Professional Land Surveyor No. 2547 in the State of Texas, do hereby certify that the above survey was performed on the ground under my supervision and that the field notes hereon are true and correct to the best of my knowledge.

Given under my hand and seal this            day of December, 2002.



FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS  
On: Mar 13, 2003 at 03:41P  
Decument Number: 03007625  
Amount 35.00  
Lee Carlisle  
County Clerk  
By  
Lynn Curry, Deputy  
Hays County

304 624 13715  
WARRANTY DEED—Wid. Death, Joint and W's Separate Acknowledgments  
MARTIN Surveyor Co., Dallas

THE STATE OF TEXAS,  
County of Robertson  
Know All Men By These Presents:  
113715

That, I, G. H. Ingram,  
of the County of Robertson, State of Texas, for and in consideration of  
the sum of  
TEN AND NO/100 (\$10.00) DOLLARS,  
and other good, valuable, sufficient and adequate consideration

to me cash in hand paid by Ben L. Parten, Jr., Trustee, the receipt  
of which is hereby acknowledged and confessed, no lien, either expressed  
or implied being retained herein

have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey unto the said  
Ben L. Parten, Jr., Trustee,  
of the County of Robertson, State of Texas, all that certain  
tract or parcel of land lying and being situated in Hays County, Texas,  
being the residus of a 640.42 acres tract out of the Fanny A. D. Darden  
Survey, Lamar Moore Survey and the S. J. Whatley League, therein; and  
being the same lands and premises described and conveyed in deed from  
Thomas T. Smith, Trustee, to G. H. Ingram dated December 6, 1966,  
recorded in Volume 215, page 13, et seq of the Deed Records of Hays  
County, Texas, to which instrument and record reference is made for all  
pertinent purposes.

W. 304 625

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging unto the said

Ben L. Parten, Jr., Trustee, and his,

heirs and assigns forever; and I do hereby bind myself and my

heirs, executors and administrators, to Warrant and Forever Defend all and singular the said premises unto the said

Ben L. Parten, Jr., Trustee, and his,

heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

Witness my hand and seal this 8th day of May, A.D. 19 68.

Witnesses at Request of Grantor:

*G. H. Ingram*  
(G. H. Ingram)

Vol. 304 of 626  
THE STATE OF TEXAS,  
COUNTY OF Robertson

BEFORE ME, the undersigned authority,

in and for said County, Texas, on this day personally appeared G. H. Ingram,

known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 9<sup>th</sup> day of May, A.D. 1968.

(L.S.)

Mary Robertson  
Notary Public Robertson County, Texas

My Commission Expires June 19



THE STATE OF TEXAS  
COUNTY OF HAYS

LYNN B. CLAYTON, Clerk of the County Court within and for the County and State aforesaid, do hereby certify that the foregoing instrument of writing with its Certificate of Authentication, was filed for record in my office on the 21<sup>st</sup> day of September, A.D. 1968, at 11:56 o'clock A.M., and duly indexed on the 21<sup>st</sup> day of September, A.D. 1968, at 9:10 o'clock A.M. in the 626-926 Records of said County in Book Number 844, Page 626-926. In witness whereof, I have hereunto set my hand and seal of the County Court of HAYS COUNTY, TEXAS, the date last above written.

LYNN B. CLAYTON, Clerk of the County Court within and for the County

By \_\_\_\_\_ Deputy

304/854

WARRANTY DEED-1968 Book, John and Wife's Separate Advertisements

MARTIN Secretary Co., Dallas

THE STATE OF TEXAS,

Know All Men By These Presents:

County of Hays

113076

That I, Ben L. Parton, Jr., Trustee,

of the County of Robertson, State of Texas, for and in consideration of

the sum of  
-- \$25 AND NO/100 (\$10.00) --  
and other good, valuable, sufficient and adequate consideration, DOLLARS,

to no cash in hand paid by Ben L. Parton, Jr. and wife Martha J. Parton,  
the receipt and sufficiency of all of which is hereby acknowledged and confessed,  
no lien either expressed or implied being retained herein, and the further consideration  
of the disclosure of record of the beneficiaries of this trust, - - -

have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey unto the said

Ben L. Parton, Jr. and wife Martha J. Parton

of the County of Robertson, State of Texas, all that certain  
tract or parcel of land lying and being situated in Hays County, Texas, being the residue  
of a 640.42 acre tract of land out of the Fanny A. D. Darden Survey, Lemar Moore  
Survey, and the S. W. Whitley League therein; and being the same lands and premises  
described and conveyed in deed from Thomas T. Smith, Trustee, to G. M. Ingram, dated  
December 6, 1966, recorded in Vol. 215, page 13 et seq of the Deed records of Hays  
County, Texas, to which instrument and record REFERENCE is made for all pertinent  
purposes.

304 855

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging unto the said

Ben L. Parton, Jr. and wife Martha J. Parton, and their

heirs and assigns forever; and I do hereby bind myself and my successors

heirs, executors and administrators, to Warrant and For ever Defend all and singular the said premises unto the said

Ben L. Parton, Jr. and wife Martha J. Parton, and their

heirs and assigns, against every person whatsoever lawfully claiming, or to claim the same, or any part thereof.

Witness my hand

this 29<sup>th</sup> day of

December, A.D. 1917

Witnesses at Request of Grantor:

*Ben L. Parton, Jr.*  
(Ben L. Parton, Jr., Grantor)

vol. 304 - 856

THE STATE OF TEXAS,

COUNTY OF Robertson

BEFORE ME, the undersigned authority,

Don L. Purton, Jr. Trustee

do and for said County, Texas, on this day personally appeared

knows to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 29<sup>th</sup> day of December, A.D. 1987

Mary Pittaway  
Notary Public Robertson County, Texas

My Commission Expires June 19

THE STATE OF TEXAS  
COUNTY OF HAYS  
L. STILES R. CLAYTON, Clerk of the County Court within and for the County and State aforesaid, do hereby certify that the within and foregoing instrument of writing with its Certificate of Authentication, was filed for record in my office on the 29<sup>th</sup> day of December, A.D. 1987 at 11:19 A.M. and duly recorded of the 29<sup>th</sup> day of December, A.D. 1987 at 11:19 A.M. in the 856-856 volume of this County in Book Number 804 Page 856-856  
WITNESSE MY HAND AND SEAL OF THE COUNTY COURT OF HAYS COUNTY, TEXAS, the date last above written.  
L. Stiles R. Clayton  
L. STILES R. CLAYTON, Clerk of the County Court within and for the County

211

DOC# 396904

1975 205

AFFIDAVIT AND  
TRANSFER OF INTEREST

THE STATE OF TEXAS           §  
  §           KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF HAYS               §

WHEREAS, BEN L. PARTEN, JR. and wife, MARTHA J. PARTEN, are the owners of two tracts of land more fully described as follows:

Approximately 345 acres of land, being all that certain tract or parcel of land lying and being situated in Hays County, Texas, being the residua of a 640.42 acre tract of land out of the Fanny A. D. Darden Survey, Lamar Moore Survey, and the S. J. Whatley League therein; and being the same property described and conveyed in deed from Thomas T. Smith, Trustee, to G. H. Ingram, dated December 6, 1966, recorded in Vol. 219, page 13 et seq. of the Deed Records of Hays County, Texas; and being the same property described and conveyed in deed from G. H. Ingram to Ben L. Parten, Jr., Trustee, recorded in Volume 304, page 624 et seq. of the Deed Records of Hays County, Texas; and being the same property described and conveyed in deed from Ben L. Parten, Jr., Trustee, to Ben L. Parten, Jr. and wife, Martha J. Parten, recorded in Volume 304, page 854 et seq. of the Deed Records of Hays County, Texas.

A 186.34 acre tract of land located in Hays County, Texas, out of the Lamar Moore Survey and the S. J. Whatley League, being the same property described and conveyed in deed from Thomas R. Sawyer to Ben L. Parten, Jr. and wife, Martha J. Parten, and Mary Wiley Parten, dated September 9, 1979, recorded in Vol. 331, page 398 et seq. of the Deed Records of Hays County, Texas.

and,

WHEREAS, it is the desire of BEN L. PARTEN, JR. and wife, MARTHA J. PARTEN, to equalize their ownership interest in all property set forth above to the extent it is not currently equal;

IT IS, THEREFORE, AGREED AS FOLLOWS:

For and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration, if BEN L. PARTEN, JR.'s ownership in the

OFFICIAL PUBLIC RECORDS  
Hays County, Texas

1215 206

above described real property exceeds the ownership of MARTHA J. PARTEN, BEN L. PARTEN, JR. does hereby GRANT, SELL and CONVEY to MARTHA J. PARTEN an undivided interest in each of the above described tracts equal to the ownership interest required to equalize the ownership of BEN L. PARTEN, JR. and MARTHA J. PARTEN.

For and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration, if MARTHA J. PARTEN's ownership in the above described real property exceeds the ownership of BEN L. PARTEN, JR., MARTHA J. PARTEN does hereby GRANT, SELL and CONVEY to BEN L. PARTEN, JR. an undivided interest in each of the above described tracts equal to the ownership interest required to equalize the ownership of MARTHA J. PARTEN and BEN L. PARTEN, JR.

DATED this 20th day of February, 1996.

*Ben L. Parten, Jr.*  
\_\_\_\_\_  
BEN L. PARTEN, JR.  
*Marttha J. Parten*  
\_\_\_\_\_  
MARTHA J. PARTEN

THE STATE OF TEXAS     §  
  §  
COUNTY OF TRAVIS     §

This instrument was acknowledged before me on the 20th day of February, 1996, by BEN L. PARTEN, JR. and MARTHA J. PARTEN.



*Patricia Rountree*  
\_\_\_\_\_  
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

Mr. & Mrs. Ben L. Parten, Jr.  
Residence Box 63-16,000 R.R. 1826  
Austin, TX 78737

PREPARED IN THE LAW OFFICES OF:

Mueller & Vacek, L.L.P.  
P. O. Box 1845  
Austin, TX 78767

1995 207

Doc# 396904  
# Pages: 2  
Date : 03-25-1996  
Time : 04:18:04 P.M.  
Filed & Recorded in  
Official Records  
of Hays County, TX.  
MARGIE T VILLALPANDO  
COUNTY CLERK  
Rec. \$ 11.00

JAYE WILKINS  
CLERK OF HAYS  
COUNTY, TEXAS  
I hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of Hays County, Texas, at this date.

MAR 25 1996



*Margie T Villalpando*  
COUNTY CLERK  
HAYS COUNTY, TEXAS

Exhibit E

Assignment and Assumption Agreement

THIS ASSIGNMENT AND ASSUMPTION AGREEMENT (“Assignment”) is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, between \_\_\_\_\_, a \_\_\_\_\_ (“Assignor”), and \_\_\_\_\_, a \_\_\_\_\_ (“Assignee”) (Assignor and Assignee are hereinafter sometimes collectively referred to as the “Parties” and singularly as a “Party”).

RECITALS:

A. Assignor is the owner of the rights of the Owner under that certain “Agreement Concerning Creation and Operation of Springhollow Municipal Utility District” ((the “Agreement”) dated effective as of \_\_\_\_\_, among Bill R. Hall, Trustee of the Martha J. Parten Trust created under the Will of Martha J. Parten, probated in Hays County, Texas, and as Trustee of the Ben L. Parten, Jr. Trust created under the Will of Ben L. Parten, Jr. probated in Hays County, Texas, collectively and individually as Owner; the City of Dripping Springs, Texas, as the City, and Springhollow Municipal Utility District, as the District, relating to the creation and operation of the District, to the extent that the Agreement covers, affects, and relates to the lands described on Exhibit A attached to and made a part hereof of this Assignment for all purposes (the “Transferred Premises”).

B. Assignor desires to assign certain of its rights under the Agreement as it relates to the Transferred Premises to Assignee, and Assignee desires to acquire such rights, on and subject to the terms and conditions of this Assignment.

NOW, THEREFORE, in consideration of the premises, the mutual covenants and obligations set forth herein, and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the Parties hereby agree and act as follows:

1. Certain Defined Terms. Unless indicated otherwise herein, capitalized terms in this Assignment shall have the same respective meanings as are ascribed to them in the Agreement.

2. Assignment. Subject to all of the terms and conditions of this Assignment, Assignor hereby assigns all [or describe specifically assigned rights if partial] of its rights under the Agreement, insofar as the Agreement covers, affects, and relates to the Transferred Premises.

3. Assumption. Assignee hereby assumes all obligations of Assignor and any liability that may result from acts or omissions by Assignee under the Agreement as it relates to the Transferred Premises that may arise or accrue from and after the effective date of this Assignment. This Assignment does not release Assignor from any liability that resulted from an act or omission by Assignor that occurred prior to the effective date of this Assignment unless the City approves the release in writing.

4. Governing Law and Venue. THIS ASSIGNMENT MUST BE CONSTRUED AND ENFORCED IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS, AS THEY APPLY TO CONTRACTS PERFORMED WITHIN THE STATE OF TEXAS AND WITHOUT REGARD TO ANY CHOICE OF LAW RULES OR PRINCIPLES TO THE CONTRARY. THE PARTIES ACKNOWLEDGE THAT THIS AGREEMENT IS PERFORMABLE IN HAYS COUNTY, TEXAS AND HEREBY SUBMIT TO THE JURISDICTION

OF THE COURTS OF HAYS COUNTY, TEXAS, AND HEREBY AGREE THAT ANY SUCH COURTS SHALL BE A PROPER FORUM FOR THE DETERMINATION OF ANY DISPUTE ARISING HEREUNDER.

5. **Counterpart/Facsimile Execution.** This Assignment has been prepared in multiple counterparts, each of which shall constitute an original hereof, and the execution of any one of such counterparts by any signatory shall have the same force and effect and shall be binding upon such signatory to the same extent as if the same counterpart were executed by all of the signatories. Facsimile copies of signatures may be appended hereto with the same force and effect as legally delivered original signatures.

6. **Notice to City.** A copy of this Assignment shall be provided to the City within fifteen (15) days after execution.

7. **Binding Effect.** This Assignment shall be binding upon and shall inure to the benefit of Assignor and Assignees and their respective heirs, personal representatives, successors, and assigns.

EXECUTED as of the day and year first above written.

ASSIGNOR:

[ \_\_\_\_\_ ]

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

ASSIGNEE:

[ \_\_\_\_\_ ]

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS                   §  
   §  
COUNTY OF \_\_\_\_\_       §

SWORN TO AND SUBSCRIBED before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2007,  
by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

STATE OF TEXAS                   §  
  §  
COUNTY OF \_\_\_\_\_ §

SWORN TO AND SUBSCRIBED before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2007,  
by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

**[Add Acknowledgments as necessary]**



**RESOLUTION RELATED TO ENFORCEMENT OF THE FIRE CODE IN CERTAIN SUBDIVISIONS**

**WHEREAS**, Hays County adopted a Fire Code to be effective on or about January 1, 2020; and

**WHEREAS**, other municipalities and/or Emergency Services Districts within Hays County, including the City of Dripping Springs had prior to the adoption of the Hays County Fire Code, adopted their own Fire Codes; and

**WHEREAS**, through collaboration with local jurisdictions, Hays County representatives have come to recognize that there are occasions when a municipality is better-situated to provide Fire Code enforcement for development in its Extra-Territorial Jurisdiction; and

**WHEREAS**, the City of Dripping Springs has, via Development Agreements with 2014 Driftwood Equities (residential) and 2019 Driftwood 552 (commercial), wherein it purports to provide fire protection review through its contract with Emergency Services District #6 (North Hays Fire and Rescue); and

**WHEREAS**, the City of Dripping Springs is providing primary review on all other aspects of the development of subdivisions by these two entities; and

**WHEREAS**, the Hays County Commissioners Court is authorized by Texas Local Government Code, Section 233.061 to contract with any municipality within Hays County for the provision of Fire Code enforcement; and

**WHEREAS**, the Hays County Commissioners Court has determined that it is appropriate to delegate Fire Code enforcement to the City of Dripping Springs for the subdivisions falling under the Development Agreements cited above;

**NOW THEREFORE BE IT RESOLVED AND AGREED, THIS THE 13<sup>th</sup> of JULY 2021, THAT:**

The Hays County Commissioners Court hereby delegates Fire Code enforcement to the City of Dripping Springs (from this date forward) for its Development Agreements with 2014 Driftwood Equities and 2019 Driftwood 552 and requests that the individual authorized to agree to such delegation for the City of Dripping Springs do so by signing below.

Judge Ruben Becerra  
Hays County Judge

ATTEST:

*Roxanne Rodriguez, Deputy*  
Elaine Cardenas, MBA, PhD  
Hays County Clerk



AGREED: \_\_\_\_\_

BY:  
TITLE:  
CITY OF DRIPPING SPRINGS, TX



**STAFF REPORT**  
**City of Dripping Springs**  
**PO Box 384**  
**511 Mercer Street**  
**Dripping Springs, TX 78620**

**Submitted By:** Laura Mueller, City Attorney

**Council Meeting Date:** July 20, 2021

**Agenda Item Wording:** **Approval of a Resolution joining the County to allow fire inspections and approvals as provided for in the Driftwood development agreements.** *Sponsor: Bill Foulds, Jr., Mayor.*

**Agenda Item Requestor:** Laura Mueller, City Attorney

**Summary/Background:** For development agreements for properties in the ETJ, city planning and building usually review all site submissions. One area of confusion has arisen related to the City and County's review of fire issues. This resolution is to allow the City (ESD) to review Driftwood projects under the City's fire code as envisioned by the agreements. Hays County was okay with this and have already approved the resolution which is attached to this agenda.

**Commission Recommendations:** N/A.

**Recommended Council Actions:** Approve the resolution.

**Attachments:** Resolution.

**Next Steps/Schedule:** If approved, the Mayor can execute our agreement on the County's resolution as presented.

**CITY OF DRIPPING SPRINGS**

**RESOLUTION 2021-R\_\_\_\_\_**

A RESOLUTION OF THE CITY OF DRIPPING SPRINGS CONSENTING TO  
THE ISSUANCE OF BONDS BY HAYS COUNTY MUNICIPAL UTILITY  
DISTRICT NUMBER 4

**WHEREAS**, Hays County Municipal Utility District Number 4 (the "District") is a municipal utility district, a body corporate and politic and governmental agency of the State of Texas, created under Article XVI, Sec. 59 of the Texas Constitution by order of the Texas Commission on Environmental Quality, and the District operates under Chapters 49 and 54 of the Texas Water Code, as amended;

**WHEREAS**, the District and the City of Dripping Springs entered into that certain "Agreement Concerning Creation and Operation of Hays County Municipal Utility District No. 4" dated to be effective July 25, 2002, as subsequently amended by that certain "Amendment Number One to the Agreement Concerning Creation and Operation of the Hays County Municipal Utility District No. 4 and Lands within the District" dated September 21, 2010; (collectively, the "Consent Agreement");

**WHEREAS**, among other matters, the Consent Agreement provides that all bonds of the District shall be submitted to the City of Dripping Springs for review and approval upon submission to the Texas Commission on Environmental Quality (formerly TNRCC);

**WHEREAS**, the District now desires to proceed with the issuance of its fourth series to reimburse water, wastewater, and drainage facilities system bonds in a principal amount not to exceed \$5,500,000 in order to reimburse costs of construction and engineering of the facilities (the "Bonds"); and

**WHEREAS**, the Bonds will be obligations solely of the District, and the City of Dripping Springs will not be responsible for payment of the Road Bonds.

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Dripping Springs City, Texas, that:**

1. This meeting of the City Council of the City of Dripping Springs has been properly posted in accordance with the Texas Open Meetings Act.
2. The City Council of the City of Dripping Springs has no comments or objections to the issuance by the District of the Bonds in a par amount not to exceed \$5,500,000.
3. This Resolution shall be effective upon the date of its approval.
4. Michelle Fischer, City Administrator, or her designee, is authorized to provide the appropriate documentation to the Hays County MUD Number 4 related to this bond issuance.

**PASSED & APPROVED** this, the 20<sup>th</sup> day of July 2021, by the City Council of Dripping Springs, Texas.

**CITY OF DRIPPING SPRINGS:**

---

Bill Foulds, Jr., Mayor

**ATTEST:**

---

Andrea Cunningham, City Secretary

**AGREEMENT CONCERNING CREATION AND OPERATION OF  
HAYS COUNTY MUNICIPAL UTILITY DISTRICT NO. 4  
AND LANDS WITHIN THE DISTRICT**

THIS AGREEMENT ("Agreement") made and entered into by and between the City of Dripping Springs, Texas, (the "City"), a general law city situated in Hays County, Texas, acting herein by and through its undersigned duly authorized Mayor, as authorized by specific action of its City Council; Hays County Municipal Utility District No. 4, a municipal utility district created on the 3rd day of July, 2003 by order of the Texas Natural Resource Conservation Commission or successor agency and operating pursuant to Chapter 54 of the Texas Water Code; and 194 Bush, Ltd., a Texas limited partnership, its successors and assigns the ("Partnership").

**RECITALS**

WHEREAS, the Partnership is the holder of legal title to all of the land comprising the District, which consists of approximately 194 acres situated wholly in Hays County, Texas, and within the extraterritorial jurisdiction of the City, which land is more particularly described in Exhibit "A" (the "Property"); and

WHEREAS, the Property is included within the boundaries of the Hays County Municipal Utility District No. 4 (the "District") created on the 3rd day of July, 2003 by order of the Texas Natural Resource Conservation Commission or successor agency ("TNRCC"); and

WHEREAS, pursuant to Section 42.042 of the Texas Local Government Code, as amended, and Section 54.016, Texas Water Code, as amended, the City has consented, subject to certain terms and conditions of this Agreement, to the creation of the District by Resolution adopted on July 23<sup>rd</sup>, 2002, in an open and duly posted public meeting of the City (the "Resolution"); and

WHEREAS the City and the Partnership wish to enter into certain agreements regarding the proposed development within the District (the "Project"), in order to provide for orderly development of the Project, which may include mixed-use development, including but not limited to, single-family residential homes, commercial and light industrial development and schools; and

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE MUTUAL COVENANTS AND AGREEMENTS SET FORTH BELOW, AND OTHER GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND ADEQUACY OF WHICH IS HEREBY ACKNOWLEDGED BY THE PARTIES, THE PARTIES CONTRACT, COVENANT AND AGREE AS FOLLOWS:

## ARTICLE I

### AGREEMENTS REGARDING DISTRICT CREATION

**Section 1.** The Partnership and the District will construct all facilities and infrastructure to serve the land within the District in accordance with plans and specifications that have been approved by the City, pursuant to City ordinance, as amended from time to time including those pertaining to utility design, construction and installation requirements. The City shall have the right to inspect, at reasonable times, all facilities being constructed by the Partnership or the District. The City agrees to review all plans and specifications provided by the Partnership or the District in a timely manner and pursuant to the procedures set forth in City ordinances and guidelines; not to unreasonably withhold its approval of such plans and specifications; and to conduct its inspections of ongoing construction in a manner that minimizes interference with such construction.

**Section 2.** Pursuant to Section 54.016, the parties agree that the purposes for which the District's bonds, or other lawful obligations to be issued by the District, may be issued are limited to the purposes of purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances, and associated professional and licensing or permitting fees, necessary:

(a) To provide a water supply for municipal uses, domestic uses and commercial purposes; and

(b) To collect, transport, process, dispose of and control all domestic, commercial, industrial or communal wastes, whether fluid, solid or composite state; and

(c) To gather, conduct, divert and control local storm water or other local harmful excesses of water in the District, related water quality facilities, and/or the payment of organization expenses, operation expenses during construction and interest during construction; and

(d) To provide parks and other recreational facilities as may be consistent with City ordinances and authorized pursuant to Chapters 49 and 54 of the Texas Water Code; and

(e) To provide any other facilities, amenities and/or improvements that benefit the Property within the District, that are consistent with City ordinances, and that qualify for developer reimbursement pursuant to rules promulgated by TNRCC.

**Section 3.** The District shall, within five (5) days of submittal, provide any bond package that it submits to the TNRCC (or successor agency) to the City for review, comments, and recommendations. The District further agrees to incorporate the City's recommendations into the District's final bond sales packages, so long as the recommendations, in the sole reasonable judgment of the District, do not render the bonds and notes unmarketable or considers such recommendations to not be materially detrimental to the District. The City's recommendations may be based upon, but will not be limited to, the following considerations: (1) overlapping tax rates, (2) the number of homes occupied, (3) taxpayer concentrations and

debt to assessed value ratios within the District, (4) TNRCC rules regarding obtaining a market study, and (5) overall compliance with TNRCC rules. Further, to the extent the following conditions are in compliance with TNRCC's (or successor agency) rules, and so long as the Board of Directors of the District approves conditions (a)-(e) below, for any individual bond issuance the parties agree that the District Bonds:

- (a) Will have a maximum maturity of 25 years;
- (b) Will not have interest rates that exceed 2% above the weekly tax exempt Bond Buyer Index for 25 year revenue bonds;
- (c) Will not be issued if the District's debt to certified taxable assessed valuation as determined by the records of the Hays County Appraisal District will exceed 25 percent upon issuance;
- (d) Will have amortization that results in level debt service payments over the life of the issue, except for an initial period, of up to 5 years of interest only payments; and
- (e) So long as it does not increase the District's interest rate on the proposed bonds, will contain the City's recommended call redemption features.

**Section 4.** The parties acknowledge that the Partnership may obtain Certificates of Convenience and Necessity ("CCN") from the TNRCC to provide water and/or sewer services throughout the boundaries of the District and will abandon or transfer those CCN(s) to the District upon its creation and subsequent TNRCC approval of any transfer. Should persons or entities other than the Partnership or the District apply for a water or a sewer CCN for areas within the District then, except for CCNs sought to provide the utility service contemplated in Section 10 below, the Partnership and the District shall oppose those CCN applications.

**Section 5.** One of the purposes of this Agreement is to authorize the District and the City, pursuant to the provisions of Section 54.016 of the Texas Water Code that allow a district and a city to contract regarding annexation, to enter into a binding contract regarding the terms and conditions of annexation of areas within the District by the City. The parties acknowledge that the City may annex area within the District in the future. Accordingly, the Parties agree as follows:

- (a) If the City annexes the entire area in the District, then the City will succeed to all the powers, duties, assets and obligations of the District, including but not limited to any rights and obligations under valid and duly-authorized contracts entered into by the District prior to the first notice of annexation (e.g., developer reimbursement agreement) and any bond obligations. The District will not enter into any developer reimbursement agreements or agreements for new projects or extraordinary expenses, except as necessary for continued operation and maintenance of existing District facilities, after publication of the first notice of proposed annexation. The District further agrees that any agreements with the District in violation of this requirement shall be void.

(b) Alternatively, the City may exercise any options available under Chapter 43 of the Texas Local Government Code, or similar annexation laws of the State of Texas, that are in effect with regard to the provision of water and/or sewer service to areas within Municipal Utility Districts that are annexed by cities.

**Section 6.** Unless it obtains prior approval of the City Council of the City, the District shall not: (1) construct or install water or wastewater lines or facilities to serve areas outside the District; (2) sell or deliver water or wastewater service to areas outside the District; or (3) annex any additional land to the District. Any land for which annexation to the District or out-of-district service is hereafter requested and approved shall be subject to the terms of this Agreement.

**Section 7.** After annexation, the City may set rates for water and/or sewer services for property that was within the District at the time of annexation which may include a surcharge in addition to the rates charged to other ratepayers of the City for the purpose of wholly or partially compensating the City for the assumption of the District's obligations; provided that the City does not annex the area within the District until at least 90% of the Project facilities have been installed for which District bonds are authorized pursuant to this Agreement. Additionally, any such additional surcharges above the rates for other properties within the City shall be calculated as an additional amount up to but not exceeding 100% of the water and/or sewer rates of the City. Such additional surcharges shall be calculated solely to recover those District debts and other obligations assumed by the City upon annexation which are not covered by any increase in the City's ad valorem tax revenue arising out of the annexation. The surcharge may continue for thirty (30) years after the initial District debt is issued or until the bonded indebtedness of the District has been retired, whichever occurs last, but in no case for a longer period of time than is necessary to wholly compensate the City for its assumption of the obligations of the District. The District shall comply with all of the requirements of Section 54.016(h), or such similar laws as may be in effect, regarding filing with the county clerk a duly affirmed and acknowledged statement which includes certain notice information to purchasers of property regarding the City's right to collect this surcharge.

**Section 8.** The Partnership and the District agree not to contest the City's annexation of the area within the District; provided, however, that the City shall not undertake to annex, or otherwise impose any ad valorem or other taxes or assessments upon the Property until at least 90% of the Project facilities have been installed for which District bonds are authorized pursuant to this Agreement.

**Section 9.** The City will express support for, but need not become a party to proceedings related to, the creation and funding of the District and the governmental approvals necessary for construction and operation of facilities to serve the area within the District, including, but not limited to, a CCN.

**Section 10.** The Partnership or the District recognize that the City may seek a CCN to become the retail water and/or wastewater provider for the area included in the District, and the Partnership and the District agree to support such CCN applications, assuming the Partnership or District has not previously filed a CCN application(s). Alternatively, the Partnership may undertake to construct the utilities or other facilities to serve the area in the District and may negotiate and enter into developer reimbursement agreements with the District, provided that the

District will give the City the opportunity to review and provide comments to the District on such developer reimbursement agreements. Unless the City has (i) executed a final agreement between the City and a qualified third-party provider of water and/or wastewater utility services and said final agreement stipulates that the City is to be the provider of such service(s) within the area included, or to be included, within the boundaries of the District, and (ii) the City has filed an application for a water and/or sewer CCN for the areas within the District, the Partnership and the District also may negotiate and enter into an agreement or agreements with one or more qualified third party providers of water and/or wastewater utility services, including the Lower Colorado River Authority (“LCRA”), for the purpose(s) of obtaining wholesale or retail water and/or wastewater services for the area to be included in the District (the “Utility Agreements”). The Partnership and the District shall require such provider (i) to construct all facilities and infrastructure to serve the land within the District in accordance with plans and specifications that have been approved by the City; and (ii) to grant the City the right to inspect, at reasonable times, all facilities being constructed by such provider. The City agrees to review all plans and specifications submitted by the provider in a timely manner and pursuant to the procedures set forth in City ordinances and guidelines, applicable to the Partnership and District, not to unreasonably withhold its approval of such plans and specifications, and to conduct its inspections of ongoing construction in a manner that minimizes interference with such construction. The Partnership and the District further agree to give the City notice of any Utility Agreement(s) it negotiates with third party retail providers and, in good faith, to seek agreement with the provider that the provider’s CCNs for such service within the District will be transferred to the City upon annexation pursuant to terms and conditions negotiated between the City and the provider.

## ARTICLE II

### PROJECT LAND USE AND DEVELOPMENT

**Section 1.** The City agrees that, during the term of this Agreement, it will not impose or attempt to impose: (a) any moratorium on building or development within the Project, or (b) any land use or development regulation that limits the rate or timing of land use approvals, whether affecting preliminary plans, final plats, site plans, building permits, certificates of occupancy or other necessary approvals, within the Project. No City imposed moratorium, growth restriction, or other limitation affecting the rate, timing or sequencing of development or construction of all or any part of the Project will apply to the Project if such moratorium, restriction or other limitation conflicts with this Agreement or would have the effect of increasing the Partnership’s obligations or decreasing the Partnership’s rights and benefits under this Agreement. This agreement on the part of the City will not apply to temporary moratoriums uniformly imposed throughout the City due to an emergency constituting an imminent threat to the public health or safety, provided that the temporary moratorium continues only during the duration of the emergency.

**Section 2.** The Partnership further agrees:

(a) to provide a minimum of thirty-five (35) acres of the Property as “Open Space,” to be used for green belts, parks, water quality buffer zones, drainage and water quality facilities, multiple use trails, all uses as approved pursuant to any agreement the

Partnership may enter into with the U.S. Fish and Wildlife Service, it being understood that such areas may be crossed with or contain utility easements and lines, roadway crossings, and other infrastructure required to provide service to the areas within the District; and

(b) to adopt, and cause to be recorded with the Clerk of Hays County, a set of covenants and restrictions for the Property, which provide for, inter alia, the establishment of a Homeowners' Association, to include an "Architectural Design Criteria and Control Committee" (the "HOA").

(c) Entrances and egress to and from the property will, as reasonably possible, be aligned with or off set a minimum of 300 feet from opposite roadways and will comply with Hays County and Dripping Springs off-set and alignment regulations. Furthermore, the Partnership agrees to limit public roadway access to the property to two locations however, the ultimate locations of public roadway access points may vary depending on adjacent and / or across the highway development plans and improvements that may be made by TxDOT, the Partnership, or others to U.S. Hwy 290 West.

**Section 3.** Due to the size of the Property and the likely duration of its development being several years, the City and the Partnership mutually agree that there is a need to plan ahead for adequate public facilities including, but not limited to, water and wastewater and other public utility facilities, water quality and storm water detention facilities, open space and roadways (the Project Infrastructure"). The City and the Partnership mutually agree that it is a benefit to the Parties for the Project infrastructure to be properly and adequately planned and designed in a manner and capacity to properly serve the Project and to ensure the City that, if and when it may annex the Property, those facilities are adequate and of the best quality possible. It is also beneficial to the Parties that the Project be planned and developed in a manner that is sensitive to the environment, protects water quality, and successfully meets the needs and demands of the growing community. In order to accomplish the above, it is necessary for there to be stable and predictable rules and regulations applicable to the Project. Except as otherwise provided in this Agreement (for example, Article I, Sections 1 and 10), the City rules, regulations and official policies applicable to the development of the Project during the term of this Agreement will be those City ordinances, regulations, and official policies (collectively, "Current Rules") in force and as interpreted by the City by policy or practice on July 23<sup>rd</sup>, 2002 (the "Vesting Date"). The Partnership also agrees to abide by the current City Outdoor Lighting Ordinance #1260.00, which ordinance does not currently apply to the Property. The Parties agree that Current Rules along with certain variances thereto, will help ensure the successful long term planning and development of the Property. As agreed between the Partnership and the City, the variances from the Current Rules granted to the Partnership on the Property for the Project (the "Variances") are attached hereto, and incorporated herein in their entirety by reference, as Exhibit "B". It is understood that the Current Rules along with the Variances (collectively the "Applicable Rules") will apply to the Property until the earlier to occur of (i) the effective date of the City's annexation of the Property or (ii) the termination of this Agreement.

**Section 4.** To assure the City of the timely and proper installation of utility and roadway infrastructure within the Project, the Partnership may provide a subdivision construction agreement that contractually obligates the Partnership to complete the construction of such infrastructure prior to selling final platted property (or portions thereof) in lieu of any other fiscal

security requirements, required pursuant to the Applicable Rules. So long as the Partnership provides fiscal security for the utility and roadway infrastructure serving all or portions of the final platted areas of the Property and otherwise as provided in the Applicable Rules, the Partnership may sell all or portions of the lots located within a final platted area prior to completion of the utility and roadway infrastructure for that final platted area.

**Section 5.** The City grants the Partnership (i) an exemption from Ordinance No. 52B, the City's Site Development Ordinance, for all single-family lots within the Project, and (ii) without limiting the generality of the foregoing, a waiver of the requirement of Section 8.D. of Ordinance No. 52B that a buffer area equal to 20% of the lot be provided downhill of impervious coverage where water quality and detention is provided either through on-site or regional water quality and detention facilities.

**Section 6.** The City agrees that the dedication of Open Space areas to the HOA or the District, or placing upon such areas a recorded deed restriction or Open Space easement in accordance with the provisions of Section 2. (a) herein, will satisfy the requirement of Section 15.J. of Ordinance No. 1230.1 and Sections 2-4 of Ordinance 1230.3.

**Section 7.** In the event of any third party lawsuit or other claim relating to the validity of this Agreement and/or any actions taken by the City and the Partnership hereunder, the City and the Partnership agree as follows:

(a) the Partnership and the City agree to cooperate in the defense of such suit or claim, and to use their respective best efforts to resolve the suit or claim without diminution of their respective rights and obligations under this Agreement; and

(b) the filing of any third party lawsuit relating to this Agreement or the development of the Project will not delay, stop or otherwise affect the development of either the Project or the Property, or the City's processing or issuance of any approvals for the Project and the Property, unless otherwise required by a lawful order of a court of competent jurisdiction.

**Section 8.** In recognition that the agreements in this Article II regarding land use and development may result in increased costs or other administrative burdens on the City, and as additional consideration therefore, without which the City would not have entered into Article II of this Agreement, the Partnership agrees to pay the City up to \$55,000.00, payable as follows:

(a) \$5,000.00 to be delivered within 5 business days of the date the Agreement is executed by the City, said \$5,000.00 is to be treated by the City as a prepaid credit in favor of the Partnership to cover any application, filing, inspection and other miscellaneous fees charged by the City in connection with the Partnership's development of the Property ; and

(b) up to \$50,000, lawfully reimbursed to the Partnership out of proceeds from the issuance of bonds by the District described in this Agreement. This amount will be calculated at the rate of 5% of each bond reimbursement received by the Partnership for costs advanced by the Partnership for the construction of water, wastewater and drainage utility facilities within the Project. Each installment of the sum (i) will be

payable solely out of the proceeds of the District's bonds, (ii) will be contingent upon the creation of the District and the sale and funding of the District's bonds, (iii) will be paid by the Partnership to the City within 5 days after the Partnership's receipt of the bond reimbursement upon which the sum is calculated and (iv) will equal five percent (5%) of the amount of bond reimbursement actually received by the Partnership.

**Section 9.** The Partnership shall establish an initial deposit of \$2,500 with the City, which is intended to cover all City legal and engineering fees and administrative expenses associated with this Agreement. If the fees and expenses incurred by the City exceed the amount of the initial deposit, the Partnership will pay the additional fees and expenses upon the City's request. If the fees and expenses incurred by the City are less than the amount of the initial deposit, the City will refund the balance to the Partnership upon the Partnership's request.

### ARTICLE III

#### OTHER PROVISIONS

**Section 1.** In the event of any third party lawsuit or other claim relating to the validity of this Agreement and/or any actions taken by the Parties hereunder, the parties agree to cooperate in the defense of such suit or claim, and to use their respective best efforts to resolve the suit or claim without diminution of their respective rights and obligations under this Agreement.

**Section 2.** All of the terms of this Agreement shall be binding upon, shall inure to the benefit of, and shall be severally enforceable by and against each party to this Agreement, individually, and such party's respective personal representatives, successors, trustees, receivers, and assigns. Notice of assignment by a Party of any rights or obligations under this Agreement shall be furnished to the other Party no less than 20 business days prior to the Assignment.

**Section 3.** If either Party believes that the other Party has failed to comply with the requirements of this Agreement, the non-failing Party shall provide the other Party with written notice of such alleged failure to comply, and failing Party shall have sixty (60) days thereafter to correct such non-compliance. If the Party fails to correct such non-compliance within such time, the non-failing Party shall have available all remedies allowed by law and/or this Agreement.

**Section 4.** THIS AGREEMENT SHALL BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS, AS IT APPLIES TO CONTRACTS PERFORMED WITHIN THE STATE OF TEXAS AND WITHOUT REGARD TO ANY CHOICE OF LAW RULES OR PRINCIPLES TO THE CONTRARY. THE PARTIES ACKNOWLEDGE THAT THIS AGREEMENT IS PERFORMABLE IN HAYS COUNTY, TEXAS AND HEREBY SUBMIT TO THE JURISDICTION OF THE COURTS OF THAT COUNTY, AND HEREBY AGREE THAT ANY SUCH COURT SHALL BE A PROPER FORUM FOR THE DETERMINATION OF ANY DISPUTE ARISING HEREUNDER.

**Section 5.** This Agreement may not be amended or modified other than by a written agreement executed by the parties, nor may any provision be waived except by a writing signed by the party waiving such provision. Any waiver shall be limited to the specific purposes for which it is given.

**Section 6.** Each Party represents and warrants to the other that it has full authority to execute this Agreement and implement its terms and conditions.

**Section 7.** Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law, but if any provision of this Agreement, or the application thereof to any person or entity or under any circumstances, is invalid or unenforceable to any extent under applicable law, and the extent of such invalidity or unenforceability does not cause substantial deviation from the underlying intent of the parties as expressed in this Agreement, then such provision shall be deemed severed from this Agreement with respect to such person, entity or circumstance, without invalidating the remainder of this Agreement or the application of such provision to other persons, entities or circumstances, and a new provision shall be deemed substituted in lieu of the provision so severed which new provision shall, to the extent possible, accomplish the intent of the parties as evidenced by the provision so severed.

**Section 8.** In addition to all the rights and remedies provided by the laws of the state, in the event the District violates the terms and provisions of this Agreement, the City shall be entitled to injunctive relief or a writ of mandamus issued by a court of competent jurisdiction restraining, compelling or requiring the District and its officials to observe and comply with the terms and provisions prescribed in this Agreement.

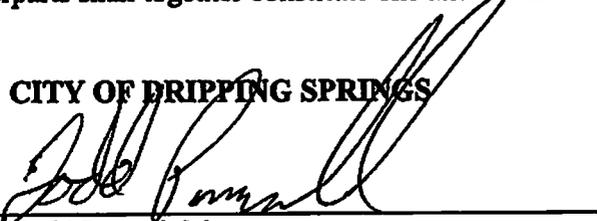
**Section 9.** The parties acknowledge that each party and, if it so chooses, its counsel, have reviewed and revised this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement or any amendments or Exhibit(s) hereto.

**Section 10.** This Agreement shall be effective from the date of execution hereof by the City and the Partnership, and shall continue in effect for a period of 15 years from the date of the execution hereof by the District or until such time as all District Bonds shall have been repaid, whichever is later; provided, however, if the creation of the District has not been confirmed at an election conducted on or before the first Saturday of May in the year 2005, then this Agreement may, at the option of the Partnership or the City, be terminated by written notice.

IN WITNESS HEREOF, each of the parties has caused this Agreement to be executed by its undersigned duly authorized representative, in multiple counterparts, each of which shall be deemed an original, as of the date indicated below, it being understood that all parties need not sign the same counterparts and all of such counterparts shall together constitute one and the same instrument.

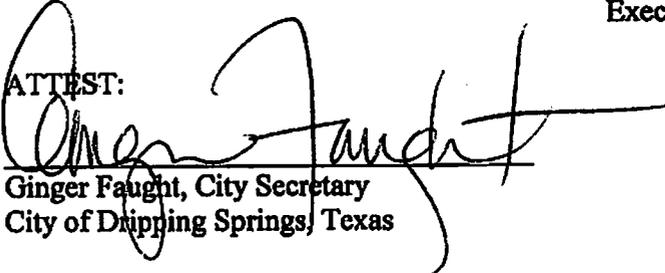
**CITY OF DRIPPING SPRINGS**

By:

  
Todd Purcell, Mayor  
City of Dripping Springs, Texas

Executed on July 25<sup>th</sup>, 2002

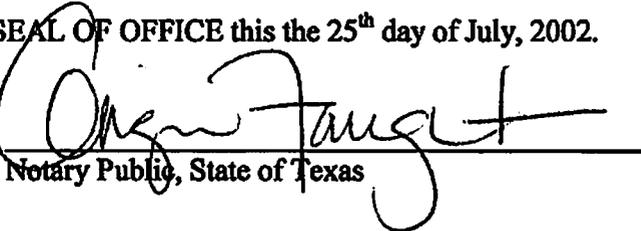
ATTEST:

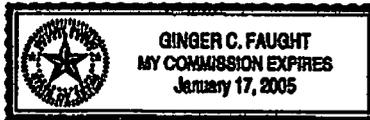
  
Ginger Faught, City Secretary  
City of Dripping Springs, Texas

STATE OF TEXAS           §  
  §  
COUNTY OF HAYS       §

BEFORE ME, the undersigned authority, on this day personally appeared Todd Purcell, Mayor of the City of Dripping Springs, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said City of Dripping Springs.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 25<sup>th</sup> day of July, 2002.

  
Notary Public, State of Texas



**HAYS COUNTY MUNICIPAL UTILITY  
DISTRICT NO. 4**

By: *Emily Jane Monroe*  
(Print Name): Emily Jane Monroe

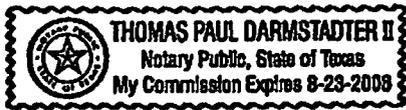
Title: President

Executed on March 4, 2004

STATE OF TEXAS           §  
  §  
COUNTY OF HAYS       §

BEFORE ME, the undersigned authority, on this day personally appeared Emily Jane Monroe, President of the Hays County Municipal Utility District No. 4, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of the said Hays County Municipal Utility District No. 4.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 4th day of March, 2004.



*Thomas Paul Darmstadter II*  
Notary Public, State of Texas

By: **194 BUSH, LTD.**  
DH Real Estate Investment Company dba DH  
Investment Company, a Texas Corporation,  
General Partner

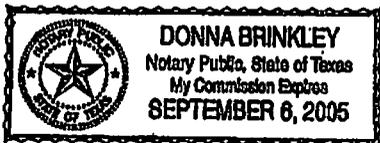
By: *Michael L. Schoenfeld*  
Michael L. Schoenfeld, Vice President

Executed on July 25<sup>th</sup>, 2002

STATE OF TEXAS           §  
  §  
COUNTY OF HAYS       §

BEFORE ME, the undersigned authority, on this day personally appeared Michael L. Schoenfeld, Vice President of DH Real Estate Investment Company dba DH Investment Company, a Texas corporation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 25<sup>th</sup> day of July, 2002.



*Donna Brinkley*  
Notary Public, State of Texas

**EXHIBIT "A"**

**"HAYS COUNTY MUNICIPAL UTILITY DISTRICT NO. 4"  
Metes & Bounds Description  
for  
780 acres of land, more or less, in Hays County, Texas**

**FIELD NOTE DESCRIPTION OF 193.926 ACRES OF LAND OUT OF THE WILLIAM S. HOLTON SURVEY NO. 57 ABSTRACT 245 IN HAYS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN (186.61 ACRE) TRACT CONVEYED TO THE C.F. BUSH FAMILY LIMITED PARTNERSHIP BY DEEDS RECORDED IN VOLUME 1266 PAGE 867 AND VOLUME 1354 PAGE 255 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS BUT EXCLUDING THOSE TRACTS PREVIOUSLY CONVEYED TO THE STATE OF TEXAS FOR RIGHT-OF-WAY AS RECORDED IN VOLUME 170 PAGE 318 AND VOLUME 170 PAGE 322 OF THE HAYS COUNTY DEED RECORDS, AND BEING ALL OF THAT (10.00 ACRE) TRACT CONVEYED TO THE C. F. BUSH FAMILY LIMITED PARTNERSHIP BY DEED RECORDED IN VOLUME 1354 PAGE 255 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

BEGINNING at a ½ inch iron pipe found in the southwest line of Lot 13, Oak Run West, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 3 Page 77 of the Plat Records of Hays County, Texas, at the most easterly corner of that certain (200 Acre) tract conveyed from Carl A. Bible et ux. to Claude F. Bush, Jr. and Mary Pauline Bush by deed recorded in Volume 180 Page 422 of the Hays County Deed Records, and being at the Northeast corner of that certain (186.61 Acre) tract conveyed to the C.F. Bush, Jr. Family Limited Partnership by deeds recorded in Volume 1266 Page 867 and Volume 1354 Page 255 of the Hays County Official Public Records, and being the Northwest corner of that certain (20.54 Acres) tract conveyed to William R. Schneider by deed recorded in Volume 443 Page 840 of the Hays County Real Property Records, and being the Northeast corner and PLACE OF BEGINNING of the herein described tract:

THEENCE with the east line of said Bush (200 Acre) tract, S 08 deg. 07' 52" E 2225.11 ft. to a 1/2 inch iron pipe found at the intersection of the east line of said Bush (200 Acre) tract and the north right-of-way line of U.S. Highway 290, and being in the north line of that certain (4.09 Acre) tract conveyed to the State of Texas by deed recorded in Volume 170 Page 318 of the Hays County Deed Records, and being the Southwest corner of that certain tract conveyed to David T. Rush by deed recorded in Volume 354 Page 796 of the Hays County Deed Records, and being the Southeast corner of this tract;

THENCE with the north right-of-way line of U.S. Highway 290, the following six courses:

1) S 70 deg. 52' 57" W 58.87 ft. to a concrete monument found at a point of curvature;

2) a curve to the left, having a radius of 5829.65 ft., an arc length of 408.49 ft., and a chord bearing of S 62 deg. 59' 57" W 408.41 ft. to a concrete monument found at a point of tangency;

3) S 60 deg. 58' 12" W at 1388.86 ft. passing a 14" wood fence corner post in the common line of said Bush (200 Acre) tract and that certain (300 Acre) tract conveyed from Ernest T. Leonard to Claude F. Bush, Jr. and Mary Pauline Bush by deed recorded in Volume 175 Page 619 of the Hays County Deed Records, and continuing on the same course 489.74 ft. more, for a total distance of 1878.59 ft., to a concrete monument found;

4) S 49 deg. 31' 22" W 203.73 ft. to a concrete monument found;

5) S 60 deg. 57' 04" W 339.85 ft. to a 1/2 inch iron rod set with plastic cap marked "Carson and Bush Professional Surveyors" in the south line of said Bush (300 Acre) tract, and being a point in the north line of that "old road" conveyed to the State Highway Department of Texas by right-of-way deed recorded in Volume 107 Page 576 of the Deed Records of Hays County, Texas;

6) S 68 deg. 37' 00" W 224.56 ft. to a 1/2 inch iron rod set with plastic cap marked "Carson and Bush Professional Surveyors" in the east line of that certain (249.949 Acre) tract conveyed to 4-J Land Company, Inc. by deed recorded in Volume 324 Page 387 of the Hays County Deed Records, and being the Southwest corner of this tract;

THENCE crossing the interior of said Bush (300 Acre) tract with the common line of said 4-J Land Company (249.949 Acre) and said C.F. Bush, Jr. Family Limited Partnership (186.61 Acre) tract, the following four courses:

- 1) N 22 deg. 07' 34" W at 269.78 ft. passing a 5/8" iron rod found at the Southeast corner of Lot 99, Heritage Oaks Section 2-A, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 2 Page 115 of the Hays County Plat Records, and continuing on the same course at 150.4 ft. passing the record most southerly corner of that certain (10.00 Acre) tract conveyed to the C.F. Bush, Jr. Family Limited Partnership by deed recorded in Volume 1354 Page 255 of the Hays County Official Public Records, and continuing on the same course at 189.70 ft. passing a 5/8" iron rod found at the Northeast corner of said Lot 99, and continuing on the same course 293.70 ft. more, for a total distance on this bearing of 903.58 ft., to a 5/8" iron rod found;
- 2) N 22 deg. 03' 40" W at 293.70 ft. passing the record most westerly corner of said C.F. Bush, Jr. Family Limited Partnership (10.00 Acre) tract, and continuing on the same course 452.11 ft., more for a total distance of 700.03 ft., to a 60 D nail found in the top of a fence corner post in the south line of Lot 104 of said Heritage Oaks Section 2-A;
- 3) N 60 deg. 38' 24" E 1054.57 ft. to a 60 D nail found in top of a fence corner post at the most easterly southeast corner of Lot 109 of said Heritage Oaks Section 2-A;
- 4) N 11 deg. 16' 37" E 3008.40 ft. to a 1/2 inch iron rod found in the northeast line of said Bush (200 Acre) tract, being a point in the southwest line of Lot 24 of said Oak Run West, and being at the most northerly corner of said C.F. Bush Family Limited Partnership (186.61 Acre) tract, and being the most easterly corner of said 4-J Land Company tract, and being the most easterly corner of Lot 124 of said Heritage Oaks Section 2-A, and being the most northerly corner of this tract;

THENCE with the northeast line of said Bush (200 Acre) tract, the following three courses:

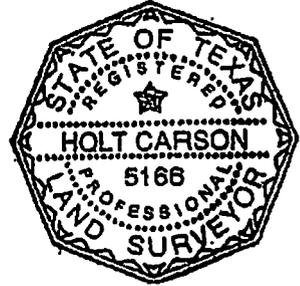
- 1) S 46 deg. 58' 20" E at 229.64 ft. passing a 1/2 inch iron rod found at the most southerly corner of Lot 23 of said Oak Run West, and continuing on the same course 30.05 ft. more, for a total distance on this bearing of 259.69 ft., to a 60 D nail found at the base of a fence corner post;
- 2) S 50 deg. 34' 08" E at 147.83 ft. passing a 1/2 inch iron rod found at the most southerly corner of Lot 22 of said Oak Run West and continuing on the same course 108.10 ft. more, for a total distance of 255.93 ft., to a 1/2 inch iron rod found;

3) S 50 deg. 40' 00" E at 461.95 ft. passing a 1/2 inch iron rod found at the most southerly corner of Lot 19 of said Oak Run West, and continuing on the same course at 540.89 ft. passing a 1/2 inch iron rod found at the most southerly corner of Lot 16 of said Oak Run West, and continuing on the same course 441.13 ft more, for a total distance on this bearing of 1443.97 ft., to the Place of Beginning, containing 193.926 Acres of land.

SURVEYED: January 19, 2001

BY: 

Holt Carson  
Registered Professional Land Surveyor No. 5166



see accompanying map no. B596002a

**EXHIBIT "B"**

**BUSH RANCH  
Variances**

**Criteria (with reference to current Dripping Springs Subdivision Ordinance, if applicable)**

**Existing City Standards**

**Standards Approved for the Project**

**9.F.2.3 & 11.D.2 Approval-Preliminary Plat**

6 Months

Life of Agreement

**15.J.4. Street Frontage, minimum (at building line) of platted lot**

General:100 feet  
Cul-de-sac lot: 60 feet

General: 50 feet  
Cul-de-sac lot: 30 feet  
Flag lot: 20 feet

**15.J.6,7,8 Setbacks, Minimums  
Single Family Residential**

30' front; 10' side, 30' rear

20' front; 20' rear; , 10' side with minimum 5' of separation on each side yard for conventional lots and a minimum of 10' separation between zero lot line structures.

<b>Criteria (with reference to current Dripping Springs Subdivision Ordinance, if applicable)</b>	<b>Existing City Standards</b>	<b>Standards Approved for the Project</b>
<b>Lot Density and Sizes:</b>		
<b>Central Water/Central Sewer</b>		
Average Platted Lot Density	.75 acre per lot	No Change
Minimum Platted Lot Size	.5 acre	5,000 square feet
<b>Central Water/Septic Tank</b>		
Average Platted Lot Density	1 acre per lot	No Change
Minimum Lot Size	.75 acre	½ acre
Minimum Lot Sizes in Buffer Zones	3 acres	Minimum of 1 acre and any such lot must contain at least ½ acre of land outside of the buffer zone. No Impervious Cover allowed in Buffer.

Approved by P  
Glaslo2

**BUSH RANCH  
Variances**

<b>Criteria (with reference to current Dripping Springs Subdivision Ordinance, if applicable)</b>	<b>Existing City Standards</b>	<b>Standards Approved for the Project</b>
<u>9.F.2.3 &amp; 11.D.2 Approval Preliminary Plat</u>	6 Months	Life of Agreement
<u>15.J.4. Street Frontage, minimum (at building line) of platted lot</u>	General: 100 feet Cul-de-sac lot: 60 feet	General: 50 feet Cul-de-sac lot: 30 feet Flag lot: 20 feet
<u>15.J.6,7,8 Setbacks, Minimums</u> Single Family Residential	30' front; 10' side, 30' rear	20' front; 10' cumulative side, 20' rear
<b>Lot Density and Sizes:</b>		
<b>Central Water/Central Sewer</b>		
Average Platted Lot Density	.75 acre per lot (Current Ordinance – However, Bush was final plated when ordinance requirement was .5 acre average)	.5 acre per lot
Minimum Platted Lot Size	.5 acre	5,000 square feet
<b>Central Water/Septic Tank</b>		
Average Platted Lot Density	1 acre per lot	No Change
Minimum Lot Size	.75 acre	½ acre
Minimum Lot Sizes in Buffer Zones	3 acres	Minimum of 1 acre and any such lot must contain at least ½ acre of land outside of the buffer zone. No Impervious Cover allowed in Buffer.

STATE OF TEXAS /  
 /  
COUNTY OF HAYS /

**AMENDMENT #1**  
*to the*  
**AGREEMENT CONCERNING CREATION AND OPERATION**  
**OF HAYS COUNTY MUNICIPAL UTILITY DISTRICT NO. 4**  
**AND LANDS WITHIN THE DISTRICT**

This Amendment is hereby approved and agreed upon thus modifying the AGREEMENT CONCERNING CREATION AND OPERATION OF HAYS COUNTY MUNICIPAL UTILITY DISTRICT NO. 4 AND LANDS WITHIN THE DISTRICT (“Agreement”), made and entered into by and between the City of Dripping Springs, Texas (“City”), Hays County Municipal Utility District Number 4 (“MUD No. 4”), and 194 Bush, Ltd., which was executed on July 25, 2002.

**WHEREAS,** pursuant to Texas Local Government Code Section 42.042 and Texas Water Code section 54.016, the City of Dripping Springs consented to the creation of MUD No. 4 through the enactment of Resolution 2002-9 on July 23, 2002; and

**WHEREAS,** pursuant to Texas Constitution Article XVI, Section 59, and Texas Water Code Chapters 49 and 54, the Texas Natural Resource Conservation Commission (now the “Texas Commission on Environmental Quality” or “TCEQ”) granted the application for creation of MUD No. 4 through enactment of an Order enacted July 3, 2003; and

**WHEREAS,** market conditions and regulatory circumstances have evolved to the point that modifications to the Agreement are warranted.

**NOW THEREFORE,** in consideration of the mutual covenants and conditions set forth below and in this Amendment to the Agreement, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged by the parties, Article II (PROJECT LAND USE AND DEVELOPMENT) of the Agreement is hereby amended as follows:

A. By inserting Section 10, which shall read as follows and be incorporated into the Agreement hereafter for all intents and purposes:

Section 10.

- (a) The Cumulative Total Impervious Cover on the entirety of the Property shall not exceed 50%.
- (b) The impervious cover on any single commercial, industrial, single-family, or multifamily residential lot or undivided tract located within the Property shall not exceed 80%.
- (c) The allotment of impervious cover among lots or undivided tracts is matter left solely to the discretion of 194 Bush, Ltd., and is not addressed herein. Any negotiations or contracts regarding the allotment of impervious cover among owners or tenants of lots or undivided tracts are deemed private property matters outside the scope of this Agreement.
- (d) The Cumulative Total Impervious Cover will be calculated as each parcel within the Property is platted. An Impervious Cover Chart will accompany each plat application verifying:
  - (1) the current Cumulative Total Impervious Cover as of the date of submission;
  - (2) the proposed allotment of impervious cover for the parcel(s) being platted or developed; and
- (e) An Environmental Assessment will be included with every site plan for the commercial phase submitted to the City documenting any and all critical environmental features (CEFs), environmental concerns, slopes or drainage concerns.
- (f) The pervious areas of the Project (i.e., the portions without impervious cover) must be vegetated (either natural or re-vegetated) immediately after development. The vegetation must be maintained in perpetuity.
- (g) The City Council is authorized under this Agreement to deny plat approval and/or deny site plan approval for a proposal's failure to comply with the terms stated above.
- (h) The City's Site Development Ordinance (52B) shall remain in full force and effect, and applicable to the Project, excepted as expressly provided for in this Agreement. The requirements of 52B notwithstanding, the Project is allowed six-foot (6') cuts (i.e., cut and fills) for work performed in accordance with a City-approved site plan. This section creates a limited modification that does not otherwise affect the remaining requirements of 52B.

- B. By inserting Section 11, which shall read as follows and be incorporated into the Agreement hereafter for all intents and purposes:

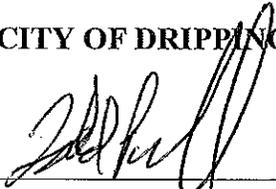
Section 11. The undersigned landowner has reviewed the Strategic Partnership Agreement (“SPA”) entered into between the City and the District, and does not object to the terms of that SPA, and agrees that the Sales and Use Tax to be levied under the SPA is an exception to the Agreement’s Paragraph 8 restriction on the City’s ability to levy taxes within the District.

- C. By inserting Section 12, which shall read as follows and be incorporated into the Agreement hereafter for all intents and purposes:

Section 12. The Project is subject to the updated national and international building codes (including but not limited to electrical, plumbing, mechanical or energy standards), referenced in the City’s Code of Ordinances, Volume 2, Article 15, Chapter 2, (as recodified) that are generally applicable in the City Limits. The Project shall not be subject to local municipal amendments to the standard national and international codes if such amendments have the effect substituting local specifications for construction that deviate from the uniform specifications generally published by the national and international code councils.

**IN WITNESS HEREOF**, each of the parties has caused this Amendment to the Agreement to be executed by its undersigned duly authorized representative, in multiple counterparts, each of which shall be deemed an original, as of the date(s) indicated below, it being understood that all parties need not sign the counterparts and all such counterparts shall together constitute one and the same instrument.

**CITY OF DRIPPING SPRINGS:**

by:   
Todd Purcell, Mayor

**BEFORE ME**, the undersigned authority, this day personally appeared **Todd Purcell**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged before me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of the City of Dripping Springs.

**GIVEN UNDER MY HAND & SEAL of office this, the 14<sup>th</sup> day of September 2010.**

  
Notary Public in & for the State of Texas

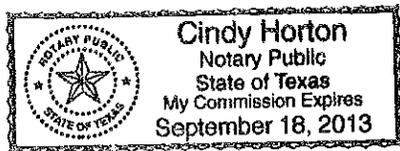


194 BUSH, LTD:

by: Michael L. Schoenfeld  
Michael L. Schoenfeld, Vice President  
DH Real Estate Investment Company  
d/b/a DH Investment Company,  
a Texas corporation, General Partner

**BEFORE ME**, the undersigned authority, this day personally appeared **Michael L. Schoenfeld**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged before me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of 194 Bush, Ltd., by and through its General Partner, DH Real Estate Investment Company (d/b/a DH Investment Company).

**GIVEN UNDER MY HAND & SEAL** of office this, the 13<sup>th</sup> day of October 2010.



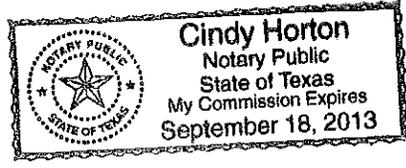
Cindy Horton  
Notary Public in & for the State of Texas

**HAYS COUNTY MUNICIPAL UTILITY DISTRICT NUMBER 4:**

by: [Signature]  
VICE PRESIDENT

**BEFORE ME**, the undersigned authority, this day personally appeared Ryan Ziehe, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged before me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of the Hays County Municipal Utility District Number 4.

**GIVEN UNDER MY HAND & SEAL** of office this, the 13<sup>th</sup> day of October 2010.



[Signature]  
Notary Public in & for the State of Texas

**AGREEMENT CONCERNING CREATION AND OPERATION OF  
HAYS COUNTY MUNICIPAL UTILITY DISTRICT NO. 4  
AND LANDS WITHIN THE DISTRICT**

THIS AGREEMENT (“Agreement”) made and entered into by and between the City of Dripping Springs, Texas, (the “City”), a general law city situated in Hays County, Texas, acting herein by and through its undersigned duly authorized Mayor, as authorized by specific action of its City Council; Hays County Municipal Utility District No. 4, a municipal utility district created on the 3rd day of July, 2003 by order of the Texas Natural Resource Conservation Commission or successor agency and operating pursuant to Chapter 54 of the Texas Water Code; and 194 Bush, Ltd., a Texas limited partnership, its successors and assigns the (“Partnership”).

RECITALS

WHEREAS, the Partnership is the holder of legal title to all of the land comprising the District, which consists of approximately 194 acres situated wholly in Hays County, Texas, and within the extraterritorial jurisdiction of the City, which land is more particularly described in Exhibit “A” (the “Property”); and

WHEREAS, the Property is included within the boundaries of the Hays County Municipal Utility District No. 4 (the “District”) created on the 3rd day of July, 2003 by order of the Texas Natural Resource Conservation Commission or successor agency (“TNRCC”); and

WHEREAS, pursuant to Section 42.042 of the Texas Local Government Code, as amended, and Section 54.016, Texas Water Code, as amended, the City has consented, subject to certain terms and conditions of this Agreement, to the creation of the District by Resolution adopted on July 23<sup>rd</sup>, 2002, in an open and duly posted public meeting of the City (the “Resolution”); and

WHEREAS the City and the Partnership wish to enter into certain agreements regarding the proposed development within the District (the “Project”), in order to provide for orderly development of the Project, which may include mixed-use development, including but not limited to, single-family residential homes, commercial and light industrial development and schools; and

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE MUTUAL COVENANTS AND AGREEMENTS SET FORTH BELOW, AND OTHER GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND ADEQUACY OF WHICH IS HEREBY ACKNOWLEDGED BY THE PARTIES, THE PARTIES CONTRACT, COVENANT AND AGREE AS FOLLOWS:

## ARTICLE I

## AGREEMENTS REGARDING DISTRICT CREATION

Section 1. The Partnership and the District will construct all facilities and infrastructure to serve the land within the District in accordance with plans and specifications that have been approved by the City, pursuant to City ordinance, as amended from time to time including those pertaining to utility design, construction and installation requirements. The City shall have the right to inspect, at reasonable times, all facilities being constructed by the Partnership or the District. The City agrees to review all plans and specifications provided by the Partnership or the District in a timely manner and pursuant to the procedures set forth in City ordinances and guidelines; not to unreasonably withhold its approval of such plans and specifications; and to conduct its inspections of ongoing construction in a manner that minimizes interference with such construction.

Section 2. Pursuant to Section 54.016, the parties agree that the purposes for which the District's bonds, or other lawful obligations to be issued by the District, may be issued are limited to the purposes of purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances, and associated professional and licensing or permitting fees, necessary:

(a) To provide a water supply for municipal uses, domestic uses and commercial purposes; and

(b) To collect, transport, process, dispose of and control all domestic, commercial, industrial or communal wastes, whether fluid, solid or composite state; and

(c) To gather, conduct, divert and control local storm water or other local harmful excesses of water in the District, related water quality facilities, and/or the payment of organization expenses, operation expenses during construction and interest during construction; and

(d) To provide parks and other recreational facilities as may be consistent with City ordinances and authorized pursuant to Chapters 49 and 54 of the Texas Water Code; and

(e) To provide any other facilities, amenities and/or improvements that benefit the Property within the District, that are consistent with City ordinances, and that qualify for developer reimbursement pursuant to rules promulgated by TNRCC.

Section 3. The District shall, within five (5) days of submittal, provide any bond package that it submits to the TNRCC (or successor agency) to the City for review, comments, and recommendations. The District further agrees to incorporate the City's recommendations into the District's final bond sales packages, so long as the recommendations, in the sole reasonable judgment of the District, do not render the bonds and notes unmarketable or considers such recommendations to not be materially detrimental to the District. The City's recommendations may be based upon, but will not be limited to, the following considerations: (1) overlapping tax rates, (2) the number of homes occupied, (3) taxpayer concentrations and

debt to assessed value ratios within the District, (4) TNRCC rules regarding obtaining a market study, and (5) overall compliance with TNRCC rules. Further, to the extent the following conditions are in compliance with TNRCC's (or successor agency) rules, and so long as the Board of Directors of the District approves conditions (a)-(e) below, for any individual bond issuance the parties agree that the District Bonds:

- (a) Will have a maximum maturity of 25 years;
- (b) Will not have interest rates that exceed 2% above the weekly tax exempt Bond Buyer Index for 25 year revenue bonds;
- (c) Will not be issued if the District's debt to certified taxable assessed valuation as determined by the records of the Hays County Appraisal District will exceed 25 percent upon issuance;
- (d) Will have amortization that results in level debt service payments over the life of the issue, except for an initial period, of up to 5 years of interest only payments; and
- (e) So long as it does not increase the District's interest rate on the proposed bonds, will contain the City's recommended call redemption features.

Section 4. The parties acknowledge that the Partnership may obtain Certificates of Convenience and Necessity ("CCN") from the TNRCC to provide water and/or sewer services throughout the boundaries of the District and will abandon or transfer those CCN(s) to the District upon its creation and subsequent TNRCC approval of any transfer. Should persons or entities other than the Partnership or the District apply for a water or a sewer CCN for areas within the District then, except for CCNs sought to provide the utility service contemplated in Section 10 below, the Partnership and the District shall oppose those CCN applications.

Section 5. One of the purposes of this Agreement is to authorize the District and the City, pursuant to the provisions of Section 54.016 of the Texas Water Code that allow a district and a city to contract regarding annexation, to enter into a binding contract regarding the terms and conditions of annexation of areas within the District by the City. The parties acknowledge that the City may annex area within the District in the future. Accordingly, the Parties agree as follows:

- (a) If the City annexes the entire area in the District, then the City will succeed to all the powers, duties, assets and obligations of the District, including but not limited to any rights and obligations under valid and duly-authorized contracts entered into by the District prior to the first notice of annexation (e.g., developer reimbursement agreement) and any bond obligations. The District will not enter into any developer reimbursement agreements or agreements for new projects or extraordinary expenses, except as necessary for continued operation and maintenance of existing District facilities, after publication of the first notice of proposed annexation. The District further agrees that any agreements with the District in violation of this requirement shall be void.

(b) Alternatively, the City may exercise any options available under Chapter 43 of the Texas Local Government Code, or similar annexation laws of the State of Texas, that are in effect with regard to the provision of water and/or sewer service to areas within Municipal Utility Districts that are annexed by cities.

Section 6. Unless it obtains prior approval of the City Council of the City, the District shall not: (1) construct or install water or wastewater lines or facilities to serve areas outside the District; (2) sell or deliver water or wastewater service to areas outside the District; or (3) annex any additional land to the District. Any land for which annexation to the District or out-of-district service is hereafter requested and approved shall be subject to the terms of this Agreement.

Section 7. After annexation, the City may set rates for water and/or sewer services for property that was within the District at the time of annexation which may include a surcharge in addition to the rates charged to other ratepayers of the City for the purpose of wholly or partially compensating the City for the assumption of the District's obligations; provided that the City does not annex the area within the District until at least 90% of the Project facilities have been installed for which District bonds are authorized pursuant to this Agreement. Additionally, any such additional surcharges above the rates for other properties within the City shall be calculated as an additional amount up to but not exceeding 100% of the water and/or sewer rates of the City. Such additional surcharges shall be calculated solely to recover those District debts and other obligations assumed by the City upon annexation which are not covered by any increase in the City's ad valorem tax revenue arising out of the annexation. The surcharge may continue for thirty (30) years after the initial District debt is issued or until the bonded indebtedness of the District has been retired, whichever occurs last, but in no case for a longer period of time than is necessary to wholly compensate the City for its assumption of the obligations of the District. The District shall comply with all of the requirements of Section 54.016(h), or such similar laws as may be in effect, regarding filing with the county clerk a duly affirmed and acknowledged statement which includes certain notice information to purchasers of property regarding the City's right to collect this surcharge.

Section 8. The Partnership and the District agree not to contest the City's annexation of the area within the District; provided, however, that the City shall not undertake to annex, or otherwise impose any ad valorem or other taxes or assessments upon the Property until at least 90% of the Project facilities have been installed for which District bonds are authorized pursuant to this Agreement.

Section 9. The City will express support for, but need not become a party to proceedings related to, the creation and funding of the District and the governmental approvals necessary for construction and operation of facilities to serve the area within the District, including, but not limited to, a CCN.

Section 10. The Partnership or the District recognize that the City may seek a CCN to become the retail water and/or wastewater provider for the area included in the District, and the Partnership and the District agree to support such CCN applications, assuming the Partnership or District has not previously filed a CCN application(s). Alternatively, the Partnership may undertake to construct the utilities or other facilities to serve the area in the District and may negotiate and enter into developer reimbursement agreements with the District, provided that the

District will give the City the opportunity to review and provide comments to the District on such developer reimbursement agreements. Unless the City has (i) executed a final agreement between the City and a qualified third-party provider of water and/or wastewater utility services and said final agreement stipulates that the City is to be the provider of such service(s) within the area included, or to be included, within the boundaries of the District, and (ii) the City has filed an application for a water and/or sewer CCN for the areas within the District, the Partnership and the District also may negotiate and enter into an agreement or agreements with one or more qualified third party providers of water and/or wastewater utility services, including the Lower Colorado River Authority (“LCRA”), for the purpose(s) of obtaining wholesale or retail water and/or wastewater services for the area to be included in the District (the “Utility Agreements”). The Partnership and the District shall require such provider (i) to construct all facilities and infrastructure to serve the land within the District in accordance with plans and specifications that have been approved by the City; and (ii) to grant the City the right to inspect, at reasonable times, all facilities being constructed by such provider. The City agrees to review all plans and specifications submitted by the provider in a timely manner and pursuant to the procedures set forth in City ordinances and guidelines, applicable to the Partnership and District, not to unreasonably withhold its approval of such plans and specifications, and to conduct its inspections of ongoing construction in a manner that minimizes interference with such construction. The Partnership and the District further agree to give the City notice of any Utility Agreement(s) it negotiates with third party retail providers and, in good faith, to seek agreement with the provider that the provider’s CCNs for such service within the District will be transferred to the City upon annexation pursuant to terms and conditions negotiated between the City and the provider.

## ARTICLE II

### PROJECT LAND USE AND DEVELOPMENT

Section 1. The City agrees that, during the term of this Agreement, it will not impose or attempt to impose: (a) any moratorium on building or development within the Project, or (b) any land use or development regulation that limits the rate or timing of land use approvals, whether affecting preliminary plans, final plats, site plans, building permits, certificates of occupancy or other necessary approvals, within the Project. No City imposed moratorium, growth restriction, or other limitation affecting the rate, timing or sequencing of development or construction of all or any part of the Project will apply to the Project if such moratorium, restriction or other limitation conflicts with this Agreement or would have the effect of increasing the Partnership’s obligations or decreasing the Partnership’s rights and benefits under this Agreement. This agreement on the part of the City will not apply to temporary moratoriums uniformly imposed throughout the City due to an emergency constituting an imminent threat to the public health or safety, provided that the temporary moratorium continues only during the duration of the emergency.

Section 2. The Partnership further agrees:

(a) to provide a minimum of thirty-five (35) acres of the Property as “Open Space,” to be used for green belts, parks, water quality buffer zones, drainage and water quality facilities, multiple use trails, all uses as approved pursuant to any agreement the

Partnership may enter into with the U.S. Fish and Wildlife Service, it being understood that such areas may be crossed with or contain utility easements and lines, roadway crossings, and other infrastructure required to provide service to the areas within the District; and

(b) to adopt, and cause to be recorded with the Clerk of Hays County, a set of covenants and restrictions for the Property, which provide for, inter alia, the establishment of a Homeowners' Association, to include an "Architectural Design Criteria and Control Committee" (the "HOA").

(c) Entrances and egress to and from the property will, as reasonably possible, be aligned with or off set a minimum of 300 feet from opposite roadways and will comply with Hays County and Dripping Springs off-set and alignment regulations. Furthermore, the Partnership agrees to limit public roadway access to the property to two locations however, the ultimate locations of public roadway access points may vary depending on adjacent and / or across the highway development plans and improvements that may be made by TxDOT, the Partnership, or others to U.S. Hwy 290 West.

Section 3. Due to the size of the Property and the likely duration of its development being several years, the City and the Partnership mutually agree that there is a need to plan ahead for adequate public facilities including, but not limited to, water and wastewater and other public utility facilities, water quality and storm water detention facilities, open space and roadways (the Project Infrastructure"). The City and the Partnership mutually agree that it is a benefit to the Parties for the Project infrastructure to be properly and adequately planned and designed in a manner and capacity to properly serve the Project and to ensure the City that, if and when it may annex the Property, those facilities are adequate and of the best quality possible. It is also beneficial to the Parties that the Project be planned and developed in a manner that is sensitive to the environment, protects water quality, and successfully meets the needs and demands of the growing community. In order to accomplish the above, it is necessary for there to be stable and predictable rules and regulations applicable to the Project. Except as otherwise provided in this Agreement (for example, Article I, Sections 1 and 10), the City rules, regulations and official policies applicable to the development of the Project during the term of this Agreement will be those City ordinances, regulations, and official policies (collectively, "Current Rules") in force and as interpreted by the City by policy or practice on July 23<sup>rd</sup>, 2002 (the "Vesting Date"). The Partnership also agrees to abide by the current City Outdoor Lighting Ordinance #1260.00, which ordinance does not currently apply to the Property. The Parties agree that Current Rules along with certain variances thereto, will help ensure the successful long term planning and development of the Property. As agreed between the Partnership and the City, the variances from the Current Rules granted to the Partnership on the Property for the Project (the "Variances") are attached hereto, and incorporated herein in their entirety by reference, as Exhibit "B". It is understood that the Current Rules along with the Variances (collectively the "Applicable Rules") will apply to the Property until the earlier to occur of (i) the effective date of the City's annexation of the Property or (ii) the termination of this Agreement.

Section 4. To assure the City of the timely and proper installation of utility and roadway infrastructure within the Project, the Partnership may provide a subdivision construction agreement that contractually obligates the Partnership to complete the construction of such infrastructure prior to selling final platted property (or portions thereof) in lieu of any other fiscal

security requirements, required pursuant to the Applicable Rules. So long as the Partnership provides fiscal security for the utility and roadway infrastructure serving all or portions of the final platted areas of the Property and otherwise as provided in the Applicable Rules, the Partnership may sell all or portions of the lots located within a final platted area prior to completion of the utility and roadway infrastructure for that final platted area.

Section 5. The City grants the Partnership (i) an exemption from Ordinance No. 52B, the City's Site Development Ordinance, for all single-family lots within the Project, and (ii) without limiting the generality of the foregoing, a waiver of the requirement of Section 8.D. of Ordinance No. 52B that a buffer area equal to 20% of the lot be provided downhill of impervious coverage where water quality and detention is provided either through on-site or regional water quality and detention facilities.

Section 6. The City agrees that the dedication of Open Space areas to the HOA or the District, or placing upon such areas a recorded deed restriction or Open Space easement in accordance with the provisions of Section 2. (a) herein, will satisfy the requirement of Section 15.J. of Ordinance No. 1230.1 and Sections 2-4 of Ordinance 1230.3.

Section 7. In the event of any third party lawsuit or other claim relating to the validity of this Agreement and/or any actions taken by the City and the Partnership hereunder, the City and the Partnership agree as follows:

(a) the Partnership and the City agree to cooperate in the defense of such suit or claim, and to use their respective best efforts to resolve the suit or claim without diminution of their respective rights and obligations under this Agreement; and

(b) the filing of any third party lawsuit relating to this Agreement or the development of the Project will not delay, stop or otherwise affect the development of either the Project or the Property, or the City's processing or issuance of any approvals for the Project and the Property, unless otherwise required by a lawful order of a court of competent jurisdiction.

Section 8. In recognition that the agreements in this Article II regarding land use and development may result in increased costs or other administrative burdens on the City, and as additional consideration therefore, without which the City would not have entered into Article II of this Agreement, the Partnership agrees to pay the City up to \$55,000.00, payable as follows:

(a) \$5,000.00 to be delivered within 5 business days of the date the Agreement is executed by the City, said \$5,000.00 is to be treated by the City as a prepaid credit in favor of the Partnership to cover any application, filing, inspection and other miscellaneous fees charged by the City in connection with the Partnership's development of the Property ; and

(b) up to \$50,000, lawfully reimbursed to the Partnership out of proceeds from the issuance of bonds by the District described in this Agreement. This amount will be calculated at the rate of 5% of each bond reimbursement received by the Partnership for costs advanced by the Partnership for the construction of water, wastewater and drainage utility facilities within the Project. Each installment of the sum (i) will be

payable solely out of the proceeds of the District's bonds, (ii) will be contingent upon the creation of the District and the sale and funding of the District's bonds, (iii) will be paid by the Partnership to the City within 5 days after the Partnership's receipt of the bond reimbursement upon which the sum is calculated and (iv) will equal five percent (5%) of the amount of bond reimbursement actually received by the Partnership.

Section 9. The Partnership shall establish an initial deposit of \$2,500 with the City, which is intended to cover all City legal and engineering fees and administrative expenses associated with this Agreement. If the fees and expenses incurred by the City exceed the amount of the initial deposit, the Partnership will pay the additional fees and expenses upon the City's request. If the fees and expenses incurred by the City are less than the amount of the initial deposit, the City will refund the balance to the Partnership upon the Partnership's request.

### ARTICLE III

#### OTHER PROVISIONS

Section 1. In the event of any third party lawsuit or other claim relating to the validity of this Agreement and/or any actions taken by the Parties hereunder, the parties agree to cooperate in the defense of such suit or claim, and to use their respective best efforts to resolve the suit or claim without diminution of their respective rights and obligations under this Agreement.

Section 2. All of the terms of this Agreement shall be binding upon, shall inure to the benefit of, and shall be severally enforceable by and against each party to this Agreement, individually, and such party's respective personal representatives, successors, trustees, receivers, and assigns. Notice of assignment by a Party of any rights or obligations under this Agreement shall be furnished to the other Party no less than 20 business days prior to the Assignment.

Section 3. If either Party believes that the other Party has failed to comply with the requirements of this Agreement, the non-failing Party shall provide the other Party with written notice of such alleged failure to comply, and failing Party shall have sixty (60) days thereafter to correct such non-compliance. If the Party fails to correct such non-compliance within such time, the non-failing Party shall have available all remedies allowed by law and/or this Agreement.

Section 4. THIS AGREEMENT SHALL BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS, AS IT APPLIES TO CONTRACTS PERFORMED WITHIN THE STATE OF TEXAS AND WITHOUT REGARD TO ANY CHOICE OF LAW RULES OR PRINCIPLES TO THE CONTRARY. THE PARTIES ACKNOWLEDGE THAT THIS AGREEMENT IS PERFORMABLE IN HAYS COUNTY, TEXAS AND HEREBY SUBMIT TO THE JURISDICTION OF THE COURTS OF THAT COUNTY, AND HEREBY AGREE THAT ANY SUCH COURT SHALL BE A PROPER FORUM FOR THE DETERMINATION OF ANY DISPUTE ARISING HEREUNDER.

Section 5. This Agreement may not be amended or modified other than by a written agreement executed by the parties, nor may any provision be waived except by a writing signed by the party waiving such provision. Any waiver shall be limited to the specific purposes for which it is given.

Section 6. Each Party represents and warrants to the other that it has full authority to execute this Agreement and implement its terms and conditions.

Section 7. Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law, but if any provision of this Agreement, or the application thereof to any person or entity or under any circumstances, is invalid or unenforceable to any extent under applicable law, and the extent of such invalidity or unenforceability does not cause substantial deviation from the underlying intent of the parties as expressed in this Agreement, then such provision shall be deemed severed from this Agreement with respect to such person, entity or circumstance, without invalidating the remainder of this Agreement or the application of such provision to other persons, entities or circumstances, and a new provision shall be deemed substituted in lieu of the provision so severed which new provision shall, to the extent possible, accomplish the intent of the parties as evidenced by the provision so severed.

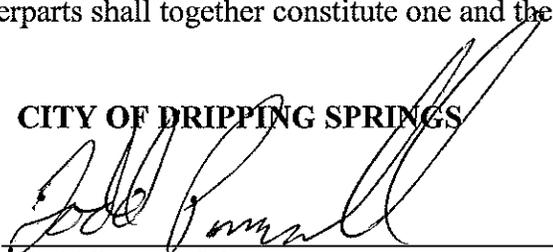
Section 8. In addition to all the rights and remedies provided by the laws of the state, in the event the District violates the terms and provisions of this Agreement, the City shall be entitled to injunctive relief or a writ of mandamus issued by a court of competent jurisdiction restraining, compelling or requiring the District and its officials to observe and comply with the terms and provisions prescribed in this Agreement.

Section 9. The parties acknowledge that each party and, if it so chooses, its counsel, have reviewed and revised this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement or any amendments or Exhibit(s) hereto.

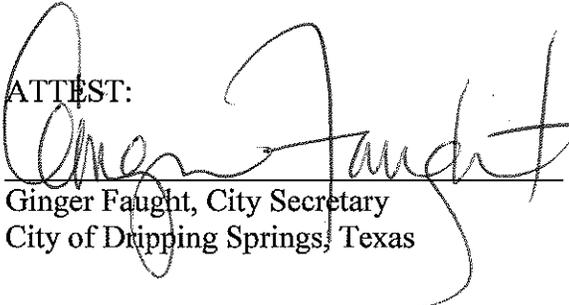
Section 10. This Agreement shall be effective from the date of execution hereof by the City and the Partnership, and shall continue in effect for a period of 15 years from the date of the execution hereof by the District or until such time as all District Bonds shall have been repaid, whichever is later; provided, however, if the creation of the District has not been confirmed at an election conducted on or before the first Saturday of May in the year 2005, then this Agreement may, at the option of the Partnership or the City, be terminated by written notice.

IN WITNESS HEREOF, each of the parties has caused this Agreement to be executed by its undersigned duly authorized representative, in multiple counterparts, each of which shall be deemed an original, as of the date indicated below, it being understood that all parties need not sign the same counterparts and all of such counterparts shall together constitute one and the same instrument.

**CITY OF DRIPPING SPRINGS**

By:   
\_\_\_\_\_  
Todd Purcell, Mayor  
City of Dripping Springs, Texas

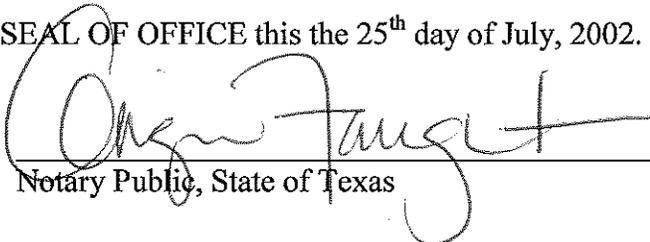
Executed on July 25<sup>th</sup>, 2002

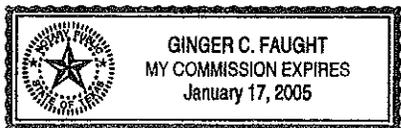
ATTEST:  
  
\_\_\_\_\_  
Ginger Faught, City Secretary  
City of Dripping Springs, Texas

STATE OF TEXAS                   §  
   §  
COUNTY OF HAYS               §

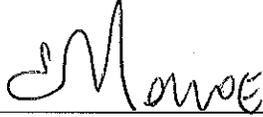
BEFORE ME, the undersigned authority, on this day personally appeared Todd Purcell, Mayor of the City of Dripping Springs, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said City of Dripping Springs.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 25<sup>th</sup> day of July, 2002.

  
\_\_\_\_\_  
Notary Public, State of Texas



**HAYS COUNTY MUNICIPAL UTILITY  
DISTRICT NO. 4**

By:   
(Print Name): Emily Jane Monroe

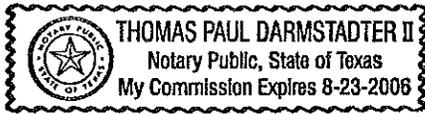
Title: President

Executed on March 4, 2004

STATE OF TEXAS           §  
  §  
COUNTY OF HAYS       §

BEFORE ME, the undersigned authority, on this day personally appeared Emily Jane Monroe, President of the Hays County Municipal Utility District No. 4, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of the said Hays County Municipal Utility District No. 4.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 4th day of March, 2004.



  
Notary Public, State of Texas

By: **194 BUSH, LTD.**  
DH Real Estate Investment Company dba DH  
Investment Company, a Texas Corporation,  
General Partner

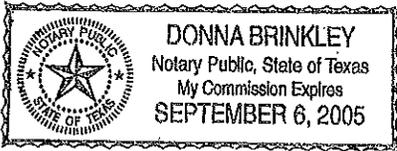
By: *Michael L. Schoenfeld*  
Michael L. Schoenfeld, Vice President

Executed on July 25<sup>th</sup>, 2002

STATE OF TEXAS           §  
  §  
COUNTY OF HAYS       §

BEFORE ME, the undersigned authority, on this day personally appeared Michael L. Schoenfeld, Vice President of DH Real Estate Investment Company dba DH Investment Company, a Texas corporation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 25<sup>th</sup> day of July, 2002.



*Donna Brinkley*  
Notary Public, State of Texas

## EXHIBIT "A"

**"HAYS COUNTY MUNICIPAL UTILITY DISTRICT NO. 4"****Metes & Bounds Description**

for

**780 acres of land, more or less, in Hays County, Texas**

**FIELD NOTE DESCRIPTION OF 193.926 ACRES OF LAND OUT OF THE WILLIAM S. HOLTON SURVEY NO. 57 ABSTRACT 245 IN HAYS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN (186.61 ACRE) TRACT CONVEYED TO THE C.F. BUSH FAMILY LIMITED PARTNERSHIP BY DEEDS RECORDED IN VOLUME 1266 PAGE 867 AND VOLUME 1354 PAGE 255 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS BUT EXCLUDING THOSE TRACTS PREVIOUSLY CONVEYED TO THE STATE OF TEXAS FOR RIGHT-OF-WAY AS RECORDED IN VOLUME 170 PAGE 318 AND VOLUME 170 PAGE 322 OF THE HAYS COUNTY DEED RECORDS, AND BEING ALL OF THAT (10.00 ACRE) TRACT CONVEYED TO THE C. F. BUSH FAMILY LIMITED PARTNERSHIP BY DEED RECORDED IN VOLUME 1354 PAGE 255 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

BEGINNING at a ½ inch iron pipe found in the southwest line of Lot 13, Oak Run West, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 3 Page 77 of the Plat Records of Hays County, Texas, at the most easterly corner of that certain (200 Acre) tract conveyed from Carl A. Bible et ux. to Claude F. Bush, Jr. and Mary Pauline Bush by deed recorded in Volume 180 Page 422 of the Hays County Deed Records, and being at the Northeast corner of that certain (186.61 Acre) tract conveyed to the C.F. Bush, Jr. Family Limited Partnership by deeds recorded in Volume 1266 Page 867 and Volume 1354 Page 255 of the Hays County Official Public Records, and being the Northwest corner of that certain (20.54 Acres) tract conveyed to William R. Schneider by deed recorded in Volume 443 Page 840 of the Hays County Real Property Records, and being the Northeast corner and **PLACE OF BEGINNING** of the herein described tract:

THENCE with the east line of said Bush (200 Acre) tract, **S 08 deg. 07' 52" E 2225.11 ft.** to a ½ inch iron pipe found at the intersection of the east line of said Bush (200 Acre) tract and the north right-of-way line of U.S. Highway 290, and being in the north line of that certain (4.09 Acre) tract conveyed to the State of Texas by deed recorded in Volume 170 Page 318 of the Hays County Deed Records, and being the Southwest corner of that certain tract conveyed to David T. Rush by deed recorded in Volume 354 Page 796 of the Hays County Deed Records, and being the Southeast corner of this tract;

THENCE with the north right-of-way line of U.S. Highway 290, the following six courses:

- 1) **S 70 deg. 52' 57" W 58.87 ft.** to a concrete monument found at a point of curvature;
- 2) a curve to the left, having a radius of 5829.65 ft., an arc length of 408.49 ft., and a chord bearing of **S 62 deg. 59' 57" W 408.41 ft.** to a concrete monument found at a point of tangency;
- 3) **S 60 deg. 58' 12" W** at 1388.86 ft. passing a 14" wood fence corner post in the common line of said Bush (200 Acre) tract and that certain (300 Acre) tract conveyed from Ernest T. Leonard to Claude F. Bush, Jr. and Mary Pauline Bush by deed recorded in Volume 175 Page 619 of the Hays County Deed Records, and continuing on the same course 489.74 ft. more, for a total distance of **1878.59 ft.**, to a concrete monument found;
- 4) **S 49 deg. 31' 22" W 203.73 ft.** to a concrete monument found;
- 5) **S 60 deg. 57' 04" W 339.85 ft.** to a ½ inch iron rod set with plastic cap marked "Carson and Bush Professional Surveyors" in the south line of said Bush (300 Acre) tract, and being a point in the north line of that "old road" conveyed to the State Highway Department of Texas by right-of-way deed recorded in Volume 107 Page 576 of the Deed Records of Hays County, Texas;
- 6) **S 68 deg. 37' 00" W 224.56 ft.** to a ½ inch iron rod set with plastic cap marked "Carson and Bush Professional Surveyors" in the east line of that certain (249.949 Acre) tract conveyed to 4-J Land Company, Inc. by deed recorded in Volume 324 Page 387 of the Hays County Deed Records, and being the Southwest corner of this tract:

THENCE crossing the interior of said Bush (300 Acre) tract with the common line of said 4-J Land Company (249.949 Acre) and said C.F. Bush, Jr. Family Limited Partnership (186.61 Acre) tract, the following four courses:

- 1) **N 22 deg. 07' 34" W** at 269.78 ft. passing a 5/8" iron rod found at the Southeast corner of Lot 99, Heritage Oaks Section 2-A, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 2 Page 115 of the Hays County Plat Records, and continuing on the same course at 150.4 ft. passing the record most southerly corner of that certain (10.00 Acre) tract conveyed to the C.F. Bush, Jr. Family Limited Partnership by deed recorded in Volume 1354 Page 255 of the Hays County Official Public Records, and continuing on the same course at 189.70 ft. passing a 5/8" iron rod found at the Northeast corner of said Lot 99, and continuing on the same course 293.70 ft. more, for a total distance on this bearing of **903.58 ft.**, to a 5/8" iron rod found;
- 2) **N 22 deg. 03' 40" W** at 293.70 ft. passing the record most westerly corner of said C.F. Bush, Jr. Family Limited Partnership (10.00 Acre) tract, and continuing on the same course 452.11 ft., more for a total distance of **700.03 ft.**, to a 60 D nail found in the top of a fence corner post in the south line of Lot 104 of said Heritage Oaks Section 2-A;
- 3) **N 60 deg. 38' 24" E 1054.57 ft.** to a 60 D nail found in top of a fence corner post at the most easterly southeast corner of Lot 109 of said Heritage Oaks Section 2-A;
- 4) **N 11 deg. 16' 37" E 3008.40 ft.** to a ½ inch iron rod found in the northeast line of said Bush (200 Acre) tract, being a point in the southwest line of Lot 24 of said Oak Run West, and being at the most northerly corner of said C.F. Bush Family Limited Partnership (186.61 Acre) tract, and being the most easterly corner of said 4-J Land Company tract, and being the most easterly corner of Lot 124 of said Heritage Oaks Section 2-A, and being the most northerly corner of this tract;

THENCE with the northeast line of said Bush (200 Acre) tract, the following three courses:

- 1) **S 46 deg. 58' 20" E** at 229.64 ft. passing a ½ inch iron rod found at the most southerly corner of Lot 23 of said Oak Run West, and continuing on the same course 30.05 ft. more, for a total distance on this bearing of **259.69 ft.**, to a 60 D nail found at the base of a fence corner post;
- 2) **S 50 deg. 34' 08" E** at 147.83 ft. passing a ½ inch iron rod found at the most southerly corner of Lot 22 of said Oak Run West and continuing on the same course 108.10 ft. more, for a total distance of **255.93 ft.**, to a ½ inch iron rod found;

3) S 50 deg. 40' 00" E at 461.95 ft. passing a 1/2 inch iron rod found at the most southerly corner of Lot 19 of said Oak Run West, and continuing on the same course at 540.89 ft. passing a 1/2 inch iron rod found at the most southerly corner of Lot 16 of said Oak Run West, and continuing on the same course 441.13 ft more, for a total distance on this bearing of 1443.97 ft., to the Place of Beginning, containing 193.926 Acres of land.

SURVEYED: January 19, 2001

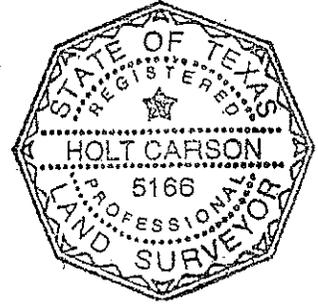
BY:



Holt Carson

Registered Professional Land Surveyor No. 5166

see accompanying map no. B596002a



**EXHIBIT “B”**

**BUSH RANCH  
Variances**

**Criteria (with reference to current Dripping Springs Subdivision Ordinance, if applicable)**

**Existing City Standards**

**Standards Approved for the Project**

9.F.2,3 & 11.D.2 Approval-Preliminary Plat

6 Months

Life of Agreement

15.J.4. Street Frontage, minimum (at building line) of platted lot

General:100 feet  
Cul-de-sac lot: 60 feet

General: 50 feet  
Cul-de-sac lot: 30 feet  
Flag lot: 20 feet

15.J.6,7,8 Setbacks, Minimums  
Single Family Residential

30' front; 10' side, 30' rear

20' front; 20' rear; , 10' side with minimum 5' of separation on each side yard for conventional lots and a minimum of 10' separation between zero lot line structures.

**Criteria (with reference to current Dripping Springs Subdivision Ordinance, if applicable)**

**Existing City Standards**

**Standards Approved for the Project**

Lot Density and Sizes:

Central Water/Central Sewer

Average Platted Lot Density

.75 acre per lot

No Change

Minimum Platted Lot Size

.5 acre

5,000 square feet

Central Water/Septic Tank

Average Platted Lot Density

1 acre per lot

No Change

Minimum Lot Size

.75 acre

½ acre

Minimum Lot Sizes in Buffer Zones

3 acres

Minimum of 1 acre and any such lot must contain at least ½ acre of land outside of the buffer zone. No Impervious Cover allowed in Buffer.

**BUSH RANCH  
Variances**

<b>Criteria (with reference to current Dripping Springs Subdivision Ordinance, if applicable)</b>	<b>Existing City Standards</b>	<b>Standards Approved for the Project</b>
<u>9.F.2,3 &amp; 11.D.2 Approval Preliminary Plat</u>	6 Months	Life of Agreement
<u>15.J.4. Street Frontage, minimum (at building line) of platted lot</u>	General: 100 feet Cul-de-sac lot: 60 feet	General: 50 feet Cul-de-sac lot: 30 feet Flag lot: 20 feet
<u>15.J.6,7,8 Setbacks, Minimums</u> Single Family Residential	30' front; 10' side, 30' rear	20' front; 10' cumulative side, 20' rear

Lot Density and Sizes:

Central Water/Central Sewer

Average Platted Lot Density	.75 acre per lot (Current Ordinance – However, Bush was final plated when ordinance requirement was .5 acre average)	.5 acre per lot
Minimum Platted Lot Size	.5 acre	5,000 square feet

Central Water/Septic Tank

Average Platted Lot Density	1 acre per lot	No Change
Minimum Lot Size	.75 acre	½ acre

Minimum Lot Sizes in Buffer Zones

3 acres	Minimum of 1 acre and any such lot must contain at least ½ acre of land outside of the buffer zone. No Impervious Cover allowed in Buffer.
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Hays County  
Linda C. Fritsche  
County Clerk  
San Marcos, Texas 78666

Item 5.



70 2010 10032815

Instrument Number: 2010-10032815

As

Recorded On: November 23, 2010

OPR RECORDINGS

Parties: DRIPPING SPRINGS CITY OF

Billable Pages: 22

To HAYS COUNTY MUNICIPAL UTILITY DISTRICT 4

Number of Pages: 23

Comment:

( Parties listed above are for Clerks reference only )

**\*\* Examined and Charged as Follows: \*\***

OPR RECORDINGS	100.00
Total Recording:	100.00

\*\*\*\*\* DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2010-10032815  
Receipt Number: 260193  
Recorded Date/Time: November 23, 2010 11:29:03A  
Book-Vol/Pg: BK-OPR VL-4017 PG-151  
User / Station: A Herzog - Cashiering #4

Record and Return To:

CITY OF DRIPPING SPRINGS  
P.O. BOX 384  
DRIPPING SPRINGS TX 78620



State of Texas |  
County of Hays

I hereby certify that this instrument was filed for record in my office on the date and time stamped hereon and was recorded on the volume and page of the named records of Hays County, Texas

*Linda C. Fritsche*

Linda C. Fritsche, County Clerk

**STRATEGIC PARTNERSHIP AGREEMENT**

between the

**CITY OF DRIPPING SPRINGS, TEXAS**

and the

**HAYS COUNTY MUNICIPAL UTILITY DISTRICT # 4**

**STATE OF TEXAS                   §  
  §  
COUNTY OF HAYS               §**

This Strategic Partnership Agreement ("Agreement") is between THE CITY OF DRIPPING SPRINGS, TEXAS, a Type A general law municipal corporation (the "City"), acting by and through its duly authorized Mayor, and the HAYS COUNTY MUNICIPAL UTILITY DISTRICT # 4, a Texas municipal utility district (the "District"), acting by and through its duly authorized Board of Directors, under the authority of Section 43.0751 of the Local Government Code, as amended, (the "Act") and Chapters 49 and 54 of the Texas Water Code, as amended.

**RECITALS:**

- A. Texas Local Government Code, Section 43.0751 (the "Act"), authorizes a city and a municipal utility district to negotiate and enter into a strategic partnership agreement by mutual consent.
- B. The District and the City desire that effective, efficient, and responsible local government be provided to citizens of the District and the City before, during, and after the City annexes the District for full purposes. To that end, the District and the City also desire to avoid any unnecessary duplication of services and taxes, and to provide for the orderly and seamless succession of the District.
- C. By this Agreement, the Parties intend to enter into a strategic partnership agreement regarding (i) terms and conditions of the City's limited purpose annexation of the 85.976-acre commercial portion of the District (the Tract), in accordance with Section 43.0751 of the Local Government Code; (ii) to provide for the earliest date by which the City could annex the entire District into the full purpose municipal jurisdiction of the City; and (iii) to provide for the District's delivery of services prior to Full Purpose Annexation of the District.
- D. The District and the City acknowledge that this Agreement does not require the District to provide revenue to the City solely for the purpose of obtaining an agreement with the City to forgo annexation of the District.

NOW, THEREFORE, for and in consideration of the mutual agreements, covenants, and conditions contained in this Agreement, and other good and valuable consideration, the District and the City agree as follows:

## ARTICLE I FINDINGS

- 1.1 The District is a municipal utility district created pursuant to Article XVI, Section 59, of the Texas Constitution, and Chapters 49 and 54 of the Texas Water Code.
- 1.2 The District's boundaries include 193.926 acres of land in Hays County shown in **Exhibit A**, all of which is located outside of the corporate limits of the City and within the extra-territorial jurisdiction ("ETJ") of the City.
- 1.3 The land subject to this Agreement consists of approximately 85.976 acres, more or less, all of which are located within the District and within the ETJ of the City as shown on **Exhibit B** and described in **Exhibit C** attached to this Agreement (the "Tract").
- 1.4 The District and City acknowledge and agree that, in accordance with the requirements of subsection (p)(2) of the Act, this Agreement provides benefits to the City and the District, including revenue, services, and regulatory benefits which are reasonable and equitable to both the District and the City.
- 1.5 The City and the District desire to enter into this Agreement providing for limited purpose annexation of the Tract for the purpose of collecting Sales and Use Tax Revenues within the annexed areas in accordance with subsection (k) of the Act.
- 1.6 The District provided notice of two public hearings concerning the adoption of this Agreement and the proposed limited purpose annexation of the Tract, in accordance with the procedural requirements of the Act.
- 1.7 The Board of Directors of the District (the "Board") conducted two public hearings regarding this Agreement and the proposed Limited Purpose Annexation of the Tract, at which members of the public who wished to present testimony or evidence regarding this Agreement and the proposed Limited Purpose Annexation were given the opportunity to do so, in accordance with the procedural requirements of the Act on September 8, 2010, at noon at 600 Congress Avenue, Suite 2100, Austin, Texas 78701; and on September 13, 2010, at noon at 235 Ledge Stone Drive, Austin, Texas 78737.
- 1.8 The Board of Directors of the District approved this Agreement on September 13, 2010, in open session at a meeting held in accordance with Chapter 551 of the Texas Government Code.
- 1.9 The City provided notice of two public hearings concerning the adoption of this Agreement and the proposed Limited Purpose Annexation of the Tract, in accordance with the procedural requirements of the Act.

- 1.10 The City Council conducted two public hearings regarding this Agreement and the proposed Limited Purpose Annexation of the Tract, at which members of the public who wished to present testimony or evidence regarding this Agreement and the proposed Limited Purpose Annexation were given the opportunity to do so, in accordance with the procedural requirements of the Act, on September 9, 2010 at 5:30 p.m., at the Dripping Springs City Council Chambers at 515 Mercer Street, Dripping Springs, Texas 78620 and on September 14, 2010, at 7:00 p.m., again at the City Council Chambers.
- 1.11 The City Council approved this Agreement on September 21, 2010, in open session at a meeting held in accordance with Chapter 551 of the Texas Government Code, which approval occurred after the Board of Directors of the District approved this Agreement.
- 1.12 All procedural requirements imposed by law for the execution and adoption of this Agreement have been met.

## ARTICLE II DEFINITIONS

- 2.1 The "Act" means Texas Local Government Code § 43.0751.
- 2.2 "Agreement" means this Strategic Partnership Agreement between the City and the District.
- 2.3 "Board" means the Board of Directors of the District.
- 2.4 "City" means the City of Dripping Springs Texas, a Type A general law municipality located in Hays County.
- 2.5 "City Council" means the governing body of the City.
- 2.6 "City Administrator" means the chief administrative officer of the City.
- 2.7 "Comptroller" means the Comptroller of Public Accounts of the State of Texas.
- 2.8 "Creation Agreement" means the July 25, 2002 Agreement Concerning Creation and Operation of Hays County Municipal Utility District No. 4 and Lands within the District, by and among the City, the District, and 194 Bush, Ltd., a Texas limited partnership, including any partial assignments as authorized therein and future amendments thereto.
- 2.9 "District" means the Hays County Municipal Utility District No.4.
- 2.10 "Effective Date" means the date on which the City adopts this Agreement, as provided in § 3.3.

- 2.11 "Full Purpose Annexation" means full purpose annexation as provided for in the Act.
- 2.12 "Limited Purpose Annexation" means limited purpose annexation as provided for in the Act.
- 2.13 "Limited Purpose Annexation Period" means the period commencing on the effective date of the Limited Purpose Annexation of the Tract and ending upon the full purpose annexation or disannexation of such land.
- 2.14 "Limited Purpose Tract" means all or any portion of the Tract after it has been annexed for limited purposes under this Agreement.
- 2.15 "Notice" means notice as defined in § 9.3 of this Agreement.
- 2.16 "Landowner" means 194 Bush, Ltd., a Texas limited partnership, and 290 East Bush, Inc., a Texas corporation, and their successors and assigns.
- 2.17 "Party" means, individually, the City or the District, their successors and assigns.
- 2.18 "Tract" means that certain 85.976 acre tract located in Hays County, Texas as shown on **Exhibit B** and described on **Exhibit C**.
- 2.19 "Sales and Use Tax Revenues" means those revenues received by the City from the sales and use tax authorized to be imposed by the City on sales consummated at locations within the Limited Purpose Tract pursuant to the Act and Chapter 321 of the Tax Code, and to the extent not otherwise controlled or regulated, in whole or in part, by another governmental entity, authority, or applicable law, ordinance, rule, or regulation.
- 2.20 "Tax Code" means the Texas Tax Code, as amended.

**ARTICLE III  
LIMITED-PURPOSE ANNEXATION OF THE TRACT**

- 3.1 Generally. Subject to the terms of this Agreement, the District and the City agree that the City, from time to time, shall annex all non-residential property within the Tract and may annex all or any other portion of the Tract for the limited purpose of collecting Sales and Use Tax Revenues within the Tract pursuant to Subsection (k) of the Act.
- 3.2 Limited Purpose Annexation Procedures. The District acknowledges that the City Council may adopt a Limited Purpose Annexation ordinance at a meeting conducted in accordance with Chapter 551 of the Texas Government Code and further acknowledges that no additional notices, hearings, or other procedures are required by law in order to approve such Limited Purpose Annexation of all or any portion of the Tract from time to time.

- 3.3 Effective Date. Pursuant to subsection (c) of the Act, this Agreement is effective on September 21, 2010, the date of adoption of this Agreement by the City.
- 3.4 Filing in Property Records. On or after the Effective Date, the City shall file this Agreement in the Real Property Records of Hays County, Texas. **As provided in § 43.0751(c) of the Act, this Agreement binds each owner and each future owner of land included within the District's boundaries.**
- 3.5 Property Taxes and District Liability for Debts of the City. During the term of this Agreement, except as provided in Article IV regarding Sales and Use Tax, (i) owners of taxable property within the District (by reason of mere ownership of that land), shall not be liable for any present or future debts of the City until Full Purpose Annexation takes effect in accordance with Article VI, and (ii) current and future ad valorem taxes levied by the City will not be levied on taxable property within the District until Full Purpose Annexation takes effect in accordance with Article VI, or as otherwise authorized by future statutory amendments.
- 3.6 Powers and Functions Retained by the District. After Limited Purpose Annexation under this Agreement, the District shall continue to be authorized to exercise all powers and functions of the District, and to provide the services authorized by those powers within its boundaries, pursuant to existing law or any amendments or additions thereto. The District's assets, liabilities, indebtedness and obligations will remain the responsibility of the District. Except as provided by law upon Full Purpose Annexation, neither the City nor any owners of taxable property within the City (by reason of mere ownership of that land) shall be liable for any present or future debts of the District.
- 3.7 Continuing Right. The City's rights to annex all or any portion of the Tract for the limited purpose of collecting Sales and Use Tax Revenues within the Tract are continuing, and may be exercised through the adoption of multiple annexation ordinances for portions of the Property.

**ARTICLE IV  
 VOTING RIGHTS IN THE DISTRICT**

- 4.1 Qualified Voters. The qualified voters residing within the Limited Purposes Tract may vote in City elections pursuant to Local Government Code Sections, 43.0751 (q) and 43.130. Voting rights are subject to all federal and state laws and regulations.
- 4.2 Eligibility to Vote. On or before the 5th day before date of the first election held in which the residents of the Limited Purpose Tract are entitled to vote as set out in § 4.1, the City at its own expense, shall publish a quarter page advertisement in the newspaper of general circulation in the City notifying residents of the Limited Purpose Tract of their eligibility to vote in the election and stating the location of

all polling places within the City. The District, at its own expense, may provide for similar notice in a newspaper of general circulation in the District or otherwise.

## ARTICLE V SALES AND USE TAX

- 5.1 Imposition of Sales and Use Tax. The City shall impose a sales and use tax within the Limited Purpose Tract pursuant to subsection (k) of the Act. The sales and use tax shall be imposed on all eligible commercial activities at the rate of 1.25% or other rate allowed under Chapter 321 of the Tax Code and imposed by the City. Collection of the Sales and Use Tax Revenues shall take effect on the date described in Tax Code Section 321.102.
- 5.2 Payment of Sales and Use Tax to the District. In return for the benefits received by the City pursuant to this Agreement, the City shall pay to the District an amount equal to 50% of the Sales and Use Tax Revenues reported on the "Confidential Local Tax Information Report" for the Limited Purpose Tract provided by the Comptroller of Public Accounts ("Comptroller") and received by the City from the Comptroller after the date of the Limited Purpose Annexation of the Tract. The City shall deliver the District's portion of the Sales and Use Tax revenues to the District within 30 days of the City's receipt of that Report from the Comptroller, by regular U.S. Mail or other method of delivery mutually acceptable to the Parties. Government Code Chapter 2251 shall govern and provide the penalty if the City fails to deliver the District's portion in a timely manner. For the purposes of determining the applicable overdue date under Chapter 2251, the City is deemed to have received an invoice from the District on the date the City receives the sales tax from the Comptroller without further action from the District.
- 5.3 Amended and Supplemental Reports. The City agrees to make reasonable efforts to obtain amended and supplemental reports from the Comptroller to reflect, to the greatest extent practicable, all Sales and Use Tax Revenues generated within the boundaries of the Limited Purpose Tract. Revenues resulting from such amended and supplemental reports will be divided and paid as provided above.
- 5.4 Reporting. Within 30 days of the City's receipt of each sales tax report provided by the Comptroller, the City shall deliver to the District a condensed version of the report, containing only the contents relating to retail sales tax collected and retailers in the Limited Purpose Tract.
- 5.5 Notification of Comptroller. The City shall send notice of this Agreement, together with other required documentation, to the Comptroller in the manner provided by Tax Code, Section 321.102, within 10 days after the City Council annexes any portion of the Tract for limited purposes. The City shall send to the District a copy of any notice from the Comptroller delaying the effectiveness of the Sales and Use Tax in the Tract.

- 5.6 District Use of Sales and use Tax Revenue. The District may use the Sales and Use Tax revenue provided in Section 4.02 for any lawful purpose. The District may audit the Sales and Use Tax collections by the City solely to determine whether the Sales and Use Tax revenue payments provided by Section 4.02 have been made to the District in accordance with this Agreement.
- 5.7 District Audit Rights. Any audit shall be made at the District's sole cost and expense and may be performed at any time during the City's regular business hours by an auditor hired by the District on 30 days written notice to the City. For the purpose of any audits, the City shall maintain and make available to the District or its representatives all books, records, documents and other evidence of accounting procedures or practices in form sufficiently maintained to reflect the collection of all Sales and Use Tax Revenues received by the City from the Limited Purpose Tract.
- 5.8 City Audit Rights. The District is required by law to prepare an annual audit within 120 days after the close of the District's fiscal year. The District shall provide a copy of its annual audit to the City within 15 days after the audit is completed and approved and accepted by the District's board of directors. The District shall not unreasonably delay the approval of its annual audit.
- 5.9 Termination. Unless agreed, ordered or specifically provided otherwise, all Sales and Use Tax Revenues collected by the City from the Limited Purpose Tract after the date of termination of this Agreement shall be retained by the City and may be used for any lawful purpose.

## ARTICLE VI SERVICES PROVIDED BY THE DISTRICT

- 6.1 Water, Sewer, and Drainage Services. The District shall continue to develop, to own, and to operate and to maintain a wastewater and drainage system in the District and the Tract. Additionally, the District shall cooperate with the Lower Colorado River Authority ("LCRA") in accordance with its responsibilities under its CCN and its agreements with the developer and the District to provide water service to properties within the District and to allow Developer to be reimbursed for water improvements within the District paid for by the Developer. Further as consideration of the receipt of funds from the City as described in this Agreement, the District shall use its best efforts to take one or a combination of the following actions for the benefit of the District, its landowners and residents:
- (a) Accelerate the development of the water, wastewater and drainage system improvements in the District (including the Tract) as necessary to encourage private investment in new construction in the District.
  - (b) Accelerate reimbursements to developers for eligible infrastructure development to encourage such development in the District;

- (c) Lower the overall property tax rate of the Landowners to encourage additional investment and development within the District;
- (d) Perform other District functions that might otherwise be diminished, curtailed, abbreviated or delayed by financial limitations.

## ARTICLE VII FULL PURPOSE ANNEXATION

- 7.1 No Full Purpose Annexation. The City agrees that it will not commence a Full Purpose Annexation of the District until the latter of (i) 15 years from the Effective Date of this Agreement or (ii) the date following the completion of water, wastewater, roadway and drainage facilities required to serve at least 90% of the developable acreage within the District, or (iii) as otherwise provided in the Creation Agreement.
- 7.2 Full Purpose Annexation Procedures. In accordance with Section 43.0751 of the Texas Local Government Code, the City's full-purpose annexation conversion date as set forth in § 7.1, shall include the land within the boundaries of the District and shall be deemed to be within the full-purpose boundary limits of the municipality without the need for further action by the City Council of the City. The full-purpose annexation conversion date established by a strategic partnership agreement may be altered only by mutual agreement of the District and the City.
- 7.3 Annexation of Portions of Tract. The District agrees to cooperate with and assist the City in annexing one or more areas in the Tract in the manner prescribed by law which does not result in the dissolution of the District, none of which may exceed 525 feet in width at its widest point or such other width limitation subsequently imposed by law, as reasonably necessary for the City to connect areas to the City that are outside the District and that the City intends to annex. The City agrees that such areas shall be located within right-of-way areas or along lot lines whenever possible. Notwithstanding the zoning designation approved for the annexed area, such area may be developed and used in accordance with the Creation Agreement.

## ARTICLE VIII DEFAULT/REMEDIES

- 8.1 Default. In the event of a default under or violation of this Agreement, the non-defaulting party shall send the defaulting party notice describing the breach in reasonable detail. Except as otherwise specifically provided in this Agreement, the defaulting party shall have thirty (30) days following receipt of the notice of

default or violation to initiate steps to cure the default or violation. The defaulting party shall thereafter have sixty (60) days to cure the default or violation. If the defaulting party fails to timely initiate steps to cure or to thereafter diligently proceed to cure, the non-defaulting party may bring suit to enforce this Agreement and seek any remedy provided at law or in equity.

## ARTICLE IX MISCELLANEOUS

- 9.1 Approval. This Agreement shall not be effective until it is approved and executed by the respective governing bodies of the City and the District.
- 9.2 Term. The term of this Agreement shall commence on the Effective Date and continue thereafter until 12:01 a.m. on the day immediately following the date the City annexes the District for full purpose in accordance with this Agreement. The provisions of this Agreement relating to the collection of Sales and Use Tax Revenues will automatically terminate with regard to any portion of the Limited Purpose Tract upon disannexation or full purpose annexation of the Tract.
- 9.3 Notices. Any notice required by this Agreement shall be void and of no effect unless given in accordance with the provisions of this § 9.3. All notices shall be in writing and delivered, either by personal delivery or commercial delivery service to the office of the person to whom the notice is directed, or by United States Mail, postage prepaid, as a registered or certified item, return receipt requested. Notices delivered by personal delivery or commercial delivery service shall be deemed to have been given upon receipt at the office of the person to whom the notice is directed. Notices delivered by mail shall be deemed to have been given on the third day after the date such notice is deposited in a Post Office or other depository under the care or custody of the United States Postal Service, enclosed in a wrapper with proper postage affixed and addressed, as provided below. Notice may also be provided by facsimile transmission. Facsimile notice shall be deemed to have been given upon the sender's receipt of electronic confirmation of delivery to the facsimile station indicated below.

The proper address and facsimile number for the District is as follows:

Hays County Municipal Utility District # 4  
Attention: Phil Haag  
McGinnis, Lochridge and Kilgore, LLP  
600 Congress Ave. Suite 2100  
Austin, Texas 78701  
Tel No. (512-495-6008)  
Fax No. (512-505-6308)

The proper address and facsimile number for the City is as follows:

City Administrator  
City of Dripping Springs  
P. O. Box 384  
Dripping Springs, Texas 78620  
Tel No. (512) 858 – 4725  
Fax No. (512) 858 – 5646

with a copy to:

Alan Bojorquez  
Bojorquez Law Firm, LLP  
12325 Hymeadow Drive, Building 2, Suite 100  
Austin, Texas 78750  
Fax: 512-250-0749

Any Party may change the address or facsimile number for notices specified above by giving the other party ten (10) days' advance written notice of such change of address or facsimile number.

- 9.4 Assignment. This Agreement may not be assigned or partially assigned by either party without the prior written consent of the non-assigning party, which shall not be unreasonably withheld. If the citizens of the City vote and the City converts to a Home Rule city, this Agreement shall remain in full force and effect.
- 9.5 Governing Law. THIS AGREEMENT MUST BE GOVERNED BY AND CONSTRUED AND ENFORCED IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS, WITHOUT REGARD TO ANY CHOICE OF LAW RULES OR PRINCIPLES TO THE CONTRARY, AND THE OBLIGATIONS OF THE PARTIES HERETO ARE AND SHALL BE PERFORMABLE IN HAYS COUNTY, TEXAS.
- 9.6 No Oral Modification. This Agreement may not be supplemented, modified or amended, except by written agreement with approval of the governing bodies of the District and the City.
- 9.7 No Oral Waiver. The parties may waive any of the conditions or obligations of the other party under this Agreement, but any such waiver shall be effective only if in writing and signed by the waiving party.
- 9.8 Headings, Gender, etc. The headings used in this Agreement have been inserted for convenience and do not constitute matter to be construed or interpreted in connection with this Agreement. Unless the context of this Agreement otherwise requires (a) words of any gender are deemed to include each other gender, (b) words using the singular or plural number also include the plural or singular number, respectively.
- 9.9 Partial Invalidity. If any clause or provision of this Agreement is or should ever be held to be illegal, invalid, or unenforceable under any present or future law

applicable to the terms hereof, then and in that event, it is the intention of the Parties that the remainder of this Agreement shall not be affected thereby, and that in lieu of each such clause or provision of this Agreement that is illegal, invalid, or unenforceable, there be added as a part of this Agreement a clause or provision as similar in terms to such illegal, invalid, or unenforceable clause or provision as may be possible and be legal, valid, and enforceable.

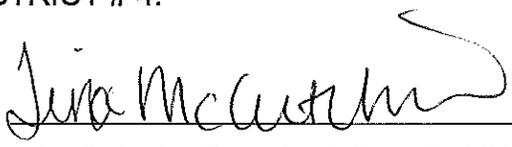
- 9.10 Authorization. Each party executing this Agreement on behalf of the District and the City possesses all requisite authority to execute this Agreement on that such party's behalf.
- 9.11 Holidays. If any deadline, or any date on which any duties or obligations under this Agreement are to be performed falls on a Saturday, Sunday or legal holiday, that date is automatically extended to the next business day.
- 9.12 Incorporation of Exhibits by Reference. All exhibits attached to this Agreement are incorporated into this Agreement by reference and for the purposes set forth in this Agreement, as follows:

- |           |                                |
|-----------|--------------------------------|
| Exhibit A | Boundaries of the District     |
| Exhibit B | Map of the Tract               |
| Exhibit C | Legal Description of the Tract |

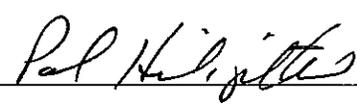
(Signature Page to Follow)

EXECUTED and EFFECTIVE as of the Effective Date.

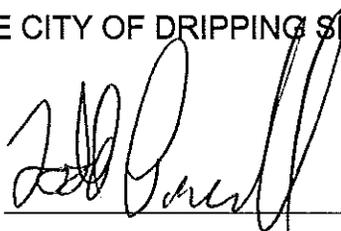
HAYS COUNTY MUNICIPAL UTILITY  
DISTRICT # 4:

By:   
Tina McCutchin, President, Board of Directors

ATTEST:

  
Paul Heiligenthal, Assistant Secretary, Board of  
Directors

THE CITY OF DRIPPING SPRINGS:

By:   
Todd Purcell, Mayor

ATTEST:

  
Jo Ann Touchstone, City Secretary



EXHIBIT A

BOUNDARIES OF THE DISTRICT

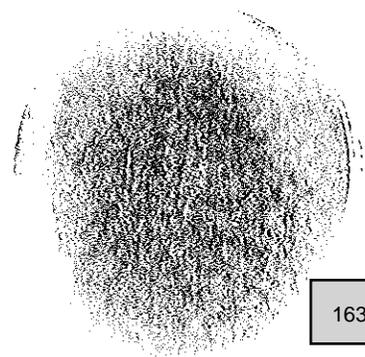
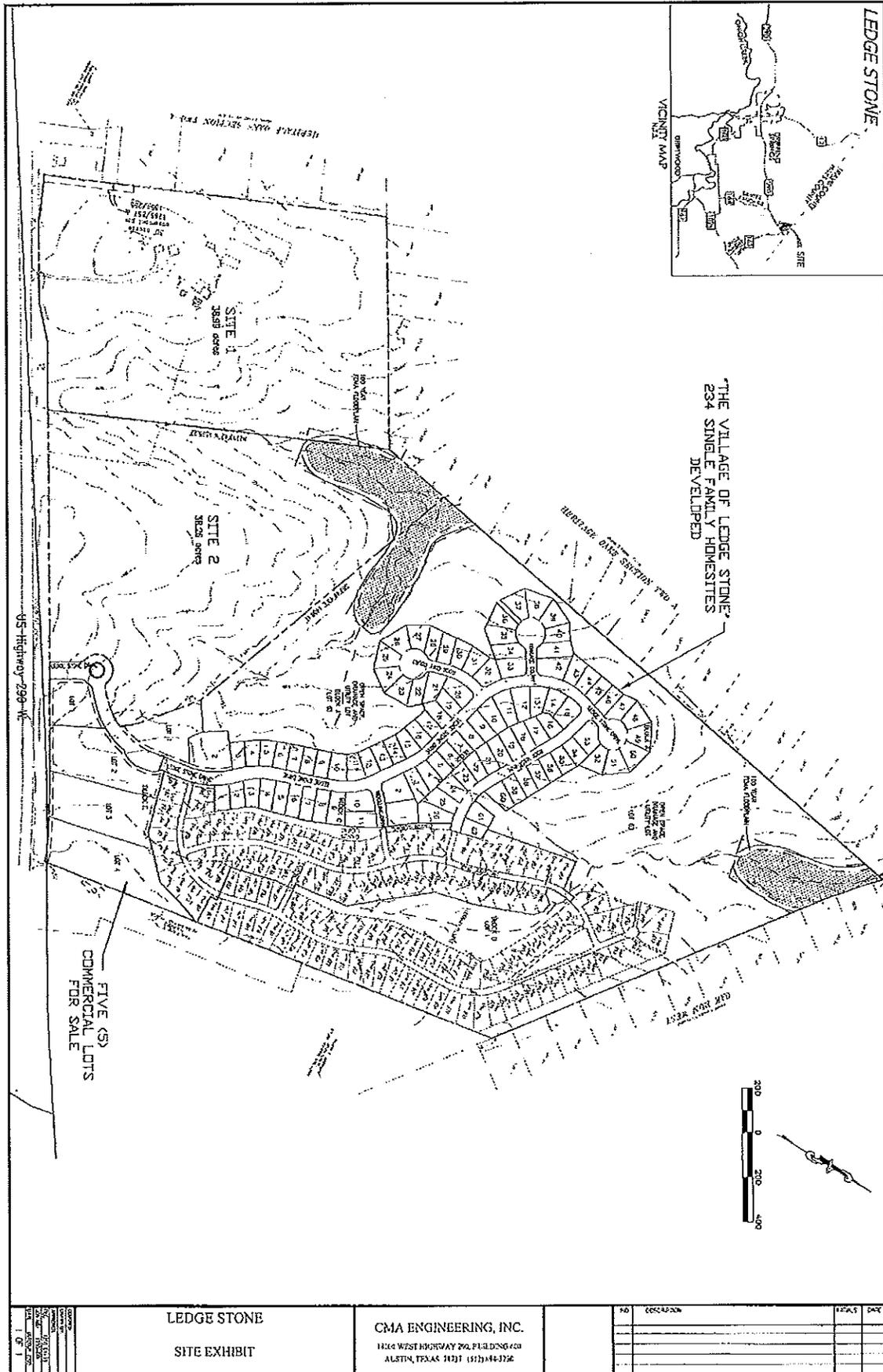


EXHIBIT "A"



LEDGE STONE SITE EXHIBIT	CMA ENGINEERING, INC. 1424 WEST HIGHWAY 290, PLAZA DONG CO AUSTIN, TEXAS 78717 (512)44-1724	NO.	DESCRIPTION	DATE	DATE

**CARSON AND BUSH****PROFESSIONAL SURVEYORS, INC.**1904 FORTVIEW ROAD  
AUSTIN, TX 78704  
TELEPHONE: (512) 442-0990  
FACSIMILE: (512) 442-1084Bk Vol Ps  
10032815 OPR 4017 167

January 19, 2001

**FIELD NOTE DESCRIPTION OF 193.926 ACRES OF LAND OUT OF THE WILLIAM S. HOLTON SURVEY NO. 57 ABSTRACT 245 IN HAYS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN (186.61 ACRE) TRACT CONVEYED TO THE C.F. BUSH FAMILY LIMITED PARTNERSHIP BY DEEDS RECORDED IN VOLUME 1266 PAGE 867 AND VOLUME 1354 PAGE 255 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS BUT EXCLUDING THOSE TRACTS PREVIOUSLY CONVEYED TO THE STATE OF TEXAS FOR RIGHT-OF-WAY AS RECORDED IN VOLUME 170 PAGE 318 AND VOLUME 170 PAGE 322 OF THE HAYS COUNTY DEED RECORDS, AND BEING ALL OF THAT (10.00 ACRE) TRACT CONVEYED TO THE C. F. BUSH FAMILY LIMITED PARTNERSHIP BY DEED RECORDED IN VOLUME 1354 PAGE 255 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

BEGINNING at a ½ inch iron pipe found in the southwest line of Lot 13, Oak Run West, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 3 Page 77 of the Plat Records of Hays County, Texas, at the most easterly corner of that certain (200 Acre) tract conveyed from Carl A. Bible et ux. to Claude F. Bush, Jr. and Mary Pauline Bush by deed recorded in Volume 180 Page 422 of the Hays County Deed Records, and being at the Northeast corner of that certain (186.61 Acre) tract conveyed to the C.F. Bush, Jr. Family Limited Partnership by deeds recorded in Volume 1266 Page 867 and Volume 1354 Page 255 of the Hays County Official Public Records, and being the Northwest corner of that certain (20.54 Acres) tract conveyed to William R. Schneider by deed recorded in Volume 443 Page 840 of the Hays County Real Property Records, and being the Northeast corner and **PLACE OF BEGINNING** of the herein described tract;

THENCE with the east line of said Bush (200 Acre) tract, S 08 deg. 07' 52" E 2225.11 ft. to a ½ inch iron pipe found at the intersection of the east line of said Bush (200 Acre) tract and the north right-of-way line of U.S. Highway 290, and being in the north line of that certain (4.09 Acre) tract conveyed to the State of Texas by deed recorded in Volume 170 Page 318 of the Hays County Deed Records, and being the Southwest corner of that certain tract conveyed to David T. Rush by deed recorded in Volume 354 Page 796 of the Hays County Deed Records, and being the Southeast corner of this tract;

THENCE with the north right-of-way line of U.S. Highway 290, the following five courses:

- 1) S 70 deg. 52' 57" W 58.87 ft. to a concrete monument found at a point of curvature;
- 2) a curve to the left, having a radius of 5829.65 ft., an arc length of 408.49 ft., and a chord bearing of S 62 deg. 59' 57" W 408.41 ft. to a concrete monument found at a point of tangency;
- 3) S 60 deg. 58' 12" W at 1388.86 ft. passing a 14" wood fence corner post in the common line of said Bush (200 Acre) tract and that certain (300 Acre) tract conveyed from Ernest T. Leonard to Claude F. Bush, Jr. and Mary Pauline Bush by deed recorded in Volume 175 Page 619 of the Hays County Deed Records, and continuing on the same course 489.74 ft. more, for a total distance of 1878.59 ft., to a concrete monument found;

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page 2 of 3  
193.926 Acres

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10032815 OPR 4017 168

4) S 49 deg. 31' 22" W 203.73 ft. to a concrete monument found;

5) S 60 deg. 57' 04" W 339.85 ft. to a ½ inch iron rod set with plastic-cap marked "Carson and Bush Professional Surveyors" in the south line of said Bush (300 Acre) tract, at an angle point in the south line of this tract;

THENCE leaving the north right-of-way line of U.S. Highway 290 with the south line of said Bush (300 Acre) tract, S 68 deg. 37' 00" W 224.56 ft. to a ½ inch iron rod set with plastic cap marked "Carson and Bush Professional Surveyors" in the east line of that certain (249.949 Acre) tract conveyed to 4-J Land Company, Inc. by deed recorded in Volume 324 Page 387 of the Hays County Deed Records, and being the Southwest corner of this tract;

THENCE crossing the interior of said Bush (300 Acre) tract with the common line of said 4-J Land Company (249.949 Acre) and said C.F. Bush, Jr. Family Limited Partnership (186.61 Acre) tract, the following four courses:

1) N 22 deg. 07' 34" W at 269.78 ft. passing a 5/8" iron rod found at the Southeast corner of Lot 99, Heritage Oaks Section 2-A, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 2 Page 115 of the Hays County Plat Records, and continuing on the same course at 150.4 ft. passing the record most southerly corner of that certain (10.00 Acre) tract conveyed to the C.F. Bush, Jr. Family Limited Partnership by deed recorded in Volume 1354 Page 255 of the Hays County Official Public Records, and continuing on the same course at 189.70 ft. passing a 5/8" iron rod found at the Northeast corner of said Lot 99, and continuing on the same course 293.70 ft. more, for a total distance on this bearing of 903.58 ft., to a 5/8" iron rod found;

2) N 22 deg. 03' 40" W at 293.70 ft. passing the record most westerly corner of said C.F. Bush, Jr. Family Limited Partnership (10.00 Acre) tract, and continuing on the same course 452.11 ft., more for a total distance of 700.03 ft., to a 60 D nail found in the top of a fence corner post in the south line of Lot 104 of said Heritage Oaks Section 2-A;

3) N 60 deg. 38' 24" E 1054.57 ft. to a 60 D nail found in top of a fence corner post at the most easterly southeast corner of Lot 109 of said Heritage Oaks Section 2-A;

4) N 11 deg. 16' 37" E 3008.40 ft. to a ½ inch iron rod found in the northeast line of said Bush (200 Acre) tract, being a point in the southwest line of Lot 24 of said Oak Run West, and being at the most northerly corner of said C.F. Bush Family Limited Partnership (186.61 Acre) tract, and being the most easterly corner of said 4-J Land Company tract, and being the most easterly corner of Lot 124 of said Heritage Oaks Section 2-A, and being the most northerly corner of this tract;

THENCE with the northeast line of said Bush (200 Acre) tract, the following three courses:

1) S 46 deg. 58' 20" E at 229.64 ft. passing a ½ inch iron rod found at the most southerly corner of Lot 23 of said Oak Run West, and continuing on the same course 30.05 ft. more, for a total distance on this bearing of 259.69 ft., to a 60 D nail found at the base of a fence corner post;

2) S 50 deg. 34' 08" E at 147.83 ft. passing a ½ inch iron rod found at the most southerly corner of Lot 22 of said Oak Run West and continuing on the same course 108.10 ft. more, for a total distance of 255.93 ft., to a ½ inch iron rod found;

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page 3 of 3  
193.926 acres

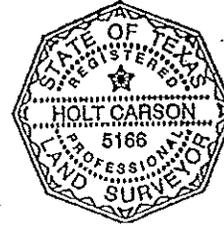
3) S 50 deg. 40' 00" E at 461.95 ft. passing a 1/2 inch iron rod found at the most southerly corner of Lot 19 of said Oak Run West, and continuing on the same course at 540.89 ft. passing a 1/2 inch iron rod found at the most southerly corner of Lot 16 of said Oak Run West, and continuing on the same course 441.13 ft more, for a total distance on this bearing of 1443.97 ft., to the Place of Beginning, containing 193.926 Acres of land.

SURVEYED: January 19, 2001

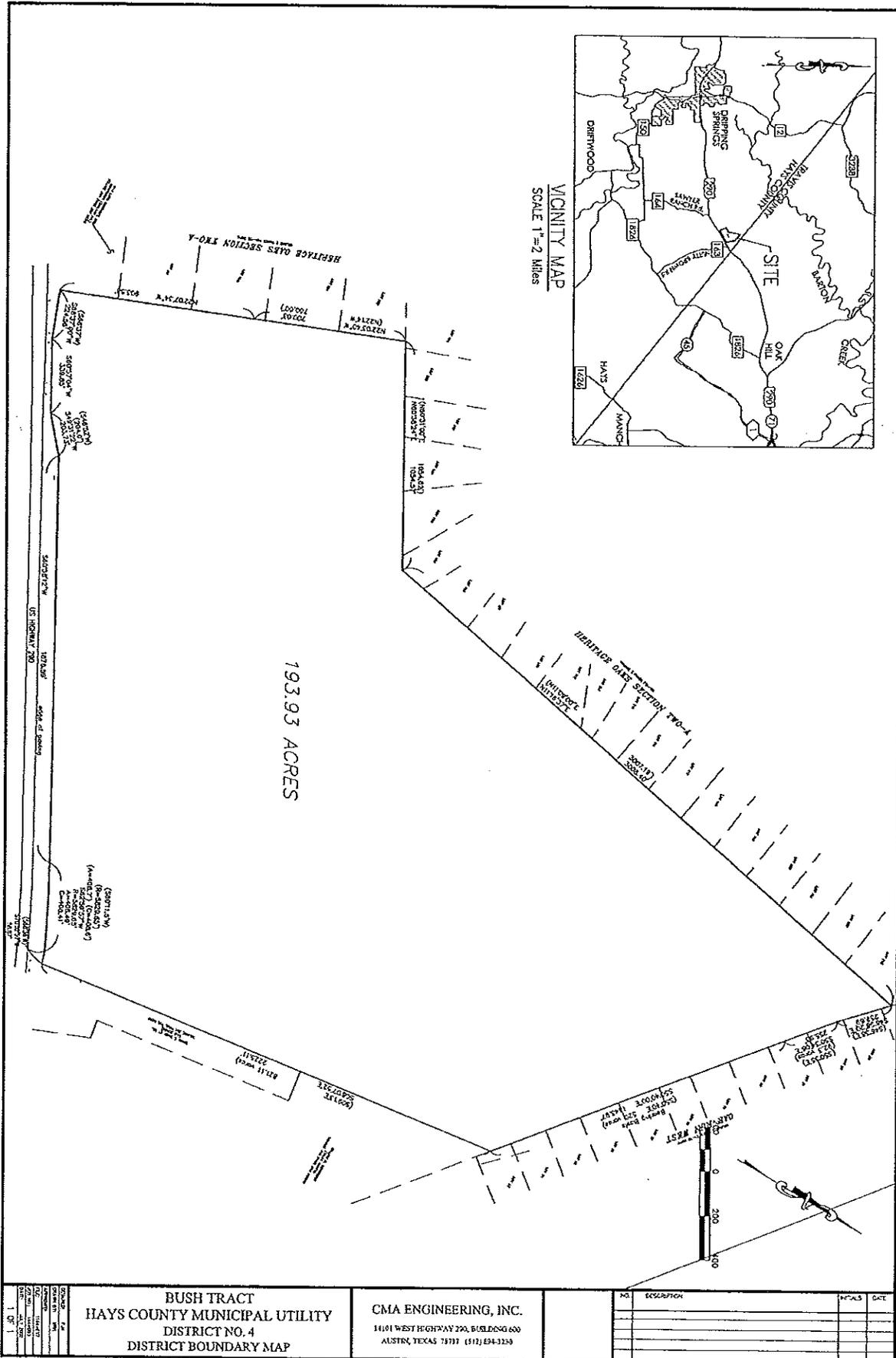
BY:



Holt Carson  
Registered Professional Land Surveyor No. 5166



see accompanying map no.B596002a



193.93 ACRES

MICINITY MAP  
SCALE 1"=2 Miles

BUSH TRACT  
HAYS COUNTY MUNICIPAL UTILITY  
DISTRICT NO. 4  
DISTRICT BOUNDARY MAP

CMA ENGINEERING, INC.  
14101 WEST HIGHWAY 290, BUILDING 600  
AUSTIN, TEXAS 78717 (512) 434-3338

NO.	DESCRIPTION	DATE

DATE: 08/20/11  
DRAWN BY: JMM  
CHECKED BY: JMM  
SCALE: AS SHOWN  
SHEET: 1 OF 1

EXHIBIT B

MAP OF THE TRACT

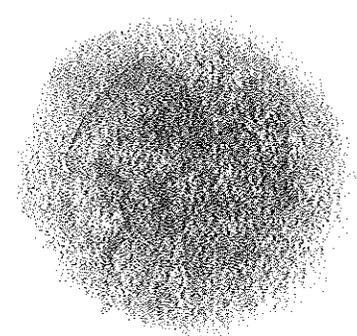
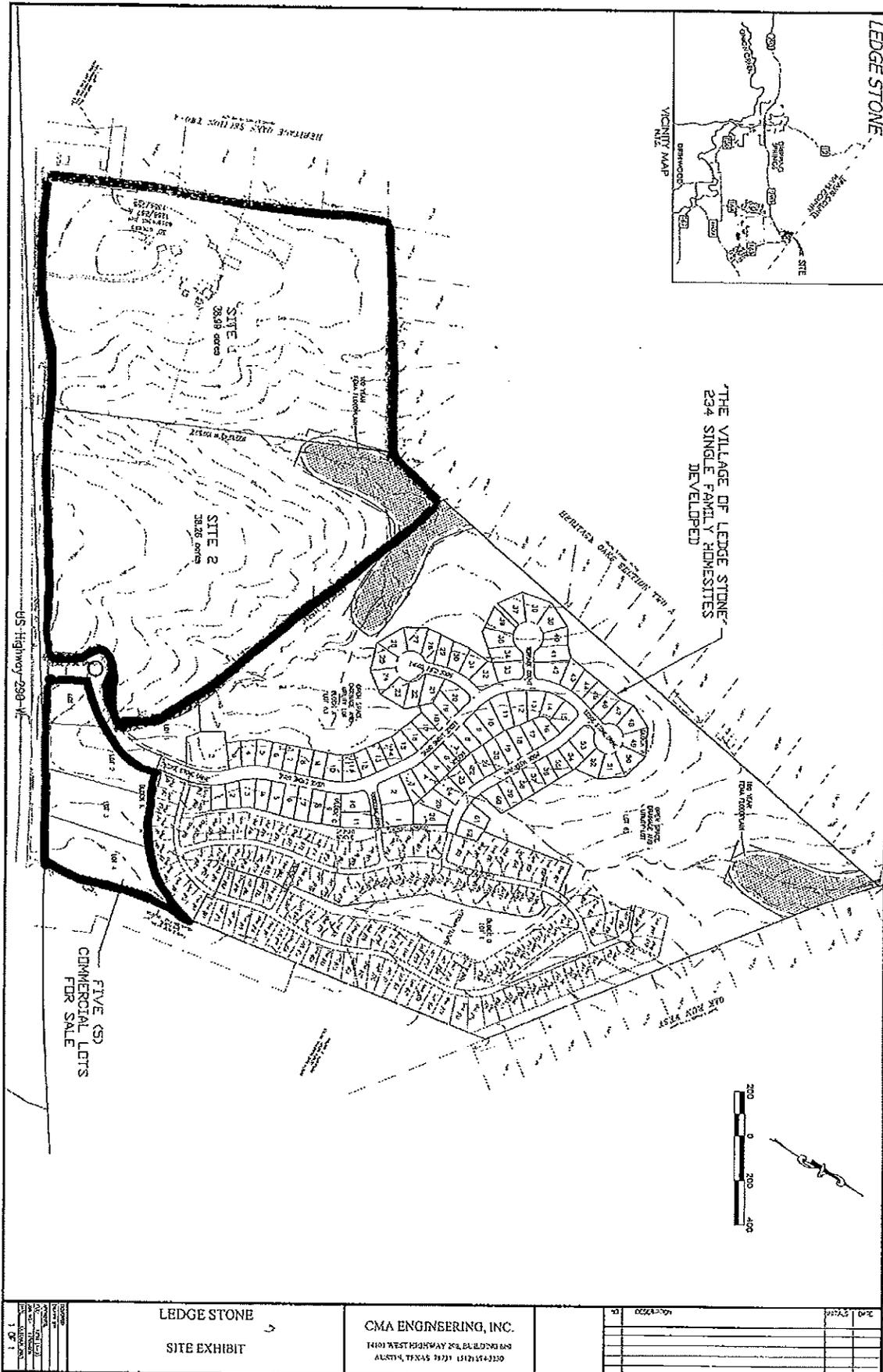


EXHIBIT "B"



<p>DATE: 11/11/09 SCALE: AS SHOWN SHEET NO. 1 OF 1</p>	<p>LEDGE STONE SITE EXHIBIT</p>	<p>CMA ENGINEERING, INC. 14100 WEST HIGHWAY 294, BUILDING 608 AUSTIN, TEXAS 78717 512/354-3130</p>	<table border="1"> <tr> <td>NO.</td> <td>DATE</td> <td>BY</td> <td>REVISION</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	BY	REVISION												
NO.	DATE	BY	REVISION																

**Exhibit C**  
**Legal Description of the Tract**

**85.976 acres**, more or less, described as follows:

193.926 acres of land out of the William S. Holton Survey No. 57 Abstract 245 in Hays County, Texas, being all of that certain (186.61 acre) tract conveyed to the C.F. Bush Family Limited Partnership by deeds recorded in Volume 1266 Page 867 and Volume 1354 Page 255 of the Hays County Official Public Records but excluding those tracts previously conveyed to the State of Texas for right-of-way as recorded in Volume 170 Page 318 and Volume 170 Page 322 of the Hays County Deed Records, and being all of that (10.00 acre) tract conveyed to the C.F. Bush Family Limited Partnership by deed recorded in Volume 1354 Page 255 of the Hays County Official Public Records, said 193.936 acres having been conveyed to 194 Bush, Ltd, a Texas limited partnership, by deed recorded in Volume 1777 Page 305 of the Hays County Official Public Records;

**Save and Except:**

- that 106.79 acre tract conveyed to 290 East Bush Inc. by deed recorded in Volume 2872 Page 105 of the Hays County Official Public Records; and
- that 10 acre tract conveyed in five, 1/5<sup>th</sup> undivided interests to Virginia Lee Winfield, et al, by deeds recorded in Volume 2066 Pages 817 – 820 and Volume 2066 Pages 841 – 856 of the Hays County Official Public Records;

**But specifically NOT Excepting or Excluding from the 193.926 acres, and therefore included in the 85.976 acres:** that 8.840 acres consisting of Lots 1 – 4 Block E Bush Ranch Phase 1, Revised, recorded in Volume 14 Page 54, Plat Records, Hays County, Texas, even if contained within said 106.79 acre tract or within said 10-acre tract.



# City Council Planning Department Staff Report

**City Council Meeting:** July 20, 2021

**Project No:** ANNEX2021-0002

**Project Planner:** Robyn Miga, Consulting Planner

### Item Details

**Project Name:** Hardy Tract

**Property Location:** 2901 W US Highway 290, Dripping Springs, Texas, 78620

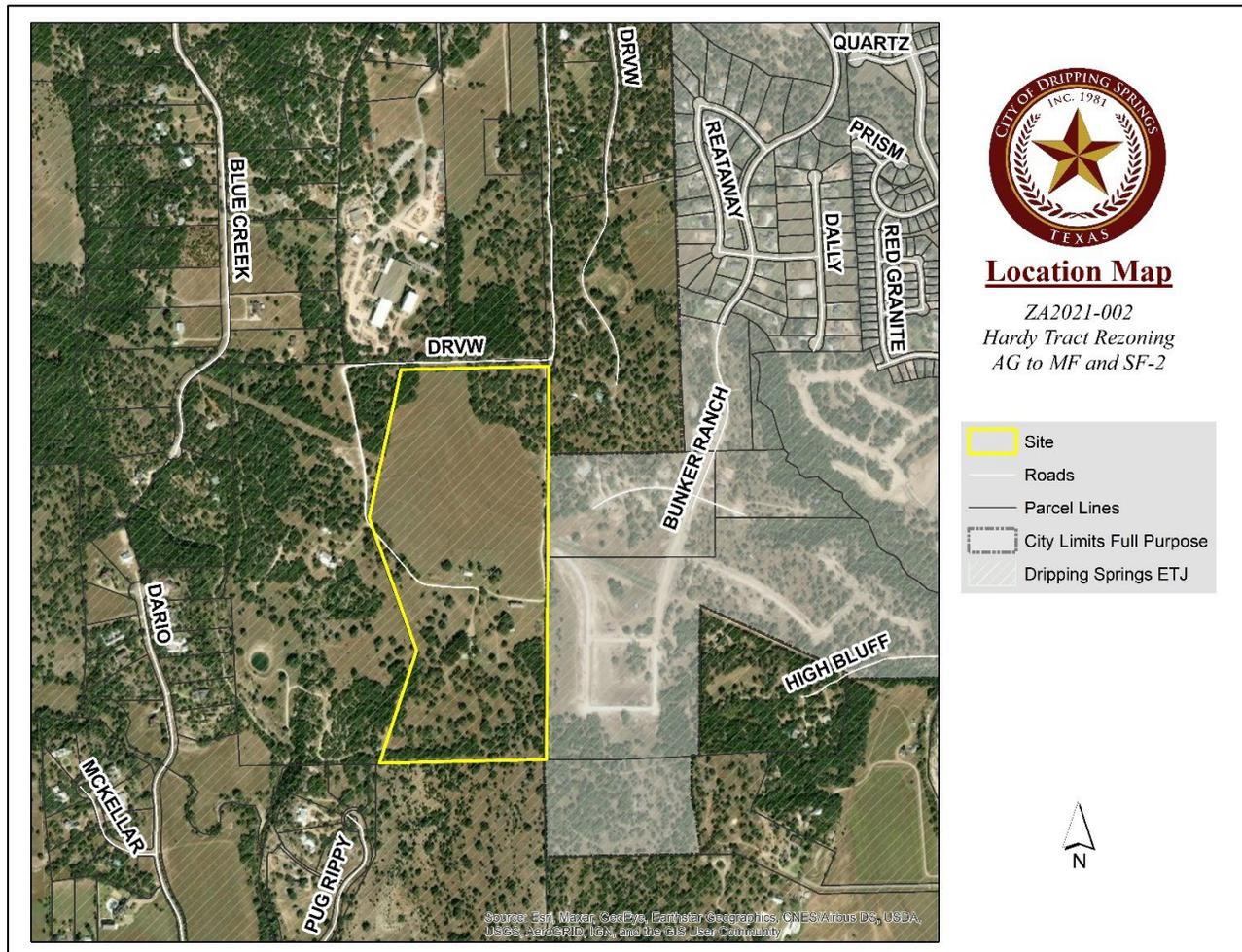
**Legal Description:** A0222 BENJAMIN F HANNA SURVEY, ACRES 79.61, (1.00 AC HS)

**Applicant:** Steve Harren c/o Brian Estes, P.E. Civil and Environmental Consultants, Inc.

**Property Owners:** P & H Family Limited Partnership No. 1

**Request:** Applicant has submitted a request for this item to be postponed to the August 17, 2021 City Council Meeting.

**Staff Recommendation:** Staff is recommending postponement of the annexation and rezoning request to the August 17, 2021 City Council Meeting.



## Overview

The applicant submitted a petition for voluntary annexation of the approximately 78.021 acres, as well as a rezoning request for the zoning designation of SF-2, Moderate Density Residential and Multiple-Family Residential District (MF). The applicant has requested that action be taken on both items at the same time, to ensure that the property is able to be zoned for the proposed district.

The applicant is requesting that this item be postponed to provide time to attempt to work through issues with fire access to the tract.

## Public Notification

A legal notice advertising the public hearing was placed in the Dripping Springs Century-News, signs were posted on the-site, notice was placed on the City Website, and all property owners within a 300-foot radius of the site were notified of the request. All proper notices for the annexation were done in accordance with State Law as well.

## Attachments

Exhibit 1: Annexation Application

Exhibit 2: Rezoning Application

Recommended Action:	Staff is recommending postponement of the annexation request to the August 17, 2021 City Council Meeting.
Alternatives/Options:	N/A
Budget/Financial Impact:	The property will be subject to property taxes once incorporated into the city.
Public Comments:	No written public comment was received for this request, however, there were several residents who spoke at the Planning & Zoning Commission public hearing.
Enforcement Issues:	N/A

July 2, 2021

Robyn Miga  
City of Dripping Springs  
511 Mercer St.  
Dripping Springs, Texas, 78620

Dear Ms. Miga:

Subject: Hardy T Land Annexation ANNEX2021-0002  
CEC Project 304-065

As owner’s authorized agent for the Hardy T Land development, we would like to postpone the annexation request one (1) month. This letter serves as a formal request to delay the City Council consideration of the annexation request which is currently to be placed on the agenda for the July 20, 2021 City Council meeting and instead place the annexation request on the agenda for the City Council meeting scheduled for August 17, 2021.

Sincerely,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.



Brian Estes, P.E.  
Principal

## CITY OF DRIPPING SPRINGS

## ORDINANCE NO.

**78.021 ACRES OUT OF THE BENJAMIN F. HANNA SURVEY,  
NO. 28, ABSTRACT NO. 222, HAYS COUNTY, TEXAS**

## ANNEXATION ORDINANCE

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS, TO VOLUNTARILY ANNEX BY REQUEST OF THE PROPERTY OWNER APPROXIMATELY 78.021 ACRES OF LAND INTO THE INCORPORATED MUNICIPAL BOUNDARIES OF THE CITY OF DRIPPING SPRINGS, TEXAS INCLUDING THE FOLLOWING: FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING.

**WHEREAS,** the City of Dripping Springs ("City") is a Type-A, General Law municipality located in Hays County, Texas with the rights and privileges thereto; and

**WHEREAS,** Section 43.0671 of the Texas Local Government Code authorizes a Type-A general law municipality to extend the boundaries of the municipality and annex area adjacent to the municipality by petition of area landowners in accordance with the procedural rules prescribed by Texas Local Government Code Chapter 43; and

**WHEREAS,** the City received a written petition requesting the voluntary annexation of the area described in Exhibit "A" on March 5, 2021

**WHEREAS,** the area identified in Exhibit "A," approximately 78.021 acres in the Benjamin F. Hanna Survey No. 28, Abstract No. 222, Hays County, Texas, is adjacent and contiguous to the city limits; and

**WHEREAS,** the City Council granted the petition and allowed City staff to proceed with negotiating the service agreement with the property owner, in accordance with Section 43.0672 of Texas Local Government Code;

**WHEREAS,** the City Council conducted a public hearing and considered testimony regarding the annexation of the property, in accordance with Section 43.0673 of Texas Local Government Code on August 17, 2021;

**WHEREAS,** the City Council deems it to be in the best interest of the citizens of the City to annex said territory into the City.

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

**1. FINDINGS OF FACT**

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of Dripping Springs, Texas, and are hereby approved and incorporated into the body of this Ordinance as if copied herein in their entirety.

**2. ANNEXATION OF TERRITORY**

- A.** The property in the area described in Exhibit "A", which is attached hereto and incorporated herein for all purposes, is hereby annexed and brought into the municipal boundaries (i.e., corporate limits) of the City of Dripping Springs, and is made an integral part, hereof.
- B.** The official map and boundaries of the City of Dripping Springs are hereby amended and revised so as to include the area annexed, and to reflect the expansion of the City's extraterritorial jurisdiction resulting from such annexation.
- C.** A service plan agreement was executed prior to the annexation approval in accordance with Section 43.0672 of Texas Local Government Code, and is attached hereto as Exhibit "B" and incorporated herein for all intents and purposes.
- D.** The owners and inhabitants of the area herein annexed are entitled to all of the rights and privileges of other citizens of the City of Dripping Springs and are hereby bound by all acts, ordinances and other legal actions now in full force and effect and those that may be hereafter adopted or enacted.

**3. EFFECTIVE DATE**

This ordinance is effective and the annexation achieved herein shall be final and complete upon adoption of this Ordinance on the date set forth below.

**4. FILING**

- A.** The City Secretary is hereby instructed to include this Ordinance in the records of the City.
- B.** The City Secretary is hereby instructed to have prepared maps depicting the new municipal boundaries and extraterritorial jurisdiction.
- C.** The City Secretary is hereby instructed to file a certified copy of this Ordinance with the Hays County Clerk.
- D.** The City Secretary is hereby instructed to submit by certified mail a certified copy of the annexation ordinance a map of the entire city that shows the change in boundaries, with the

annexed portion clearly distinguished, resulting from the annexation to the Texas Comptroller's Office.

**5. SEVERABILITY**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

**6. PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_ 2021, by a vote of \_\_\_ (ayes) to \_\_\_ (nays) to \_\_\_ (abstentions) of the City Council of the City of Dripping Springs, Texas.

**THE CITY OF DRIPPING SPRINGS:**

\_\_\_\_\_  
Bill Foulds Jr.

ATTEST:

\_\_\_\_\_  
Andrea Cunningham, City Secretary

Exhibit "A"  
DESCRIPTION OF AREA TO BE ANNEXED



**Location Map**

ANNEX2021-0002  
2901 W US Highway 290  
Hardy Tract

- Site
- Roads
- Parcel Lines
- City Limits Full Purpose
- Dripping Springs ETJ



**LEGAL DESCRIPTION**

**BEING A 78.021 ACRE TRACT OF LAND (INCLUDING A 60 SQUARE FOOT AREA IN CONFLICT) OUT OF THE BENJAMIN F. HANNA SURVEY NO. 28, ABSTRACT NO. 222, SITUATED IN HAYS COUNTY, TEXAS, BEING A PORTION OF A CALLED 79.61 ACRE TRACT CONVEYED TO P & H FAMILY LIMITED PARTNERSHIP NO. 1 AS TRACT A BY DEED OF RECORD IN VOLUME 1733, PAGE 755, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.T.); SAID 78.021 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING**, at a ½ inch iron rod with "CEC" cap set at the northeast corner of the remainder of said 79.61 acre tract, being an interior "ell" corner of a called 4.25 acre tract described in Exhibit C of said deed recorded in Volume 1733, Page 755, O.P.R.H.C.T.;

**THENCE**, along the common line of said remainder of 79.61 acre tract and of said 4.25 acre tract, S00°25'57"W, a distance of 60.03 feet to a ½ inch iron rod with "CEC" cap set for the easterly common corner of said 78.021 acre tract and of said remainder of 79.61 acre tract and the **POINT OF BEGINNING**, hereof.

**THENCE**, along the common line of said 78.021 acre tract and partially of said 4.25 acre tract and then partially of a called 44.123 acre tract conveyed to the Elry and Barbara Hudson Living Trust by deed of record in Volume 2851, Page 80, O.P.R.H.C.T., S00°25'57"W, passing at distance of 39.91 feet, a ½ inch iron rod found at the westerly common corner of said 4.25 acre tract and of said 44.123 acre tract, continuing for a total distance of 652.82 feet to a ½ inch iron rod found at the westerly common corner of said 44.123 acre tract and of Bunker Ranch Phase 2, a subdivision of record in Document No. 20017197, O.P.R.H.C.T.;

**THENCE**, along the common line of said 78.021 acre tract and partially of said Bunker Ranch Phase 2 and then partially of Bunker Ranch Phase 3, a subdivision of record in Document No. 21009701, O.P.R.H.C.T., S00°21'25"W, passing at 629.14 feet, a ½ inch iron rod with "CEC" cap set at the westerly common corner of said Bunker Ranch Phase 2 and said Bunker Ranch Phase 3, continuing for a total distance of 2,259.99 feet to a ½ inch iron rod found at the westerly common corner of said Bunker Ranch Phase 3 and of a called 18.250 acre tract conveyed to The Overlook at Bunker Ranch, LLC by deed of record in Document No. 20061246, O.P.R.H.C.T.;

**THENCE**, bounding the area of conflict, the following two (2) courses and distances:

1. S05°53'31"E, a distance of 10.82 feet to a found ½ inch iron rod;
2. S86°15'32"W, a distance of 5.94 feet to an 8 inch cedar fence post found at the northerly common corner of said 18.250 acre tract and of a called 603.70 acre tract conveyed to Anna Marie Widen Speir, et al, by deed of record in Volume 1734, Page 427, O.P.R.H.C.T.;

**THENCE**, along the common line of said 78.021 acre tract and of said 603.70 acre tract, S88°42'30"W, a distance of 1,237.34 feet to a ½ inch iron rod with "CEC" cap set at the southerly common corner of said 78.021 acre tract and of a called 79.39 acre tract conveyed to P & H Family Limited Partnership No. 2 by deed of record in Volume 1733, Page 748, O.P.R.H.C.T.;

**THENCE**, along the common line of said 78.021 acre tract and of said 79.39 acre tract, the following three (3) courses and distances:

78.021 ACRES  
BUNKER RANCH  
DRIPPING SPRINGS, TX

PROJECT NO.: 304-065  
APRIL 1, 2021

1. N18°14'48"E, a distance of 881.92 feet to a found ½ inch iron rod;
2. N19°44'58"W, a distance of 1,048.36 feet to a found 8 inch cedar fence post;
3. N12°13'46"E, a distance of 1,128.80 feet to a ½ inch iron rod set at the westerly common corner of said 78.021 acre tract and said remainder of 79.61 acre tract;

**THENCE**, along the common line of said 78.021 acre tract and of said remainder of 79.61 acre tract, N88°43'55"E, 1,100.12 feet to the **POINT OF BEGINNING**, and containing 78.021 acres (3,398,613 square feet) of land, more or less.

THE BASIS OF BEARING OF THIS SURVEY IS TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NSRS 2011(2012A), UTILIZING THE LEICA SMARTNET CONTINUALLY OPERATING REFERENCE NETWORK.

Witness my hand and seal this 1<sup>st</sup> day of April, 2021.

Frank William Funk, R.P.L.S. 6803  
Civil & Environmental Consultants, Inc.  
3711 S. MoPac Expressway, Building 1, Suite 550  
Austin, TX 78746  
Texas Registered Surveying Firm No. 10194419



**Exhibit "B"**  
**Municipal Services Agreement**

DRAFT

**MUNICIPAL SERVICES AGREEMENT BETWEEN THE  
CITY OF DRIPPING SPRINGS, TEXAS AND THE P&H FAMILY LIMITED  
PARTNERSHIP NO. 1**

This Municipal Services Agreement (“Agreement”) is entered into on \_\_\_\_ day of \_\_\_\_\_ 2021, by and between the City of Dripping Springs, Texas, a General Rule municipality of the State of Texas, (“City”) and P & H Family Limited Partnership No. 1 (“Owner”).

**RECITALS**

The parties agree that the following recitals are true and correct and form the basis upon which the parties have entered into this Agreement.

**WHEREAS**, Owner owns certain parcels of land situated in Hays County, Texas, which consists of approximately 78.021 acres of land situated in the Benjamin F Hanna Survey No. 28, Abstract No. 222, in Hays County, Texas, in the City’s extraterritorial jurisdiction, such property being more particularly described and set forth in Exhibit “A” attached and incorporated herein by reference (“Property”);

**WHEREAS**, City and Owner desire to set out the City services and Owner duties to be provided for the Property on or after the effective date of annexation; and

**WHEREAS**, Sections 43.0671 and 43.0672 of the Texas Local Government Code authorizes the City and the Owner to enter into an Agreement for annexation and provision of city services.

**NOW THEREFORE, in exchange for the mutual covenants, conditions, and promises contained herein, City and Owner agree as follows:**

1. **PROPERTY.** This Agreement is only applicable to the Property, more specifically described in Exhibit “A”.
2. **INTENT.** It is the intent of the City that this Agreement provide for the delivery of full, available municipal services to the Property in accordance with state law, which may be accomplished through any means permitted by law.
3. **MUNICIPAL SERVICES.** Commencing on the effective date of annexation, the City will provide the municipal services set forth below. As used in this Agreement, “providing services” includes having services provided by any method or means by which the City may extend municipal services to any other area of the City.

The City of Dripping Springs hereby declares the following services to be made available to the property and its owner(s):

**a. POLICE PROTECTION**

The City does not provide municipal police protection but has an agreement with Hays County for protection through the Hays County Sheriff's Office.

**b. FIRE SERVICE**

The City does not provide municipal fire services, but this area is served by the North Hays County Fire/Rescue. Fire prevention activities will be provided by the Hays County Fire Marshal's Office.

**c. BUILDING INSPECTION/CODE ENFORCEMENT SERVICES**

The City will provide Building and Code Enforcement Services upon annexation. This includes issuing building, electrical, mechanical, and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulate building construction within the City of Dripping Springs.

**d. LIBRARIES**

The City does not own a municipal library. A community library is provided by the Dripping Springs Community Library.

**e. ENVIRONMENTAL HEALTH AND HEALTH CODE ENFORCEMENT SERVICES**

The City has a septic system/on-site sewage facility ordinance. Complaints of ordinance or regulation violations within this area will be answered and investigated by City personnel, beginning with the effective date of the annexation ordinance. Septic permitting services, where applicable, is also provided by the City.

**f. PLANNING AND ZONING**

The planning and zoning jurisdiction of the City will be extended to this area on the effective date of the annexation ordinance. All services provided by the City will be extended to the area on the effective date of the annexation ordinance.

**g. PARKS AND RECREATION**

All services and amenities associated with the City's Parks and Recreation activities will extend to this area on the effective date of the annexation ordinance.

**h. STREET AND DRAINAGE MAINTENANCE**

The City will provide street and drainage maintenance to public streets in the area in accordance with standard City Policy as the area develops.

**i. STREET LIGHTING**

The City provides street lighting to public streets in the area in accordance with standard City Policy as the area develops.

**j. TRAFFIC ENGINEERING**

The City will provide, as appropriate, street names signs, traffic control devices, and other traffic system design improvements to the area for any public roads.

**k. SANITATION/SOLID WASTE COLLECTION AND DISPOSAL**

The City does not directly provide municipal sanitation/solid waste collection and disposal services. However, the City has granted an exclusive franchise for these services to Waste Connections, which will be notified of all newly-annexed parcels.

**l. WATER SERVICE**

The City is a water provider however, the City will not be the water provider for this property. Water service is available from the Dripping Springs Water Supply Corporation.

**m. SEWER SERVICE**

The City municipal sewage collection treatment and disposal system is limited in geographic scope and ability to serve. Newly-annexed parcels will be included in the Capital Improvements Plan as appropriate, and extended services when deemed feasible in light of topography and other relevant factors. In some instances, the owners of annexed property have expressly waived any demands for sewer service pursuant to development agreements.

**n. MISCELLANEOUS**

All other applicable municipal services will be provided to the area in accordance with policies established by the City of Dripping Springs.

**4. ANNEXED PROPERTY REQUIREMENTS.**

**a. LIGHTING**

The Property Owner agrees to bring the property into compliance with City's adopted regulations for outdoor lighting within one year after completion of the annexation process.

**b. ZONING**

The property shall be zoned Agriculture upon annexation unless zoning occurs concurrently with annexation process. If zoning does not occur concurrently, the Property Owner shall request rezoning to occur on or before the 120th day after annexation as required by City Ordinance.

**c. TRAFFIC IMPACT ANALYSIS**

As a condition of annexation, the Property Owner shall submit a traffic impact analysis for its proposed improvements in conjunction with its preliminary plat submittal. The traffic impact analysis shall be approved prior to approval of the preliminary plat.

**5. AUTHORITY.** City and Owner represent that they have full power, authority, and legal right to execute, deliver and perform their obligations pursuant to this Agreement.

**6. SEVERABILITY.** If any term or provision of this Agreement is held to be illegal, invalid or unenforceable, the legality, validity or enforceability of the remaining terms or provisions of this Agreement shall not be affected thereby, and in lieu of each such illegal, invalid or unenforceable term or provision, there shall be added automatically to this Agreement a legal,

valid or enforceable term or provision as similar as possible to the term or provision declared illegal, invalid or unenforceable

7. **INTERPRETATION.** The parties to this Agreement covenant and agree that in any litigation relating to this Agreement, the terms and conditions of the Agreement will be interpreted according to the laws of the State of Texas. The parties acknowledge that they are of equal bargaining power and that each of them was represented by legal counsel in the negotiation and drafting of this Agreement.
8. **GOVERNING LAW AND VENUE.** This Agreement and all of the transactions contemplated herein shall be governed by and construed in accordance with the laws of the State of Texas. The provisions and obligations of this Agreement are performable in Travis County, Texas such that exclusive venue for any action arising out of this Agreement shall be in Travis County, Texas.
9. **NO WAIVER.** The failure of either party to insist upon the performance of any term or provision of this Agreement or to exercise any right granted hereunder shall not constitute a waiver of that party's right to insist upon appropriate performance or to assert any such right on any future occasion.
10. **GOVERNMENTAL POWERS.** It is understood that by execution of this Agreement, the City does not waive or surrender any of its governmental powers or immunities.
11. **COUNTERPARTS.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.
12. **CAPTIONS.** The captions to the various clauses of this Agreement are for informational purposes only and shall not alter the substance of the terms and conditions of this Agreement.
13. **AGREEMENT BINDS SUCCESSORS AND RUNS WITH THE LAND.** This Agreement is binding on and inures to the benefit of the parties, their successors, and assigns. The term of this Agreement constitutes covenants running with the land comprising the Property and is binding on the Owner.
14. **ENTIRE AGREEMENT.** It is understood and agreed that this Agreement contains the entire agreement between the parties and supersedes any and all prior agreements, arrangements or understandings between the parties relating to the subject matter. No oral understandings, statements, promises or inducements contrary to the terms of this Agreement exist. This Agreement cannot be changed or terminated orally.

Executed as of the day and year first above written to be effective on the effective date of annexation of the Property.

**CITY OF DRIPPING SPRINGS:**

\_\_\_\_\_  
Bill Foulds, Jr., Mayor

**ATTEST:**

\_\_\_\_\_  
Andrea Cunningham, City Secretary

STATE OF TEXAS §  
\_\_\_\_\_  
COUNTY OF HAYS §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2021 by, Bill Foulds, Jr., in his capacity as the Mayor of the City of Dripping Springs, Texas, a General Rule municipality, under the laws of the State of Texas.

\_\_\_\_\_  
\_\_\_\_\_  
Notary Public, State of Texas

**P & H FAMILY LIMITED PARTNERSHIP NO. 1:**

By: Pathar No. 1, L.L.C.

Its: General Partner

By: \_\_\_\_\_  
Name: Hardy Evans Thompson, III  
Title: Manager

~~STATE OF TEXAS~~ \_\_\_\_\_ §

\_\_\_\_\_ §

~~COUNTY OF HAYS~~ \_\_\_\_\_ §

~~This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2021  
by, Bill Foulds, Jr., in his capacity as the Mayor of the City of Dripping Springs, Texas, a General  
Rule municipality, under the laws of the State of Texas.~~

\_\_\_\_\_  
\_\_\_\_\_  
Notary Public, State of Texas

**STATE OF TEXAS**                   §  
  §  
**COUNTY OF HAYS**               §

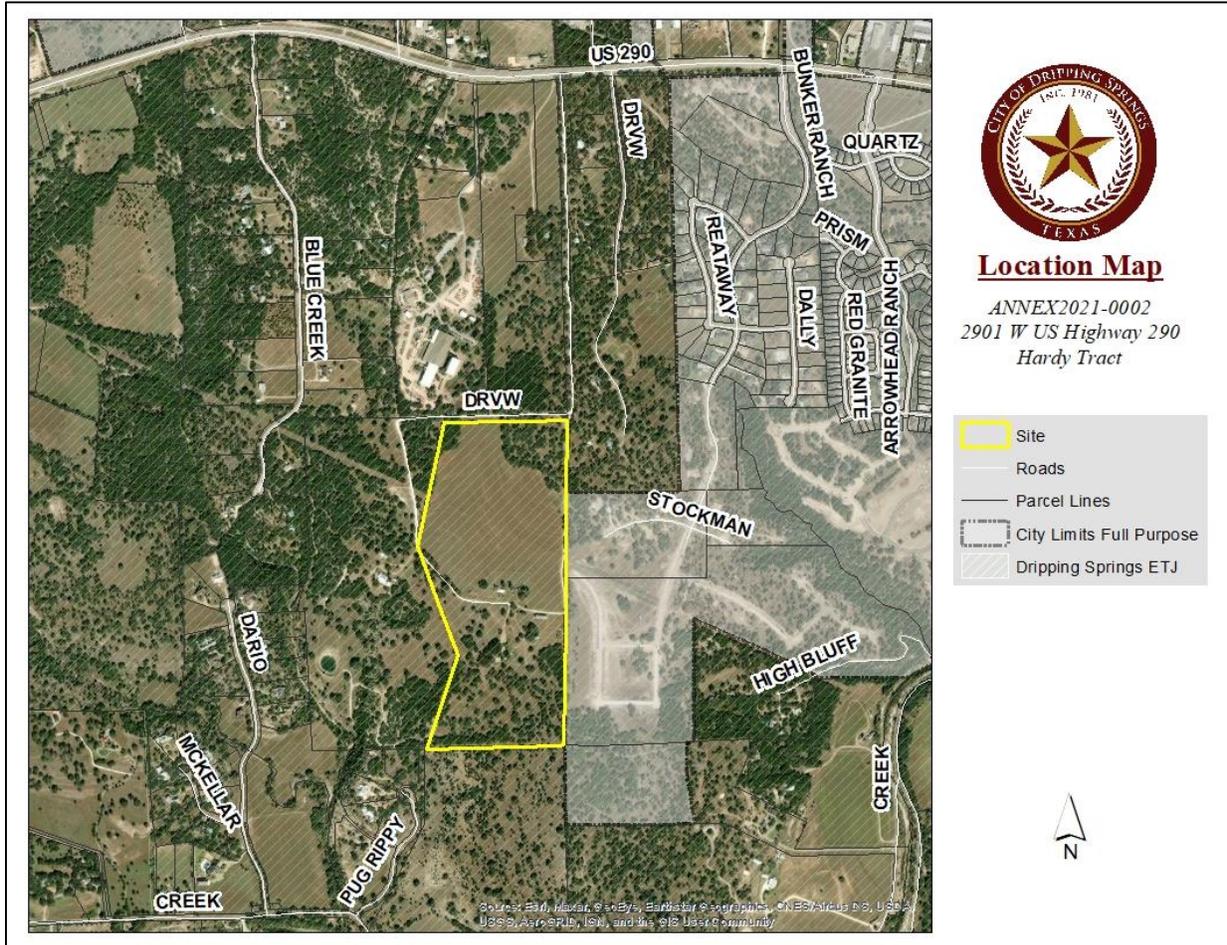
This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2021 by, Hardy Evans Thompson, III, in his capacity as Manager of Pathar No. 1, L.L.C., a Texas limited liability company, general partner to P & H Family Limited Partnership No. 1, a Texas limited partnership, for and on behalf of said limited partnership.

\_\_\_\_\_  
Notary Public, State of Texas

# EXHIBIT A

## Legal Description, Location Map, and Survey

Being a 78.021 acre tract of land (including a 60 square foot area in conflict) out of the Benjamin F. Hanna Survey No. 28, Abstract No. 222, in Hays County, Texas, being a portion of a called 79.61 acre tract conveyed to the P & H Family Limited Partnership No. 1as Tract A by deed of record in Volume 1733, Page 755, Official Public Records of Hays County, Texas (O.P.R.HC.T.)



78.021 ACRES  
BUNKER RANCH  
DRIPPING SPRINGS, TX

PROJECT NO.: 304-065  
APRIL 1, 2021

**LEGAL DESCRIPTION**

**BEING A 78.021 ACRE TRACT OF LAND (INCLUDING A 60 SQUARE FOOT AREA IN CONFLICT) OUT OF THE BENJAMIN F. HANNA SURVEY NO. 28, ABSTRACT NO. 222, SITUATED IN HAYS COUNTY, TEXAS, BEING A PORTION OF A CALLED 79.61 ACRE TRACT CONVEYED TO P & H FAMILY LIMITED PARTNERSHIP NO. 1 AS TRACT A BY DEED OF RECORD IN VOLUME 1733, PAGE 755, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.T.); SAID 78.021 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING**, at a ½ inch iron rod with “CEC” cap set at the northeast corner of the remainder of said 79.61 acre tract, being an interior “ell” corner of a called 4.25 acre tract described in Exhibit C of said deed recorded in Volume 1733, Page 755, O.P.R.H.C.T.;

**THENCE**, along the common line of said remainder of 79.61 acre tract and of said 4.25 acre tract, S00°25’57”W, a distance of 60.03 feet to a ½ inch iron rod with “CEC” cap set for the easterly common corner of said 78.021 acre tract and of said remainder of 79.61 acre tract and the **POINT OF BEGINNING**, hereof.

**THENCE**, along the common line of said 78.021 acre tract and partially of said 4.25 acre tract and then partially of a called 44.123 acre tract conveyed to the Elry and Barbara Hudson Living Trust by deed of record in Volume 2851, Page 80, O.P.R.H.C.T., S00°25’57”W, passing at distance of 39.91 feet, a ½ inch iron rod found at the westerly common corner of said 4.25 acre tract and of said 44.123 acre tract, continuing for a total distance of 652.82 feet to a ½ inch iron rod found at the westerly common corner of said 44.123 acre tract and of Bunker Ranch Phase 2, a subdivision of record in Document No. 20017197, O.P.R.H.C.T.;

**THENCE**, along the common line of said 78.021 acre tract and partially of said Bunker Ranch Phase 2 and then partially of Bunker Ranch Phase 3, a subdivision of record in Document No. 21009701, O.P.R.H.C.T., S00°21’25”W, passing at 629.14 feet, a ½ inch iron rod with “CEC” cap set at the westerly common corner of said Bunker Ranch Phase 2 and said Bunker Ranch Phase 3, continuing for a total distance of 2,259.99 feet to a ½ inch iron rod found at the westerly common corner of said Bunker Ranch Phase 3 and of a called 18.250 acre tract conveyed to The Overlook at Bunker Ranch, LLC by deed of record in Document No. 20061246, O.P.R.H.C.T.;

**THENCE**, bounding the area of conflict, the following two (2) courses and distances:

1. S05°53’31”E, a distance of 10.82 feet to a found ½ inch iron rod;
2. S86°15’32”W, a distance of 5.94 feet to an 8 inch cedar fence post found at the northerly common corner of said 18.250 acre tract and of a called 603.70 acre tract conveyed to Anna Marie Widen Speir, et al, by deed of record in Volume 1734, Page 427, O.P.R.H.C.T.;

**THENCE**, along the common line of said 78.021 acre tract and of said 603.70 acre tract, S88°42’30”W, a distance of 1,237.34 feet to a ½ inch iron rod with “CEC” cap set at the southerly common corner of said 78.021 acre tract and of a called 79.39 acre tract conveyed to P & H Family Limited Partnership No. 2 by deed of record in Volume 1733, Page 748, O.P.R.H.C.T.;

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78.021 ACRES  
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DRIPPING SPRINGS, TX

PROJECT NO.: 304-065  
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2. N19°44'58"W, a distance of 1,048.36 feet to a found 8 inch cedar fence post;
3. N12°13'46"E, a distance of 1,128.80 feet to a ½ inch iron rod set at the westerly common corner of said 78.021 acre tract and said remainder of 79.61 acre tract;

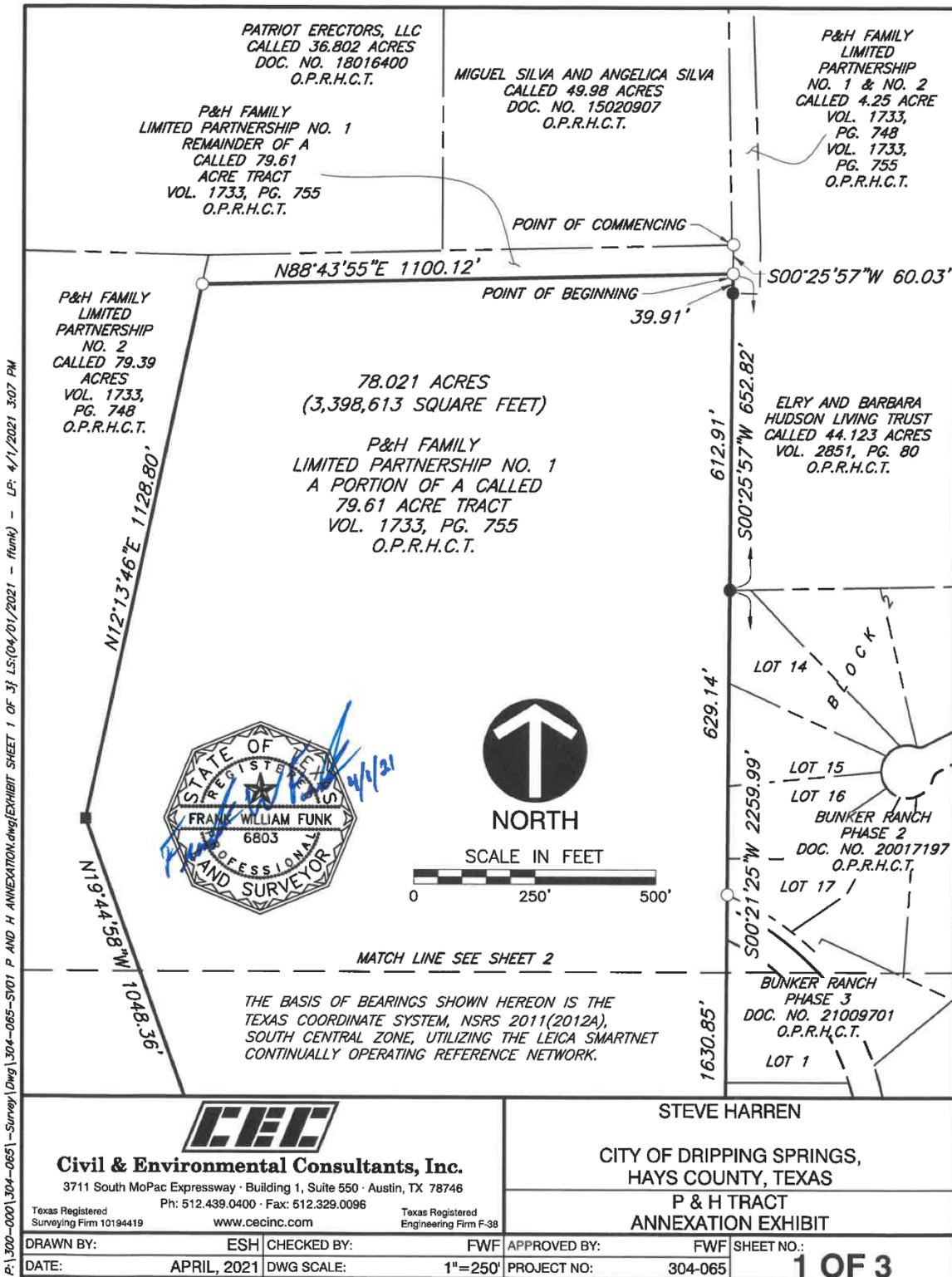
**THENCE**, along the common line of said 78.021 acre tract and of said remainder of 79.61 acre tract, N88°43'55"E, 1,100.12 feet to the **POINT OF BEGINNING**, and containing 78.021 acres (3,398,613 square feet) of land, more or less.

THE BASIS OF BEARING OF THIS SURVEY IS TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NSRS 2011(2012A), UTILIZING THE LEICA SMARTNET CONTINUALLY OPERATING REFERENCE NETWORK.

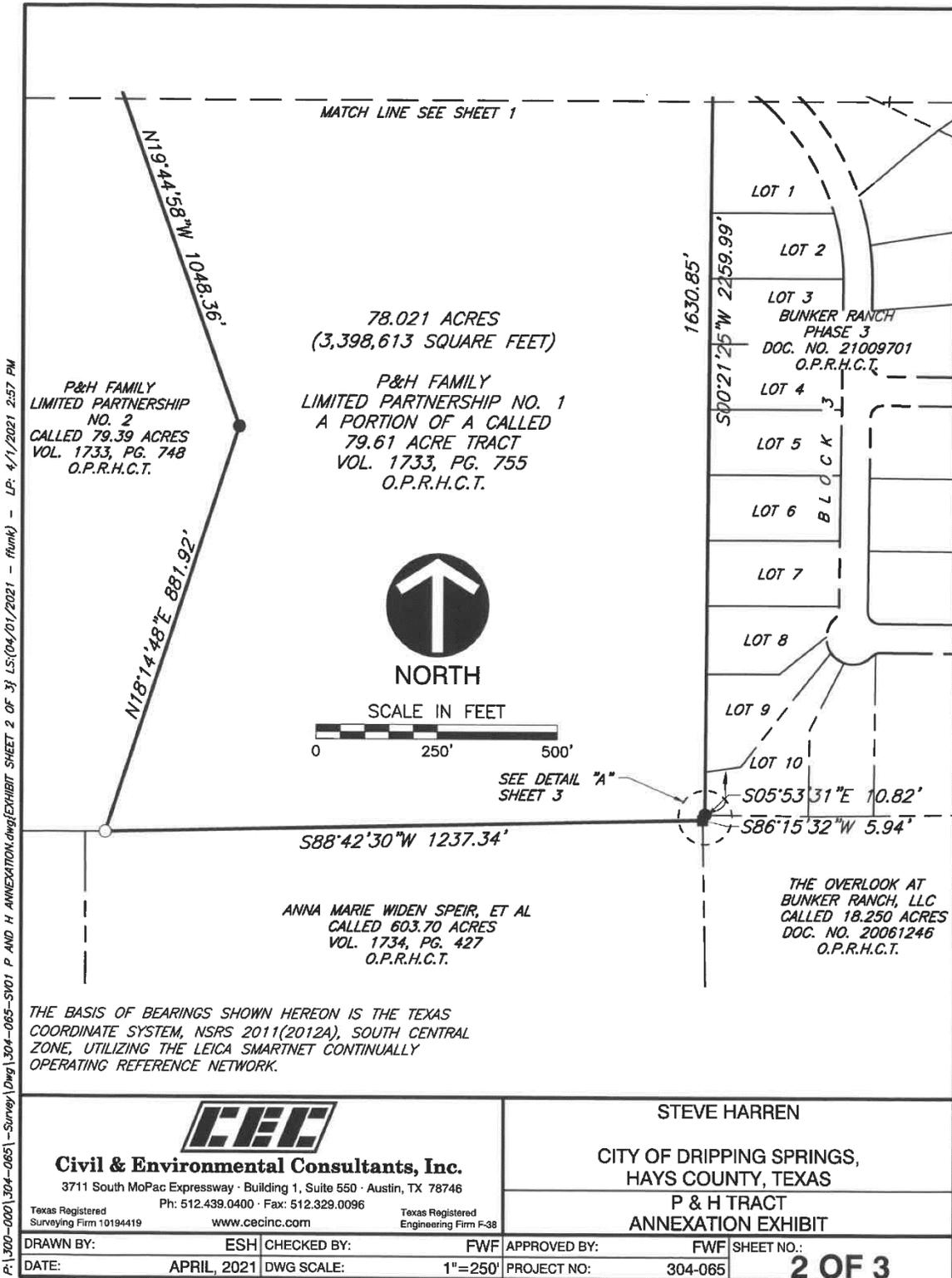
Witness my hand and seal this 1<sup>st</sup> day of April, 2021.

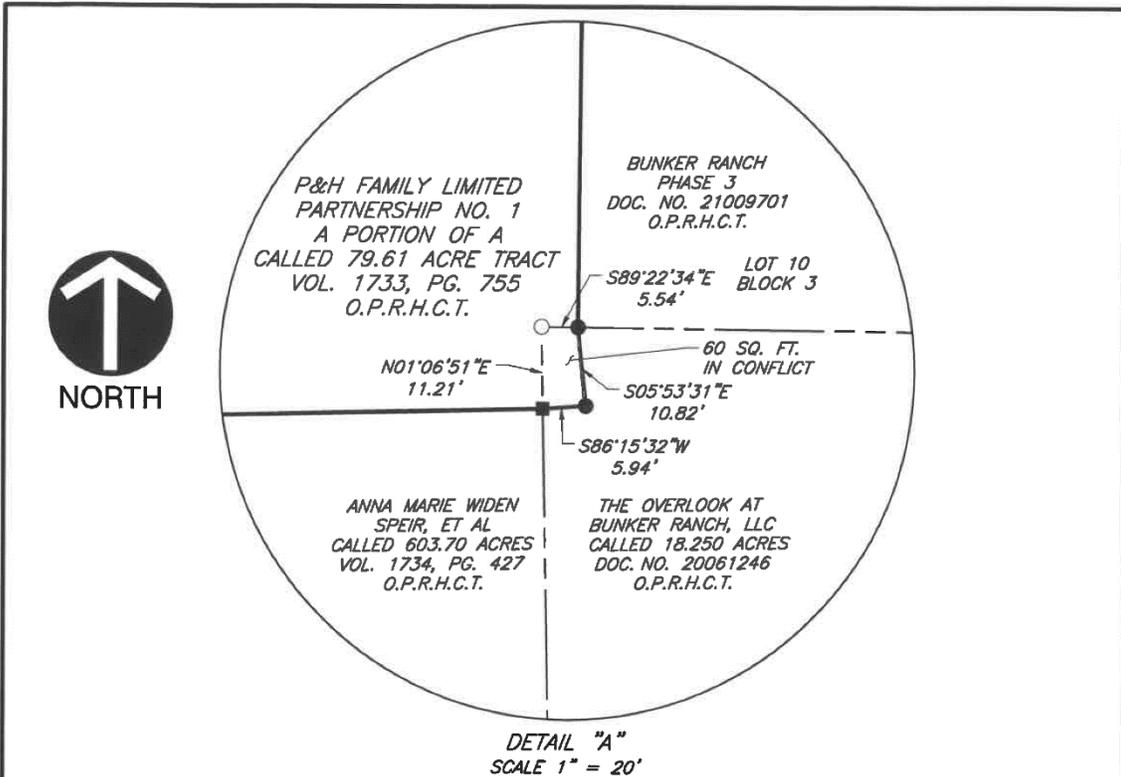
Frank William Funk, R.P.L.S. 6803  
Civil & Environmental Consultants, Inc.  
3711 S. MoPac Expressway, Building 1, Suite 550  
Austin, TX 78746  
Texas Registered Surveying Firm No. 10194419





P:\300-000\304-065\Survey\Draw\304-065-S101 P AND H ANNEXATION.dwg[EXHIBIT SHEET 1 OF 3] LS:(04/01/2021 -- funk) -- LP: 4/1/2021 3:07 PM





**LEGEND:**

- 1/2" IRON ROD FOUND
- FENCE POST FOUND
- 1/2" IRON ROD SET W/ "CEC" CAP
- SUBJECT PROPERTY LINE
- - - - - ADJACENT PROPERTY LINE
- O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS
- DOC. NO. DOCUMENT NUMBER
- VOL. VOLUME
- PG. PAGE

P:\300-000\304-065\Survey\Draw\304-065-SV01 P AND H ANNEXATION.dwg[EXHIBIT SHEET 3 OF 3] LS:(04/01/2021 - 11:06) -- LP: 4/1/2021 3:10 PM

 <b>Civil &amp; Environmental Consultants, Inc.</b> 3711 South MoPac Expressway · Building 1, Suite 550 · Austin, TX 78746 Ph: 512.439.0400 · Fax: 512.329.0096 <small>Texas Registered Surveying Firm 10194419      www.cecinc.com      Texas Registered Engineering Firm F-38</small>		STEVE HARREN CITY OF DRIPPING SPRINGS, HAYS COUNTY, TEXAS P & H TRACT ANNEXATION EXHIBIT	
DRAWN BY:	ESH	CHECKED BY:	FWF
DATE:	APRIL, 2021	DWG SCALE:	1"=250'
APPROVED BY:	FWF	SHEET NO.:	3 OF 3
PROJECT NO:	304-065		

**LEGAL DESCRIPTION**

**BEING A 78.021 ACRE TRACT OF LAND (INCLUDING A 60 SQUARE FOOT AREA IN CONFLICT) OUT OF THE BENJAMIN F. HANNA SURVEY NO. 28, ABSTRACT NO. 222, SITUATED IN HAYS COUNTY, TEXAS, BEING A PORTION OF A CALLED 79.61 ACRE TRACT CONVEYED TO P & H FAMILY LIMITED PARTNERSHIP NO. 1 AS TRACT A BY DEED OF RECORD IN VOLUME 1733, PAGE 755, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.T.); SAID 78.021 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING**, at a ½ inch iron rod with “CEC” cap set at the northeast corner of the remainder of said 79.61 acre tract, being an interior “ell” corner of a called 4.25 acre tract described in Exhibit C of said deed recorded in Volume 1733, Page 755, O.P.R.H.C.T.;

**THENCE**, along the common line of said remainder of 79.61 acre tract and of said 4.25 acre tract, S00°25'57”W, a distance of 60.03 feet to a ½ inch iron rod with “CEC” cap set for the easterly common corner of said 78.021 acre tract and of said remainder of 79.61 acre tract and the **POINT OF BEGINNING**, hereof.

**THENCE**, along the common line of said 78.021 acre tract and partially of said 4.25 acre tract and then partially of a called 44.123 acre tract conveyed to the Elry and Barbara Hudson Living Trust by deed of record in Volume 2851, Page 80, O.P.R.H.C.T., S00°25'57”W, passing at distance of 39.91 feet, a ½ inch iron rod found at the westerly common corner of said 4.25 acre tract and of said 44.123 acre tract, continuing for a total distance of 652.82 feet to a ½ inch iron rod found at the westerly common corner of said 44.123 acre tract and of Bunker Ranch Phase 2, a subdivision of record in Document No. 20017197, O.P.R.H.C.T.;

**THENCE**, along the common line of said 78.021 acre tract and partially of said Bunker Ranch Phase 2 and then partially of Bunker Ranch Phase 3, a subdivision of record in Document No. 21009701, O.P.R.H.C.T., S00°21'25”W, passing at 629.14 feet, a ½ inch iron rod with “CEC” cap set at the westerly common corner of said Bunker Ranch Phase 2 and said Bunker Ranch Phase 3, continuing for a total distance of 2,259.99 feet to a ½ inch iron rod found at the westerly common corner of said Bunker Ranch Phase 3 and of a called 18.250 acre tract conveyed to The Overlook at Bunker Ranch, LLC by deed of record in Document No. 20061246, O.P.R.H.C.T.;

**THENCE**, bounding the area of conflict, the following two (2) courses and distances:

1. S05°53'31”E, a distance of 10.82 feet to a found ½ inch iron rod;
2. S86°15'32”W, a distance of 5.94 feet to an 8 inch cedar fence post found at the northerly common corner of said 18.250 acre tract and of a called 603.70 acre tract conveyed to Anna Marie Widen Speir, et al, by deed of record in Volume 1734, Page 427, O.P.R.H.C.T.;

**THENCE**, along the common line of said 78.021 acre tract and of said 603.70 acre tract, S88°42'30”W, a distance of 1,237.34 feet to a ½ inch iron rod with “CEC” cap set at the southerly common corner of said 78.021 acre tract and of a called 79.39 acre tract conveyed to P & H Family Limited Partnership No. 2 by deed of record in Volume 1733, Page 748, O.P.R.H.C.T.;

**THENCE**, along the common line of said 78.021 acre tract and of said 79.39 acre tract, the following three (3) courses and distances:

78.021 ACRES  
BUNKER RANCH  
DRIPPING SPRINGS, TX

PROJECT NO.: 304-065  
APRIL 1, 2021

Item 6.

1. N18°14'48"E, a distance of 881.92 feet to a found ½ inch iron rod;
2. N19°44'58"W, a distance of 1,048.36 feet to a found 8 inch cedar fence post;
3. N12°13'46"E, a distance of 1,128.80 feet to a ½ inch iron rod set at the westerly common corner of said 78.021 acre tract and said remainder of 79.61 acre tract;

**THENCE**, along the common line of said 78.021 acre tract and of said remainder of 79.61 acre tract, N88°43'55"E, 1,100.12 feet to the **POINT OF BEGINNING**, and containing 78.021 acres (3,398,613 square feet) of land, more or less.

THE BASIS OF BEARING OF THIS SURVEY IS TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NSRS 2011(2012A), UTILIZING THE LEICA SMARTNET CONTINUALLY OPERATING REFERENCE NETWORK.

Witness my hand and seal this 1<sup>st</sup> day of April, 2021.

  
Frank William Funk, R.P.L.S. 6803  
Civil & Environmental Consultants, Inc.  
3711 S. MoPac Expressway, Building 1, Suite 550  
Austin, TX 78746  
Texas Registered Surveying Firm No. 10194419



PATRIOT ERECTORS, LLC  
CALLED 36.802 ACRES  
DOC. NO. 18016400  
O.P.R.H.C.T.

MIGUEL SILVA AND ANGELICA SILVA  
CALLED 49.98 ACRES  
DOC. NO. 15020907  
O.P.R.H.C.T.

P&H FA  
LIMITA  
PARTNERSHIP  
NO. 1 & NO. 2  
CALLED 4.25 ACRE  
VOL. 1733,  
PG. 748  
VOL. 1733,  
PG. 755  
O.P.R.H.C.T.

P&H FAMILY  
LIMITED PARTNERSHIP NO. 1  
REMAINDER OF A  
CALLED 79.61  
ACRE TRACT  
VOL. 1733, PG. 755  
O.P.R.H.C.T.

P&H FAMILY  
LIMITED  
PARTNERSHIP  
NO. 2  
CALLED 79.39  
ACRES  
VOL. 1733,  
PG. 748  
O.P.R.H.C.T.

78.021 ACRES  
(3,398,613 SQUARE FEET)

P&H FAMILY  
LIMITED PARTNERSHIP NO. 1  
A PORTION OF A CALLED  
79.61 ACRE TRACT  
VOL. 1733, PG. 755  
O.P.R.H.C.T.

ELRY AND BARBARA  
HUDSON LIVING TRUST  
CALLED 44.123 ACRES  
VOL. 2851, PG. 80  
O.P.R.H.C.T.



NORTH

SCALE IN FEET



MATCH LINE SEE SHEET 2

THE BASIS OF BEARINGS SHOWN HEREON IS THE  
TEXAS COORDINATE SYSTEM, NSRS 2011(2012A),  
SOUTH CENTRAL ZONE, UTILIZING THE LEICA SMARTNET  
CONTINUALLY OPERATING REFERENCE NETWORK.



**Civil & Environmental Consultants, Inc.**

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Texas Registered  
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www.cecinc.com

Texas Registered  
Engineering Firm F-38

STEVE HARREN

CITY OF DRIPPING SPRINGS,  
HAYS COUNTY, TEXAS

P & H TRACT  
ANNEXATION EXHIBIT

DRAWN BY:

ESH

CHECKED BY:

FWF

APPROVED BY:

FWF

SHEET NO.:

DATE:

APRIL, 2021

DWG SCALE:

1"=250'

PROJECT NO.:

304-065

1 OF 3

197

P:\300-000\304-065-SV01 P AND H ANNEXATION.dwg\EXHIBIT SHEET 1 OF 3\LS:(04/01/2021 - frunk) - LP: 4/1/2021 3:07 PM

MATCH LINE SEE SHEET 1

N19°44'58"W 1048.36'

78.021 ACRES  
(3,398,613 SQUARE FEET)

P&H FAMILY  
LIMITED PARTNERSHIP  
NO. 2  
CALLED 79.39 ACRES  
VOL. 1733, PG. 748  
O.P.R.H.C.T.

P&H FAMILY  
LIMITED PARTNERSHIP NO. 1  
A PORTION OF A CALLED  
79.61 ACRE TRACT  
VOL. 1733, PG. 755  
O.P.R.H.C.T.

N18°14'48"E 881.92'



NORTH

SCALE IN FEET



SEE DETAIL "A"  
SHEET 3

S88°42'30"W 1237.34'

ANNA MARIE WIDEN SPEIR, ET AL  
CALLED 603.70 ACRES  
VOL. 1734, PG. 427  
O.P.R.H.C.T.

1630.85'

S00°21'25"W 2259.99'

LOT 1

LOT 2

LOT 3

BUNKER RANCH  
PHASE 3

DOC. NO. 21009701  
O.P.R.H.C.T.

LOT 4

LOT 5

LOT 6

B L O C K

LOT 7

LOT 8

LOT 9

LOT 10

S05°53'31"E 10.82'

S86°15'32"W 5.94'

THE OVERLOOK AT  
BUNKER RANCH, LLC  
CALLED 18.250 ACRES  
DOC. NO. 20061246  
O.P.R.H.C.T.

THE BASIS OF BEARINGS SHOWN HEREON IS THE TEXAS  
COORDINATE SYSTEM, NSRS 2011(2012A), SOUTH CENTRAL  
ZONE, UTILIZING THE LEICA SMARTNET CONTINUALLY  
OPERATING REFERENCE NETWORK.



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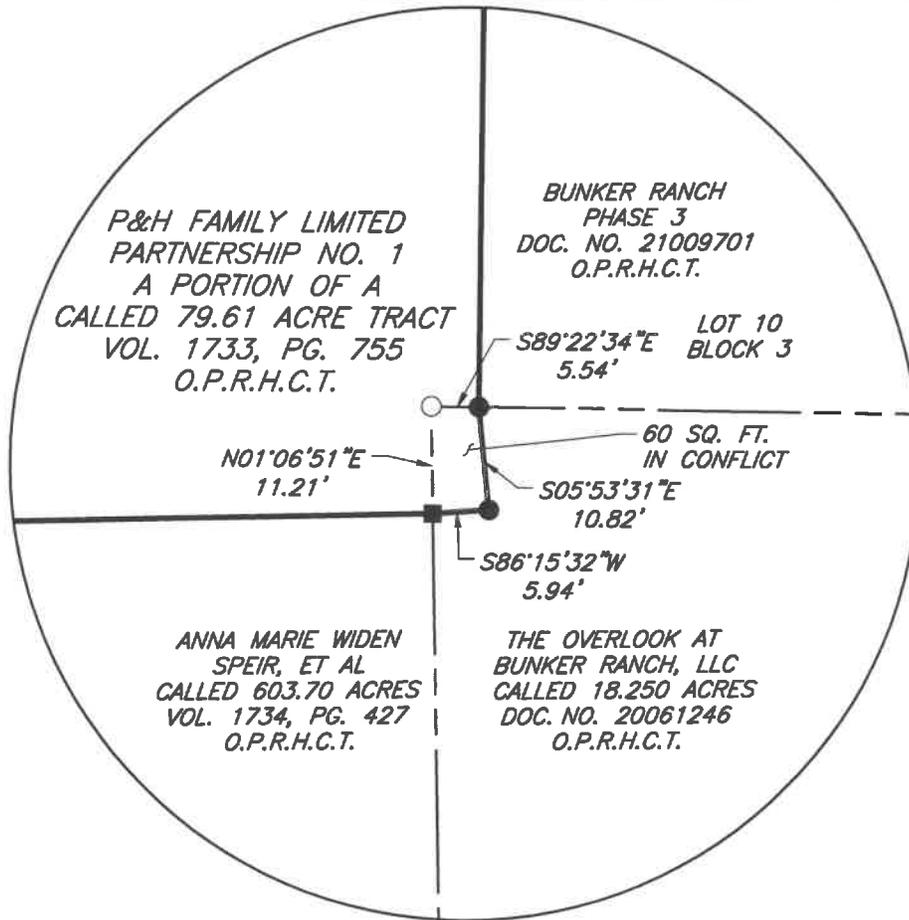
STEVE HARREN

CITY OF DRIPPING SPRINGS,  
HAYS COUNTY, TEXAS

P & H TRACT  
ANNEXATION EXHIBIT

DRAWN BY:	ESH	CHECKED BY:	FWF	APPROVED BY:	FWF	SHEET NO.:	2 OF 3
DATE:	APRIL, 2021	DWG SCALE:	1"=250'	PROJECT NO:	304-065		198

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DETAIL "A"  
SCALE 1" = 20'

**LEGEND:**

- 1/2" IRON ROD FOUND
- FENCE POST FOUND
- 1/2" IRON ROD SET W/ "CEC" CAP
- SUBJECT PROPERTY LINE
- - - - - ADJACENT PROPERTY LINE
- O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS
- DOC. NO. DOCUMENT NUMBER
- VOL. VOLUME
- PG. PAGE



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HAYS COUNTY, TEXAS

P & H TRACT  
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DRAWN BY:	ESH	CHECKED BY:	FWF	APPROVED BY:	FWF	SHEET NO.:	3 OF 3
DATE:	APRIL, 2021	DWG SCALE:	1"=250'	PROJECT NO.:	304-065	199	

P:\300-000\304-065-Survey\Drawg\304-065-SV01 P AND H ANNEXATION.dwg\EXHIBIT SHEET 3 OF 3} LS:(04/01/2021 - frunk) - LP: 4/1/2021 3:10 PM

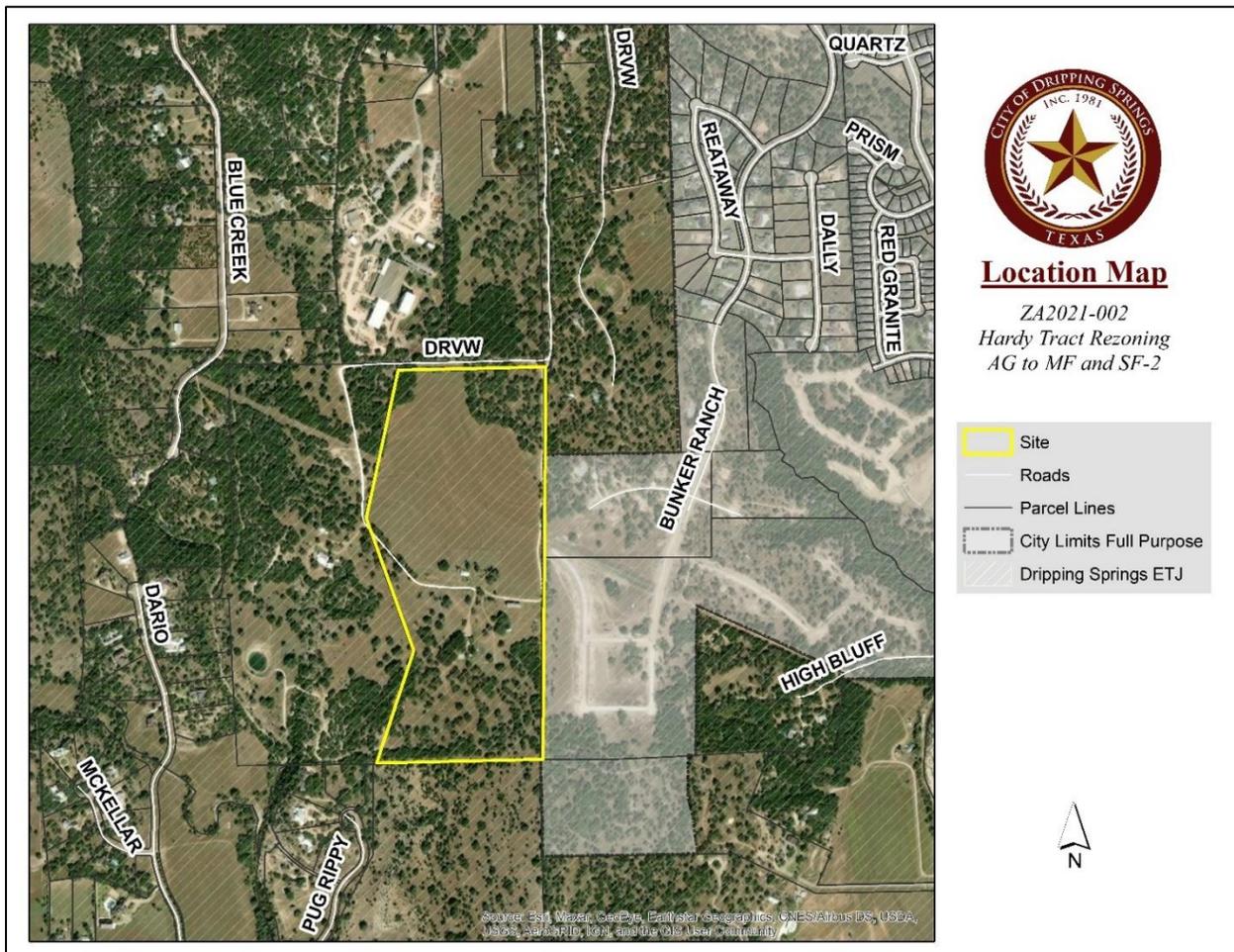


# City Council Planning Department Staff Report

**City Council Meeting:** July 20, 2021  
**Project No:** ZA2021-0002  
**Project Planner:** Robyn Miga, Consulting Planner

### Item Details

**Project Name:** Hardy Tract  
**Property Location:** 2901 W US Highway 290, Dripping Springs, Texas 78620 (R15103)  
**Legal Description:** Approximately 79.61 acres, situated in the Benjamin F. Hanna Survey No. 28, Abstract No. 222  
**Applicant:** Steve Harren c/o Brian Estes, P.E.  
**Property Owners:** P& H Family Limited Partnership No. 1  
**Request:** The applicant is requesting that this item be postponed to the August 17, 2021 meeting. Zoning cannot be considered without annexation.  
**Staff Recommendation:** Staff is recommending that the item be postponed to the August 17, 2021 City Council meeting.



## Overview

The applicant submitted a petition for voluntary annexation of the approximately 78.021 acres, but has since requested that the annexation be postponed to the August 17, 2021 City Council meeting in an effort to provide more time to work through an issue the site has with fire access. Should City Council allow the annexation to be postponed, then the zoning cannot be considered until such time as the annexation.

The applicant would like to request the zoning designation of SF-2, Moderate Density Residential. The applicant's intention for development of the 78.021-acre tract is a similar build to the property east of this tract, Bunker Ranch Phase 3. The applicant had previously requested SF-2 for the northern portion and MF for the southern portion of the tract but has since removed the MF zoning.

## Site Information

### Location:

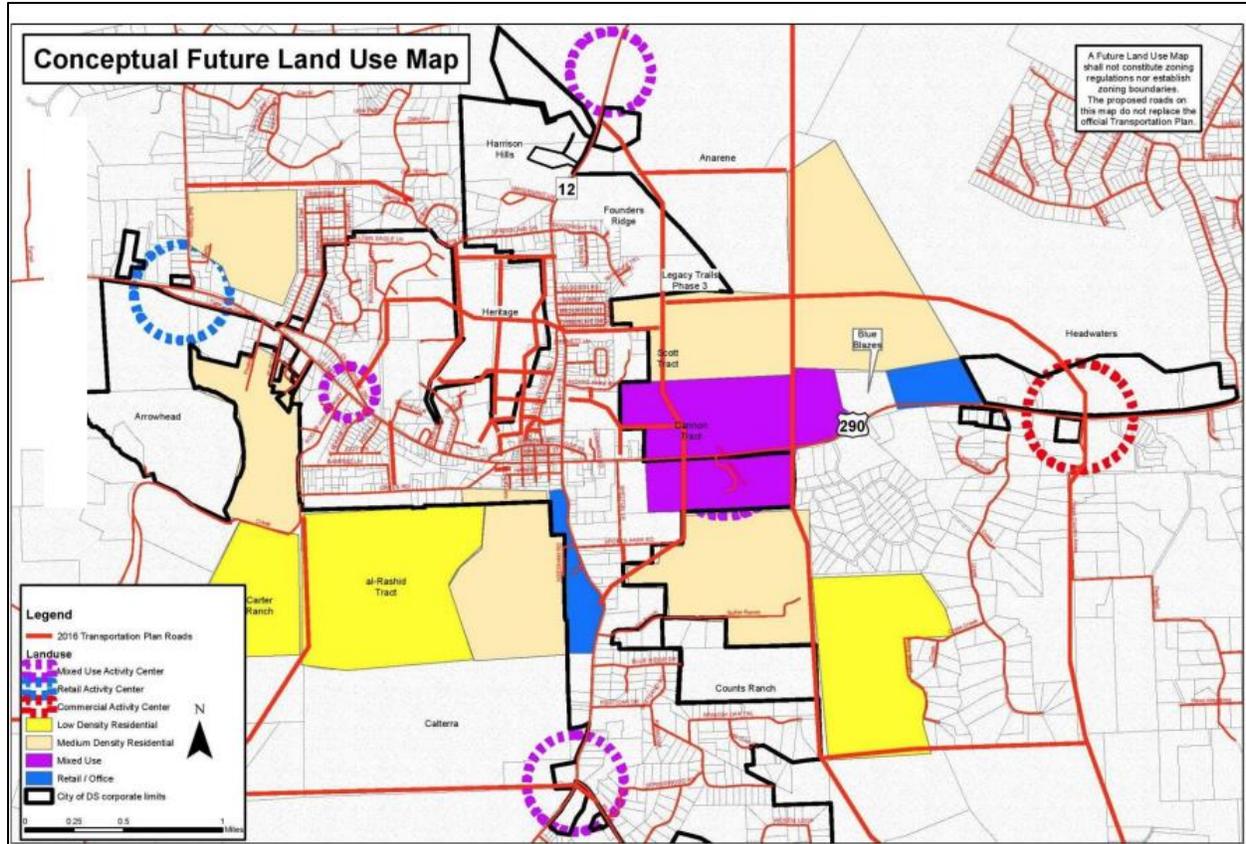
The subject property is located south of US Highway 290, along the western boundary of Bunker Ranch Phase 3 and north of Creek Road.

### Physical and Natural Features:

The subject property is open in the northern portion and heavily treed in the southern portion. The property has a residential home that will be removed for development with a 60-foot access easement that extends out to US Highway 290.

### Future Land Use and Zoning Designations:

The subject property is not indicated on the Future Land Use Map. There is currently no zoning designation on the property because at the time of application the property was within the City's Extraterritorial Jurisdiction.

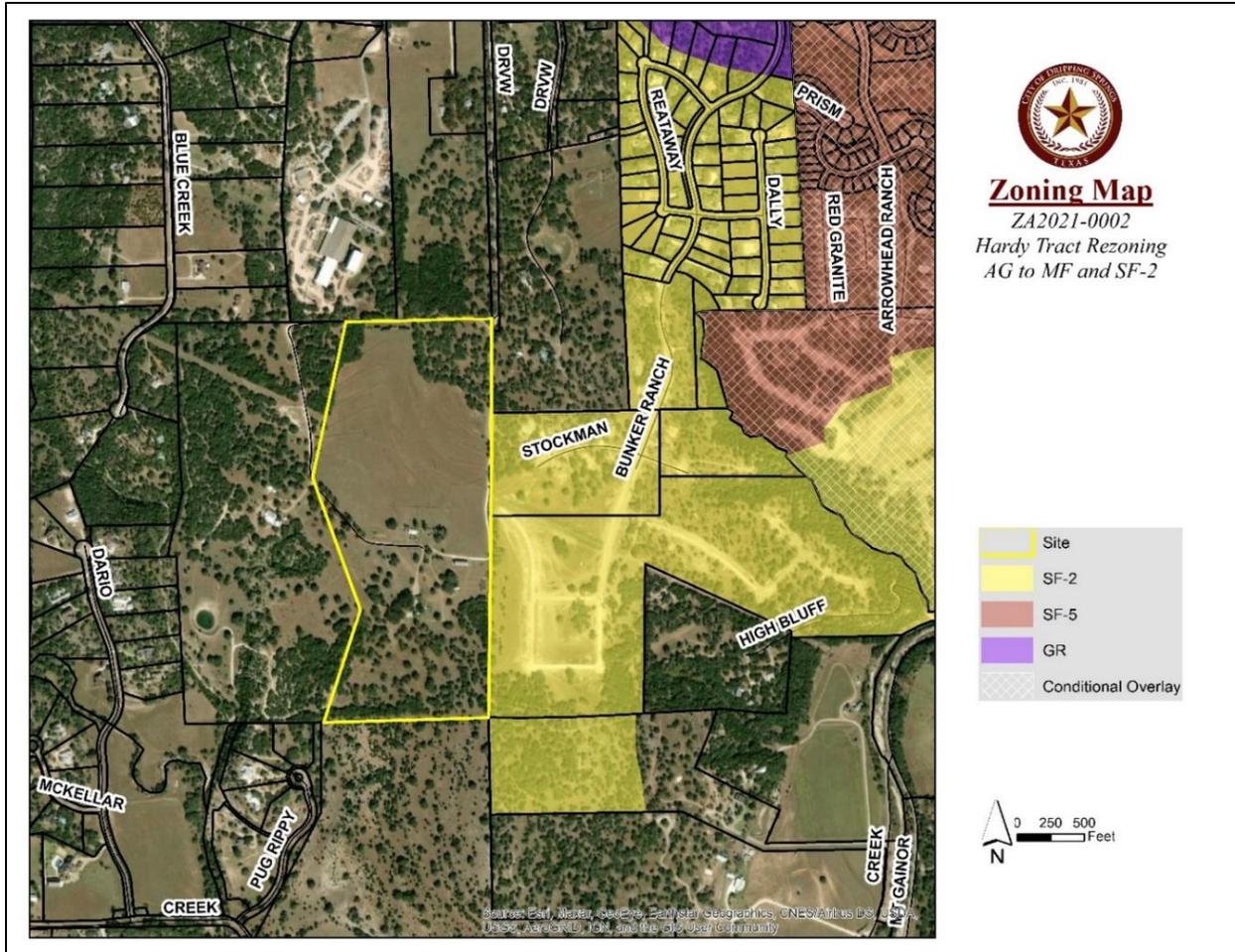


**Surrounding Properties:**

The Subject property is just west of the City Limits. The surrounding lots had originally been large tract residential but in recent years the adjacent City Limit tracts have become zoned SF-2, which allows for tracts greater than a 1/2 acre. The tracts to the north, west, and south are within the ETJ and are larger than 1 acre.

The current zoning and existing uses of the adjacent properties to the north, south, east, and west are outlined in the table below:

Direction	Zoning District	Existing Use	Comprehensive Plan
North	ETJ	Residential	The properties are not within in the Comprehensive Plan or Future Land Use Map.
East	SF-2, Moderate Density Residential	Residential (Bunker Ranch Subdivision)	
South	ETJ	Residential	
West	ETJ	Residential	



**Property History:**

The applicant went before the commission on April 27, 2021 for a zoning map amendment to zone the property to SF-2 and MF with a conditional overlay. The Planning and Zoning Commission unanimously voted to postpone the zoning amendment. The applicant met with staff and submitted a new application which is being presented today, proposing only SF-2 for the site.

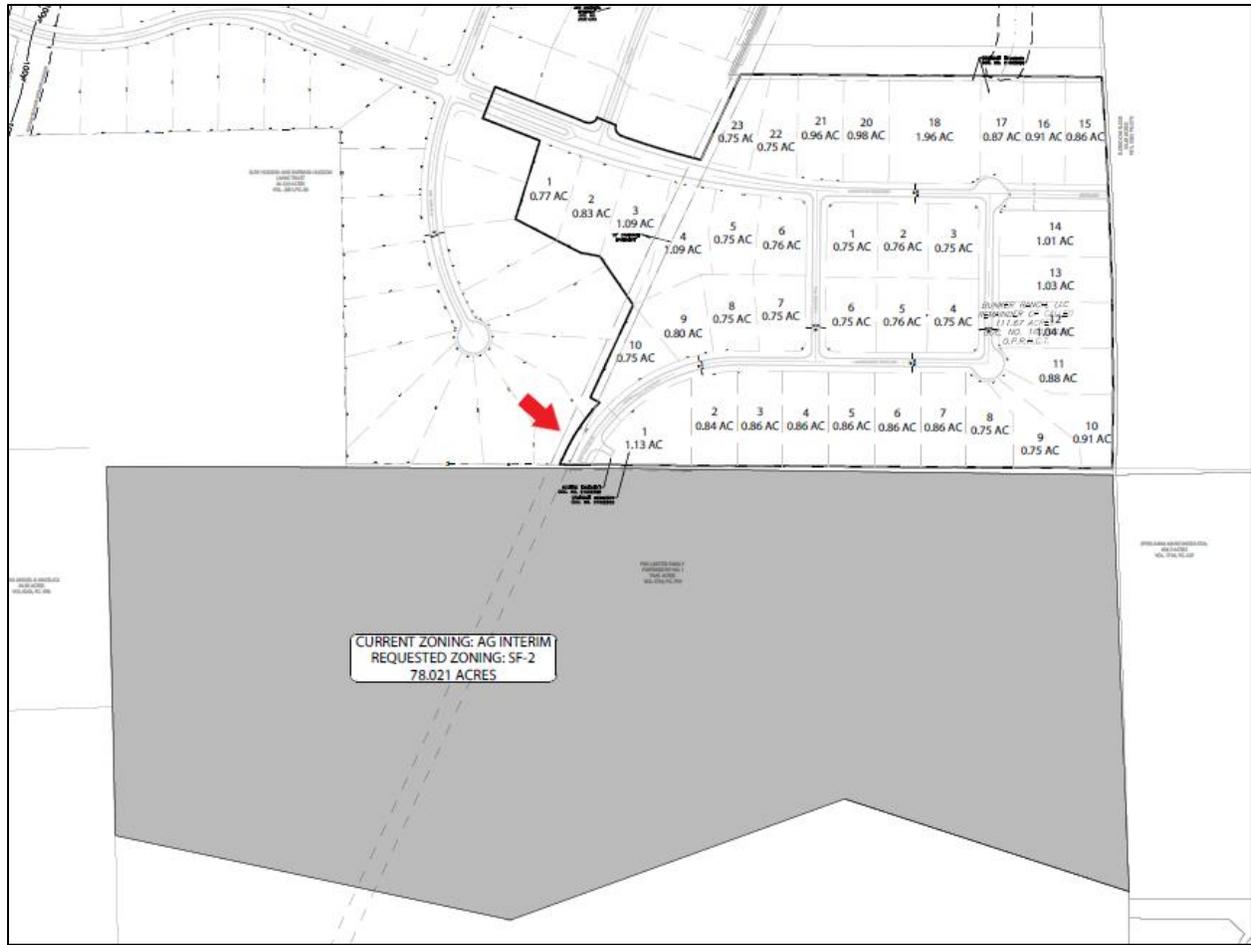
**Utilities**

The subject property is located within the Dripping Springs Water Supply Corporation service area for Water, Pedernales Electric Cooperative (PEC) service area for electricity and will be utilizing on-site septic facilities for wastewater.

**Transportation**

The subject property will have ingress and egress through Phase 3 of the Bunker Ranch Development. The access would be through local streets which provide primary land access and connectivity between land parcels and other streets and collectors.

A Traffic Impact Analysis is currently being reviewed by the City’s Transportation Engineer.



**Proposed Zoning District**

Single-family residential district—Moderate density (SF-2)

The Single-family residential district – moderate density (SF-2) is intended to provide for development of primarily moderate-density detached, single-family residences on lots of at least ½ acre in size.

Permitted uses: Those uses listed for the SF-2 district or any less intense residential district in appendix C [appendix E] (Use Charts) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.

<b>Development Standards for SF-2</b>	
<b>Size of Lots</b>	
Minimum Lot area	½ acre
<b>Setback Requirements</b>	
Minimum Front Yard	25 feet
Minimum Side Yard	15 feet
Minimum Rear Yard	25 feet

<b>Height Regulations</b>	
Main Building	2 ½ stories, or 40', whichever is less, for the main buildings
Accessory Building	25'
<b>Other Development Standards</b>	
Impervious Cover	40% total, including main buildings and accessory buildings

Special requirements:

- a) On-site dwellings: Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling purposes.
- b) Open storage: Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc.).
- c) Side-entry garages: Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering.
- d) Swimming pools: Swimming pools shall be constructed and enclosed in accordance with the city building code.
- e) Nonresidential uses: Site plan approval shall be required for any nonresidential use (such as a school, church, child-care center, private recreation facility, etc.) in the SF-2 district. Any nonresidential land use that may be permitted in this district shall conform to the local retail district standards.
- f) Temporary facilities: There shall be no permanent use of temporary facilities or buildings.
- g) Other regulations: Refer to section 5, Development Standards and Use Regulations.
- h) OSSFs: On-site sewage facilities (OSSFs) are prohibited in this district on lots of less than three-quarters of an acre.

**Criteria**

Staff has reviewed the proposed rezoning request based on the criteria outlined in Chapter 30 Zoning Exhibit A Zoning Ordinance Section 2.28.2, see below:

<b>Zoning Map Amendment Criteria</b>
<p>1. Whether the proposed change will be appropriate in the immediate area concerned;</p> <p>The applicant is proposing to zone the subject property to SF-2. The SF-2 Zoning district is consistent with the surrounding areas, and due to the proximity to the ETJ and the surrounding properties, it would serve as a transition to more rural parts of the city's ETJ. The lots to the east are single-family lots that are equal to or greater to 0.75 acre lots and have the same designation as the zoning requested for the subject property. To the north, south, and west are residential large lots that are over 30 acres and are within the City's ETJ.</p> <p>SF-2 zoning requires that lots be a minimum of ½ acre and if the wastewater is being provided via an OSSF the lots are required to be a minimum of ¾ acres.</p> <p>Based on the proposed zoning, adjacent City Limits zoning, and the ETJ lots the proposed zoning is appropriate in the area.</p>
<p>2. Their relationship to the general area and the City as a whole;</p>

<p>The SF-2 zoning uses proposed will fit in with the surrounding areas zoning districts and will be compatible with the ETJ properties.</p> <p>Though this property is not within the City’s Conceptual Future Land Use Map, the current map shows low density and moderate density on the outer edges of the City Limits, which shows that low density should occur away from the city center.</p>
<p>3. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;</p>
<p>The subject property is not shown on any existing or proposed plans for public schools, streets, water supply, sanitary sewers, and other utilities to the area.</p>
<p>4. The amount of undeveloped land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such undeveloped land unavailable for development;</p>
<p>The City is seeing an increase in residential development within the city limits and the extraterritorial jurisdiction. Within the vicinity of the subject property to the east are tracts zoned SF-2 the land is currently being developed. Rezoning the subject property to SF-2 is appropriate and will not affect any similar zoned lots within the vicinity. The City has not seen any issues with undeveloped land for properties rezoned to SF-2.</p>
<p>5. The recent rate at which land is being developed in the same zoning classification, particularly in the vicinity of the proposed change;</p>
<p>As stated above the adjacent lot to the east is currently being developed for SF-2 zoning. The rate of land being developed in this area has increased within the last few years.</p>
<p>6. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved;</p>
<p>Based on the area, the proposed rezone to SF-2 will not affect the surrounding area and will complement the adjacent lots.</p>
<p>7. Whether the proposed change treats the subject parcel of land in a manner which is significantly different from decisions made involving other, similarly situated parcels; and</p>
<p>This property is being treated similarly to other similarly situated parcels within the City Limits.</p>
<p>8. Any other factors which will substantially affect the public health, safety, morals, or general welfare.</p>
<p>Staff does not see this zoning change affecting the public health, safety, morals, or general welfare.</p>

Based on the Criteria listed above, staff finds that the requested zoning amendment is a compatible use that will ensure conformity with the character of the area and will promote the orderly development of the city.

## Meetings

June 22, 2021- Planning and Zoning Commission (Zoning)  
July 20, 2021- City Council (Annexation and Zoning) (requesting postponement)

## Public Notification

A legal notice advertising the public hearing was placed in the Dripping Springs Century-News, signs were posted on the-site, notice was placed on the City Website, and all property owners within a 300-foot radius of the site were notified of the request.

## Attachments

- Attachment 1: Rezoning Application
- Attachment 2: Zoning Use Chart
- Attachment 3: Site Exhibit
- Attachment 4: Deed

Recommended Action:	Recommend approval of the Single-Family residential district – Moderate Density (SF-2) Zoning district.
Alternatives/Options:	Recommend denial of the Single-Family residential district – Moderate Density (SF-2) Zoning district.
Budget/Financial Impact:	None calculated at this time.
Public Comments:	No public comment was received for this request.
Enforcement Issues:	N/A



# CITY OF DRIPPING SPRINGS

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384

Dripping Springs, TX 78620

• 512.858.4725 • www.cityofdrippingsprings.com

Item 7.

## ZONING/PDD AMENDMENT APPLICATION

Case Number (staff use only): \_\_\_\_\_ - \_\_\_\_\_

### CONTACT INFORMATION

PROPERTY OWNER NAME P & H Family Limited Partnership No. 1

STREET ADDRESS P O BOX 1696

CITY Dripping Springs STATE TX ZIP CODE 78620

PHONE \_\_\_\_\_ EMAIL \_\_\_\_\_

APPLICANT NAME Brian Estes

COMPANY Civil and Environmental Consultants Inc.

STREET ADDRESS 3711 S. Mo Pac Expy Suite 550

CITY Austin STATE Texas ZIP CODE 78746

PHONE 512-439-0400 EMAIL bestes@cecinc.com

### REASONS FOR AMENDMENT

TO CORRECT ANY ERROR IN THE REGULATION OR MAP

TO RECOGNIZE CHANGES IN TECHNOLOGY, STYLE OF LIVING, OR MANNER OF CONDUCTING BUSINESS

TO RECOGNIZE CHANGED CONDITIONS OR CIRCUMSTANCES IN A PARTICULAR LOCALITY

TO MAKE CHANGES IN ORDER TO IMPLEMENT POLICIES REFLECTED WITHIN THE COMPREHENSIVE PLAN

PROPERTY & ZONING INFORMATION	
PROPERTY OWNER NAME	P & H Family Family Limited Partnership No. 1
PROPERTY ADDRESS	2901 W US 290, DRIPPING SPRINGS, TX 78620
CURRENT LEGAL DESCRIPTION	A0222 BENJAMIN F HANNA SURVEY, ACRES 77
TAX ID#	R15103
LOCATED IN	<input type="checkbox"/> CITY LIMITS <input type="checkbox"/> EXTRATERRITORIAL JURISDICTION
CURRENT ZONING	AG
REQUESTED ZONING/AMENDMENT TO PDD	SF-2
REASON FOR REQUEST <i>(Attach extra sheet if necessary)</i>	Annex into full purpose city limits
INFORMATION ABOUT PROPOSED USES <i>(Attach extra sheet if necessary)</i>	Will comprise etirely of single family home lots.

**COMPLIANCE WITH OUTDOOR LIGHTING ORDINANCE? \***

*(See attached agreement).*

YES (REQUIRED)\*  YES (VOLUNTARY)\*  NO\*

\* If proposed subdivision is in the City Limits, compliance with Lighting Ordinance is **mandatory**. If proposed subdivision is in the ETJ, compliance is **mandatory** when required by a Development Agreement or as a condition of an Alternative Standard/Special Exception/Variance/Waiver.

Voluntary compliance is strongly encouraged by those not required by above criteria *(see Outdoor Lighting tab on the CODS webpage and online Lighting Ordinance under Code of Ordinances tab for more information).*

**APPLICANT'S SIGNATURE**

The undersigned, hereby confirms that he/she/it is the owner of the above described real property and further, that Brian Estes (Civil & Environmental Consultants, Inc.) is authorized to act as my agent and representative with respect to this Application and the City's zoning amendment process.  
(As recorded in the Hays County Property Deed Records, Vol. \_\_\_\_\_, Pg. \_\_\_\_\_.)

[Signature]  
Name

PRINCIPAL  
Title

STATE OF TEXAS           §  
  §  
COUNTY OF HAYS         §

This instrument was acknowledged before me on the 5<sup>th</sup> day of March,  
2021 by Hardy E. Thompson, III.

[Signature]  
Notary Public, State of Texas Susan Rosson

My Commission Expires: 12-10-2024

Hardy E. Thompson, III  
Name of Applicant



**ZONING AMENDMENT SUBMITTAL**

All required items and information (including all applicable above listed exhibits and fees) must be received by the City for an application and request to be considered complete. **Incomplete submissions will not be accepted.** By signing below, I acknowledge that I have read through and met the above requirements for a complete submittal:



5/24/2021

Applicant Signature

Date

**CHECKLIST**

STAFF	APPLICANT	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Completed Application Form - including all required signatures and notarized
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Application Fee-Zoning Amendment or PDD Amendment ( <i>refer to Fee Schedule</i> )
<input type="checkbox"/>	<input checked="" type="checkbox"/>	PDF/Digital Copies of all submitted Documents <b>When submitting digital files, a cover sheet must be included outlining what digital contents are included.</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Billing Contact Form
<input type="checkbox"/>	<input checked="" type="checkbox"/>	GIS Data
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Outdoor Lighting Ordinance Compliance Agreement - signed with attached photos/drawings ( <i>required if marked "Yes (Required)" on above Lighting Ordinance Section of application</i> )
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Description
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Concept Plan
<input type="checkbox"/>	<input type="checkbox"/>	Plans
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Maps
<input type="checkbox"/>	<input type="checkbox"/>	Architectural Elevation
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Explanation for request ( <i>attach extra sheets if necessary</i> )
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Information about proposed uses ( <i>attach extra sheets if necessary</i> )
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Notice Sign ( <i>refer to Fee Schedule</i> )
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proof of Ownership-Tax Certificate or Deed
<input type="checkbox"/>	<input type="checkbox"/> n/a	Copy of Planned Development District ( <i>if applicable</i> )
<input type="checkbox"/>	<input type="checkbox"/> n/a	Digital Copy of the Proposed Zoning or Planned Development District Amendment

Project Number: \_\_\_\_\_ - \_\_\_\_\_

Only filled out by staff

Date, initials



### BILLING CONTACT FORM

Project Name: Bunker Ranch Phase 6 (Hardy Tract 79.61 Acres)Project Address: 2901 W US 290, Dripping Springs, TX 78620Project Applicant Name: Cristina Cordoba / Brian Estes

#### Billing Contact Information

Name: Steve HarrenMailing Address: 317 Grace Lane #240Austin, Texas 78746Email: steveharren@aol.com Phone Number: (512)644-6800

Type of Project/Application (check all that apply):

- |   |  |
|---|--|
| <input type="checkbox"/> Alternative Standard           | <input type="checkbox"/> Special Exception     |
| <input type="checkbox"/> Certificate of Appropriateness | <input type="checkbox"/> Street Closure Permit |
| <input type="checkbox"/> Conditional Use Permit         | <input type="checkbox"/> Subdivision           |
| <input type="checkbox"/> Development Agreement          | <input type="checkbox"/> Waiver                |
| <input type="checkbox"/> Exterior Design                | <input type="checkbox"/> Wastewater Service    |
| <input type="checkbox"/> Landscape Plan                 | <input type="checkbox"/> Variance              |
| <input type="checkbox"/> Lighting Plan                  | <input checked="" type="checkbox"/> Zoning     |
| <input type="checkbox"/> Site Development Permit        | <input type="checkbox"/> Other _____           |

*Applicants are required to pay all associated costs associated with a project's application for a permit, plan, certificate, special exception, waiver, variance, alternative standard, or agreement, regardless of City approval. Associated costs may include, but are not limited to, public notices and outside professional services provided to the City by engineers, attorneys, surveyors, inspectors, landscape consultants, lighting consultants, architects, historic preservation consultants, and others, as required. Associated costs will be billed at cost plus 20% to cover the City's additional administrative costs. **Please see the online Master Fee Schedule for more details.** By signing below, I am acknowledging that the above listed party is financially accountable for the payment and responsibility of these fees.*

Signature of Applicant

5/24/2021

Date

**E.1. Use regulations (charts).**

E.1.1. The use of land or buildings shall be in accordance with those listed in the following use charts. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located.

- (a) The legend for interpreting the permitted uses in the use charts is:
  - P Designates that the use is permitted in the zoning district indicated.
  - C Designates that the use is prohibited in the zoning district indicated.
  - C Designates that the use may be permitted in the zoning district only pursuant to issuance of a conditional use permit.
  - \*\* Designates that the use is defined in this chapter.

- (b) Definitions : See definitions in section 1.6 of this chapter for further description of uses.
- (c) Uses not listed : If a use is not listed in the use charts, it is not allowed in any zoning district.
- (d) Use chart organization : The following use categories are listed in the use charts:

- Agricultural uses.
- Residential uses.
- Office uses.
- Personal and business service uses.
- Retail uses.
- Transportation and auto service uses.
- Amusement and recreational service uses.
- Institutional/governmental uses.
- Commercial and wholesale trade uses.
- Manufacturing and light industrial uses.

*Use Chart*  
Adopted February 17, 2015

Permitted Uses "P"

Conditional Uses "C"

	Residential Uses						Nonresidential Uses								
AGRICULTURE	AG	SF-1	SF-2	SF-4	SF-5	MF-1	O	LR	GR	CS	HO	I	GUI	PR	PP
Bulk Grain and/or Feed Storage	P										X	P			
Farms, General (Crops), Commercial	P	C	C								X				

Greenhouse (Non-Retail)	P	P	P	P							P				
Livestock Sales	P										X				
Orchard/Crop Propagation	P	P	C	C	C	C	C	C	C	C	P	C			
Plant Nursery (Commercial)	P								P	P	X	C			
Small Scale Farm	P	C	C			C	C	C	C	C	P				
Stable, Commercial	P	C									X				
Stables (Private, accessory use)	P	C	C								P				
Stables (Private, principal use)	P	C									X				
Garden (Non-Retail)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Farm Animals (Exempt - FFA, 4H)	P	C	C	C	C	C	C	C	C	C	P	C			
Farm Animals (Non-Exempt)	P	C	C	C	C	C	C	C	C	C	P	C			

RESIDENTIAL	Residential Uses						Nonresidential Uses									
	AG	SF-1	SF-2	SF-4	SF-5	MF-1	O	LR	GR	CS	HO	I	GUI	PR	PP	
Accessory Bldg./Structure (Nonresidential)							P	P	P	P	P	P				
Accessory Bldg./Structure (Residential)	P	P	P	P	P	P					P					
Accessory Dwelling	P	C	C								P		P			
Caretaker's/Guard Residence	P	P	P								P					

Community or Group Home	C	C	C	C	C						P				
Duplex/Two-Family				P	P	P	P	P	P		P				
Garage Residential Conversion	P	P	C	C							P				
Garden Home/Townhome					P	P	P	P	P		P				
Home Occupation	P	P	P	P	P	P	P	P	P		P				
HUD-Code Manufactured Home	C			C	C	C					X				
Living Quarters on Site with a Business							P	P	P	P	P				
Multiple-Family Dwelling						P	P	P	P		P				
Residential Loft							P	P	P		P				
Rooming/Boarding House						P		P			P				
Single-Family Dwelling, Detached	P	P	P	P	P	P					P				
Single-Family Industrialized Housing	P	P	P	P	P	P					P				
Swimming Pool, Private	P	P	P	P	P	P	P	P	P		P				

OFFICE	Residential Uses						Nonresidential Uses								
	AG	SF-1	SF-2	SF-4	SF-5	MF-1	O	LR	GR	CS	HO	I	GUI	PR	PP
Armed Services Recruiting Center							P	P	P	P	P				
Bank										C	X				
Check Cashing Service								P	P	P	X				
Credit Agency							P	P	P	P	X				
Insurance Agency Offices							P	P	P	P	P				

Offices, General/Professional							P	P	P	P	P				
Office, Brokerage Services							P	P	P	P	P				
Offices, Health Services							P	P	P	P	P				
Offices, Legal Services							P	P	P	P	P				
Offices, Parole/Probation											X		P		
Offices, Professional							P	P	P	P	P				
Offices, Real Estate Office							P	P	P	P	P				
Saving and Loan										C	X				
Security Monitoring Company							P	P	P	P	X				
Telemarketing Center							P	P	P	P	X				

PERSONAL AND BUSINESS SERVICES	Residential Uses							Nonresidential Uses								
	AG	SF-1	SF-2	SF-4	SF-5	MF-1	O	LR	GR	CS	HO*	I	GUI	PR	PP	
All-Terrain Vehicle									P	P	X					
Dealer (Sales Only)											X					
Ambulance Service (Private)										P	X					
Antique Shop								P	P	P	P					
Appliance Repair								P	P	P	X					
Art Dealer/Gallery								P	P	P	P					
Artisan's Shop	P							P	P	P	P					
Artist Studio	P	P	P	P	P	P	P	P	P	P	P					
Auto Sales (New and Used)									C	P	X					
Auto Supply Store									P	P	X					
Bakery or Confectionary (Retail)								P	P	P	P					
Bar								C	C	C	C					
Barbershop								P	P	P	P					
Beauty Shop								P	P	P	P					
Bed and Breakfast Inn or Facility	C	C	C					P	P	P	P					

Bicycle Sales and Repair								P	P	P	P				
Book Store								P	P	P	P				
Building Materials Sales									C	P	X				
Cabinet/Counter/Woodworking Shop (Custom) Retail										C	X	P			
Cabinet/Counter/Woodworking Shop (Manufacturing) Wholesale											X	P			
Cafeteria							C	C	P	P	P				
Communication Equipment Repair										P	X				
Computer Sales								P	P	P	P				
Consignment Shop								P	P	P	P				
Convenience Store (With Gas Sales)									P	P	X				
Convenience Store (Without Gas Sales)								C	P	P	P				
Cooking School								P	P	P	P				
Dance/Drama/Music Studio or School								P	P	P	P				
Department Store									P	P	P				
Drapery, Blind Upholstery Store								P	P	P	P				
Exterminator Services										P	X				
Financial Services								P	P	P	P				
Florist Shop								P	P	P	P				
Food or Grocery Store (General)									P	P	P				
Food or Grocery Store (Limited)								P	P	P	P				
Funeral Home or Mortuary										P	X				
Furniture Store (New and/or Used)								P	P	P	X				
Garden Shop (Inside Storage)								P	P	P	P				
General or Community Retail Store									P	P	P				
Gravestone/Tombstone Sales										P	X				
Hardware Store								P	P	P	P				
Home Improvement Center									P	P	X				
Laundry/Dry Cleaning										P	X				
Lawnmower Sales & Repair									P	P	X				
Live-in Security Quarters							P	P	P	P	P				
Locksmith								P	P	P	X				

Major Appliance Sales									P	P	X				
Market (Public)								P	P	P	P				
Mini-Warehouse - Self Storage										C	X				
Mobile food vendor - 10 days or less							P	P	P	P	P	P	P	P	P
Mobile food vendor - longer than 10 days							C	C	C	C	C	C	C		
Mobile food vendor court							C	C	C	C	C	C	C		
Motorcycle Dealer (Sales, Repair)									P	P	X				
Motel or Hotel									P	P	P				
Needlework Shop								P	P	P	P				
Pet Shop/Supplies								P	P	P	P				
Pharmacy								P	P	P	P				
Photocopying/Duplicating								P	P	P	P				
Photography Studio								P	P	P	P				
Plant Nursery (Retail Sales, Outdoors)									P	P	X				
Radio or Television Studio									P	P	X				
Recycling Center										C	X	P			
Restaurant (No Drive-Through Service)								P	P	P	P				
Restaurant (With Drive-Through)									P	P	X				
Security Systems Installation Company									C	P	X				
Sexually Oriented Business										C	X	C			
Shoe Repair								P	P	P	P				
Studio, Tattoo or Body Piercing								C	C	C	P				
Tailor Shop								P	P	P	P				
Tool and Machinery Rental (Indoor Storage)								P	P	P	X				
Tool and Machinery Rental (Outdoor Storage)										P	X				
Travel Agency							P	P	P	P	P				
Temporary Outdoor Sales/Promotion							C	P	P	P	P				
Upholstery Shop									P	P	P				
Used Merchandise/Furniture								P	P	P	P				
Vacuum Cleaner Sales and Repair								P	P	P	X				

Veterinarian Clinic (Indoor Kennels)										P	P	P	P				
Woodworking Shop (Ornamental, Handmade)										P	P	P	P				

\*Permitted in HO district per requirements of chapter 30, article 30.05, Mobile Food Vendors.

TRANSPORTATION AND AUTO SERVICES	Residential Uses						Nonresidential Uses									
	AG	SF-1	SF-2	SF-4	SF-5	MF-1	O	LR	GR	CS	HO	I	GUI	PR	PP	
Antique Vehicle Restoration										P	X					
Auto Body Repair										P	X					
Auto Financing and Leasing								P	P	P	X					
Auto Muffler Shop										P	X					
Auto Paint Shop										P	X					
Auto Tire Sales and Repair									P	P	X					
Auto Upholstery Shop										P	X					
Auto Washing Facility, Attended									P	P	X					
Auto Washing Facility, Unattended									P	P	X					
Auto Wrecker Service										P	X					
Automobile Repair, Major										P	X					
Automobile Repair, Minor								C	C	P	X					
Heliport												P	P			
Helistop												P	P			
Limousine/Taxi Service										P	X					
Oil Change and Inspection									P	P	X					
Parking Lot, Commercial										C						

Parking Structure, Commercial							C	C	C	P	P				
Tire Dealer, Indoor Storage								P	P	P	X				

AMUSEMENT/ RECREATION	Residential Uses						Nonresidential Uses								
	AG	SF-1	SF-2	SF-4	SF-5	MF-1	O	LR	GR	CS	HO	I	GUI	PR	PP
Amusement Arcade (Four or more devices)									P	P	P				
Amusement Services (Indoor)									P	P	P				
Amusement Services (Outdoor)									P	P	X				
Billiard/Pool Facility									P	P	P				
Bingo Hall									P	P	P			P	
Bowling Center									P	P	P			P	
Broadcast Station (With Tower)											X	P			
Country Club (Private)									P		X				
Dance Hall									P	P	P			P	
Day Camp for Children	C	C					C		P	P					
Civic/Conference Center											P		P		
Dinner Theater									P	P	P				
Driving Range														P	
Fairgrounds/Exhibition Area	C													P	
Gaming Club (private)								C	C	C					
Golf Course (Miniature)									P	P				P	
Golf Course (Public, Private)	C								P	P				P	
Health Club							C	P	P	P	P			P	
Motion-Picture Studio, Commercial										P		P			
Motion-Picture Theater									P	P	P				
Museum								P	P	P	P				
Park accessory uses															P

Park and/or Playground	P	P	P	P	P	P	P	P	P	P	P				P
Psychic Reading Services								P	P	P	P				
Rodeo Grounds	C									C		C			
Skating Rink										P					P
Tennis Court	P	P	P	P	P	P					P				P
Theater (Stage)									P	P	P				P
Video Rentals/Sales								P	P	P	P				

INSTITUTIONAL/ GOVERNMENT	Residential Uses						Nonresidential Uses									
	AG	SF-1	SF-2	SF-4	SF-5	MF-1	O	LR	GR	CS	HO	I	GUI	PR	PP	
Assisted Living Facility						C		C	C	C	P					
Broadcast Tower (Commercial)												C				
Cemetery or Mausoleum	C												P			
Child Day-Care Facility	C	C	C	C	C	C	C	P	P	P	P					
Church, Religious Assembly	P	P	P	P	P	P	P	P	P	P	P		P			
Civic Club							P	P	P	P	P					
Community Center (Municipal)											P		P			
Electrical Generating Plant												P	P			
Electrical Substation												P	P			
Emergency Care Clinic									P	P						
Fire Station	P	P	P	P	P	P	P	P	P	P			P			
Fraternal Lodge or Union							P	P	P	P	P					
Government Building (Mun., St., Fed.)										P	P		P			
Group Day-Care Home	C	C	C	C	C	C	C	P	P	P						
Medical Clinic or Office							P	P	P	P	P					

Wireless Communications Tower	C	C	C			C	C	C	C	C		C			
Heliport												P			
Home for the Aged, Residential	C	C	C	C	C	C	C	C	P	P	P				
Hospice								C	P	P	P				
Hospital (Acute Care, General)							C	C	P	P					
Library							P	P	P	P	P		P		
Maternity Home							C	C	P	P	P				
Nursing/Convalescent Home							C	C	P	P					
Orphanage						C	C	C	P	P	P				
Philanthropic Organization							P	P	P	P	P				
Post Office	P	P	P	P	P	P	P	P	P	P	P		P		
Radio, Television, Microwave Tower									C	C		C			
School, K Through 12 (public or private)	P	P	P	P	P	P	P	P	P	P	P		P		
Sewage Pumping Station	C	C	C	C	C	C	C	C	C	C	P	P	P		
Telephone Switching/Exchange Bldg.							C	C	C	P	P		P		
Wastewater Treatment Plant	C	C	C	C	C	C	C	C	C	C		C	P		
Water Supply (Elevated Storage Tank)	C	C	C	C	C	C	C	C	C	C	P	C	P		
Water Supply Facility (Private)	P	P	P	P	P	P		C	C	C		C	P		

COMM. AND WHOLESALE TRADE	Residential Uses						Nonresidential Uses								
	AG	SF-1	SF-2	SF-4	SF-5	MF-1	O	LR	GR	CS	HO	I	GUI	PR	PP
Book Bindery										P	P				
Feed and Grain Store									P	P					

Furniture Manufacture												P			
Heating and Air-Conditioning Sales/Service									P	P					
Pawnshop									C	C					
Propane Sales (Retail)										P					
Taxidermist										P					
Transfer Station/Refuse Pickup												P			
Veterinarian (Outdoor Kennels or Pens)	C									P					
Warehouse/Office										C		P			
Welding Shop										C		P			

LIGHT INDUSTRIAL/ MFG.	Residential Uses						Nonresidential Uses									
	AG	SF-1	SF-2	SF-4	SF-5	MF-1	O	LR	GR	CS	HO	I	GUI	PR	PP	
Contractor's Office (No Outside Storage)								P	P	P	P	P				
Contractor's Office (With Outside Storage)										C		P				
Contractor's Temporary On-site Office	C	C	C	C	C	C	C	C	C	C	P	C				
Electronic Assembly										C		P				
Engine Repair or Manufacture												P				
Laboratory Equipment Manufacture												P				
Machine Shop												P				

Maintenance and Repair Services for Bldgs.										P					
Open Storage/Outside Storage	C									C		P			
Plumbing Shop									P	P					
Research Lab (Nonhazardous)									C	C		P			
Sand/Gravel/Stone Sales or Storage	C									C		P			
Sand/Gravel Quarrying												C			
Sign Manufacturing										C	P	P			
Stone/Clay/Glass Manufacturing										C		P			

(Ordinance 1220.10, adopted 9/12/06; Ordinance 1220.99, adopted 2/17/15; Ordinance 1220.140, att. B, adopted 4/11/17; Ordinance 1220.149, adopted 11/14/17; Ordinance 1220.151, adopted 12/12/17; Ordinance 2018-09, adopted 4/10/18; Ordinance 2019-44, adopted 12/10/19; Ordinance 2020-01, adopted 1/14/20)



7/24  
PW

**SPECIAL WARRANTY DEED**

STATE OF TEXAS           §  
                                  §       KNOW ALL MEN BY THESE PRESENTS  
COUNTY OF HAYS       §

THAT the undersigned, Hardy E. Thompson, Jr., and Patty King Thompson, husband and wife (hereinafter referred to as "Grantors"), have GRANTED and CONVEYED, and by these presents do hereby GRANT and CONVEY unto the P & H Family Limited Partnership No. 1, a Texas Limited Partnership, whose mailing address is 1034 Liberty Park Drive, Apt. G2, Austin, Texas 78746 (hereinafter referred to as "Grantee"), the following:

1. The real property described in Exhibit A, which is attached hereto and incorporated herein for all pertinent purposes (hereinafter referred to as "Tract A");
2. A one-half (1/2) undivided interest in the real property described in Exhibit C, which is attached hereto and incorporated herein for all pertinent purposes, (hereinafter referred to as the "Road"), subject to a non-exclusive easement of ingress and egress in the entire Road in the event of a subsequent partition;
3. A one-half (1/2) undivided interest in any other easements of ingress and egress appurtenant to either Tract A or to the real property described in Exhibit B, which is attached hereto and incorporated herein for all pertinent purposes (hereinafter referred to as "Tract B"); and

4. A nonexclusive easement of ingress and egress sixty (60) feet in width lying south of and adjacent to the northern boundary of Tract B and running from the eastern boundary of Tract B to a point where the northern boundary of Tract B intersects with the western boundary of any easement of ingress and egress to and from Tract B to U.S. Highway 290.

Said real property interests are hereinafter referred to collectively as the "Property."

This conveyance is expressly made and accepted subject to all valid and subsisting liens, leases of surface acreage, oil, gas, and mineral leases, all prior mineral conveyances of any nature, easements, restrictions, reservations, covenants, conditions and other matters relating to the Property to the extent that the same are valid and enforceable against said Property, as same are shown by instruments filed for record in the office of the County Clerk of Hays County, Texas, or as same are evident upon inspection of the Property.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, subject to the foregoing terms and provisions, unto the said Grantee, its successors and/or assigns forever; and Grantors do hereby bind Grantors' heirs, executors, administrators, successors and/or assigns, to WARRANT AND FOREVER DEFEND all and singular the Property, subject, however, as aforesaid, unto the said Grantee, its successors and/or assigns, against every person whomsoever claiming or to claim the same or any part thereof, by, through or under Grantors, but not otherwise.

EXECUTED this 23<sup>rd</sup> day of October, 2000.

*Hardy Evans Thompson Jr.*  
\_\_\_\_\_  
Hardy E. Thompson, Jr.

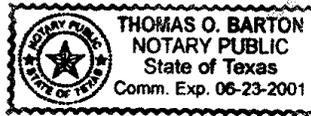
*Patty King Thompson*  
\_\_\_\_\_  
Patty King Thompson

STATE OF TEXAS       §  
                                  §  
COUNTY OF TRAVIS   §

The foregoing instrument was acknowledged before me on the 23<sup>rd</sup> day of October, 2000, by **Hardy E. Thompson, Jr.**

*Thomas O. Barton*  
\_\_\_\_\_  
Notary Public, State of Texas

STATE OF TEXAS       §  
                                  §  
COUNTY OF TRAVIS   §



The foregoing instrument was acknowledged before me on the 23<sup>rd</sup> day of October, 2000, by **Patty King Thompson.**

*Thomas O. Barton*  
\_\_\_\_\_  
Notary Public, State of Texas

**After Recording Return To:**

Thomas O. Barton  
McGinnis, Lochridge & Kilgore, L.L.P.  
919 Congress Ave., Suite 1300  
Austin, Texas 78701

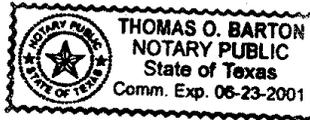


EXHIBIT A

79.61 acres of land out of and a part of quarter section No. 15 of the B. F. Hanna League, situated in Hays County, Texas, said 79.61 acre tract being more particularly described as being a portion of that certain 159.0 acre tract of land conveyed from Katherine Roberts, a widow, to Hardy E. Thompson, and wife Patty Thompson by deed of record in Volume 239, Pages 521-524 of the Deed Records of Hays County, Texas, said 79.61 acre tract being more fully described by metes and bounds as follows

Beginning at a steel pin found at a fence corner at the northeast corner of said quarter section No. 15, same being the common corner of quarter sections No. 14, 15, 16, and 17 of said Hanna League, for the northeast corner of the tract herein described, said point also being the northeast corner of said 159.0 acre tract;

THENCE with the fence along the common line of said quarter sections No. 14 and 15, same being the east line of said 159.0 acre tract, S 00°06'E 2983.98 feet to a steel pin set at a fence corner post for the southeast corner of the tract herein described;

THENCE with a new fence along the south line of this Survey S 88°12'W 1243.27 feet to a steel pin set a fence corner for the southwest corner of the tract herein described:

THENCE with the west line of this survey the following three (3) courses;

1. N 17°46'E, with a fence, 882.44 feet to a steel pin set at a fence corner;
2. N 20°12'W, leaving said fence, 1048.31 feet to a steel pin set at a fence corner;
3. N 11°45'E, with a fence, 1190.68 feet to a steel pin set at a fence corner in the north line of said 159.0 acre tract for the northwest corner of the tract herein described;

THENCE with the fence along the north line of said 159.0 acre tract N 88°15'E 1087.93 feet to the place of BEGINNING containing 79.61 acres of land.

EXHIBIT A

EXHIBIT B

79.39 acres of land out of and a part of quarter section No. 15 of the B. F. Hanna League, and a portion of the A. J. Holford Survey, situated in Hays County, Texas, said 79.39 acre tract being more particularly described as being a portion of that certain 159.0 acre tract of land conveyed from Katherine Roberts, a widow, to Hardy E. Thompson, and wife Patty Thompson by deed of record in Volume 239, Pages 521-524 of the Deed Records of Hays County, Texas, said 79.39 acre tract being more fully described by metes and bounds as follows:

BEGINNING at a steel pin found at a fence corner at the northwest corner of said 159.0 acre tract for the northwest corner of the tract herein described;

THENCE with the fence along the north line of said 159.0 acre tract the following two (2) courses;

- 1. N 89°44'E 832.80 feet to an iron stake found at a bend in said fence at a fence corner on the east side of a gate;
- 2. S 88°52'E 426.95 feet to a steel pin set at a fence corner for the northeast corner of the tract herein described;

THENCE with the east line of this survey the following three (3) courses;

- 1. S 11°45'W, with a fence, 1190.68 feet to a steel pin set at a fence corner;
- 2. S 20°12'E, leaving said fence, 1048.31 feet to a steel pin set at a fence corner;
- 3. S 17°46'W, with a fence, 882.44 feet to a steel pin set at a fence corner for the southeast corner of the tract herein described;

THENCE with a new fence along the south line of this survey N 89°59'W 571.9 feet to a steel pin found at the top of a bluff;

THENCE continue with the fence along the south line of said 159.0 acre tract N 83°00'W 233.9 feet to a steel pin at a fence corner for the southwest corner of the tract herein described, same being the southwest corner of said 159.0 acre tract;

THENCE with the fence along the west line of said 159.0 acre tract the following twelve (12) courses;

- 1. N 01°12'W 71.2 feet;
- 2. N 37°07'W 383.7 feet;
- 3. N 15°10'W 92.6 feet;
- 4. N 53°25'E 44.2 feet;
- 5. N 18°26'W 157.4 feet;
- 6. N 01°23'W 32.74 feet;
- 7. N 12°00'W 230.6 feet;
- 8. N 02°15'W 263.5 feet;
- 9. N 10°36'E 131.8 feet;
- 10. N 01°54'E 406.5 feet;
- 11. N 02°44'W 214.3 feet;
- 12. N 00°11'W 1052.3 feet to the place of BEGINNING Containing 79.39 acres of land.

EXHIBIT B

A 4.25 acre tract of land out of and a part of Quarter Section, Numbers 14 and 17 of the B. F. Hanna League, situated in Hays County, Texas, being more particularly described as being part of those certain two tracts of land that were conveyed to Clayton S. Brown and wife, Henry Louise Brown, by deeds of record in Volume 166, Page 264-266 and Volume 268, Page 594-596 of the Hays County, Texas Deed Records, said 4.25 acre tract being more fully described by metes and bounds as follows:

BEGINNING at a steel pin set at a corner fence post at the southwest corner of the above said Quarter Section No. 17, it being also the southwest corner of that certain 160.0 acre tract conveyed to Clayton S. Brown by the above said deed of record in Volume 166, Pages 264-266 of the Hays County, Texas Deed Records;

THENCE with the fence along the west line of the Clayton S. Brown 160.0 acre tract, North 2993.2 feet to a corner fence post set in concrete in the south line of Highway No. 290 for the northwest corner of the 4.25 acre tract herein described;

THENCE with the south line of Highway No. 290, S 89°33'E, 60.0 feet to a steel pin set for the northeast corner of this 4.25 acre tract;

THENCE South 2990.0 feet to a steel pin set in the common line between said Quarter Sections 14 and 17, said steel pin being also in the north line of that certain 23.0 acre tract of land that was conveyed to Clayton S. Brown by the above said deed found of record in Volume 268, Pages 594-596 of the Hayes County, Texas Deed Records;

THENCE S 0°06'E, 100.00 feet to a steel pin set for the southeast corner of this 4.25 acre tract;

THENCE S 88°15'W, 56.0 feet to a steel pin in the fence on the east line of that certain 159.0 acre tract of land that was conveyed to Hardy E. Thompson and wife, Patty Thompson by deed of record in Volume 239, pages 521-524 of the Hays County, Texas Deed Records;

THENCE with the fence between the said Clayton S. Brown 23.0 acre tract and the said Hardy E. Thompson 159.0 acre tract, N 0°06'E, 100.0 feet to a steel pin found at a fence corner at the northeast corner of said Thompson 159.0 acre tract, said point being also the northwest corner of the above said Clayton S. Brown 23.0 acre tract;

THENCE S 88°15'W, 4.0 feet to the place of beginning; and containing 4.25 acres of land.

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS  
On: Oct 26, 2000 at 03:09P

Document Number: 00025538

Amount 21.00

By  
Lynn Curry  
Lee Carlisle, County Clerk  
Hays County

**CITY OF DRIPPING SPRINGS  
ORDINANCE No.**

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS (“CITY”), REZONING ONE TRACT OF LAND, TOTALING APPROXIMATELY 78.021 ACRES FROM AGRICULTURAL DISTRICT (AG) TO SINGLE-FAMILY RESIDENTIAL DISTRICT – MODERATE DENSITY (SF-2); AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; EFFECTIVE DATE; AUTHORIZING THE CITY ADMINISTRATOR TO NOTE THE CHANGE ON THE OFFICIAL ZONING MAP OF THE CITY; PROPER NOTICE & MEETING.

**WHEREAS**, the City Council of the City of Dripping Springs (“City Council”) seeks to promote orderly land use and development within the City; and

**WHEREAS**, the City Council finds to be reasonable and necessary the rezoning of the tract, described more fully in Attachment “A” and totaling approximately 78.021 acres, from Agricultural District (AG) to Single-Family Residential District – Moderate Density (SF-2); and

**WHEREAS**, the City Council recognizes changed conditions and circumstances in the particular location; and

**WHEREAS**, the City Council finds that the zoning change is compatible with the surrounding area and with the City’s Zoning Ordinance and Comprehensive Plan; and

**WHEREAS**, after notice and hearing required by law, a public hearing was held before the Dripping Springs Planning and Zoning Commission on May 25, 2021 to consider the proposed amendment and the Planning and Zoning Commission recommended approval of the proposed change; and

**WHEREAS**, after public hearing held by the City Council on August 17, 2021, the City Council voted to approve the recommendation of the Planning and Zoning Commission; and

**WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS**, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to zone and rezone property; and

**WHEREAS**, the City Council finds that it is necessary and proper for the good government, peace

or order of the City of Dripping Springs to adopt this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED by the City Council of Dripping Springs:**

**1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as expressly set forth herein.

**2. ENACTMENT**

One tract of land totaling approximately 78.021 acres and described more fully in Attachment “A” and shown in Attachment “B”, is hereby rezoned from Agricultural District (AG) to Single-Family Residential – Moderate Density (SF-2).

**3. REPEALER**

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**5. CHANGE ON ZONING MAP**

The City Administrator is hereby authorized to and shall promptly note the zoning change on the official Zoning Map of the City of Dripping Springs, Texas.

**6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage.

**7. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, a public hearing was held, and that public notice of the time, place and purpose of said hearing and meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

**PASSED & APPROVED** this, the \_\_\_\_\_ day of \_\_\_\_\_ 2021, by a vote of \_\_\_\_\_ (ayes) to \_\_\_\_\_ nays to \_\_\_\_\_ (abstentions) of the City Council of Dripping Springs, Texas.

**CITY OF DRIPPING SPRINGS:**

By: \_\_\_\_\_  
Bill Foulds, Jr., Mayor

**ATTEST:**

\_\_\_\_\_  
Andrea Cunningham, City Secretary

## Attachment "A" Description of Tract

## LEGAL DESCRIPTION

**BEING A 78.021 ACRE TRACT OF LAND (INCLUDING A 60 SQUARE FOOT AREA IN CONFLICT) OUT OF THE BENJAMIN F. HANNA SURVEY NO. 28, ABSTRACT NO. 222, SITUATED IN HAYS COUNTY, TEXAS, BEING A PORTION OF A CALLED 79.61 ACRE TRACT CONVEYED TO P & H FAMILY LIMITED PARTNERSHIP NO. 1 AS TRACT A BY DEED OF RECORD IN VOLUME 1733, PAGE 755, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.T.); SAID 78.021 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING**, at a ½ inch iron rod with "CEC" cap set at the northeast corner of the remainder of said 79.61 acre tract, being an interior "ell" corner of a called 4.25 acre tract described in Exhibit C of said deed recorded in Volume 1733, Page 755, O.P.R.H.C.T.;

**THENCE**, along the common line of said remainder of 79.61 acre tract and of said 4.25 acre tract, S00°25'57"W, a distance of 60.03 feet to a ½ inch iron rod with "CEC" cap set for the easterly common corner of said 78.021 acre tract and of said remainder of 79.61 acre tract and the **POINT OF BEGINNING**, hereof.

**THENCE**, along the common line of said 78.021 acre tract and partially of said 4.25 acre tract and then partially of a called 44.123 acre tract conveyed to the Elry and Barbara Hudson Living Trust by deed of record in Volume 2851, Page 80, O.P.R.H.C.T., S00°25'57"W, passing at distance of 39.91 feet, a ½ inch iron rod found at the westerly common corner of said 4.25 acre tract and of said 44.123 acre tract, continuing for a total distance of 652.82 feet to a ½ inch iron rod found at the westerly common corner of said 44.123 acre tract and of Bunker Ranch Phase 2, a subdivision of record in Document No. 20017197, O.P.R.H.C.T.;

**THENCE**, along the common line of said 78.021 acre tract and partially of said Bunker Ranch Phase 2 and then partially of Bunker Ranch Phase 3, a subdivision of record in Document No. 21009701, O.P.R.H.C.T., S00°21'25"W, passing at 629.14 feet, a ½ inch iron rod with "CEC" cap set at the westerly common corner of said Bunker Ranch Phase 2 and said Bunker Ranch Phase 3, continuing for a total distance of 2,259.99 feet to a ½ inch iron rod found at the westerly common corner of said Bunker Ranch Phase 3 and of a called 18.250 acre tract conveyed to The Overlook at Bunker Ranch, LLC by deed of record in Document No. 20061246, O.P.R.H.C.T.;

**THENCE**, bounding the area of conflict, the following two (2) courses and distances:

1. S05°53'31"E, a distance of 10.82 feet to a found ½ inch iron rod;
2. S86°15'32"W, a distance of 5.94 feet to an 8 inch cedar fence post found at the northerly common corner of said 18.250 acre tract and of a called 603.70 acre tract conveyed to Anna Marie Widen Speir, et al, by deed of record in Volume 1734, Page 427, O.P.R.H.C.T.;

**THENCE**, along the common line of said 78.021 acre tract and of said 603.70 acre tract, S88°42'30"W, a distance of 1,237.34 feet to a ½ inch iron rod with "CEC" cap set at the southerly common corner of said 78.021 acre tract and of a called 79.39 acre tract conveyed to P & H Family Limited Partnership No. 2 by deed of record in Volume 1733, Page 748, O.P.R.H.C.T.;

**THENCE**, along the common line of said 78.021 acre tract and of said 79.39 acre tract, the following three (3) courses and distances:

78.021 ACRES  
BUNKER RANCH  
DRIPPING SPRINGS, TX

PROJECT NO.: 304-065  
APRIL 1, 2021

1. N18°14'48"E, a distance of 881.92 feet to a found ½ inch iron rod;
2. N19°44'58"W, a distance of 1,048.36 feet to a found 8 inch cedar fence post;
3. N12°13'46"E, a distance of 1,128.80 feet to a ½ inch iron rod set at the westerly common corner of said 78.021 acre tract and said remainder of 79.61 acre tract;

**THENCE**, along the common line of said 78.021 acre tract and of said remainder of 79.61 acre tract, N88°43'55"E, 1,100.12 feet to the **POINT OF BEGINNING**, and containing 78.021 acres (3,398,613 square feet) of land, more or less.

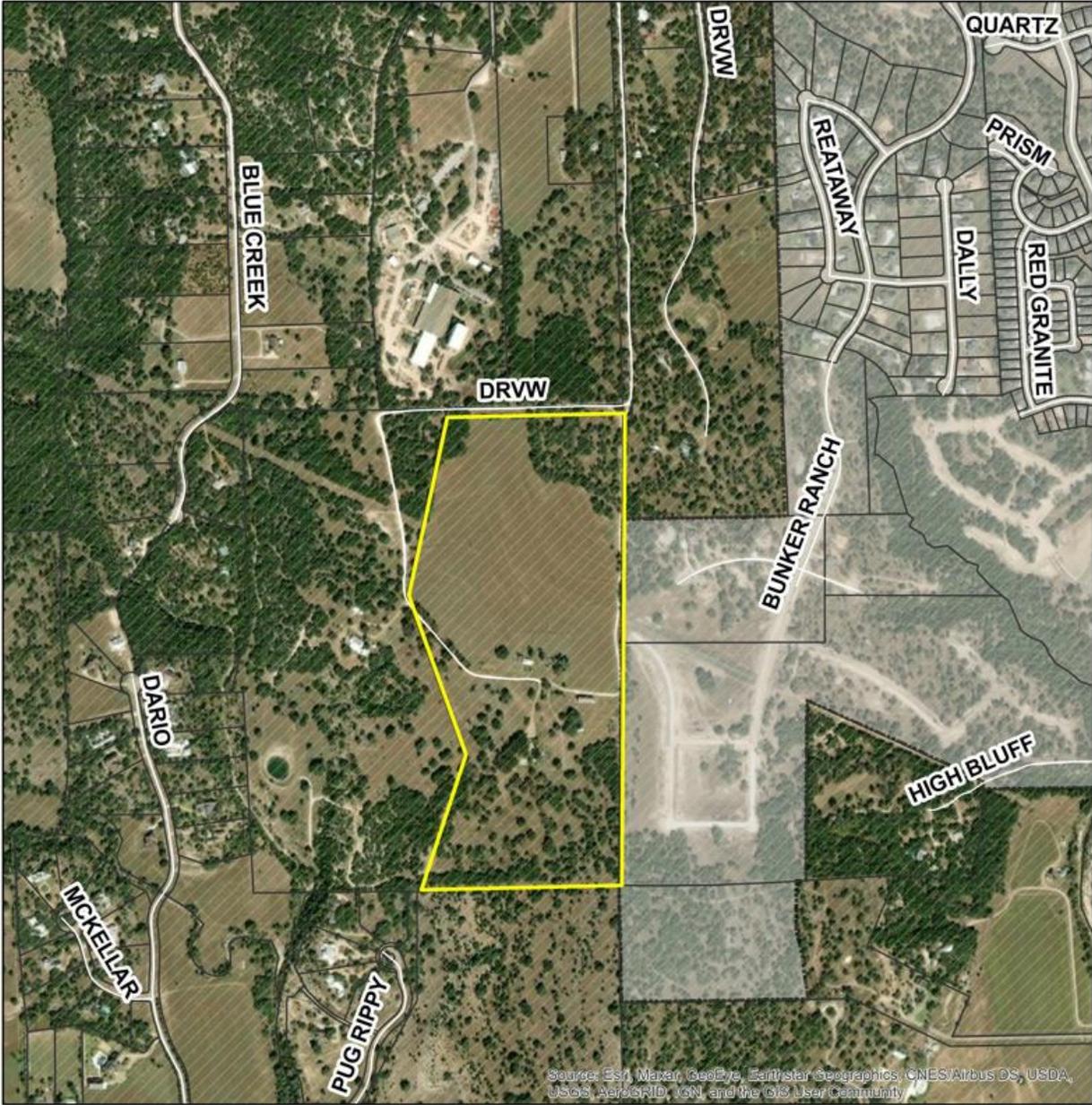
THE BASIS OF BEARING OF THIS SURVEY IS TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NSRS 2011(2012A), UTILIZING THE LEICA SMARTNET CONTINUALLY OPERATING REFERENCE NETWORK.

Witness my hand and seal this 1<sup>st</sup> day of April, 2021.

Frank William Funk, R.P.L.S. 6803  
Civil & Environmental Consultants, Inc.  
3711 S. MoPac Expressway, Building 1, Suite 550  
Austin, TX 78746  
Texas Registered Surveying Firm No. 10194419



Attachment "B"  
78.021 ac Property Depiction





# Planning and Zoning Commission Planning Department Staff Report

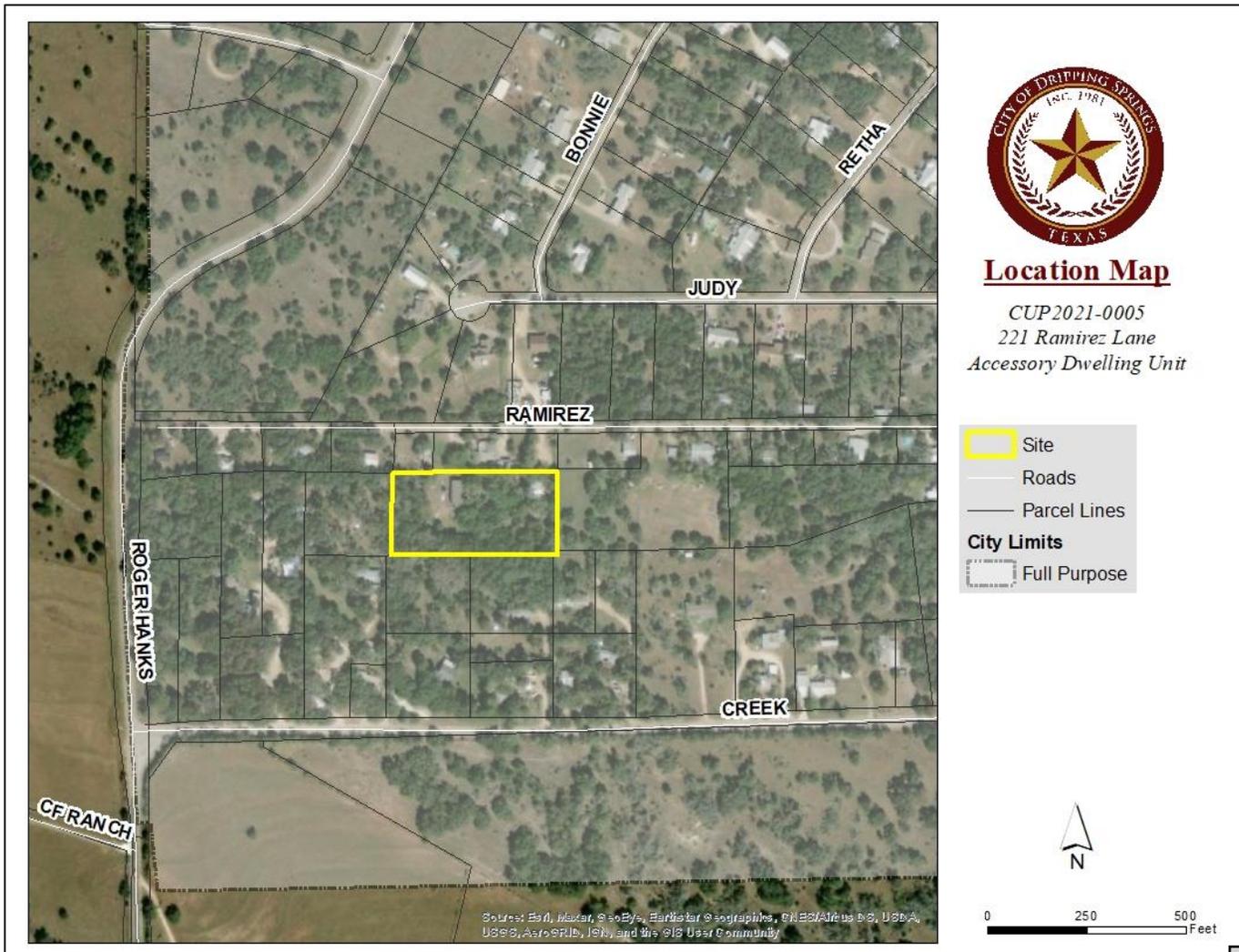
**Planning and Zoning Commission Meeting:** June 22, 2021  
**Project No:** CUP2020-0005  
**Project Planner:** Abraham Martinez, Planner

### Item Details

**Project Name:** 221 Ramirez Lane Accessory Dwelling Unit  
**Property Location:** 221 Ramirez Lane, Dripping Springs, Texas 78620  
**Legal Description:** A0415 PHILIP A SMITH SURVEY, SERIAL CSS020640TXA, TITLE # 00746769, LABEL # NTA1849450, ACRES 2  
**Applicant:** David Edwards; Dripping Springs Community Mission Partnership, Inc.  
**Property Owner:** Marie Isabel Espinosa  
**Request:** Conditional use permit for an accessory dwelling structure

### Staff Recommendation:

**Staff recommends approval of the CUP, subject to conditions as outlined in the staff report.**



**Background**

Ch. 30 Exhibit A § 1.6 of the Development Code defines the following:

- **Accessory use:** A use that is customarily incidental, appropriate and subordinate to the principal use of land or building(s) and that is located upon the same lot therewith. The land and building area that is used for the accessory use must be significantly less than that used for the primary use, and the gross receipts that are derived from the accessory use must be significantly less than those derived from the primary use.
- **Accessory building (residential):** In a residential district, a subordinate building that is attached or detached and is used for a purpose that is customarily incidental to the main structure but not involving the conduct of a business. The building area is less than that of the main structure as regulated herein. Examples may include, but are not limited to, the following: A private garage for automobile storage, tool shed, greenhouse as a hobby, home workshop, children's playhouse, storage building or garden shelter.
- **Accessory dwelling:** A secondary living space that is on-site with a primary living space and that may be contained within the space structure as the primary, or may be contained in a separate structure. Occupants of secondary living spaces typically include a caretaker, servant, or farm worker employed by the owner/occupant, or a guest or family member of the owner/occupant.
- **SF-1 Single-Family Residential District:** A zoning district intended to provide for development on low-density, detached, single-family residences on lots of at least one (1) acre in size.

**Overview**

The Property is located within the SF-1 zoning district category. Accessory dwellings are a permitted use in SF-1 zoning districts, with an approved Conditional Use Permit. A conditional use is a land use that is deemed compatible with the permitted land uses in a given zoning district only under certain conditions. Such conditions include a determination that the external effects of the conditional use, in relation to the existing and planned uses of adjoining property and the neighborhood, can be mitigated through the imposition of additional standards and conditions.

The applicant is requesting a Conditional Use Permit (CUP) to allow for a ±720-square-foot accessory dwelling unit (ADU) measuring approximately 24' L x 30' W with approximately ±190-square-feet of porch area (combined front ±140-feet, and back ±50-feet) on a property approximately ±2-acres in size located at 221 Ramirez Lane, generally found on the south line of Ramirez Lane, north of the Ramirez Lane and Creek Road bend. The request is to replace the existing accessory dwelling unit with the new structure to meet current livability standards. The primary structure on the property is a ±1,124-square-foot manufactured home. The ADU as proposed would be comprised of one-bedroom, one bathroom, a dining/kitchen space, a living space, and a linen closet.

Additional structures on the lot include: a manufactured primary residence; the original homestead; and a carport/shed. The original homestead is the presently acting ADU, which the applicant is proposing to remodel to act as a storage use, but which is not a part of this request. The existing carport/shed will be updated as necessary, and no changes to the existing manufactured home will take place.

The lot on which the ADU would be located is landlocked but shares an unimproved access easement with the adjacent properties to the north of it. The ADU would be accessed by a connection to the easement which it abuts and would use that as a drive access connection. The applicant is indicating that no trees will need to be removed or replaced to accommodate the proposed ADU.

The applicant will be installing and connecting to a new septic system as the property is presently serviced by a cesspool.

	Code requirement	Code Met?
Front	Twenty-five feet (25')	Yes
Rear	Twenty-five feet (25')	Yes
Side	Total of forty (40) feet combining both side yards with a minimum of fifteen feet (15') on either side.	Yes
Setback for Garage	Side-Entry Garages: Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering.	N/A
Height	Accessory Building(s): Maximum twenty-five feet (25') for other accessory buildings, including a detached garage or accessory dwelling units.	Yes; structure to have a 14' total height to roof peak
Impervious Cover	Thirty Percent (30%)	Yes

**Table 1 Code Requirements**

The applicant will need to provide two off-street parking spaces for the ADU, in addition to the two off-street parking spaces required for the primary structure, as written in the Code per:

**Chapter 30 Exhibit A: §5.6 - Parking based on use**

5.6.1 Residential

- (a) Single-family residential including SF-1, SF-2, SF-3 and SF-4: Two per dwelling unit

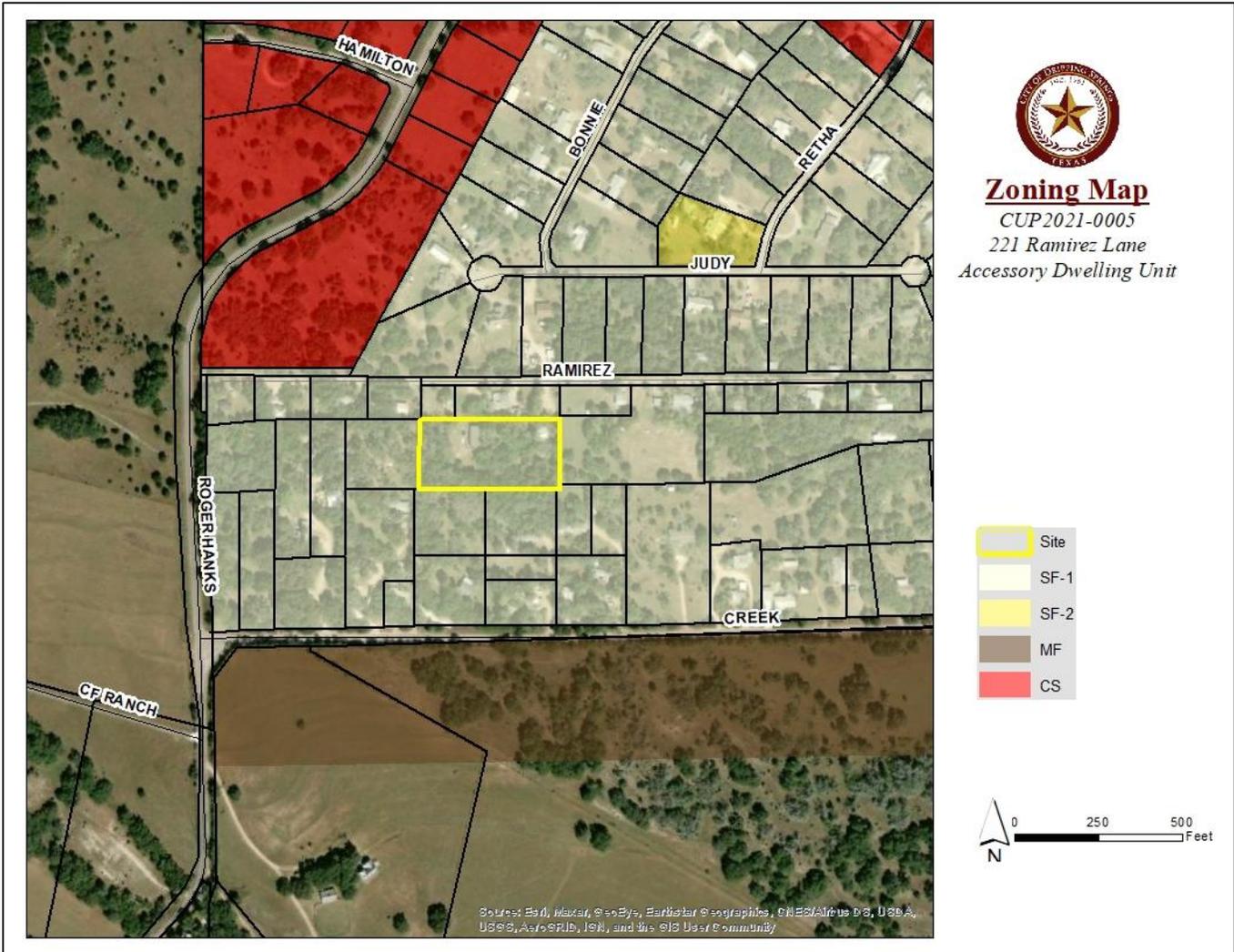
The Accessory Dwelling Unit will connect to utilities as outlined:

Water: Dripping Springs Water Supply Corp. (DSWSC). The structure would connect into existing 1” Water Line that services the primary structure.

Wastewater: Proposed ADU will install a new septic system.

Electricity: Pedernales Electric Cooperative, Inc. (PEC)

**Surrounding Properties**



The current zoning and existing uses of the adjacent properties to the north, south, east, and west are outlined in the table below:

Direction	Zoning District	Existing Use	Comprehensive Plan
North	Single- Family Residential – Low Density (SF-1)	Single family residential	Plot is located outside of a Comprehensive Plan category. Adjacent to a 2016 Transportation Plan Road
East	Single- Family Residential – Low Density (SF-1)	Single family residential	
South	Single- Family Residential – Low Density (SF-1)	Single Family Residential	
West	Single- Family Residential – Low Density (SF-1)	Single Family Residential	

The feel of the subdivision is low, rural density with open yards and heavily wooded areas. The neighborhood has simple fencing, using primarily vegetation such as trees and shrubs as a means of privacy. The applicant does not intend to install any new fencing around the ADU.

**Approval Criteria for Conditional Use Permit Review (3.17.6-Zoning Ordinance)**

Approval Criteria	Staff Comments
1. The proposed use at the specified location is consistent with the policies embodied in the Comprehensive Plan;	The Comprehensive Plan addresses accessory dwelling units in the Comprehensive Plan Goal 3.1. ADUs are an option for supporting housing options in Dripping Springs.

<p>2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;</p>	<p>The subject property is zoned Single-family Residential District – Low Density (SF-1). Accessory dwelling units are a listed conditional use in this zoning district.</p>
<p>3. The proposed use meets all supplemental standards specifically applicable to the use, as established in the Development Standards, Section 5;</p>	<p>Based on the concept plan the proposed use meets all the development standards established in the section 5. The structure will be reevaluated at the building permit stage.</p>
<p>4. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods, and (as required by the particular circumstances) includes improvements or modifications (either on-site or within the public rights-of-way) to mitigate development-related adverse impacts, including but not limited to the following:</p>	
<p>a. Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;</p>	<p>Yes; the unit will connect and be accessed by the existing access easement.</p>
<p>b. Off-street parking areas, loading areas, and pavement type;</p>	<p>The accessory dwelling unit will have adequate parking. Open air off-street parking will be provided.</p>
<p>c. Refuse and service areas;</p>	<p>The City's solid waste service will need to be alerted.</p>
<p>d. Utilities with reference to location, availability, and compatibility;</p>	<p>See staff report</p>
<p>e. Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses;</p>	<p>There will be no new permanent fencing with this additional structure. Any existing fencing will remain.</p>
<p>f. Control of signs, if any;</p>	<p>N/A</p>
<p>g. Control of exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;</p>	<p>Lighting for the new structure will match the current house structure in accordance with city codes.</p>
<p>h. Required yards and open space;</p>	<p>The ADU will have access to the open space and yard of the main dwelling per the attached survey</p>
<p>i. Height and bulk of structures;</p>	<p>The ADU will match the proposed elevations</p>
<p>j. Hours of operation;</p>	<p>N/A</p>
<p>k. Exterior construction material, building design, and building facade treatment;</p>	<p>Hardie fiber cement board, lap siding. Porches to be made of hardie posts with trex-type deck floor.</p>

1. Roadway adjustments, traffic-control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets; and	N/A
m. Provision for pedestrian access/amenities/areas;	N/A
5. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity; and,	The use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.
6. Noise;	N/A
7. Odors; and	N/A
8. Dust.	N/A

**Summary**

Staff finds that the inclusion of an ADU is compliant with the vision of the *Comprehensive Plan 2016* which was adopted by the City Council on November 15, 2016. The *Comprehensive Plan 2016* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request. The proposed ADU request meets the below goals and objectives of the Comprehensive Plan.

*Chapter 3: Livability / Quality of Life*

*§ 3.1: Support housing options in Dripping Springs*

“Accessory dwelling units (ADUs) are another opportunity to incorporate lower cost housing options into the existing fabric of the community. These units provide an option for older residents who want to downsize but remain in Dripping Springs or young couples just starting out. They also provide an option for homeowners who may want or need extra income, allowing them to remain in their homes by providing supplemental income. It will be important to explore best practices from other communities and establish a policy that reflects the values of Dripping Springs and protects neighborhood integrity for existing residents.”

Staff recognizes an ADU as an appropriate accessory use in the SF-1 Single Family Residential District and supports the proposed request. The inclusion of an ADU would not adversely impact the property or its surrounding neighbors, and conditions as listed below would serve as additional measures to mitigate any visual or development factors.

As such, staff’s recommendation is: **Approval of the CUP, subject to conditions as outlined in the staff report.**

Based on the proposed land use, compatibility with surrounding properties, and the Comprehensive Plan, **staff recommends the following conditions:**

1. **Time Limit: The CUP does not expire.**
2. **Maximum floor area for an Accessory Dwelling Unit may not exceed 750-square-feet.**
3. **A minimum of two off-street parking spaces for the Accessory Dwelling Unit must be provided in addition to any other parking requirements.**
4. **Connections to an appropriate on-site septic system must be approved by the City prior to occupancy.**
5. **The Accessory Dwelling Unit may not be sold separately from the primary structure.**
6. **Conditional Use Permits for new uses/structures shall be deemed to have expired and shall become null and void if construction is not completed and a Certificate of Occupancy is not issued within two years of the date the CUP was approved.**
7. **The City Administrator may revoke the CUP for failure to comply with municipal regulations and the conditions placed on the use (City of Dripping Springs Zoning Ordinance §3.17.9)**
8. **The CUP is effective on (date from the passage of this ordinance).**

The below is an excerpt of the Code for the procedures that P&Z should take for CUPs:

**Chapter 30 Exhibit A: §3.17 – Conditional Use Permit (CUP)**

*3.17.5 Procedures for CUPs*

(a) **P&Z Recommendation:** Upon receipt of the recommendation from the city administrator, the P&Z shall conduct a public hearing in order to formulate its recommendations to the city council on the CUP application. Following the public hearing, the P&Z shall recommend approval, approval subject to modification, or denial of the proposal to the city council. If the appropriateness of the use cannot be assured at the location, the P&Z shall recommend denial of the application as being incompatible with existing uses or with other uses permitted by right in the district.

**Public Notification**

A legal notice advertising the public hearing was placed in the Dripping Springs Century-News, signs were posted on the site, notice was placed on the City Website, and all property owners within a 300-foot radius of the site were notified of the request.

**Meetings Schedule**

- June 22, 2021 – Planning and Zoning Commission
- July 20, 2021 – City Council Meeting

**Attachments**

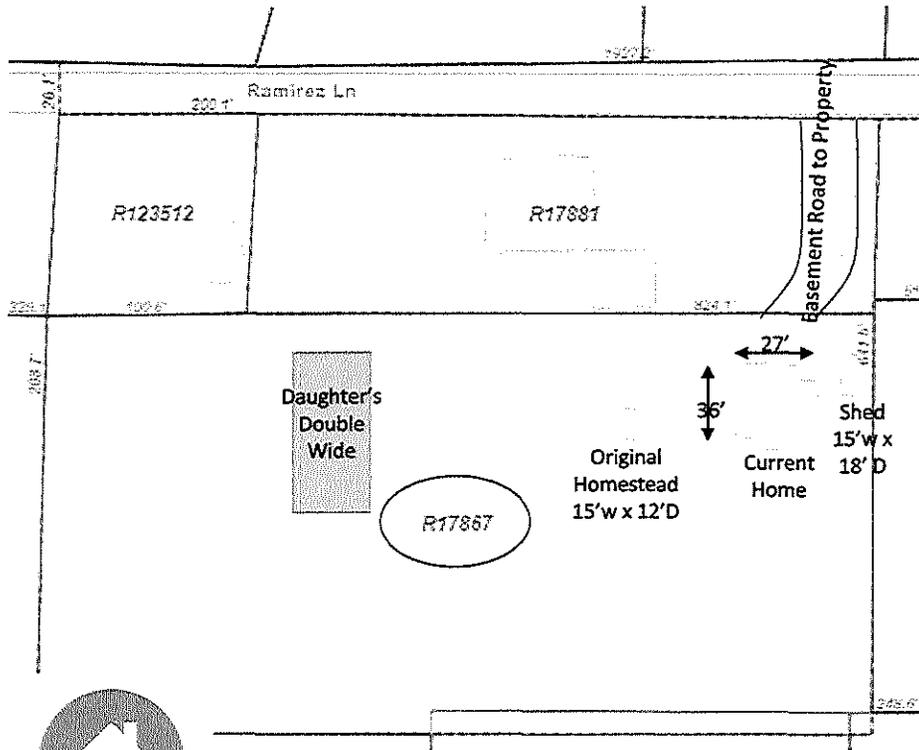
- Attachment 1 – Conditional Use Permit Application
- Attachment 2 – Proposed Site Plan, Example Elevations, Floor Plans

Recommended Action:	Recommend approval of the requested Conditional Use Permit, with staff and any additional conditions deemed necessary by the Commission.
Alternatives/Options:	Recommend denial of the Conditional Use Permit; recommend approval of the Conditional Use Permit with no, or alternate, conditions.
Budget/Financial Impact:	None calculated at this time.
Public Comments:	None at this time
Enforcement Issues:	N/A
Comprehensive Plan Element:	3.1 - Livability / Quality of Life Support housing options in Dripping Springs

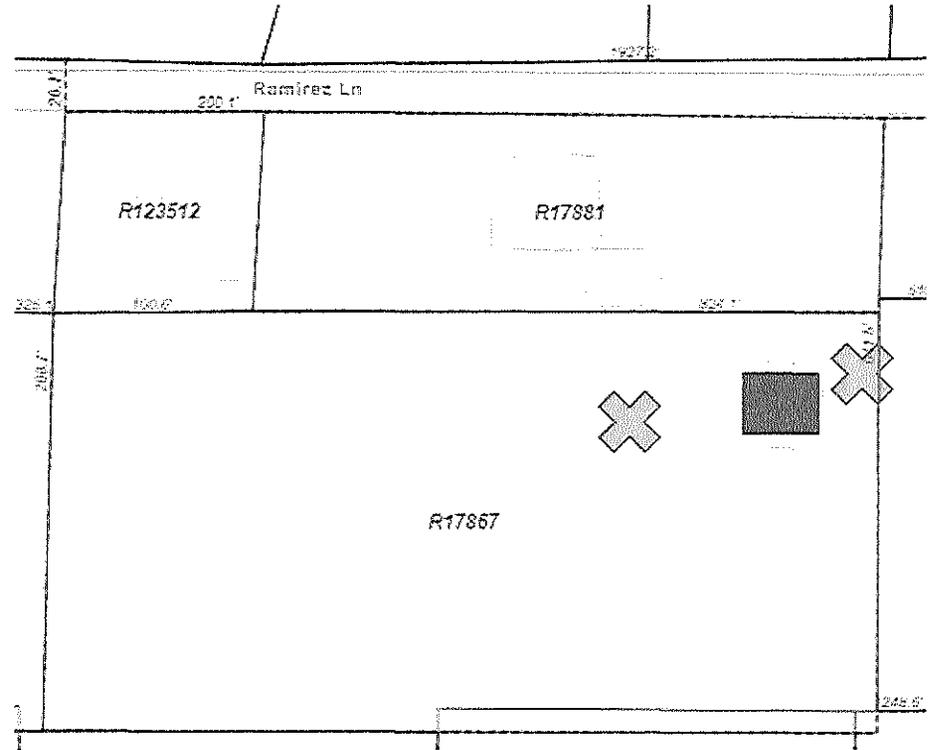


Home in a Month  
221 Ramirez Lane

Current Lot (R17867)



After Construction



 New House (old house torn down)
  Structure demolished



Hometown Missions  
Dave Edwards, 512-810-8408  
www.HometownMissions.org



# Home in a Month

Louisa & Roy Acosta

Exterior Elevation **INSPIRATION PHOTO**

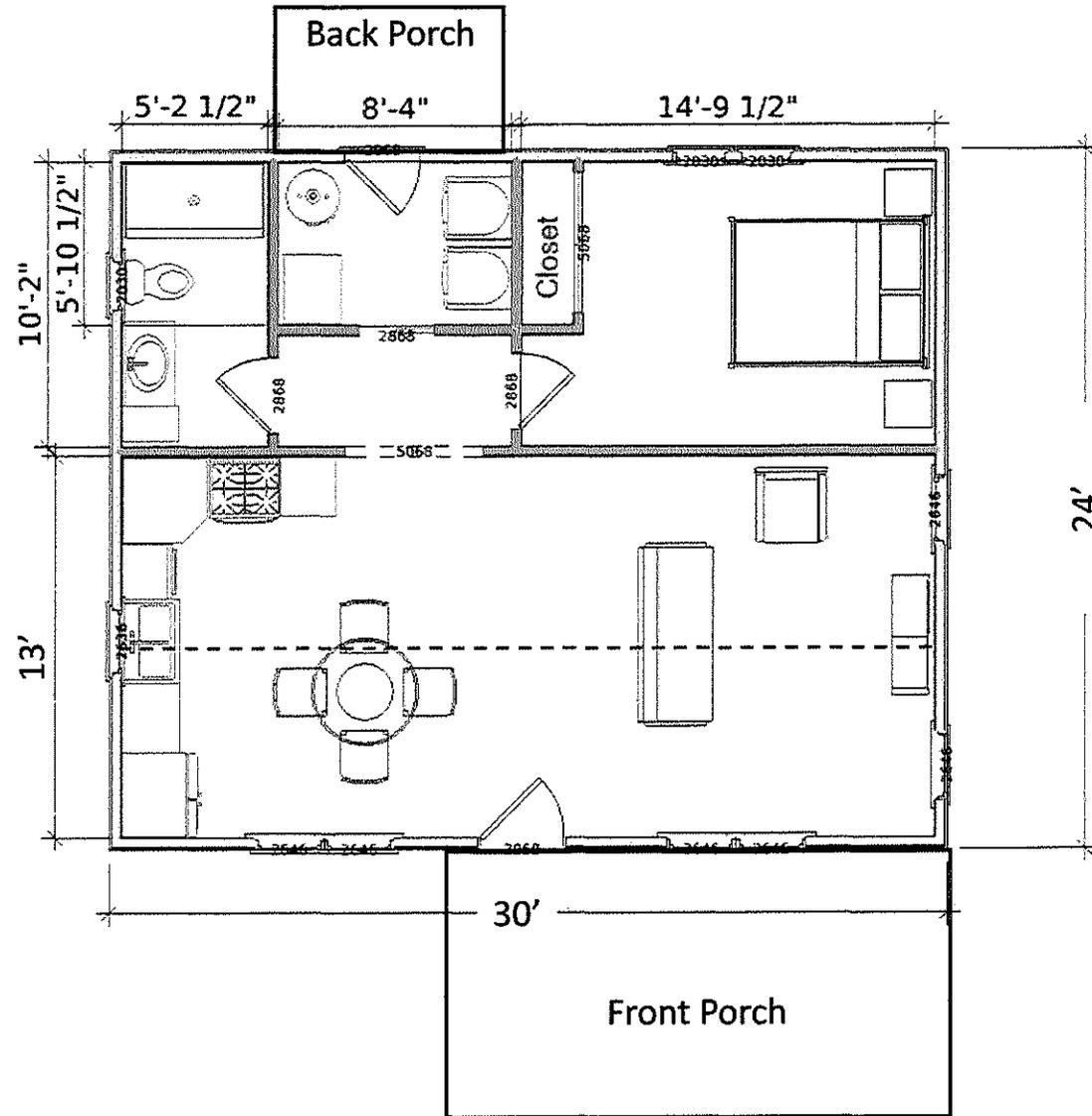




# Home in a Month

Louisa & Roy Acosta

720 sf Floor Plan



**CITY OF DRIPPING SPRINGS**

**ORDINANCE No. 2021-\_\_\_\_\_**

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR THE USE OF ACCESSORY DWELLING WITHIN THE SINGLE-FAMILY RESIDENTIAL - LOW DENSITY (SF-1) ZONING DISTRICT FOR A PROPERTY LOCATED AT 221 RAMIREZ LANE UNDER EXHIBIT A, ZONING ORDINANCE, SECTION 3.17, CONDITIONAL USE PERMIT AS ATTACHED IN EXHIBIT "A"; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; PUBLICATION; EFFECTIVE DATE; PROPER NOTICE & MEETING.

**WHEREAS**, the City Council of the City of Dripping Springs ("City Council") seeks to promote reasonable, sound, and efficient land use and development within the City of Dripping Springs ("City"); and

**WHEREAS**, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to regulate zoning within the City; and

**WHEREAS**, the City of Dripping Springs desires to approve a conditional use permit because of the unique nature of this property, and the land use is compatible with the permitted land uses in a given zoning district only under current conditions; and

**WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS**, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Dripping Springs to adopt this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED by the City Council of Dripping Springs:**

**1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as expressly set forth herein.

**2. ENACTMENT**

The Conditional Use Permit is approved as presented in Exhibit "A" to this ordinance.

**3. REPEALER**

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision

of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**5. EFFECTIVE DATE**

This Ordinance and Conditional Use Permit shall be effective immediately upon passage and publication.

**6. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, a public hearing was held, and that public notice of the time, place and purpose of said hearing and meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

**PASSED & APPROVED this, the 20<sup>th</sup> day of July 2021, by a vote of \_\_ (ayes) to \_\_ (nays) to \_\_ (abstentions) of the City Council of Dripping Springs, Texas.**

**CITY OF DRIPPING SPRINGS:**

\_\_\_\_\_  
Bill Foulds, Jr., Mayor

**ATTEST:**

\_\_\_\_\_  
Andrea Cunningham, City Secretary

*EXHIBIT “A”*



**City of Dripping Springs | Conditional Use Permit**

Granted to allow the land use of “Accessory Dwelling” on a property that is currently zoned Single-Family Residential - Low Density (SF-1) District located at:

221 Ramirez Lane, Dripping Springs, Texas 78620

Approved by the City of Dripping Springs City Council on \_\_\_\_\_

The use of an Accessory dwelling at the above-mentioned location is allowed pursuant to the following regulations:

1. Time Limit: The CUP does not expire.
2. Maximum floor area for an Accessory Dwelling Unit may not exceed 750-square-feet.
3. A minimum of two off-street parking spaces for the Accessory Dwelling Unit must be provided in addition to any other parking requirements.
4. Connections to an appropriate on-site septic system must be approved by the City prior to occupancy.
5. The Accessory Dwelling Unit may not be sold separately from the primary structure.
6. Conditional Use Permits for new uses/structures shall be deemed to have expired and shall become null and void if construction is not completed and a Certificate of Occupancy is not issued within two years of the date the CUP was approved.
7. The City Administrator may revoke the CUP for failure to comply with municipal regulations and the conditions placed on the use (City of Dripping Springs Zoning Ordinance §3.17.9)
8. The CUP is effective on \_\_\_\_\_.

*Attachment "B"*  
*Site Plan, Floor Plan, Elevations*



**STAFF REPORT**  
**City of Dripping Springs**  
**PO Box 384**  
**511 Mercer Street**  
**Dripping Springs, TX 78602**

**Submitted By:** Kelly Schmidt, Parks & Community Services Director

**Council Meeting Date:** 7.20.2021

**Agenda Item Wording:** **Discuss and consider approval of a Street Closure Request for the annual Run by the Creek 5K and 10k event to take place Sunday, November 14, 2021.**

**Agenda Item Requestor:** Daniel Payne

**Summary/Background:** The Dripping Springs Running Club requests a Temporary Street Closure for its annual Run by the Creek 5k and 10k to be held on Sunday, November 14, 2021.

The street closure is requested for Roger Hanks Parkway and Creek Road.

Event organizers have confirmed that Constable Ron Hood will supervise the start/finish area while four Hays County Deputies, with patrol vehicles will be located at all intersections along the course.

250 runners along with approximately 50 volunteers are anticipated to participate this year.

Set up begins at 4:30am with the race commencing and concluding along Roger Hanks Parkway and clean-up finishing by 1:00pm. The time for the road closure is 6:30 a.m.-10:30 a.m. City-Council previously approved this event in 2019 + 2020. Staff recommends approval of the Temporary Street Closure.

**Staff Recommendation:** Recommend approval by City Council

**Attachments:** Street Closure Permit Application  
Route Map  
Special Event Permit Application  
Road Closure & Race Weekend Timelines

**Next Steps/Schedule:**

Contact Daniel Payne and inform him of Council’s decision. Approve permits, schedule street closure with City Maintenance department.



Application for a

**TEMPORARY ROAD CLOSURE PERMIT**

Applicant Name/Organization: Dripping Springs Running Club: Run by The Creek 5k & 10k

Contact Person: Steve Mallett or Chuck Lemmond

Address: 333 E. Hwy 290, Bldg 3, Ste. 300

City: Dripping Springs State: TX Zip Code 78620

Phone Numbers: Steve Mallett: 512-627-7018 Chuck Lemmond: 512-751-3053

Email Address: Steve Mallett: [stevem@mallettintegrityteam.com](mailto:stevem@mallettintegrityteam.com)  
Chuck Lemmond: [chuck@bearcreekhomesinc.com](mailto:chuck@bearcreekhomesinc.com)

Street(s) to be Closed

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From Roger Hanks Parkway/HWY 290 To Roger Hanks Parkway/Creek Road  
(intersection/block) (intersection/block)

\_\_\_\_\_ To \_\_\_\_\_  
(intersection/block) (intersection/block)

Requested date(s) and time(s) of closing:

From: 6:30 am on 11/14/2021 To: 10:30 pm on 11/14/2021

Reason for Closing: Run By The Creek 5k & 10k race with runners and walkers on the road.



Item 9.



<https://www.google.com/maps/place/195+Roger+Hanks+Pkwy.+Dripping+Springs,+TX+78620/@30.1923661,-98.1046728,16...> 4/29/2020

**From:** [Chuck Lemmond](#)  
**To:** "[Daniel Payne \(dpayne@dpim.com\)](mailto:Daniel Payne (dpayne@dpim.com))"  
**Subject:** FW: 10th Annual Run by the Creek - 11/14/2021  
**Date:** Tuesday, May 4, 2021 4:48:01 PM

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Here you go, Constable Hood's confirmation.

[bear-creek-logo-final]

Chuck Lemmond

O: 512-301-3400

M: 512-751-3053

[chuck@bearcreekhomesinc.com](mailto:chuck@bearcreekhomesinc.com)<<mailto:chuck@bearcreekhomesinc.com>>

<http://www.bearcreekhomesinc.com><<http://www.bearcreekhomesinc.com>>

From: Ron Hood <[ron.hood@co.hays.tx.us](mailto:ron.hood@co.hays.tx.us)>  
 Sent: Tuesday, May 4, 2021 4:33 PM  
 To: Chuck Lemmond <[CHUCK@bearcreekhomesinc.com](mailto:CHUCK@bearcreekhomesinc.com)>  
 Subject: RE: 10th Annual Run by the Creek - 11/14/2021

Mr. Lemmond,

Wow, TEN years...that is amazing!! Congratulations!

Yes, my office is available to assist, I've put it on my calendar. As we get closer to the event, please let me know if you need to add (or remove) and position for the race.

Again, congratulations and we look forward to the race this year.

Regards,

---

Ron Hood, Constable  
 Hays County, Precinct 4  
 195 Roger Hanks Parkway  
 Dripping Springs, TX 78620  
 Wk. (512) 858-7605  
 Fax (512) 858-4799  
 Email: [ron.hood@co.hays.tx.us](mailto:ron.hood@co.hays.tx.us)<<mailto:ron.hood@co.hays.tx.us>>  
 Website: Constable – Precinct 4 | Hays County ([hayscountytexas.com](http://hayscountytexas.com))<<https://hayscountytexas.com/law-enforcement/constables/constable-precinct-4/>>

From: Chuck Lemmond <[CHUCK@bearcreekhomesinc.com](mailto:CHUCK@bearcreekhomesinc.com)<<mailto:CHUCK@bearcreekhomesinc.com>>>  
 Sent: Thursday, April 29, 2021 2:35 PM  
 To: Ron Hood <[ron.hood@co.hays.tx.us](mailto:ron.hood@co.hays.tx.us)<<mailto:ron.hood@co.hays.tx.us>>>  
 Cc: 'Daniel Payne (dpayne@dpim.com)' <<mailto:dpayne@dpim.com><<mailto:dpayne@dpim.com>>>  
 Subject: RE: 10th Annual Run by the Creek - 11/14/2021

Hello Constable Hood,

We are planning to hold the 10th annual Run by the Creek on 11/14/2021. TEN YEARS!

Please confirm that you can assist us with your team for race security / road closures, as you have provided in the past.

Please let me know if anything has change on your end, ours is pretty much going to be the same successful race as always! Hopefully this year we will be beyond Covid Restrictions for capped attendance.

Thank you,

[bear-creek-logo-final]

Chuck Lemmond

O: 512-301-3400

M: 512-751-3053

chuck@bearcreekhomesinc.com<<mailto:chuck@bearcreekhomesinc.com>>

<http://www.bearcreekhomesinc.com><<http://www.bearcreekhomesinc.com/>>

From: Ron Hood <ron.hood@co.hays.tx.us<<mailto:ron.hood@co.hays.tx.us>>>

Sent: Thursday, October 17, 2019 9:06 AM

To: Chuck Lemmond <CHUCK@bearcreekhomesinc.com<<mailto:CHUCK@bearcreekhomesinc.com>>>

Cc: Blaine Hamilton <Blaine.Hamilton@co.hays.tx.us<<mailto:Blaine.Hamilton@co.hays.tx.us>>>; Jimmy Zuehlke <jimmy.zuehlke@co.hays.tx.us<<mailto:jimmy.zuehlke@co.hays.tx.us>>>; Greg Grumbles <greg.grumbles@co.hays.tx.us<<mailto:greg.grumbles@co.hays.tx.us>>>

Subject: RE: 8th Annual Run by the Creek - 11/10/2019

Chuck,

Per your request, please find attached, the security invoice for the Nov. 10, 2019, "Run By The Creek".

If you have any questions, please let me know.

Thank you,

---

Ron Hood, Constable

Hays County, Precinct 4

195 Roger Hanks Parkway

Dripping Springs, TX 78620

Wk. (512) 858-7605

Fax (512-858-4799

Email: ron.hood@co.hays.tx.us<<mailto:ron.hood@co.hays.tx.us>>

Website: <http://www.co.hays.tx.us/constable-precinct-4.aspx>

From: Chuck Lemmond [<mailto:CHUCK@bearcreekhomesinc.com>]

Sent: Friday, October 11, 2019 8:34 AM

To: Ron Hood <ron.hood@co.hays.tx.us<<mailto:ron.hood@co.hays.tx.us>>>

Subject: RE: 8th Annual Run by the Creek - 11/10/2019

Good Morning Constable Hood,

We are about 30 Days out from the race event. Please send an invoice with each individuals name so we can have checks ready on race day.

Thanks again for being part of this great event!

[bear-creek-logo-final]

Chuck Lemmond

O: 512-301-3400

M: 512-751-3053

chuck@bearcreekhomesinc.com<<mailto:chuck@bearcreekhomesinc.com>>

<http://www.bearcreekhomesinc.com><<http://www.bearcreekhomesinc.com/>>

From: Ron Hood <ron.hood@co.hays.tx.us<<mailto:ron.hood@co.hays.tx.us>>>  
 Sent: Wednesday, April 3, 2019 4:11 PM  
 To: Chuck Lemmond <CHUCK@bearcreekhomesinc.com<<mailto:CHUCK@bearcreekhomesinc.com>>>  
 Subject: RE: 8th Annual Run by the Creek - 11/10/2019

It is on our schedule.

Thank you,

---

Ron Hood, Constable  
 Hays County, Precinct 4  
 195 Roger Hanks Parkway  
 Dripping Springs, TX 78620  
 Wk. (512) 858-7605  
 Fax (512-858-4799  
 Email: ron.hood@co.hays.tx.us<<mailto:ron.hood@co.hays.tx.us>>  
 Website: <http://www.co.hays.tx.us/constable-precinct-4.aspx>

From: Chuck Lemmond [<mailto:CHUCK@bearcreekhomesinc.com>]  
 Sent: Wednesday, April 03, 2019 10:40 AM  
 To: Ron Hood <ron.hood@co.hays.tx.us<<mailto:ron.hood@co.hays.tx.us>>>  
 Subject: 8th Annual Run by the Creek - 11/10/2019

Hello Constable Hood,

Just wanted to let you know our race is set for Sunday, November 10, 2019. Save the date!

Thank you,

<https://runbythecreek.com/>

[bear-creek-logo-final]  
 Chuck Lemmond  
 O: 512-301-3400  
 M: 512-751-3053  
 chuck@bearcreekhomesinc.com<<mailto:chuck@bearcreekhomesinc.com>>  
<http://www.bearcreekhomesinc.com><<http://www.bearcreekhomesinc.com/>>

From: Ron Hood [<mailto:ron.hood@co.hays.tx.us>]  
 Sent: Friday, October 19, 2018 10:21 AM  
 To: Chuck Lemmond <CHUCK@bearcreekhomesinc.com<<mailto:CHUCK@bearcreekhomesinc.com>>>  
 Subject: RE: 6th Annual Run by the Creek - A Great Success!

Mr. Lemmond,

Please find attached, the security invoice for the 6th Annual Run by the Creek event for Nov. 11, 2018.

If you have any questions, please give me a call.

Thank you,

---

Ron Hood, Constable  
 Hays County, Precinct 4  
 195 Roger Hanks Parkway

Dripping Springs, TX 78620  
 Wk. (512) 858-7605  
 Fax (512) 858-4799  
 Email: ron.hood@co.hays.tx.us<<mailto:ron.hood@co.hays.tx.us>>  
 Website: <http://www.co.hays.tx.us/constable-precinct-4.aspx>

From: Chuck Lemmond [<mailto:CHUCK@bearcreekhomesinc.com>]  
 Sent: Friday, October 19, 2018 4:35 AM  
 To: Ron Hood <[ron.hood@co.hays.tx.us](mailto:ron.hood@co.hays.tx.us)<<mailto:ron.hood@co.hays.tx.us>>>  
 Cc: 'Steve Mallett (stevem@mallettintegrityteam.com<<mailto:stevem@mallettintegrityteam.com>>)'  
 <[stevem@mallettintegrityteam.com](mailto:stevem@mallettintegrityteam.com)<<mailto:stevem@mallettintegrityteam.com>>>  
 Subject: RE: 6th Annual Run by the Creek - A Great Success!

Hello Constable Hood,

We're a few weeks out from the 7th annual Run by the Creek. We look forward to you & your deputies covering the event again for what might be 500 runners this year!

Please send an invoice in advance with officers names, so we can have individual checks made prior to the event.

Thank you for all of your community service.

[bear-creek-logo-final]

Chuck Lemmond  
 O: 512-301-3400  
 M: 512-751-3053  
[chuck@bearcreekhomesinc.com](mailto:chuck@bearcreekhomesinc.com)<<mailto:chuck@bearcreekhomesinc.com>>  
<http://www.bearcreekhomesinc.com><<http://www.bearcreekhomesinc.com/>>

From: Ron Hood [<mailto:ron.hood@co.hays.tx.us>]  
 Sent: Tuesday, May 29, 2018 10:35 AM  
 To: Chuck Lemmond <[CHUCK@bearcreekhomesinc.com](mailto:CHUCK@bearcreekhomesinc.com)<<mailto:CHUCK@bearcreekhomesinc.com>>>  
 Subject: RE: 6th Annual Run by the Creek - A Great Success!

Outstanding. I do want to make you aware that we have increased our hourly rate from \$40 per hour to \$50 per hour. Please let me know if that is going to be a problem.

Otherwise, it's a fun event and we'll be glad to help out.

Ron

---

Ron Hood, Constable  
 Hays County, Precinct 4  
 195 Roger Hanks Parkway  
 Dripping Springs, TX 78620  
 Wk. (512) 858-7605  
 Fax (512) 858-4799  
 Email: ron.hood@co.hays.tx.us<<mailto:ron.hood@co.hays.tx.us>>  
 Website: <http://www.co.hays.tx.us/constable-precinct-4.aspx>

From: Chuck Lemmond [<mailto:CHUCK@bearcreekhomesinc.com>]  
 Sent: Tuesday, May 29, 2018 9:53 AM  
 To: Ron Hood <[ron.hood@co.hays.tx.us](mailto:ron.hood@co.hays.tx.us)<<mailto:ron.hood@co.hays.tx.us>>>  
 Subject: RE: 6th Annual Run by the Creek - A Great Success!

Hello Constable Hood,

We are gonna do it again! Race date is set for 11/11/2018, so please mark that on your calendar for law enforcement coverage. Should be basically the same as previous years.

Thank you,

[bear-creek-logo-final]

Chuck Lemmond

O: 512-301-3400

M: 512-751-3053

chuck@bearcreekhomesinc.com<<mailto:chuck@bearcreekhomesinc.com>>

<http://www.bearcreekhomesinc.com><<http://www.bearcreekhomesinc.com/>>

From: Ron Hood [<mailto:ron.hood@co.hays.tx.us>]

Sent: Monday, November 13, 2017 3:51 PM

To: CHUCK LEMMOND <[CHUCK@bearcreekhomesinc.com](mailto:CHUCK@bearcreekhomesinc.com)<<mailto:CHUCK@bearcreekhomesinc.com>>>

Subject: RE: 6th Annual Run by the Creek - A Great Success!

Thank you sir, and that is awesome. It seems to get bigger and bigger every year and everyone seems to have a great time! A testament to the outstanding planning and coordination that went into it beforehand.

We are looking forward to it in 2018!

Ron

---

Ron Hood, Constable

Hays County, Precinct 4

195 Roger Hanks Parkway

Dripping Springs, TX 78620

Wk. (512) 858-7605

Fax (512-858-4799

Email: [ron.hood@co.hays.tx.us](mailto:ron.hood@co.hays.tx.us)<<mailto:ron.hood@co.hays.tx.us>>

Website: <http://www.co.hays.tx.us/constable-precinct-4.aspx>

From: CHUCK LEMMOND [<mailto:CHUCK@bearcreekhomesinc.com>]

Sent: Monday, November 13, 2017 2:32 PM

To: Ron Hood

Cc: 'Steve Mallett ([stevem@mallettintegrityteam.com](mailto:stevem@mallettintegrityteam.com)<<mailto:stevem@mallettintegrityteam.com>>); 'Tim Kurpiewski'; 'Chris Heinchon ([chris@watkinsinsurancegroup.com](mailto:chris@watkinsinsurancegroup.com)<<mailto:chris@watkinsinsurancegroup.com>>); 'Lisa Patton'; [michelle.fleming@texasnationaltitle.com](mailto:michelle.fleming@texasnationaltitle.com)<<mailto:michelle.fleming@texasnationaltitle.com>>'; 'Daniel Payne ([dpayne@dpim.com](mailto:dpayne@dpim.com)<<mailto:dpayne@dpim.com>>)'

Subject: 6th Annual Run by the Creek - A Great Success!

Constable Hood,

I want to thank you for making our 6th Annual 'Run by the Creek' a true success. This year we hosted a record 438 registrants, and every comment from the participants was very positive.

We could not do this without quality partners like you & your deputies!

Please prepare for our event next year, likely to be right around the same Sunday in November 2018. Also, please think about how your business can help add a little something to the event to make it better for 2018.

Thanks again, and much appreciation from the entire board at the Dripping Springs Running Club.

[bear-creek-logo-final]

Chuck Lemmond

O: 512-301-3400

M: 512-751-3053

chuck@bearcreekhomesinc.com<<mailto:chuck@bearcreekhomesinc.com>>

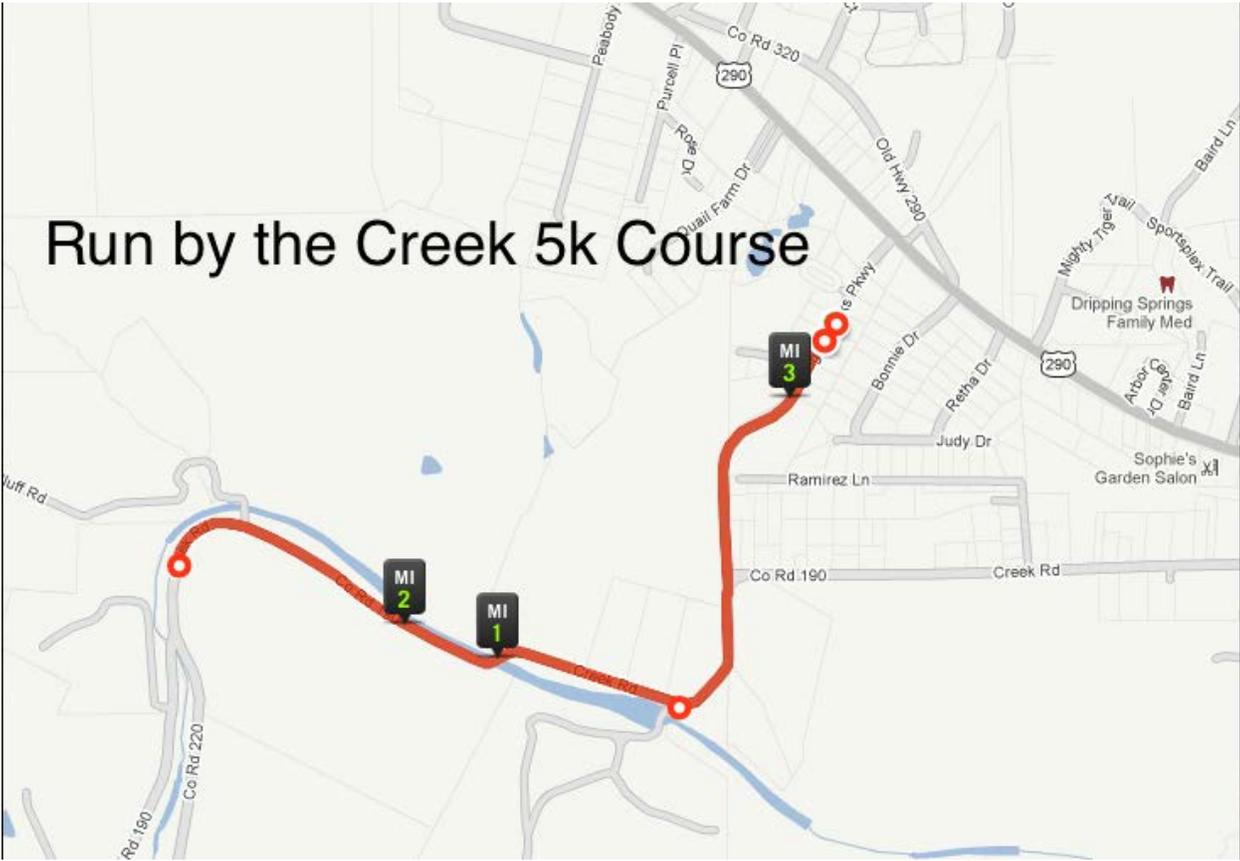
<http://www.bearcreekhomesinc.com><<http://www.bearcreekhomesinc.com/>>

## Run By The Creek, November 14, 2021

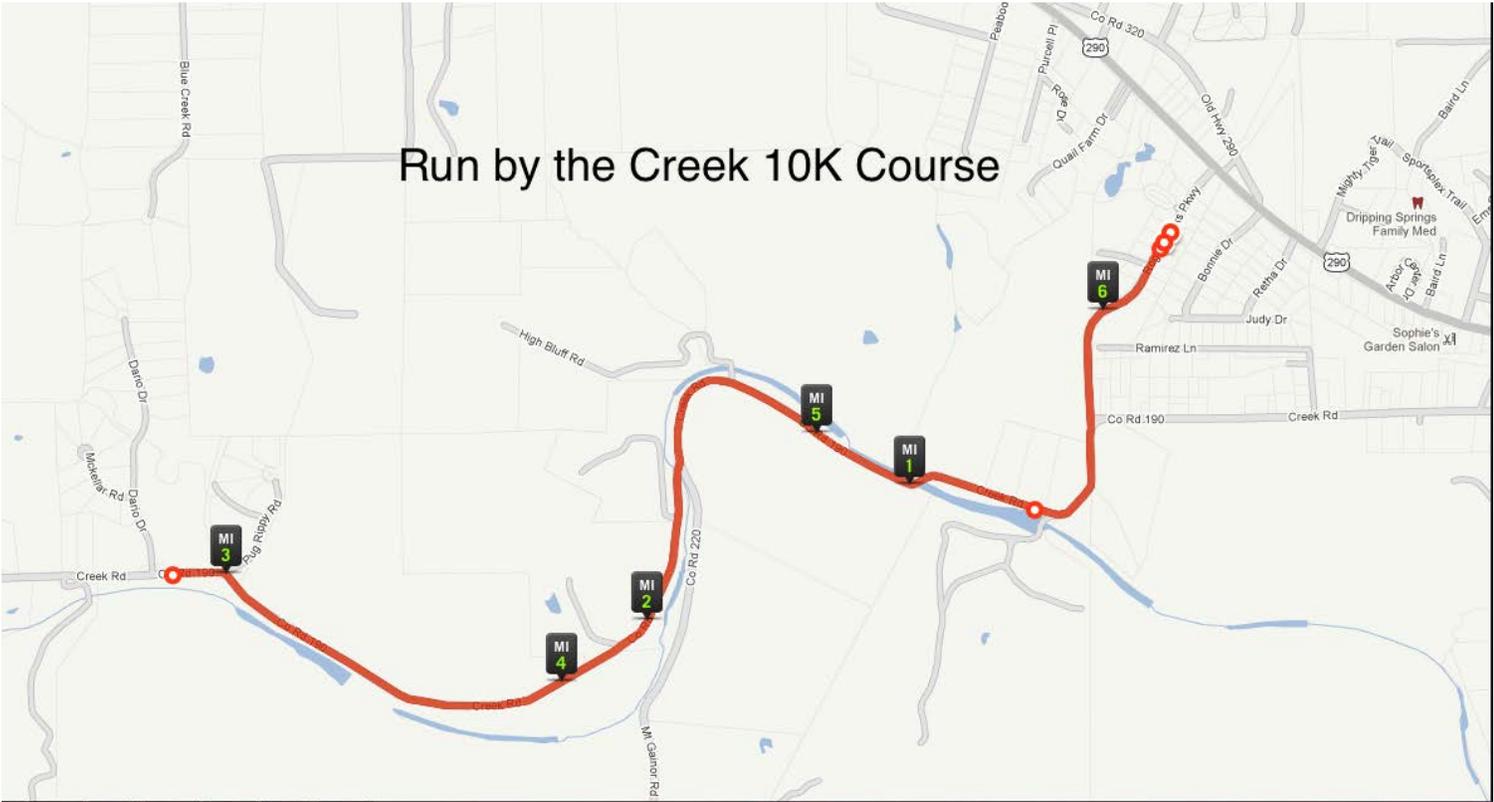
### Road Closure Timeline

DATE / TIME	TASK	VENDOR	OWNER	NOTES
<b>FRIDAY, Nov. 12</b>				
12:00 - 5:00 p.m.				
	5:00 Deliver / inventory race barricades	Hays County roads	Chuck	
<b>SATURDAY, Nov 13</b>				
4:00 - 7:00 P.M.				
	5:30 Set out Highway signs		Chuck	
<b>SUNDAY, Nov 14</b>				
<b>5:30 - 6:00A</b>				
	5:30 Set out Road Barricades on side of the roads		Chuck	2 Barricades per intersection
	5:30 Set Turnaround Posts 5k & 10K on side of the road		Chuck	3 each, with caution tape connecting
<b>6:30 - 7:00A</b>				
	6:30 Constable Hood / Deputies Arrive	Constable	Chuck	4 Deputies / Constable Ron Hood 858-7605
	<b>6:30 Close Roger Hanks Parkway</b>	Constable	Chuck	radio message
<b>7:30 - 7:45A</b>				
	7:30 <b>Close Creek Road</b>	Constable	Chuck	Radio confirmation message
	<b>7:30 - 7:55 ANY LOCAL RESIDENT TRAFFIC TRYING TO LEAVE MUST EXIT AWAY FROM THE START LINE (go west)</b>			
	7:30 Set out 5K & 10K Turn around barricades		Position Leader	
	7:30 Set up road closed barricades	VOLS / Constable	Chuck	
	7:30 EMS Arrives (TBD)		Chuck	
	7:45 <b>Confirm road is closed</b>	Constable	Chuck	Radio Confirmation Message
<b>8:00 - 8:15A</b>				
	<b>8:00 RACE START!</b>			
<b>8:30 - 9:00A</b>				
	9:00 Open Creek Rd @ 10K turnaround - To Mt Gainor Rd.	Constable	Chuck	Radio Confirmation Message Constable - Follows last runners to Mt. Gainor
<b>9:30 - 10:00</b>				
	10:00 <b>Open Creek Road</b>	Constable		Mt Gainor to Roger Hanks Pkwy
	10:00 Pick up Turn around Volunteers		Chuck	10K & 5K turnaround locations
<b>10:00 - 10:30</b>				
	10:25 Verify ALL runners off course	Constable	Chuck	Radio Confirmation Message
	10:30 <b>ALL ROADS OPEN</b>	Constable	Chuck	Roger Hanks Parkway
	10:30 Sheriff / Constables depart			
<b>10:30 - 11:00</b>				
	10:30 Course Clean up		Tim / Chuck Volunteers	
	10:30 Site clean up		Steve / Daniel / John / Chris / Michelle / Lisa	

# Run by the Creek 5k Course



# Run by the Creek 10K Course





**STAFF REPORT**  
**City of Dripping Springs**  
**PO Box 384**  
**511 Mercer Street**  
**Dripping Springs, TX 78602**

**Submitted By:** Kelly Schmidt, Parks & Community Services Director

**City Council Meeting Date:** July 6, 2021

**Agenda Item Wording:** **Public hearing and consideration of approval of an Ordinance Approving the 2021 Dripping Springs Ranch Park Master Plan Update.**

- a. Presentation
- b. Staff Report
- c. Public Hearing
- d. Master Plan Ordinance

**Agenda Item Requestor:** Wade King

**Summary/ Background:** In 2020 it was identified by staff that Dripping Springs Ranch Park (DSRP) and the Dripping Springs population had evolved much since the Master Plan's original publication in 2017. It is industry best practice to update master plans anywhere from 5-10 years after their production depending on the utility of the plan. This is in place so that the goals and objectives best serve the community, meet the needs of both facility and park operations, and remain competitive as a dynamic tool to utilize for alternative funding methods, such as grants.

On November 19, 2020, a Request for Bids was published on the City's website and in the paper announcing the opportunity to submit proposals for the 2021 DSRP Master Plan Update. Multiple agencies submitted proposals and ultimately RVi was chosen out of several submittals to be awarded the project by the DSRP Board. A DSRP Master Plan update committee was then selected to assist with the process. The Committee consisted of DSRP Board Members Chair Todd Purcell and Penny Reeves, as well as city staff DSRP Event Center Manager Tina Adams, interim DSRP Manager Emily Nelson, and Parks and Community Services Director, Kelly Schmidt.

While ultimately, unforeseen events in staffing turnover and sever weather pushed the project beyond the desired timeline, it did come in on budget.

The process is detailed in the plan but in summary included public input sessions with internal and external stakeholders as well as a public survey. 2021 -2026 priorities, goals and objectives have been set with both the current

process results and former priorities established from the 2017 Master Plan that have yet to be achieved.

**DSRP Board  
Recommendation:**

The Dripping Springs Ranch Park Board unanimously recommended approval of the proposed 2021 DSRP Masterplan Update at their special meeting held on June 16, 2021.

**Staff  
Recommendation:**

Staff recommends approval of the 2021 DSRP Master Plan update.

**Attachments:**

1. Ordinance approving the 2021 DSRP Master Plan Update
2. 2021 DSRP Master Plan Update authored by RVi
3. Original 2017 Master Plan authored by Luck Design Group

**Next Steps/Schedule:**

Publish the update to the Parks and Community Services webpage, utilize plan to direct future prioritized expenditures for operations and funding of the Dripping Springs Ranch Park.

# Dripping Springs Ranch Park Master Plan Update



PREPARED FOR:  
City of Dripping Springs Parks & Community  
Ranch Park and Event Center

BY:  
RVI Planning + Landscape Architecture



# Acknowledgments

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The City of Dripping Spring Parks and Community retained the services of RVi Planning + Landscape Architecture to provide an update to current Dripping Springs Ranch Park (DSRP) Master Plan dated Feb. 17 2017 by Luck Design Group. This master plan update was developed in early 2021 with the aid of many stakeholders, individuals and groups. The following individuals are recognized for their significant contribution to these efforts and the Dripping Springs community as a whole.

## City of Dripping Springs Parks & Community Services

Kelly Schmidt – Parks and Community Services Director  
Emily Nelson – Interim DSRP Manager  
Tina Adams – former Event Center Manager

## City of Dripping Springs Ranch Park Board of Directors

CHAIR – Todd Purcell  
VICE CHAIR – Terry Polk  
BOARD MEMBER – Penny Reeves  
SECRETARY – Pam Owens  
BOARD MEMBER – Mike Carroll

## City of Dripping Springs City Council

MAYOR - Bill Foulds, Jr.  
COUNCIL PLACE 1 – Taline Manassian, Mayor Pro-Tem  
COUNCIL PLACE 2 – Wade King  
COUNCIL PLACE 3 – Geoffrey Tahuahua  
COUNCIL PLACE 4 – April Harris Allison  
COUNCIL PLACE 5 – Sherrie Parks



Native live oak trees and limestone walls greet the visitor entering the park. Image courtesy of DSRP Facebook page.

# Contents

## 1 Mission, Vision, Purpose

## 2 Goals

## 3 Methodology

The framework for understanding the park and the foundation of the master plan process. This flexible approach considers the history of the park, its existing conditions and accomplishments of prior master plans. It investigates local demographic data, the use patterns of the park, opportunities, constraints, inventory of park amenities, and finally an overview of budget.

## 4 Stakeholder and Community Input

Two virtual meetings were held: one with community members and one with internal stakeholders to provide an opportunity to share local level insight, feedback and thoughts. An online survey was also developed to further expand our understanding of what would enhance the park experience for those that use it.

## 5 Recommendations & Action Plan

The master plan will be implemented utilizing a phased approach over a period of time, rather than all at once. Because of the need to implement the project in smaller portions, the Design Team utilized a Recommendations & Action Plan Matrix to determine which items recommended the highest priority to include in initial projects, and what park amenities are to be completed in subsequent phases.

## 6 Appendices

- DSRP Master Plan 2017 - Project Status
- Public Input Meeting Press Release
- Stakeholder Comments
- Public Input Programming Comments
- 2017 DSRP Master Plan



The Hill Country sun setting over Dripping Spring Ranch Park. Photo courtesy of DSRP website.

# Purpose

# Mission

# Vision

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*Firm roots in the past, and vision for moving forward.*

In 2016, the establishment of the Dripping Springs Ranch Park (DSRP) Master Plan Committee was approved by the Dripping Springs City Council to collect information, study, and make recommendations to the Parks & Recreation Commission and City Council regarding the operation, enhancement, and use of Dripping Springs Ranch Park. Committee Members were selected to represent the interest of various stakeholders, community members, park users, boosters, and clubs.

In collaboration with Luck Design LLC, the Dripping Springs Ranch Park Master Plan was developed and approved by City Council in September 2016.

The purpose of this document is to provide an update to the approved Master Plan by making recommendations to the Dripping Springs Ranch Park Board and City Council regarding the operation, enhancement, and use of the Park. This updated master plan will help guide improvements and priorities for the next 5 to 10 years.

Like other parks in Dripping Springs, DSRP operates under the Parks and Community Services (PCS) team, lead by Director Kelly Schmidt. In 2020, they adopted a new mission statement to align with their expanded scope and directives:

***“It is our mission to foster community by preserving parks and open space, by connecting people to our natural resources and cultural history and by offering engaging programs and events.”***

DSRP park’s current oversight is from the Dripping Spring Ranch Park Board, lead by Chair, Todd Purcell.

It’s under the mission statement of PCS and the leadership of the Board that the DSRP maintains their inspiring Vision Statement:

***“Where past meets the future!”***

This vision statement encompasses the mission of celebrating and continuing the historical past of Dripping Springs at the park site while at the same time providing recreational opportunities for the community members of Dripping Springs and visitors.

**RIGHT:** Youth learning elements of the Drippings Spring’s ranching & farming culture. Photo courtesy of DSRP Facebook page.





# Goals

*A good planning effort should remain flexible and involve the community and other stakeholders from the outset.*

1. Expanding and maximizing the recreational and functional opportunities offered throughout the Park, both at the Events Center and the exterior areas of the Park.
2. Establishing and maintaining a high-quality level of park facilities and amenities throughout the Park by meeting the park priority and comfort needs of residents and vendors through the continual addition and upgrade of park facilities.
3. Enhance the marketing efforts and outreach in particular to residents in order to communicate the many different park, recreational, and open space opportunities available.
4. Balancing the revenue generating aspects of the Park with providing affordable recreation opportunities for residents of Dripping Springs and Event Center partners.
5. Providing a safe and secure environment for the operation, maintenance and use of the Park.
6. Maintaining the rich history of Dripping Springs ranching and farming culture through recreational and programmatic opportunities.

While these are the umbrella goals of the Master Plan, good planning efforts should be flexible and should involve the community and other stakeholders from the outset, to create a common vision for the park's future and develop a clear and solid set of recommendations and implementation strategies.

A key to the success of any long-term plan is to solidify the support and commitment from stakeholders. The development of the updated DSRP masterplan has continued the collaborative efforts of the original with input from a wide range of people, all who have a strong desire to see DSRP reach all the potential it holds.

LEFT: Barrell Racing, Mountain Biking, Event Center, and Pond courtesy of DSRP Facebook page.

# Methodology

*Understanding the Park by gathering the data.*

## *History and Context*

Dripping Springs Ranch Park is owned and operated by the City of Dripping Springs and has been a part of the City's recreational facilities since 2008 with the purchase of the Harrison family homestead and working ranch. The acquisition was made possible by funds from Hays County park bond and funds dedicated by the City. The acquisition and planned improvements were right on target with the City's master park plans for a community gathering area with large open spaces. The new facilities became a reality with generous funding and matching grants from Texas Parks and Wildlife and the Lower Colorado River Authority. The Park has also been embraced with generous gifts from citizens, private donors and local businesses.

The Park opened in 2008 and is enjoyed by thousands of users. It is a very popular park for horse riders who participate in competitive and leisure equine events as well as for individuals and families who are attracted to the many outdoor recreational opportunities, including hiking, washer pitching, wildlife viewing, primitive camping and gatherings. It is the perfect spot for a family picnic or a special occasion such as reunions and weddings.

**RIGHT:** Census data from Dripping Springs Texas by population and age.

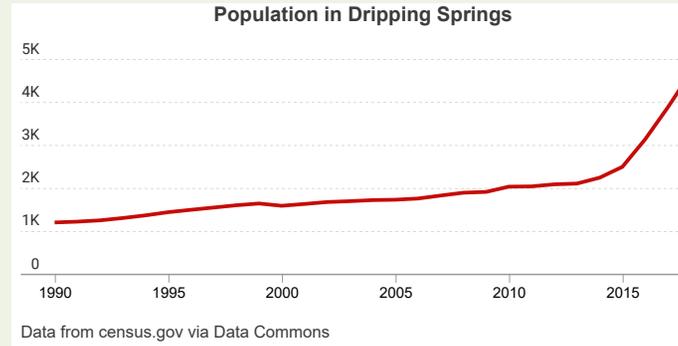
*One of the fastest growing regions in the United States.*

DSRP is home to annual festivals that attract visitors from all areas of the Hill Country and beyond. With the additional new facilities, the Park is now home to a versatile venue that is one of the largest in the Texas Hill Country.

A segment of Little Barton Creek runs through the property, supporting an abundance of wildlife and native plants. More than eight acres have been set aside as a wildlife reservations and conservation area. The Park uses a rainwater collection system to provide water and further conserve natural resources. This beautiful Park reflects all aspects of the Hill Country landscape in which Dripping Springs was founded. One of the main goals of Dripping Springs Ranch Park and Event Center is to preserve a legacy of the City’s foundation in farming and ranching life while bringing tourism and economic value to the community.

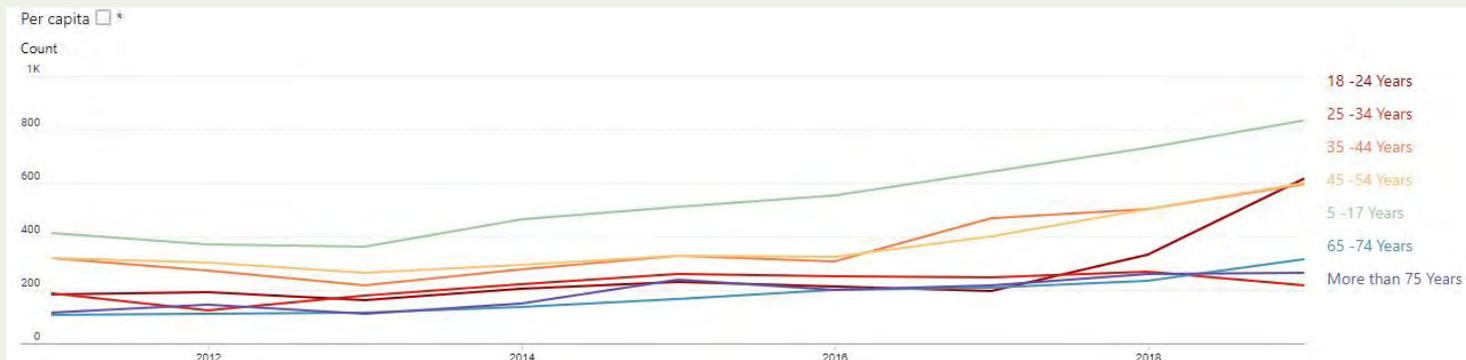
*Demographics by the Numbers*

In 2018, Dripping Springs, TX had a population of 3.28k people with a median age of 37.5 and a median household income of \$64,250. Between 2017 and 2018 the population of Dripping Springs, TX grew from 2,764 to 3,277, a 18.6% increase and its median household income declined from \$76,771 to \$64,250, a -16.3% decrease.



The 5 largest ethnic groups in Dripping Springs, TX are White (Non-Hispanic) (68.6%), White (Hispanic) (24%), Other (Hispanic) (4.27%), Two+ (Non-Hispanic) (1.37%), and Asian (Non-Hispanic) (1.01%). 0% of the people in Dripping Springs, TX speak a non-English language, and 90.1% are U.S. citizens.

In 2018, the median property value in Dripping Springs, TX was \$341,100, and the homeownership rate was 68.3%. Most people in Dripping Springs, TX drove alone to work, and the average commute time was 25 minutes. The average car ownership in Dripping Springs, TX was 2 cars per household. The Austin-San Antonio Corridor is one of the fastest-growing regions in the United States, currently home to 4.5 million people and expected to grow to 6-7 million people by 2030. Dripping Springs itself has experience exponential population growth with the categories of young residence growing the most. This trend shows even further the need for having accessible community based recreational opportunities.





# Existing Conditions

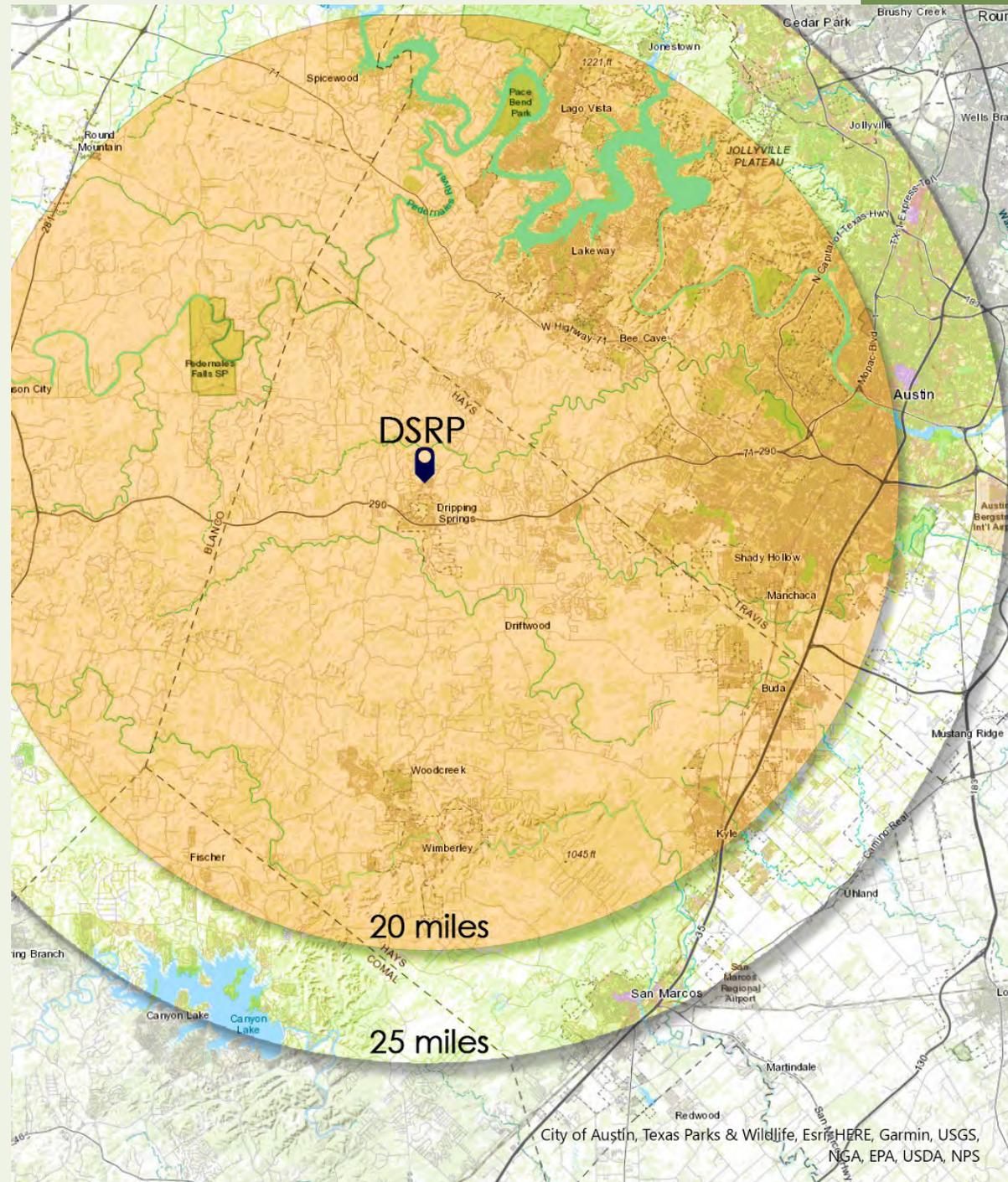
The park consists of 130 acres of Hill Country landscape. The general site terrain consists of open rolling topography to steep slopes. The site is located in the environmentally sensitive Little Barton Creek Watershed and is entirely in the Edwards Aquifer contributing zone. Portions of the site are within the FEMA 100-year floodplain.

The major site structure is the Dripping Springs Ranch Park Event Center & Arena which offers a multi-use covered facility for event rentals, regional and national horse and agricultural competitions, trade shows, festivals, and entertainment events.

It also hosts large and small event venue rooms for social gatherings, corporate meetings, banquets, conventions, and galas. Other facilities associated with the Event Center and Arena include VIP Suites, horse stalls, wash racks, a ticket office, vendor space, restrooms and concession kitchens. Rentable RV Spaces are available for reservation in the parking lot adjacent to the Event Center and include electric, water, and dump station hook ups.

Other site structures include the PCS offices in the ranch house (and associated buildings), the stall barn, an outdoor arena, a 5-12 yr. old playground, bird boxes and a bird blind. The park has many active and passive recreation opportunities. A 6 mile multi-use trail weaves throughout the park, along with the environmental education opportunities around the pond, creek, and birding sites. There are also ample specimen trees and habitat features, adding to the environmental diversity of the site.

# SITE ANALYSIS Regional Context

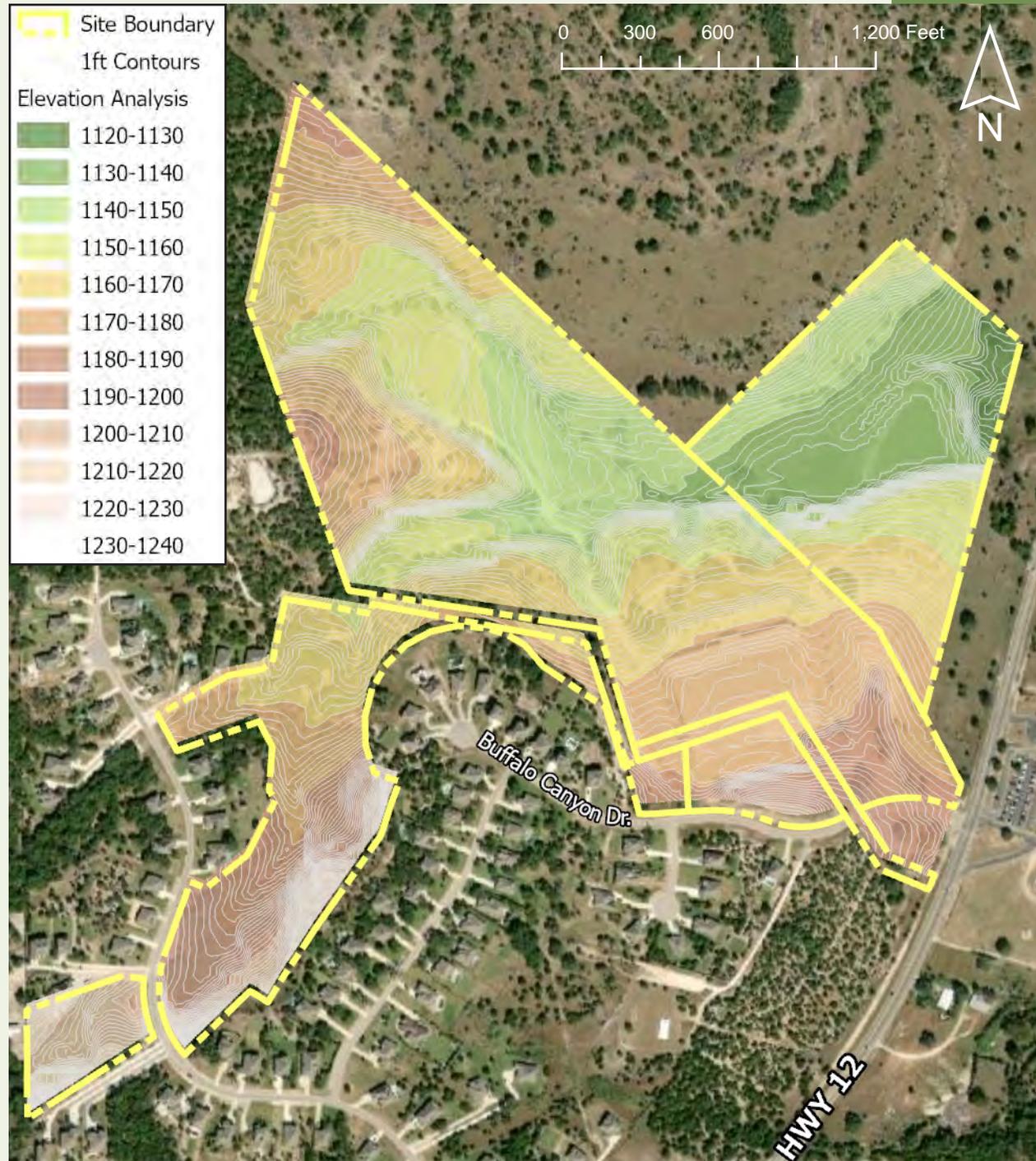


# SITE ANALYSIS

Boundary +  
Topography



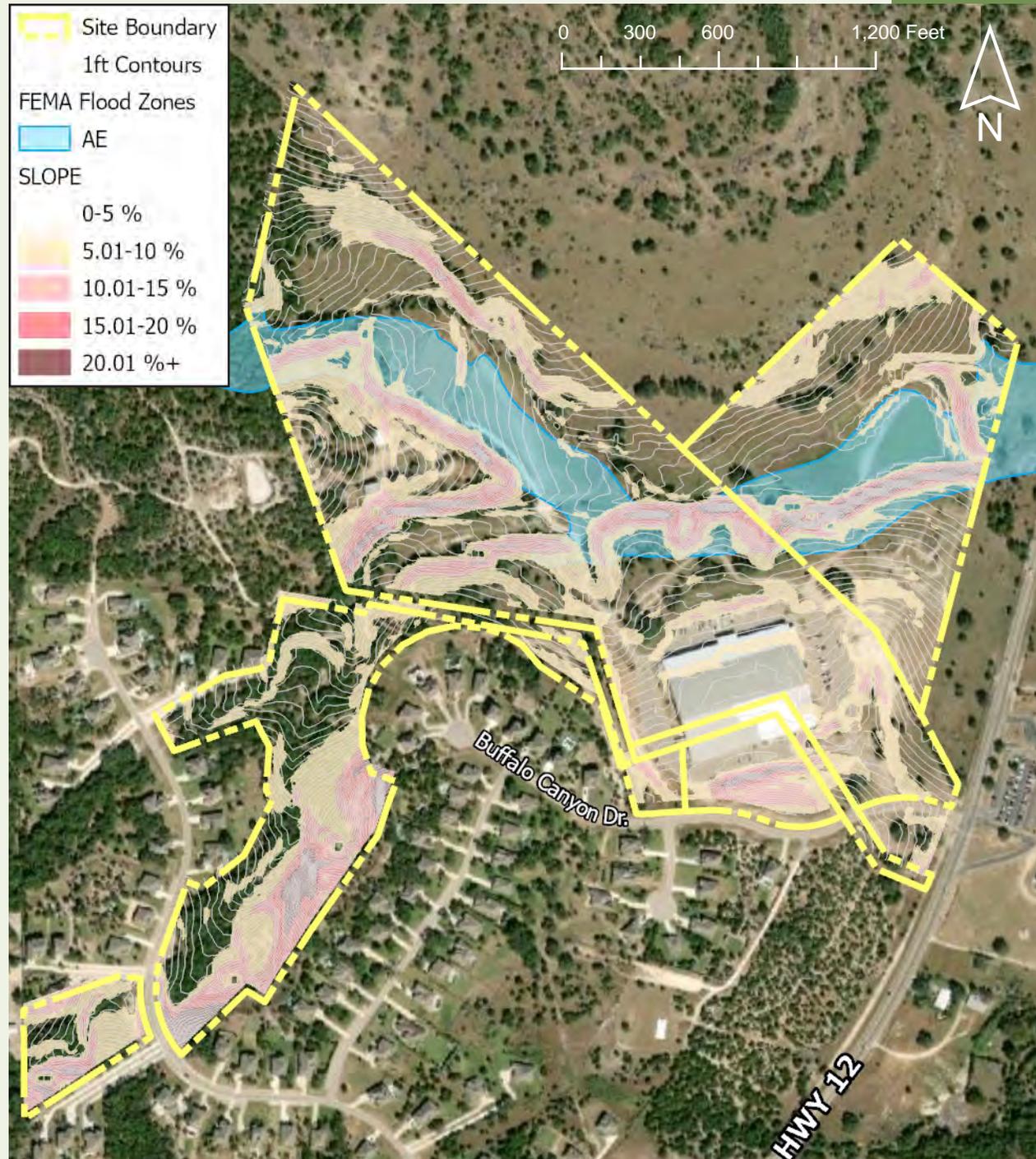
# SITE ANALYSIS Elevation Study



# SITE ANALYSIS FEMA AE Floodplain



# SITE ANALYSIS Slope Analysis



# PHOTOGRAPHIC INVENTORY



FROM TOP LEFT: Barn, Bleachers, Arena Entry (exterior), Arena Entry (interior), Ticket Booth

# PHOTOGRAPHIC INVENTORY



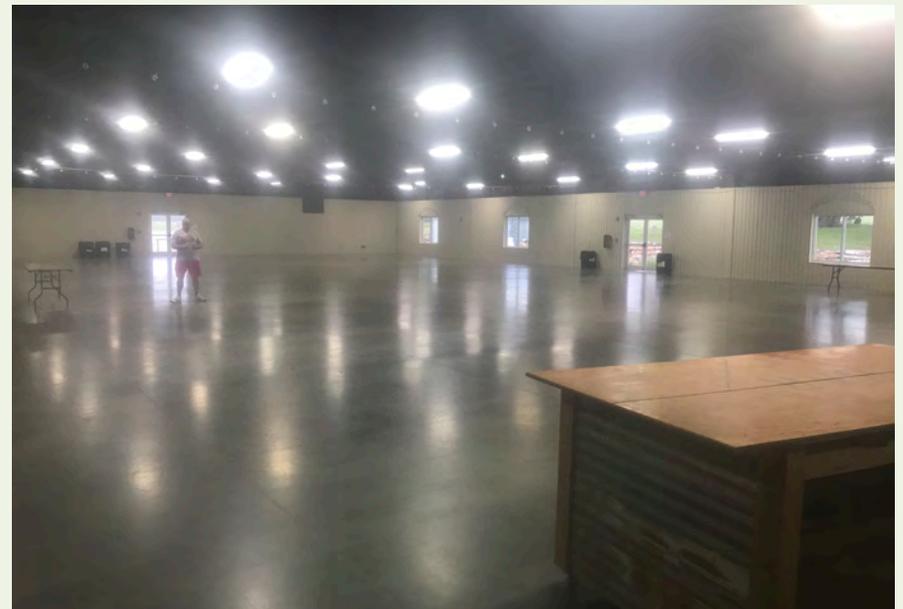
FROM TOP LEFT: Event Entry Hall, Bleachers, Arena Rodeo Area, Warmup Area

# PHOTOGRAPHIC INVENTORY



FROM TOP LEFT: Arena Gathering Space, Animal & Horse Pens, Animal Treatment/Storage, Animal Treatment Storage, City Storage

# PHOTOGRAPHIC INVENTORY



FROM TOP LEFT: Equipment Storage, Event Admin Office, Back Office/Storage, Event Space

# PHOTOGRAPHIC INVENTORY



FROM TOP LEFT: Expansion Hog Pens, Event Storage & Janitorial, DSRP Storage, Other Storage

# PHOTOGRAPHIC INVENTORY



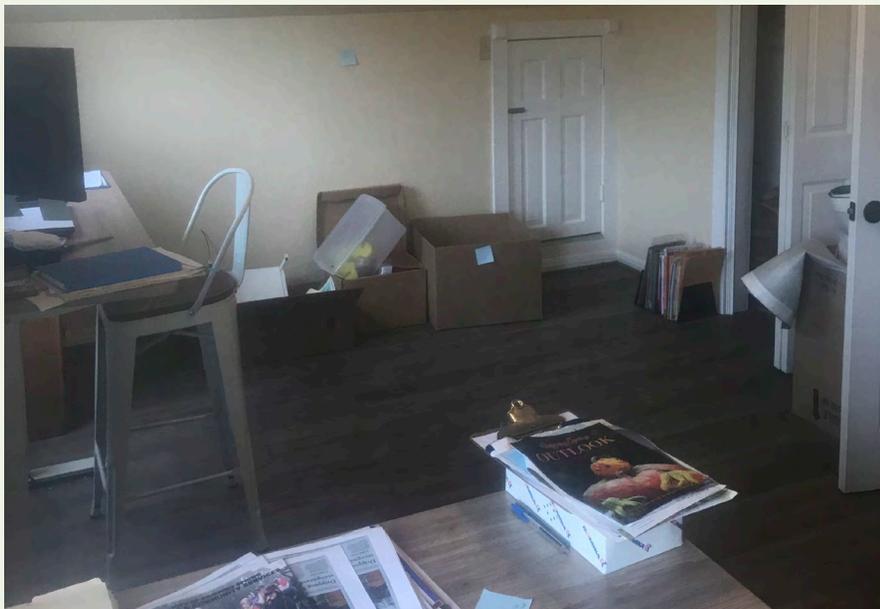
FROM TOP LEFT: Kitchen, Refrigerated Storage, Suite (exterior), Suite (interior)

# PHOTOGRAPHIC INVENTORY



FROM TOP LEFT: Suites from Arena, Wash Rack, Expansion Wash Rack, Ranchhouse

# PHOTOGRAPHIC INVENTORY



FROM TOP LEFT: Ranchhouse Office 1, Ranchhouse Office 2, Ranchhouse Kitchen

# PHOTOGRAPHIC INVENTORY



FROM TOP LEFT: Current Road Conditions, Outdoor Rodeo Arena, Bike & Horse Trails

# PHOTOGRAPHIC INVENTORY

# Site Amenities

Item 10.



FROM TOP LEFT: Equestrian Trail Sign, View to Trails, Playscape, Open Space adjacent to Playscape

# PHOTOGRAPHIC INVENTORY

# Site Amenities

Item 10.



FROM TOP LEFT: Arena Parking (1), Arena Parking (2), Park Road/Future Parking, Pond

# PHOTOGRAPHIC INVENTORY

# Site Amenities

Item 10.



FROM TOP LEFT: Camping Area, Potential Camping Area, Drainage Crossing, Drainage Improvements,

# PHOTOGRAPHIC INVENTORY

# Site Amenities

Item 10.



FROM TOP LEFT: Cowboys for Christ Sign, Playground Road, Road Erosion (1), Road Erosion (2)

# PHOTOGRAPHIC INVENTORY

## Site Amenities

Item 10.



FROM TOP LEFT: Sign to Office, Round Pen, Area outside Round Pen

**RIGHT:** Numerous groups attended the Stakeholder and Public input meetings including Equestrian, Mountain Bikers and Hikers.

**BOTTOM:** Native Texas wildflowers.



# Stakeholder & Community Input

## *Internal stakeholder meeting*

A virtual Internal stakeholder meeting was held on April 6th, 2021. Moderated discussion that had one representative from each stakeholder group given 5 minutes to express any input that the design team should understand. The meeting was recorded and can be found a [insert link]. Notes from stakeholders are included in the appendices.

### GENERAL INPUT INCLUDED:

- The need for more parking; RVs – with and without horses, as well as cars
- More signage and direction for both bikes and typical horse events
- Another entry onto RR12
- Upgrades to the event center
- Covering for the outdoor arena
- More trail development

### ATTENDEES INCLUDED:

- Dripping Springs 4H
- Dripping Springs Ag/FFA Boosters
- Dripping Springs Barrel Racing Association
- Hays County Livestock Board
- Hays County Master Naturalists
- Dripping Springs Mountain Bike Club
- Roping Club
- Skatepark Group

## *Public comment input meeting*

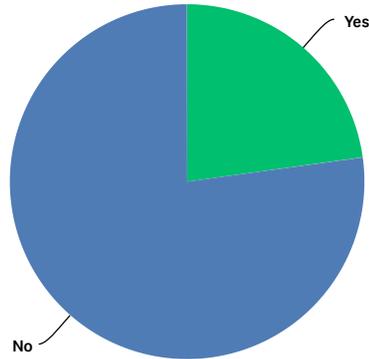
A virtual public comment meeting was held on April 15th, 2021. A summary of results are compiled here.



Summary of Amenities to be IMPROVED or ADDED	Responses
Signage	41
Equestrian Facilites	39
Upgrades at Event Center (Ventilation, sound system, etc)	26
Programming	20
Bike Facilites	16
Trail improvements	16
Pond/Fishing	12
Playground	12
Pavilion/Picnicing	11
Camping	10
Parking	10
Maintenance	8
Dog Park	7
Entrance Station	6
Restrooms	6
Water Stations	6
Habitat Improvements	5
Security	2

### Q1 Are you or anyone in your family an annual passholder (formerly known as DSRP Member)?

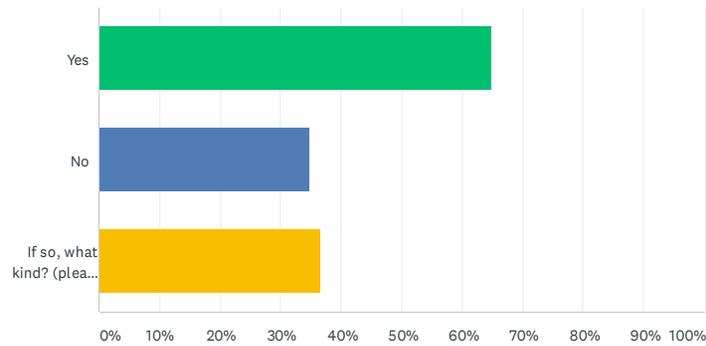
Answered: 298 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	22.82%	68
No	77.18%	230
TOTAL		298

### Q2 Would you like to see more equine related programs offered at the park?

Answered: 282 Skipped: 18



ANSWER CHOICES	RESPONSES
Yes	64.89% 183
No	34.75% 98
If so, what kind? (please specify)	36.52% 103
Total Respondents: 282	

#	IF SO, WHAT KIND? (PLEASE SPECIFY)	DATE
1	Obstacles, in-hand events/classes, pony/mini driving events	4/26/2021 2:28 PM
2	Calf roping	4/25/2021 1:58 PM
3	Spectator events	4/24/2021 8:02 PM
4	I'd like to see more rodeo's	4/24/2021 6:01 PM
5	Activities that I can take my Grandkids to.	4/24/2021 12:49 PM
6	Yes more lessons and rides for anyone to join or sign up for	4/24/2021 11:25 AM
7	Roping and dressage	4/24/2021 11:19 AM
8	Education for kids, teaching and training	4/24/2021 9:56 AM
9	Horseback riding lessons	4/24/2021 9:35 AM
10	Booked full is good. Local organizations' shows and clinics.	4/24/2021 8:29 AM
11	Play days. Jackpot barrel series. Member group trail rides.	4/24/2021 8:27 AM
12	Family friendly events	4/24/2021 7:52 AM
13	Open ride nights/clinics	4/23/2021 8:55 PM
14	4-H events, shows	4/23/2021 8:27 PM
15	Allow local trainers to use the facility at reduced rates for clinics. Increase horse trails, and install horse obstacles.. bridges, gates, poles, etc.	4/23/2021 7:13 PM

Dripping Springs Ranch Park (DSRP) Master Plan - Public Input Survey		SurveyMonkey
16	cutting, ranch-horse versatility, horse clinics, etc	4/23/2021 11:51 AM
17	Educational events, expo type events	4/22/2021 4:00 PM
18	Clinics	4/22/2021 3:13 PM
19	Training clinics, western agility competitions, rodeos	4/22/2021 1:29 PM
20	Ranch sorting and team penning	4/22/2021 1:06 PM
21	Shows, trail/obstacles classes, obstacle setup, horsemanship clinics	4/22/2021 12:33 PM
22	Dressage shows	4/22/2021 12:29 PM
23	Shows rides and even some events in the outdoor arena like clinics or trail rides	4/22/2021 12:23 PM
24	More trails	4/22/2021 11:07 AM
25	Cross country course	4/22/2021 11:02 AM
26	Trail challenge with obstacles. Obstacles out on the trail or in fields where we could haul in to practice. Maybe some low jumps - a cross country area?	4/22/2021 10:51 AM
27	Youth camps	4/22/2021 10:39 AM
28	Anything that preserve the heritage for our youth	4/22/2021 9:38 AM
29	It would be nice if there was a nice route from the big arena to that little one down the trail a ways.	4/22/2021 9:26 AM
30	Equine only trails - non bike trails	4/22/2021 9:12 AM
31	Clinics, shows, educational programs	4/22/2021 8:59 AM
32	Eventing	4/22/2021 8:54 AM
33	More trail rides and family rides	4/22/2021 8:37 AM
34	XC course. Trails	4/21/2021 11:20 AM
35	Horseback riding lessons	4/21/2021 8:14 AM
36	Bike opportunities for everyone	4/21/2021 2:14 AM
37	Cross country jumps/water obstacle	4/20/2021 11:53 PM
38	Trails, cross country, shows at all levels and all types of horsemanship	4/20/2021 10:56 PM
39	More extensive trails, cross country course	4/20/2021 9:15 PM
40	Western for family and kids	4/20/2021 8:24 PM
41	Hunter/jumper shows	4/20/2021 8:15 PM
42	Cross country jumps and obstacles	4/20/2021 8:05 PM
43	Rated dressage shows, trail rides, english shows and clinics, horse camping	4/20/2021 7:08 PM
44	Hunter/jumper shows	4/20/2021 6:47 PM
45	Cross country course	4/20/2021 6:18 PM
46	We'd like horse clinics and speakers, equine veterinarian speakers, cutting/pleasure/trail clinics, better grooming/levelling of trails, a cowcutter flag, trail course set up outside, etc.	4/20/2021 5:59 PM
47	Would love an obstacle course or cross country course	4/20/2021 5:51 PM
48	trail, cutting , ranch sorting,clinics, shot competitions, roping. anything western related	4/20/2021 5:38 PM
49	Cross Country Course and Obstacles	4/20/2021 5:31 PM
50	Yes to bring in more users that spend money in Dripping. No if it is going to incur or increase more debt.	4/20/2021 5:28 PM
51	I heard something about an equine cross country or obstacle course? That sounds awesome!	4/20/2021 5:22 PM

Dripping Springs Ranch Park (DSRP) Master Plan - Public Input Survey		SurveyMonkey
	We LOVED the poker day, that was so much fun!	
52	Cross country course, more warm up arenas	4/20/2021 5:17 PM
53	Equine clinics (training, nutrition, cutting, grooming, trail horse, flagging, veterinarian speakers)	4/20/2021 5:07 PM
54	English discipline shows, competitive trail rides	4/20/2021 5:03 PM
55	Install flags (cutting horse training devices), cutting competitions, presentations by equine vets,	4/20/2021 5:03 PM
56	Clinics, trail rides	4/20/2021 5:01 PM
57	Equine clinics	4/20/2021 5:01 PM
58	Cutting, first aid for horses	4/20/2021 4:36 PM
59	Cutting, anything cowhorse, horse clinics	4/20/2021 4:29 PM
60	Lessons offered for dsisd students to help with anxiety	4/20/2021 2:58 PM
61	NOT if it causes other users access to trails to be limited	4/20/2021 1:00 PM
62	Cover indoors	4/20/2021 12:46 PM
63	a covered outdoor arena (Roping complex) and a eventing field	4/20/2021 12:41 PM
64	Youth camps (specifically for new/beginner riders)	4/20/2021 12:36 PM
65	Roping, sorting, penning, dressage, cross country, hunter jumper, play days	4/20/2021 11:36 AM
66	More time for arena members to ride. Later in the evening	4/20/2021 11:17 AM
67	Any equine event	4/20/2021 11:14 AM
68	Rodeos, cross country/evening	4/20/2021 11:08 AM
69	Cross country/Eventing	4/20/2021 10:56 AM
70	Eventing	4/20/2021 10:49 AM
71	Western trail , obstacle course	4/20/2021 10:47 AM
72	Any equestrian event	4/20/2021 10:44 AM
73	any type of equine or ag event- roping, barrel racing, sorting, penning, trail obstacle courses, cross country, dressage, hunter jumpers, etc.	4/20/2021 10:20 AM
74	Open arena rides; guided trail rides; obstacle courses; trail courses	4/20/2021 10:12 AM
75	Any type of Ranching, Sorting, dressage, Hunter jumpers, penning, etc.	4/20/2021 9:54 AM
76	Hunter/Jumper series	4/20/2021 9:05 AM
77	Shows and clinics	4/20/2021 8:52 AM
78	Would like to see more riding arenas. Create a schedule where horses can come out without bikers on the trails.	4/20/2021 8:47 AM
79	Clinics	4/19/2021 7:21 PM
80	But with a balance of a variety of activities for all, not just the equine enthusiasts.	4/19/2021 5:10 PM
81	horse rental and/or trail rides offered to the public	4/19/2021 7:34 AM
82	Organized trail rides, group seminars, even training seminars in the evenings with no horses, just presentations. From everything about barn management to equine health.	4/19/2021 7:31 AM
83	Ranch/rodeo events	4/17/2021 10:19 AM
84	Children's and young adult competition events.	4/16/2021 4:50 PM
85	All equine events.	4/16/2021 1:55 PM
86	Not sure what you mean by programs but reining/ranch horse shows, and breakaway ropings	4/16/2021 11:54 AM

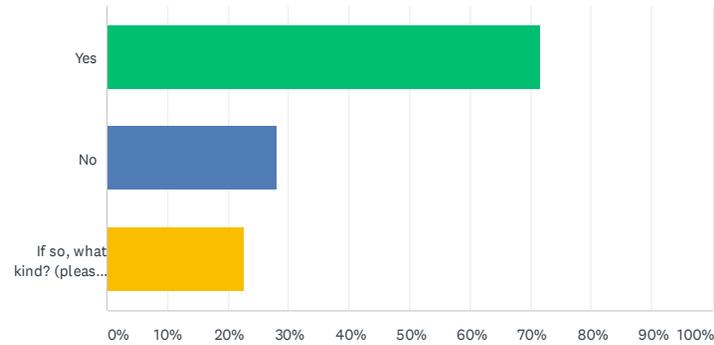
## Dripping Springs Ranch Park (DSRP) Master Plan - Public Input Survey

SurveyMonkey

	would be cool	
87	Stockhorse of Texas clinic and show; clinics on groundwork, pleasure, trail riding, reining, cow work. Clinic for mountain bike riders on how to interact with horses and riders	4/16/2021 8:47 AM
88	Stock horse and ranch type shows	4/16/2021 8:27 AM
89	Barrel races! But I know it's hard bc DSRP never gets a good turn out for that bc of location	4/15/2021 10:30 PM
90	Cowhorse/ Cutting clinics. Also cuttings shows.	4/15/2021 10:09 PM
91	Barrels, western	4/15/2021 9:46 PM
92	Clinics, trail competition	4/15/2021 9:43 PM
93	RSNC & RSOA shows, Team roping and rodeos in general. Horsemanship clinics	4/15/2021 8:21 PM
94	Eventing horse trial	4/15/2021 8:05 PM
95	Cross country practice jumps	4/15/2021 7:30 PM
96	Hunter, jumper, dressage	4/15/2021 7:14 PM
97	Cross County area	4/15/2021 6:51 PM
98	Another indoor arena	4/15/2021 6:42 PM
99	Barrel Races, Clinics, Colt Starting, Youth	4/15/2021 6:37 PM
100	Variety of shows and clinics for English disciplines	4/15/2021 6:29 PM
101	Western with cattle - roping, cutting, sorting, penning	4/15/2021 6:26 PM
102	Cross country jumps	4/15/2021 6:22 PM
103	Pony Club; Trail Riding Events	4/15/2021 4:46 PM

### Q3 Would you like to see more nature/environment programs at the park?

Answered: 282 Skipped: 18



ANSWER CHOICES	RESPONSES
Yes	71.63% 202
No	28.01% 79
If so, what kind? (please specify)	22.70% 64
Total Respondents: 282	

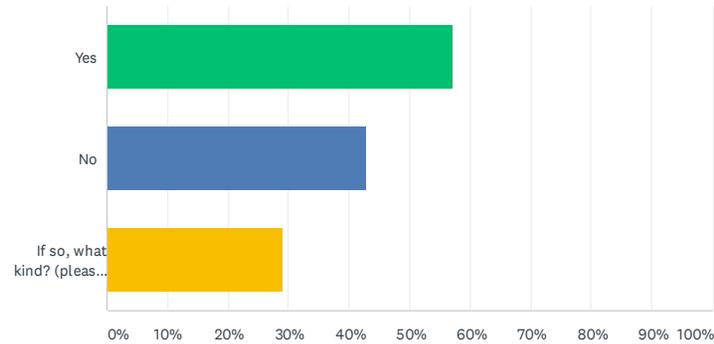
#	IF SO, WHAT KIND? (PLEASE SPECIFY)	DATE
1	Stock the pond with fish	4/26/2021 12:27 PM
2	Stargazing	4/24/2021 10:47 PM
3	Programs addressing conservation, maintaining natural landscapes in rapidly urbanizing area	4/24/2021 9:18 PM
4	Native plants, water conservation	4/24/2021 8:02 PM
5	hiking / walking trails, well-marked and a map	4/24/2021 6:06 PM
6	Walking club, photography and plain air painting classes	4/24/2021 5:54 PM
7	Native plant self guided walk. Monthly bird walks. Butterfly gardens. Work with new development to N to maximize greenspace buffer	4/24/2021 3:53 PM
8	Programs for kids... age 3-4+. Or any age.	4/24/2021 2:00 PM
9	More nature walk / walks for adults or kids	4/24/2021 11:25 AM
10	Environment concerns, wildflower info, animal lectures, taking care of Texas lectures	4/24/2021 11:19 AM
11	Geology, botany, etc. Educational courses and camps and	4/24/2021 9:56 AM
12	Camping Nights with Night Sky Education	4/24/2021 9:35 AM
13	Programs re: groundwater issues -- "What's coming out of that well you just drilled?" How to take better care of our environment.	4/24/2021 8:32 AM
14	Stock in the pond for fishing.	4/24/2021 8:29 AM
15	Anything educational.	4/24/2021 8:28 AM

Dripping Springs Ranch Park (DSRP) Master Plan - Public Input Survey		SurveyMonkey
16	Native gardening classes	4/24/2021 7:52 AM
17	birding clinics	4/23/2021 8:27 PM
18	any - all are good.	4/23/2021 11:51 AM
19	Bee keeping. Wildlife spotting.	4/22/2021 8:07 PM
20	Fishing	4/22/2021 8:06 PM
21	perhaps some gardening events/clinics	4/22/2021 4:00 PM
22	Nature tours	4/22/2021 12:45 PM
23	Wildflowers, native plants	4/22/2021 12:33 PM
24	Foraging or survival and over night camping	4/22/2021 11:07 AM
25	The local master gardeners and naturalists are great resources for programs I think! Also bird watching.	4/22/2021 10:51 AM
26	Evens that interest kids in the outdoors	4/22/2021 9:38 AM
27	Leave no trace/responsible recreation	4/22/2021 8:59 AM
28	Info about vegetation, birds.	4/22/2021 8:55 AM
29	Bird and environmental	4/21/2021 10:06 AM
30	Child activity education. Planting natives and such.	4/21/2021 8:33 AM
31	Native planting, composting, community gardening	4/20/2021 10:56 PM
32	Bird watching	4/20/2021 8:11 PM
33	Equine related see above	4/20/2021 8:05 PM
34	Horse shows	4/20/2021 6:18 PM
35	astronomy, local wildlife and local flora and fauna. night sky education	4/20/2021 5:38 PM
36	Birding, Connecting Kids To Nature	4/20/2021 5:28 PM
37	Just equine programs	4/20/2021 5:01 PM
38	birding	4/20/2021 3:27 PM
39	Nature hikes, biology, environmental science, animal footprint plaster casts etc.	4/20/2021 3:16 PM
40	Fix the pond disaster "renovation"!!!!!! Plant native trees and shrubs.	4/20/2021 2:11 PM
41	birding, guided nature tours, astronomy nights	4/20/2021 1:23 PM
42	Snakes	4/20/2021 1:09 PM
43	With all the new homes coming with very little open land it's important for the community to have as many opportunities as possible to be in nature.	4/20/2021 1:00 PM
44	programs that possibly teach kids the importance of not littering, reserving water and to help with outdoor exercise, too many kids on their phones instead of outside running or biking	4/20/2021 12:42 PM
45	hiking trails without horses, please separate the horse trails	4/20/2021 12:42 PM
46	Anything outdoors focused for kids. More nature access, less screens	4/20/2021 12:36 PM
47	birdwatching, night sky viewing,	4/20/2021 12:30 PM
48	Birding	4/20/2021 12:24 PM
49	Star gazing clinics and bird watching clinics	4/20/2021 8:52 AM
50	Better identified trails	4/19/2021 9:36 AM
51	Star viewing, native plant identification, kids nature programming, community garden	4/18/2021 3:00 PM
52	Native plants	4/16/2021 5:22 PM

Dripping Springs Ranch Park (DSRP) Master Plan - Public Input Survey		SurveyMonkey
53	That's more of a Charro Ranch Park thing.	4/16/2021 4:50 PM
54	Open to anything educational on plants/animals	4/16/2021 3:46 PM
55	Trails, Fishing, passive Recreation	4/16/2021 10:45 AM
56	more birding workshop and also general environmental concerns.. development, water usage, etc	4/16/2021 8:47 AM
57	Trail rides	4/16/2021 8:27 AM
58	Gardening	4/16/2021 8:23 AM
59	Programs on native plants for use in home and business landscaping projects.	4/15/2021 10:21 PM
60	guided hiking	4/15/2021 6:43 PM
61	Flower/garden sales, kite flying, earth day celebration	4/15/2021 6:31 PM
62	Night Sky events, nature lectures, etc.	4/15/2021 6:30 PM
63	birding; plant identification; night sky appreciation	4/15/2021 4:46 PM
64	birding; staff led hikes pointing out features, birds, tracks, etc;	4/15/2021 3:19 PM

### Q4 Would you like to see more active recreational programs such as mountain biking, cross country running, and other similar activities at the park?

Answered: 285 Skipped: 15



ANSWER CHOICES	RESPONSES
Yes	57.19% 163
No	42.81% 122
If so, what kind? (please specify)	29.12% 83
Total Respondents: 285	

#	IF SO, WHAT KIND? (PLEASE SPECIFY)	DATE
1	Mtn biking related	4/26/2021 12:27 PM
2	Running trails. Biking trails. Family friendly outdoor activities.	4/25/2021 7:04 PM
3	Focus on walking/jogging paths, no bikes on walking/jogging trails.	4/24/2021 9:18 PM
4	Walking club.	4/24/2021 5:54 PM
5	Fishing is able to keep the pond stocked and filled with water, Organized bike rides, or family camping events	4/24/2021 2:00 PM
6	Biking, skate boarding, scootering, walking races and running races	4/24/2021 11:19 AM
7	Cross Country Running programs	4/24/2021 9:35 AM
8	More 5K walks to raise \$ for health, education and welfare issues	4/24/2021 8:32 AM
9	Horses and bikes do not mix safely.	4/24/2021 8:29 AM
10	Biking, running, yoga.	4/24/2021 8:28 AM
11	Mtn biking. Running. Hiking	4/24/2021 8:27 AM
12	Hiking	4/23/2021 8:55 PM
13	like to see the DSHS XC events here	4/23/2021 8:27 PM
14	Separate equestrian from biking.	4/23/2021 7:57 PM

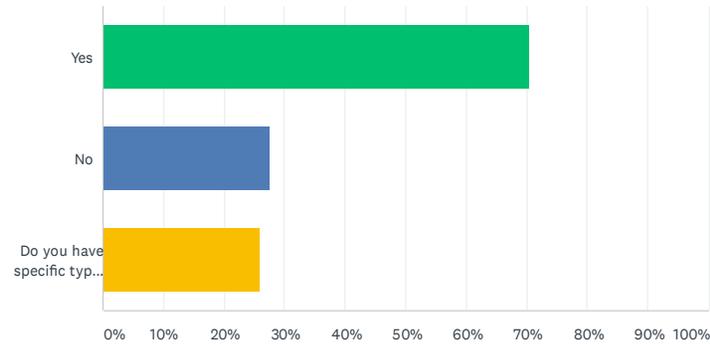
Dripping Springs Ranch Park (DSRP) Master Plan - Public Input Survey		SurveyMonkey
15	fishing	4/23/2021 1:11 PM
16	Side note: the craft shows and other non-equine/ag programs, for example, where people sell stuff are not interesting and interfere with using the arena on the weekends for what I believe its intended main purpose is. That's just my 2 cents :-)	4/23/2021 11:51 AM
17	Trail running events	4/23/2021 8:22 AM
18	Mountain biking trails	4/22/2021 9:21 PM
19	Pump track. Trials riding. Mountain bike skills park. Disc golf. Steeple chase.	4/22/2021 8:07 PM
20	Races, Additions of Wooden features (such as <a href="https://www.trailforks.com/ttfs/">https://www.trailforks.com/ttfs/</a> ) and jumps	4/22/2021 8:06 PM
21	Out there many times a month to mountain bike. Would be great to have a trail that connects with downtown. Would be great to purchase the triangle that splits the trails. Never had an issue with horses/hikers on the trails - would be sad to see the trails closed to mountain bikers on specific days/dates.	4/22/2021 12:55 PM
22	Mtb, trail running	4/22/2021 12:33 PM
23	I think running and hiking would be a fun addition	4/22/2021 12:23 PM
24	Mountain biking	4/22/2021 12:21 PM
25	Walking groups	4/22/2021 9:08 AM
26	NO! Mountain bikes and dirt bikes tear up the trails and are NEVER courteous to hikers, runners, or equestrians	4/22/2021 8:59 AM
27	Any	4/22/2021 8:55 AM
28	Bike trails of various levels	4/22/2021 8:47 AM
29	XC running	4/21/2021 11:20 AM
30	Mountain biking	4/21/2021 8:14 AM
31	Cross country and mountain biking for any teenagers	4/21/2021 2:14 AM
32	Mountain biking	4/20/2021 11:14 PM
33	Would be great if these things were posted on a calendar and trails were closed to horses those days! Happy to share but horses generally don't get along with bikes.	4/20/2021 9:15 PM
34	Mountain biking	4/20/2021 8:23 PM
35	Mountain biking	4/20/2021 8:23 PM
36	Equine related	4/20/2021 8:05 PM
37	Would like mountain biking trails and potentially events (group rides and/or races)	4/20/2021 7:58 PM
38	Mountain biking	4/20/2021 7:02 PM
39	Mountain bike trails	4/20/2021 6:38 PM
40	Mountain Biking	4/20/2021 5:45 PM
41	biking and horses are not a good mix without more education for bikers on how to behave towards horses.,,	4/20/2021 5:38 PM
42	Trail Running programs	4/20/2021 5:31 PM
43	With a little more mileage you can host events that would draw 1000+ racers from across the state for mountain biking/running as well as benefit hikers and horses. Adding a skills park and pump track would increase the age demographic range and make RP more of a destination.	4/20/2021 5:28 PM
44	more mountain bike activities. This serves a greater portion of our community than horses do. All people and all ages can ride. It is a better use of county land and parks.	4/20/2021 5:14 PM
45	Frisbee golf	4/20/2021 5:04 PM

Dripping Springs Ranch Park (DSRP) Master Plan - Public Input Survey		SurveyMonkey
46	mountain biking	4/20/2021 4:10 PM
47	skate boarding park for the youth! Mountain Biking for all; dog walking;	4/20/2021 3:53 PM
48	Mountain biking	4/20/2021 3:48 PM
49	Mountain biking	4/20/2021 3:36 PM
50	Mountain biking, cross country races	4/20/2021 3:27 PM
51	Mountain biking	4/20/2021 3:16 PM
52	Mtn biking events	4/20/2021 2:58 PM
53	Mountain biking, cross country running	4/20/2021 2:11 PM
54	Yes I would like to see mountain biking trails, flow trails and pump trails.	4/20/2021 1:25 PM
55	Mountain biking, more mountain bike trails, pump track, skills trails,	4/20/2021 1:23 PM
56	Mountain bike race/mud race	4/20/2021 1:09 PM
57	Awesome to see the park being used by lots of different user groups. Not sure what other programs might be but the more the merrier on city lands... maybe disc golf?	4/20/2021 1:00 PM
58	Improved/more natural bike trails. No cement for trail biking	4/20/2021 12:48 PM
59	Bikes scare horses, tear up landscape, always want more off road than approved	4/20/2021 12:46 PM
60	more mountain biking, mountain biking is a lifelong sport and it good to help keep people healthy	4/20/2021 12:42 PM
61	Biking, walking, skate park	4/20/2021 12:42 PM
62	Race opportunities, youth clubs, anything athletic and outdoors for all ages	4/20/2021 12:36 PM
63	Having the mountain biking trails accessible has been a huge blessing to our children.	4/20/2021 12:30 PM
64	Expanded trails with access for everyone.	4/20/2021 12:30 PM
65	mountain biking	4/20/2021 12:26 PM
66	Mountain biking	4/20/2021 12:26 PM
67	Mountain Biking and trail running	4/20/2021 12:24 PM
68	Mountain biking, running, hiking	4/20/2021 12:22 PM
69	BMX Biking	4/20/2021 10:24 AM
70	I would love if there could be designated days for the equestrian activities verses mountain biking for safety	4/20/2021 8:52 AM
71	Hiking/walking trails	4/19/2021 9:36 AM
72	Mountain bike	4/17/2021 10:19 AM
73	A hike and bike trail similar to Town Lake	4/16/2021 4:50 PM
74	MTB and running	4/16/2021 3:46 PM
75	Mt. biking. Frisbee Golf Course.	4/16/2021 12:00 PM
76	Fishing in the pond.	4/15/2021 10:21 PM
77	Local mountain biking	4/15/2021 8:21 PM
78	Running trails	4/15/2021 8:05 PM
79	Family group runs	4/15/2021 7:30 PM
80	Cross Country	4/15/2021 6:41 PM
81	Biking trails for families, picnic areas	4/15/2021 6:31 PM
82	Would it be possible to fish in the pond?	4/15/2021 6:30 PM

Dripping Springs Ranch Park (DSRP) Master Plan - Public Input Survey		SurveyMonkey
83	running and trail riding events	4/15/2021 4:46 PM

**Q5 Would you like to see more community enrichment programs offered to the public? (for example: cooking classes, country line dance class, youth programs, guest speaker series)**

Answered: 282 Skipped: 18



ANSWER CHOICES	RESPONSES
Yes	70.57% 199
No	27.66% 78
Do you have specific types you would like to see?	25.89% 73
Total Respondents: 282	

#	DO YOU HAVE SPECIFIC TYPES YOU WOULD LIKE TO SEE?	DATE
1	Cooking classes for kids	4/25/2021 1:58 PM
2	Habitat/grassland/nature conservation/preservation	4/24/2021 9:18 PM
3	Concerts	4/24/2021 8:41 PM
4	classes, speakers	4/24/2021 6:06 PM
5	Small venue concerts	4/24/2021 6:01 PM
6	Cooking, book club, knitting club.	4/24/2021 5:54 PM
7	Cooking, nature painting, couples line and other dance lessons, wife would love guitar lessons for beginners.	4/24/2021 2:00 PM
8	Cooking, dancing	4/24/2021 11:57 AM
9	Kids stuff, yoga class	4/24/2021 11:25 AM
10	Line dancing, cooking and craft classes	4/24/2021 11:19 AM
11	All examples are great. Bingo	4/24/2021 10:41 AM
12	Cooking, birding, native plant landscaping	4/24/2021 10:09 AM
13	All of these...anything that helps vocational training and general well being	4/24/2021 9:56 AM
14	Cooking and Dance Lessons	4/24/2021 9:35 AM

Dripping Springs Ranch Park (DSRP) Master Plan - Public Input Survey		SurveyMonkey
15	Poetry in the Parks -- offered on a seasonal or monthly basis, perhaps even an annual festival to be held over one whole day or a weekend -- with open mic segments, workshops, activities that will lead to the creation of artwork to display in our parks, at City Hall, at the Library and in our Schools.	4/24/2021 8:32 AM
16	Only if agricultural activities have priority	4/24/2021 8:29 AM
17	Guest speaker series, cooking classes, agricultural classes.	4/24/2021 8:28 AM
18	The example all sound good	4/24/2021 8:27 AM
19	Community oriented programs that would take advantage of the wonderful facilities you have.	4/24/2021 6:41 AM
20	If it helps bring in money yes! Cooking, dancing, wine tasting from local vintners....	4/23/2021 7:13 PM
21	Love this idea but not always on the weekends please! Also the acoustics are terrible in the arena. Is there a way to improve that?	4/23/2021 11:51 AM
22	cooking, gardening, basic house hold repairs and maintenance	4/22/2021 4:00 PM
23	Youth programs, dance lessons, livestock clinics	4/22/2021 3:13 PM
24	All of the above	4/22/2021 12:45 PM
25	Stage theater	4/22/2021 11:07 AM
26	Love the idea of country dance classes! Maybe even some local vets would be available to do a lecture series for horse folks in the area.	4/22/2021 10:51 AM
27	Youth programs	4/22/2021 10:39 AM
28	Anything!	4/22/2021 9:08 AM
29	Live music concerts with teenagers, choir concerts	4/21/2021 2:14 AM
30	Equestrian activities- like the trail ride you recently had!	4/20/2021 8:11 PM
31	Dancing would be fun! More riding events	4/20/2021 8:05 PM
32	Guest speakers, cooking classes, wine tasting...	4/20/2021 7:08 PM
33	Ok	4/20/2021 6:47 PM
34	Debunking Conspiracy Theories, Social Distancing Practice, Driver Education	4/20/2021 5:18 PM
35	Only if it doesn't interfere with horse activities	4/20/2021 4:36 PM
36	As long as it does not interfere with horse-related activities; guest speakers on horsemanship, horse first aid, horse anatomy, equine veterinarian speakers	4/20/2021 4:29 PM
37	Swing Dancing class, youth programs, Skate Boarding events / demo's	4/20/2021 3:53 PM
38	Nature photography	4/20/2021 3:16 PM
39	Cooking classes	4/20/2021 2:58 PM
40	Native plant and birding tours.	4/20/2021 2:11 PM
41	I would like to see the park have fund raisers and/or fiars that would buffer the need for park fees and improvents	4/20/2021 1:25 PM
42	Cooking and dance	4/20/2021 1:09 PM
43	Youth programs, cooking, more horse shows	4/20/2021 12:46 PM
44	all of those	4/20/2021 12:42 PM
45	youth equestrian programs	4/20/2021 12:41 PM
46	Youth oriented clubs and skill development would be fun	4/20/2021 12:36 PM
47	cooking classes	4/20/2021 12:26 PM
48	Cooking classes and dancing would be amazing	4/20/2021 10:49 AM

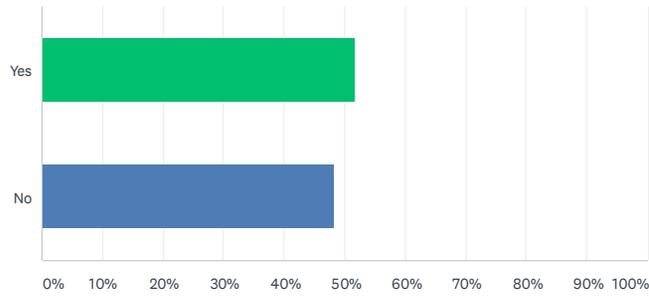
Dripping Springs Ranch Park (DSRP) Master Plan - Public Input Survey

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49	Square dancing; country line dancing	4/20/2021 10:12 AM
50	Youth programs	4/20/2021 8:52 AM
51	No	4/19/2021 4:03 PM
52	Haunted trail ride and other Halloween events	4/17/2021 12:32 PM
53	Dance classes would be fabulous!	4/17/2021 12:16 PM
54	All above	4/17/2021 10:19 AM
55	Yes, all those listed	4/16/2021 5:22 PM
56	Cooking similar to what Central Market can do.	4/16/2021 4:50 PM
57	Cooking, Dancing, Retirement Planning, Language Classes (French, Spanish)	4/16/2021 3:46 PM
58	Youth programs	4/16/2021 1:55 PM
59	Country line dance class, youth programs, Food truck gatherings on occasion.	4/16/2021 12:00 PM
60	nature related educational classes/hikes	4/16/2021 11:27 AM
61	Outdoor related topics	4/16/2021 10:45 AM
62	Dancing!!!!!!	4/16/2021 9:29 AM
63	Country dancing	4/16/2021 8:27 AM
64	Dancing	4/16/2021 8:23 AM
65	Cooking and dancing would be fun!	4/15/2021 10:30 PM
66	Computer/technology classes for seniors.	4/15/2021 10:21 PM
67	Dancing, Kids summer camp,	4/15/2021 8:21 PM
68	Line dancing sounds awesome! So does the cooking class or anything craft/creative related.	4/15/2021 8:02 PM
69	Garden workshops	4/15/2021 7:09 PM
70	youth programs, guest speaker series	4/15/2021 6:43 PM
71	senore line dancing, youth fishing	4/15/2021 6:30 PM
72	Cooking/ dancing/	4/15/2021 6:22 PM
73	outdoor theatrical performances; night sky regulations; minicamps for kids over holidays; songwriters/music performances; campfire activities	4/15/2021 4:46 PM

### Q6 Would you support a welcome station at the entrance for information, RV/Camping reservations, and day use fee collection?

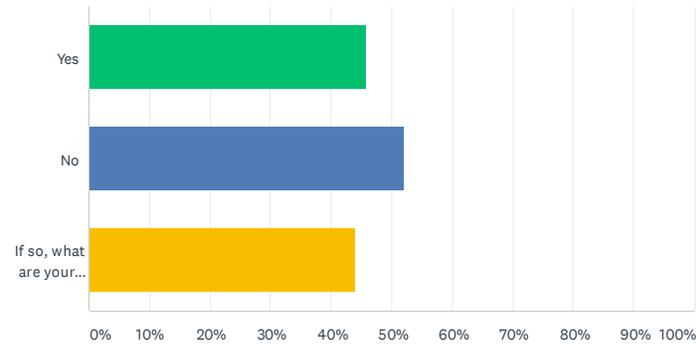
Answered: 283 Skipped: 17



ANSWER CHOICES	RESPONSES	
Yes	51.59%	146
No	48.41%	137
TOTAL		283

### Q7 Do you have any concerns over shared trail use (Hikers/Mountain Biking/Horseback Riding)?

Answered: 294 Skipped: 6



ANSWER CHOICES	RESPONSES
Yes	45.92% 135
No	52.04% 153
If so, what are your concerns? (please specify)	43.88% 129
Total Respondents: 294	

#	IF SO, WHAT ARE YOUR CONCERNS? (PLEASE SPECIFY)	DATE
1	Non horse people running up on horses is a disaster in the making.	4/26/2021 7:00 PM
2	Ensure special and reoccurring events are posted on the park website	4/26/2021 12:27 PM
3	Walkers/runners are at a disadvantage compared to bikes. Horses can be a bit spooked by bikes, walkers/runners. Best to have separate trails for horses, bikes, runners/walkers	4/24/2021 9:18 PM
4	Mountain biking on their own trails	4/24/2021 8:02 PM
5	clearly marked right-of-way signage - directional use guidelines (similar to Sunset Valley trails)	4/24/2021 6:06 PM
6	Bikers, horses don't mix.	4/24/2021 3:53 PM
7	Some bikes are afraid of horses.	4/24/2021 3:27 PM
8	Bikers do not always alert me to their imminent arrival behind me and I do not hear them so I need them to honk a horn or something to alert me. Scary sometimes.	4/24/2021 11:19 AM
9	Mountain bikers currently are riding dangerous and being aggressive to other users...trying to spook horses, near misses with children	4/24/2021 9:56 AM
10	Could you have designated areas	4/24/2021 9:35 AM
11	Trails were not originally desired for multi user use. Corners are blind, etc.. Not allowed most parks for a reason.	4/24/2021 8:29 AM
12	Bikes and horses don't mix well. Seems like there could be more trails and then designate them.	4/24/2021 8:27 AM

Dripping Springs Ranch Park (DSRP) Master Plan - Public Input Survey		SurveyMonkey
13	Safety	4/24/2021 7:52 AM
14	Bikes and horses interactions.	4/24/2021 6:41 AM
15	Courtesy of bike riders to equine riders	4/23/2021 8:55 PM
16	I think mountain bikers, hikers and horseback riders can all work together on these community paths and be cooperative with each other.	4/23/2021 8:27 PM
17	Might be dangerous to equine riders	4/23/2021 8:01 PM
18	Bikers do not know or abide by the rules.	4/23/2021 7:57 PM
19	mountain bikers do not understand horses and creep up on them and scare them.... very dangerous! Hikers are probably OK.	4/23/2021 7:13 PM
20	Mountain bikes (due to speed) can spook horses.	4/23/2021 11:51 AM
21	Bikes and Horses don't mingle well	4/23/2021 8:22 AM
22	Too much heavy weight on fragile trails.	4/22/2021 9:01 PM
23	Horseback and mountain bike don't work	4/22/2021 4:00 PM
24	Anything sharing a path with equine can be dangerous if proper lines of sight/direction of use is not in place.	4/22/2021 3:13 PM
25	Make sure signs posted to make sure people are aware of horse precautions/safety.	4/22/2021 12:33 PM
26	There should be equine only trails. At least days reserved for equines only	4/22/2021 12:24 PM
27	Trails and rules need to be clearly marked and respected for it to work out !	4/22/2021 12:23 PM
28	Bikes scaring horses.. Have an equine only trail to prevent accidents	4/22/2021 11:59 AM
29	Many bikers are unaware of safety protocols and how to ride safely w horses	4/22/2021 11:07 AM
30	In general, no but sometimes bikers aren't great about giving way to horses which can be dangerous.	4/22/2021 11:02 AM
31	Collisions, horses spooking, etc. Horses Nd people on the ground is probably fine but anything more makes it much more accident prone	4/22/2021 11:02 AM
32	Hopefully all trail users know to yield right of way to horses when on the trail.	4/22/2021 11:01 AM
33	I no longer trail ride at DSRP due to bikes. I don't feel safe on the trails. People walking are okay - they are slow and if their dog is on a lease I'm even okay with that. However bikes are faster and often the riders are not looking up (due to needing to see the terrain of course) and they come up on horses too quickly. My horse spooked badly from a incident like this and that's why I won't ride the trails. The biker was apologetic and very nice, but I'm just not confident in that situation.	4/22/2021 10:51 AM
34	Separate mountain bike and horse trails	4/22/2021 10:39 AM
35	People don't give horses the right of way and the dogs creating problems.	4/22/2021 10:24 AM
36	Needs to be separate for safety reasons	4/22/2021 9:38 AM
37	horses being startled by mountain bikers. Maybe "slow down" signs for blind corners or over hilltops.	4/22/2021 9:26 AM
38	Bikers on trails are the reason I don't have a membership	4/22/2021 9:12 AM
39	would be nice to have separate trails, some designated just for horses and some just for mountain bikes	4/22/2021 9:07 AM
40	Mountain bikes tear up the trails and interfere with hikers, joggers, and equestrians	4/22/2021 8:59 AM
41	Individuals understanding rules of the trail	4/22/2021 8:37 AM
42	I would like to see all three groups given access and not be restricted from the trails as it is presently. The rules for yielding to others on the trail are established and work well as is.	4/21/2021 9:12 AM
43	Mountain Biking and Horseback riding might be a dangerous combo. Separate hours/days but	4/20/2021 11:53 PM

Dripping Springs Ranch Park (DSRP) Master Plan - Public Input Survey

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	shared trails maybe?	
44	Bikes and horses on high volume bike days	4/20/2021 9:15 PM
45	Lots of bike trails and places to ride bikes but very few for horses	4/20/2021 8:24 PM
46	The bikers aren't always considerate of horses. A horse can spook easily when run upon by bikers. Especially in narrow trails with lots of vegetation that obstructs everyone's vision. Bikers like to go at high speeds which adds to the level of risk of an accident.	4/20/2021 8:11 PM
47	Hikers okay but mountain bikes and horses don't mix and they tend not to be respectful of horseback riders	4/20/2021 8:05 PM
48	The horses are tearing up the trails, none of the horseback riders get out there and help maintain the trails but the mountain bike groups do they all work out there.	4/20/2021 8:04 PM
49	Mountain bikes can be a challenge for everyone else. The kids controlled events are fine, but riders without rules can be awful.	4/20/2021 7:08 PM
50	Risking my life and my horses by having both on the trails	4/20/2021 5:59 PM
51	Guidelines for etiquette ( notifying each other as to incoming rider or bikes)	4/20/2021 5:59 PM
52	As long as maintained	4/20/2021 5:51 PM
53	mountain,bikers need to be better educated on how to behave around horses . earbuds in and not looking up and riding right up on the back of a horse is going to get someone hurt. they need to be aware they have to yield to horses . loose dogs are another concern around the horses.s	4/20/2021 5:38 PM
54	It can be difficult as a Hiker and an Equestrian to share trails with Mountain Bikes due to speed and lack of warning	4/20/2021 5:31 PM
55	No, plenty of examples in Austin and elsewhere of shared trail usage that works. Yes, Safety & Sustainability: ANY trail usage during wet weather ruins the trails, especially the weight of a horse. Hand built trails with no paid maintenance or help take tons of work and time to repair. Wet weather signage is a must. Posting more trail etiquette signs will help.	4/20/2021 5:28 PM
56	We have experienced many dogs off leash around our horses which isn't a good mix. My horse is not reactive but the dogs are and have tried to "herd" my horse and I'm always so worried that he will get tired of it and kick at them. It seems as though a lot of the dog owners do not have adequate control over their animals and some are offleash altogether and thus have zero control.	4/20/2021 5:22 PM
57	Keep bikes and horses off of the trails. Walking humans and wildlife only.	4/20/2021 5:18 PM
58	Equine attitudes of superiority. The original horse trails were all of maybe a mile. The equine community has done nothing to improve the trails but have taken over all trails built by the Mountain Bike community. This community has grown past the equine only mentality and RP needs to grow with it.	4/20/2021 5:14 PM
59	There are limited equine only options and shared use trails present a safety hazard to equines and their riders.	4/20/2021 5:07 PM
60	Trails should be separate	4/20/2021 5:04 PM
61	The mountain bikes scare the horses and people need to keep their dogs on leashes as the dogs run at the horses when on the trail	4/20/2021 5:03 PM
62	If horses have to share the trails with hikers and mountain bikers, the others inevitably take more time and opportunities from the horseback riders.	4/20/2021 5:03 PM
63	Horses and bikers don't mix	4/20/2021 5:01 PM
64	Very dangerous to combine biking particularly with equine sports	4/20/2021 5:01 PM
65	Bikes and horses should never share trails. There are many hike and bike trails but only a few places to ride your horse.	4/20/2021 4:36 PM
66	Bikes need to be elsewhere as the spook horses and rut the trails. There are plenty of places to hike and bike but not many to ride your horse.	4/20/2021 4:29 PM

Dripping Springs Ranch Park (DSRP) Master Plan - Public Input Survey		SurveyMonkey
67	There should be no days that mountain biking is not allowed on trails. Mountain bikers do a majority of the maintenance on the trails.	4/20/2021 4:10 PM
68	States all over the country have multi use trails within parks and have no problems. You can't have a city run facility cater to primarily one group just because of old school mentalities. It is possible to have certain trails designated to horses only or bikers/hikers only and to also have trails that don't have blind curves, etc. used by all. I hike Colorado trails multiple times a year and encounter bikers and horsemen with no problems. There needs to be appropriate signage on every trail and trail maps available that everyone can access on their phones or at the welcome station showing which trails are used for what and what trails are multi use so all participants can be aware that they may encounter a horse and rider or a family hiking or a mountain bike.	4/20/2021 3:27 PM
69	Would be good to post hours that specific groups use the trails so there's awareness of busy times.	4/20/2021 3:16 PM
70	Wear and tear: equestrians contribute NO help with trail maintenance!	4/20/2021 2:11 PM
71	Yes it is always a concern proper etiquette is followed between bikers and equestrians. All should have understanding and respect for each other activities.	4/20/2021 1:25 PM
72	Making some or all sections of trail one-way would be nice and possibly reduce risks of accidents.	4/20/2021 1:23 PM
73	The horses like to ride the mountain bike trails when it is wet and it messes up the trails	4/20/2021 1:09 PM
74	Public lands are hard to come by and must be shared. I don't think park personnel have a handle on who the trail users are, frequency some folks use the trail (almost daily for several) or the breakdown on numbers amongst the different groups. If assigning access days amongst users, it should be proportional to the number of users for each group.	4/20/2021 1:00 PM
75	Ideally it would be nice to have separate equine trails. Bikers and hikers are used to sharing trails.	4/20/2021 12:48 PM
76	My concern is the City's decision to charge the people that bully the trails to use them and then attempt to run them off in favor of equestrian users is grossly unfair and will tarnish the City's ability to recruit volunteers in the future.	4/20/2021 12:47 PM
77	Bikes scare horses	4/20/2021 12:46 PM
78	although RP was equine at its start, it has grown and other groups have done the growing and the work involved in it. Equine should create and keep their own trails separately	4/20/2021 12:42 PM
79	mountain bikers are aggressive and unsafe around equestrians	4/20/2021 12:41 PM
80	if the trails are shared, directional guidelines should be there for safety	4/20/2021 12:26 PM
81	Yes, bikers can ride super fast and scare the horses. The trails for horses and bikers/hikers should be kept separate	4/20/2021 11:36 AM
82	The fact that horseback riders have to pay and mountain bikers don't.	4/20/2021 11:17 AM
83	very dangerous to have shared trails - I do not support the mountain bikers using the trails	4/20/2021 11:14 AM
84	Everyone needs to understand trail edecate	4/20/2021 11:08 AM
85	Mountain bikers don't respect the natural fears of horses and safety of riders. They often ride off trail.	4/20/2021 10:56 AM
86	Mountain Bikers have caused mass chaos. They are rude and unruly and act as if they own the park. I was attempting to load my very young horse onto a trailer by the roping arena when the mountain bikers began climbing the wire fence and hollering. They began to race around the grass lot and flipped me off when I asked them to get off of the fence.	4/20/2021 10:49 AM
87	A lot of horses see bikes as scary objects. Need to Educate writers to acknowledge horses ears so that both can enjoy the trail	4/20/2021 10:47 AM
88	Dangerous - bikers don't pay attention and are very loud. They ride with their heads down and come up straight behind you. They also have headphones and don't hear you asking them to stop. People don't use the trails anymore because of them.	4/20/2021 10:44 AM

Dripping Springs Ranch Park (DSRP) Master Plan - Public Input Survey		SurveyMonkey
89	The bikers pose a serious threat on the trail. They speed up and come almost silently and it spooks horses. Even horses who are not scared of bikes can be reactive. They wear headphones and come up right behind horses. I know many guests who no longer use the trails due to the bikers. There are also a million trails that have been created that they are not maintaining and it makes the trail very confusing. We have too many riders who are riding young horses, have young children, or ride alone to have the bikers be as uneducated about safety and awareness as they are. Also- they never check in so they are not paying the same fees as the horse people so they are not supporting the facility. I have MANY concerns about them sharing the trails...especially because this is supposed to be a primarily equine and ag center.	4/20/2021 10:20 AM
90	Safety of users doing radically different activities	4/20/2021 10:12 AM
91	Mountain biking degrades the trails and scare horses. Please do not allow biking.	4/20/2021 10:07 AM
92	Absolutely!!!! There is a serious danger when horses and bikers are using the same trails. The bikers do not pay attention to the horses and they come up very fast. They have created their own trails and do not help maintain the park. I've had multiple occasions where I have asked them to slow down and they don't yield to horses.	4/20/2021 9:54 AM
93	Yes specifically for horses and anything motorized- horses and bikes can coexist but horses and anything motorized (dirt bikes etc) travel at two very different speeds and one not expecting the other to be on the trail, even if both are allowed, can lead to accidents	4/20/2021 9:33 AM
94	Safety	4/20/2021 9:16 AM
95	Bikes and horses will often conflict creating dangerous situation for riders. Bikers need to be warned of such issues.	4/20/2021 9:05 AM
96	The mix is always a bit dangerous	4/20/2021 8:52 AM
97	Bikes can spook the horses, so it's safer when there are no bikes on the trails with the horses.	4/20/2021 8:47 AM
98	Bikes tend to take over trails	4/19/2021 7:21 PM
99	Biking sometimes feels hazardous to hikers/walkers	4/18/2021 3:00 PM
100	There needs to be one way traffic flow on the trail.	4/17/2021 12:32 PM
101	Safety for walker joggers given high speed of cyclists	4/16/2021 10:45 PM
102	Horses can get scared with mountain bikers and for mountain bikers its gross and dangerous to ride over horse feces. We pick up after our dogs but there is always horse feces on the trail.	4/16/2021 3:46 PM
103	Mountain bikers are inconsiderate of horseback riders	4/16/2021 1:55 PM
104	Since the mountain bike club installed and maintains the trails, maybe they should have priority usage	4/16/2021 11:27 AM
105	Shared Use trails are dangerous for all parties	4/16/2021 10:45 AM
106	As long as bikers are aware and cautious with those on horseback, we should be able to exist peacefully. I have not personally had any issues with bikers but I don't ever want to see the trails become so crowded with bikes that those on horseback can no longer enjoy them.	4/16/2021 10:03 AM
107	Mostly with how mountain bikers interact with horses and riders	4/16/2021 8:47 AM
108	Bikers scaring horses	4/16/2021 8:27 AM
109	The bikers do not know horses have right of way.	4/16/2021 8:23 AM
110	SOOOO dangerous horses + bicyclists that completely disregard that horses have their own brain	4/15/2021 10:30 PM
111	Would like to have dedicated walking/running only trails.	4/15/2021 10:21 PM
112	Horse trails should be only that with possibly an exception for hikers. Cyclist should only be allowed on cycling/mountain bike trails or in a different park. Bikes and horses on the same trail is asking for an accident.	4/15/2021 10:09 PM
113	Bikers and horses should never share trails. Bikers should pay to help maintain trails like horses if they are using them. Bikers should also be held accountable for understanding being	4/15/2021 9:46 PM

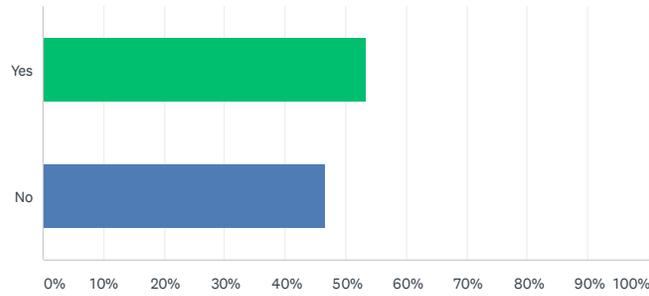
Dripping Springs Ranch Park (DSRP) Master Plan - Public Input Survey

SurveyMonkey

	around horses kicking spooking etc	
114	danger of bikes and horses getting spooked using the same path (bad idea)	4/15/2021 9:21 PM
115	Horse back trails separate from hiking/biking	4/15/2021 8:21 PM
116	Horses and mountain bikes seem dangerous together	4/15/2021 8:05 PM
117	Certain trail or certain times for specific activities. This would better insure safety on the trails.	4/15/2021 7:58 PM
118	Bikes & horses; speed of bikes	4/15/2021 7:30 PM
119	Horses are prey animals and easily frightened by things perceived as predators. This endangers horses and riders of both	4/15/2021 7:14 PM
120	Safety	4/15/2021 6:51 PM
121	Horses and bikes and strollers do not mix!	4/15/2021 6:42 PM
122	Horses being startled causing accidents.	4/15/2021 6:37 PM
123	An easy, family-friendly trail would be nice	4/15/2021 6:31 PM
124	Almost died when mountain bikes ran into my horse coming down a hill and not paying attention on his bike	4/15/2021 6:29 PM
125	It's very dangerous with mountain bikes being unsafe on the trails with horses.	4/15/2021 6:26 PM
126	Bikers are not careful, it's not safe for horses to be with high speed bike riders. Hikers ok!	4/15/2021 6:22 PM
127	It is very dangerous for all parties.	4/15/2021 4:04 PM
128	safety	4/15/2021 3:19 PM
129	Bikes frighten horses. Bikes chase walkers and runners off of trails. Need separate trails or times for each use.	4/15/2021 12:58 PM

### Q8 Would you be in support of Trail Use Guidelines such as a schedule that assigns specific trail user groups to certain days, or directional use for different users groups?

Answered: 285 Skipped: 15



ANSWER CHOICES	RESPONSES	
Yes	53.33%	152
No	46.67%	133
TOTAL		285

Dripping Springs Ranch Park (DSRP) Master Plan - Public Input Survey

SurveyMonkey

## Q9 What amenities would you like to see IMPROVED and/or ADDED to the Park, and why?

Answered: 179 Skipped: 121

#	RESPONSES	DATE
1	Added security measures and cameras; More law enforcement drive bys	4/26/2021 12:27 PM
2	Running trail	4/25/2021 7:04 PM
3	Better playground. More younger kids activities	4/25/2021 12:07 PM
4	The road to the back outdoor arena need to be fixed. The playground needs to be larger. There needs to be picnic tables grouped in different places around the park. That huge mountain of dirt needs to be removed. The park looks like the only area you care about is the late new building. It would be nice if it looked like you cared about the rest of the park and something other than collecting fees from the building usage.	4/25/2021 8:28 AM
5	Off leash dog area	4/24/2021 10:47 PM
6	Additional parking for large events.	4/24/2021 9:18 PM
7	Public restrooms. Directional trail signage.	4/24/2021 8:41 PM
8	Dog dock diving facilities & competitions, dog agility trials	4/24/2021 8:02 PM
9	Fishing	4/24/2021 7:47 PM
10	trail markers, distances, signage	4/24/2021 6:06 PM
11	Fishing	4/24/2021 6:01 PM
12	Yoga for seniors, senior activities like sewing, knitting clubs.	4/24/2021 5:54 PM
13	Tree planting.	4/24/2021 3:53 PM
14	Family tent camp ground where you back your car in not RV. Would be great family fun.	4/24/2021 2:00 PM
15	Expansion of the children's park. Can a splash pad be added?	4/24/2021 12:49 PM
16	Better trail markers, better trail maps, dog poo stations	4/24/2021 11:25 AM
17	A field guide to the wildflowers	4/24/2021 11:19 AM
18	More walking trails.	4/24/2021 10:58 AM
19	Parking	4/24/2021 10:07 AM
20	Pool, reduced mountain bike sugar, add agricultural area to teach farming, larger playground, more camps for children, even overnight, lodges to rent	4/24/2021 9:56 AM
21	Add more picnic areas and Pavillion for outdoor education	4/24/2021 9:35 AM
22	Use more space for musical concerts, as part of the DS Songwriters Festival AND as needed throughout the year to draw Big Name talents to this town. Why? Because not much of this sort of thing has happened yet, since the park was first opened!	4/24/2021 8:32 AM
23	I would love to see more ventilation. It's such a great facility. But it's so blasted hot in there!	4/23/2021 8:01 PM
24	More trails added.	4/23/2021 7:57 PM
25	I'd like to see permanent "obstacles" for horse training. Improved trails for horses.	4/23/2021 7:13 PM
26	Bigger pond stocked with multiple species of fish	4/23/2021 1:11 PM
27	better acoustics in the arena	4/23/2021 11:51 AM

Dripping Springs Ranch Park (DSRP) Master Plan - Public Input Survey		SurveyMonkey
28	easier trail access	4/23/2021 8:22 AM
29	Dog park; wider trails; more trails	4/22/2021 9:50 PM
30	Park amenities are nice in my opinion	4/22/2021 9:21 PM
31	Information Signs for directions on trail.	4/22/2021 9:01 PM
32	Horse poop pickup. Composting. Paddle boat rental on pond. Camping area.	4/22/2021 8:07 PM
33	Shade by the pond	4/22/2021 8:06 PM
34	Showers, better entrance, ability to keep potential loose horses from running into the highway	4/22/2021 6:11 PM
35	Outer parking (dirt space) improved. Make the flow of driving through and out/in that space better defined to avoid issues with trailers during dark times or rainy times.	4/22/2021 3:13 PM
36	More stalls. More warm up. 2 show pens	4/22/2021 2:50 PM
37	Add camping on a limited basis	4/22/2021 1:29 PM
38	Would be awesome to connect the bike trails up with the new park down the creek.	4/22/2021 12:55 PM
39	Need more dedicated outlets in the arena area next to the banquet hall.	4/22/2021 12:43 PM
40	Sound system updated and improved ,more youth stock shows and rodeo type events	4/22/2021 12:37 PM
41	Horse obstacle course	4/22/2021 12:33 PM
42	Better footing in arena	4/22/2021 12:29 PM
43	Biking vs horseback riding trail management	4/22/2021 12:23 PM
44	Covered outdoor arena	4/22/2021 12:07 PM
45	Equine only trails	4/22/2021 11:59 AM
46	Roundpens for horses and outside jogging track	4/22/2021 11:07 AM
47	If you could fix the ventilation so it isn't approximately 1 million degrees inside in summer that would be great.	4/22/2021 11:02 AM
48	A cross country course for horses would be AMAZING I would go to the park all the time and it would be incredible to have competitions hosted there	4/22/2021 11:02 AM
49	More parking! Cover the arena way in the back by the house.	4/22/2021 10:51 AM
50	Playground	4/22/2021 10:39 AM
51	Sound system, heating cooling	4/22/2021 9:55 AM
52	None	4/22/2021 9:51 AM
53	Sounds system. Need a lot of improvements.	4/22/2021 9:43 AM
54	More horse show amenities, second show ring, etc.	4/22/2021 9:41 AM
55	Sound system, more parking, WIFI for events	4/22/2021 9:38 AM
56	Sound system in main Barn is terrible!	4/22/2021 9:36 AM
57	a gate/ exit from wash rack out to parking lot, so you don't have to go back through arena area to get out	4/22/2021 9:07 AM
58	RV hookups with small corrals so horses could be kept close to camp site	4/22/2021 8:59 AM
59	Love the walking trails and riding bikes	4/21/2021 10:06 AM
60	More trails	4/21/2021 9:12 AM
61	More Mnt bike trails, BMX track, and pump track.	4/21/2021 7:13 AM
62	Support special ed students	4/21/2021 2:14 AM
63	See above: cros country jumps/obstacles	4/20/2021 11:53 PM

Dripping Springs Ranch Park (DSRP) Master Plan - Public Input Survey		SurveyMonkey
64	Disc Golf	4/20/2021 9:02 PM
65	More RV hook ups and more paved parking	4/20/2021 8:24 PM
66	It would thrill me for the park to be just for equestrians and walkers. I believe it would be safer.	4/20/2021 8:11 PM
67	Cross Country jumps and trail obstacles	4/20/2021 8:05 PM
68	Some branch trimming would be useful on the trails	4/20/2021 7:58 PM
69	Better, cooler airflow inside in summer.	4/20/2021 7:08 PM
70	More trails	4/20/2021 6:38 PM
71	Please keep the trails open to mountain bikes!	4/20/2021 6:29 PM
72	More horse related events	4/20/2021 5:59 PM
73	Always live the equine activities. The park is so good for ag and 4H	4/20/2021 5:51 PM
74	Additional Trails for hiking and Mountain Biking	4/20/2021 5:45 PM
75	covered outside arena / roping complex, trail obstacles for horses, fence complete property, cross country obstacle course. I think we could get people more interested in coming and watching more events	4/20/2021 5:38 PM
76	More Equestrian Programs, land conservation education, horse trials	4/20/2021 5:31 PM
77	Designated parking for groups. Online map and parking maps on Ranch Park site. Crosswalk up top next to entrance where trail crosses road. Sign at top crosswalk/entrance: Slow Down & Events (practice, race, horse, birding, etc...) Restrooms with water fountain down below next to practice arena. Better way finding to help during events.	4/20/2021 5:28 PM
78	The trail obstacle course sounds amazing BUT we love the field in front of the facility for galloping, so please don't put it there ;-)	4/20/2021 5:22 PM
79	Cross country course	4/20/2021 5:17 PM
80	I would only approve of the directional usage if the equine community were to stay on their original trail. Horses destroy trails and they have done no maintenance at all. RP has not done maintenance in years due to the MBT doing it all for you. There are awards and newspaper articles to prove it. What RP is trying to do now is rude and scandalous.	4/20/2021 5:14 PM
81	Equestrian only trails	4/20/2021 5:07 PM
82	Trail obstacle course, cross country course, more trail mileage, food trucks at horse shows	4/20/2021 5:03 PM
83	Flags for cutting and cow horse training.	4/20/2021 5:03 PM
84	Trail course set up outside for use. Cover outdoor arena. Get a cutting cow flag for us to use	4/20/2021 5:01 PM
85	Improved equine use trails	4/20/2021 5:01 PM
86	Cover outdoor arena. Buy a cow cutter flag.	4/20/2021 4:36 PM
87	Cover the outdoor arena, better grooming of horse trails (specifically levelling trails where bikes have rutted them), purchase a CowCutter flag for member use or rental.	4/20/2021 4:29 PM
88	BMX/Mountain bike pump track and skills park	4/20/2021 4:10 PM
89	Bathrooms and clean drinking water	4/20/2021 3:36 PM
90	Trail improvement, added picnic tables in different areas on trails, a restroom within the park that's not in the building.	4/20/2021 3:27 PM
91	Outdoor water fountains / rest room access.	4/20/2021 3:16 PM
92	Better trail markers, signs explaining how to yield on the trail.	4/20/2021 2:58 PM
93	Better signage for EQUESTRIANS about trail etiquette, direction, and specific trails for mixed use. Equestrians are the heaviest impact and should communicate better when using trails, such as setting out cones or flags at trailheads alerting bikers of horses on the trail.	4/20/2021 2:11 PM
94	skate park like at House Park Austin, flow trail or pump track	4/20/2021 1:25 PM

Dripping Springs Ranch Park (DSRP) Master Plan - Public Input Survey		SurveyMonkey
95	bicycle pump track, skate park	4/20/2021 1:23 PM
96	A pool because that would be awesome	4/20/2021 1:09 PM
97	more trails and riding for bikes, hiking and mountain biking	4/20/2021 1:00 PM
98	Designated event parking, skills area for horses and bikes.	4/20/2021 1:00 PM
99	More fencing around park. More landscaping. Guard house to maintain property and arena. Covered arena would be great.	4/20/2021 12:46 PM
100	Outdoor arenas, one for showing & one for schooling/practice. Watering system for arena. The dust gets bad when several horses are in it.	4/20/2021 12:44 PM
101	more outdoor waste bins available to help us pick up any trash we see on the trails	4/20/2021 12:42 PM
102	more outside hang out areas for families and teenagers, there is nowhere in DS for teenagers	4/20/2021 12:42 PM
103	air conditioned expansion	4/20/2021 12:41 PM
104	More portable toilets please :) and maybe better directional signs on trail	4/20/2021 12:36 PM
105	Natural looking (think big boulders, etc) climbing playbstructure type area for kids to run, jump, climb. Bit not focused on just young kids and not just an average playscape. Fishing opportunities.	4/20/2021 12:36 PM
106	Keep the mountain bike trails maintained and accessible.	4/20/2021 12:30 PM
107	Restrooms further out., Volunteer days.	4/20/2021 12:30 PM
108	Mountain bike trails lengthened	4/20/2021 12:24 PM
109	More multi-use trails, mountain bike skills park, pump track	4/20/2021 12:22 PM
110	Covered outdoor area - in need of an outdoor space for a more professional and established ranch park.	4/20/2021 11:36 AM
111	Another covered arena, climate control the expansion, climate control the entire facility?, pull through RV sites set in nature with grills, actual defined and labeled campsites, bathhouse for camping, fishing in the pond, space to store equipment, outdoor classroom, fencing around the property, Welcome Station, Ticket/Show Office in bay 1 of vendor hall	4/20/2021 11:29 AM
112	Fencing around the outside so if a animal gets loose and a guard gate so all bikers have to pay their fees	4/20/2021 11:14 AM
113	I would love to see some cross country obstacles added to the trails	4/20/2021 11:13 AM
114	Improvements on the lake/pond	4/20/2021 11:08 AM
115	Cross country jumps or a jumping field for horse but I can see it being abused by the mountain bikers.	4/20/2021 10:56 AM
116	Trails need to be improved. There are not enough widened trails for multi person walking or horseback riding. I would also like to suggest human/dog water stations on trail entrances/exits. The only source of water at the moment is the pop up sink near the ranch house. These Texas summers are getting hotter and hotter!!	4/20/2021 10:49 AM
117	Covered outdoor arena. Fencing around the perimeter and a guard gate.	4/20/2021 10:44 AM
118	BMX Track - there are no options in the area for BMX biking - this is something many kids and adults would enjoy - currently the only options are in Central and far North Austin	4/20/2021 10:24 AM
119	I would love to see the area behind the pond have a cross country or trail obstacle course. There are only a few places in texas and it would bring in so many people to the facility and get horse people from all disciples. Also- I would like the outdoor arena to be covered because if they have an event in the indoor arena or the whole facility it is the only arena to ride in and when it is wet it cant be used. Ideally, they would redo all the fencing and panels and cover it and put in better footing.	4/20/2021 10:20 AM
120	upkeep to trails after hard rains	4/20/2021 10:01 AM
121	Covered outdoor arena. Better outdoor arena footing. Trail obstacles in the area past the pond.	4/20/2021 9:54 AM

Dripping Springs Ranch Park (DSRP) Master Plan - Public Input Survey		SurveyMonkey
122	Adding more riding space to the main upper area of the park would be great	4/20/2021 9:33 AM
123	Better signage please. I've been there multiple times and have a hard time finding the trails.	4/20/2021 9:16 AM
124	Expansion of horse clean-up areas. By Sunday they were overflowing which limited our ability to clean our stalls properly.	4/20/2021 9:05 AM
125	Another outdoor arena close to the main arena. This would allow for an expanded show schedule.	4/20/2021 8:52 AM
126	Vending machines would be nice to have. Often I am working a show and the concession is not open. Would be nice to have a soda machine available.	4/20/2021 8:47 AM
127	Climate control the small arena for heat/possibly air conditioning	4/19/2021 3:02 PM
128	Better marked trails. Hard to tell where the trails are now and at some places you are not sure if you are supposed to be there or if it is private property	4/19/2021 9:36 AM
129	Specifically, we would love to have the small arena climate controlled. We are doing dog agility there both in February and September and those are sometimes bad weather conditions for both dogs and handlers.	4/19/2021 8:51 AM
130	Play ground	4/18/2021 9:23 PM
131	Improved: Playscape	4/18/2021 3:00 PM
132	Add some form of aeration for the pond and stock it with sunfish and bass. We could then have a strictly catch and release fishing area for the kids.	4/18/2021 9:29 AM
133	Park Rangers, guided hikes	4/17/2021 12:32 PM
134	Restrooms	4/16/2021 5:22 PM
135	The lower field equestrian area needs a lot of sprucing up. It wouldn't cost all that much and would go a long way to making this a real equestrian destination. Honestly, of this entire survey that would be the area money would be best spent. Make us proud, people.	4/16/2021 4:50 PM
136	More trails would be great for hiking and mountain biking.	4/16/2021 3:46 PM
137	More covered arena space	4/16/2021 1:55 PM
138	Permanent pond that's not wet weather dependent. Fishing opp for children.	4/16/2021 12:00 PM
139	More fans/portacools in the arena and above the stalls it gets very hot in the summer	4/16/2021 11:54 AM
140	Expansion of tent camping	4/16/2021 11:27 AM
141	Fishing area with a dock	4/16/2021 11:23 AM
142	Trails, Fishing Pond, Picnic Areas	4/16/2021 10:45 AM
143	The indoor arena is always impeccably kept. However, the outdoor arena is often no drug or cared for and it seems the rebuilding of the round pen has taken entirely too long.	4/16/2021 10:03 AM
144	grandstands, small animal barns	4/16/2021 9:42 AM
145	ADD a dog park! We are in desperate need of one. I started a facebook page for dog owners to gather and meet up. We just don't have anywhere to go that is large enough. Look at Dogs of Dripping. I know the community has been asking for this for a very long time. This would be a huge value add for our community.	4/16/2021 9:26 AM
146	Improve the dirt in the annex arena. Maybe another outdoor covered arena for use during big horse shows or for member use when the main indoor arena is in use for shows of any type. Some of the existing trails need to be maintained a little better for equine use. Much of the clearing is not at the height a rider would be. A small equine trail course down by the pond would be nice, with a wooden bridge to walk over, some logs to walk, trot, lope over. A gate to practice opening and closing. Maybe a tunnel (like railroad tunnel) that you could ride through as well as over...walkers and mountain bikers could use this as well..	4/16/2021 8:47 AM
147	Better dirt in indoor arena for reining events/ sliding stops	4/16/2021 8:27 AM
148	Wash racks	4/16/2021 8:23 AM

Dripping Springs Ranch Park (DSRP) Master Plan - Public Input Survey		SurveyMonkey
149	Dog park!!! Lights on set schedule/timer again	4/15/2021 10:30 PM
150	Off leash dog park... because our pups need a place to socialize and Bee Cave is far away.	4/15/2021 10:22 PM
151	Dedicated walking trails with rest stops with benches.	4/15/2021 10:21 PM
152	Pro Cutter flag made available for use in arena.	4/15/2021 10:09 PM
153	No bikes	4/15/2021 9:46 PM
154	Equestrian obstacles for practice they are adding these at Garry Park in Georgetown if you need example.	4/15/2021 9:43 PM
155	Paths like the veloway in Austin !!	4/15/2021 9:21 PM
156	A restaurant ! :)	4/15/2021 8:21 PM
157	Cross country equestrian course or schooling area	4/15/2021 8:05 PM
158	Perhaps a more robust park for kids. Pool or water feature of some sort might also be an attraction.	4/15/2021 8:02 PM
159	Hard dirt trailer area vs asphalt	4/15/2021 7:30 PM
160	Picnic area	4/15/2021 7:09 PM
161	Cross Country Course	4/15/2021 6:51 PM
162	More walking trails	4/15/2021 6:43 PM
163	Improved seating that is not bleachers...	4/15/2021 6:42 PM
164	Larger equine events will need more RV spots, more stalls, more parking and more warm up space.	4/15/2021 6:37 PM
165	Park benches, picnic areas, waste baskets, better drainage	4/15/2021 6:31 PM
166	Fishing, Archery	4/15/2021 6:30 PM
167	Better mats for the stalls for the horses comfort	4/15/2021 6:29 PM
168	Horse jumps. Trail obstacles	4/15/2021 6:26 PM
169	Better holding pens for steers, calves to keep at park for horse events at outdoor arena.	4/15/2021 6:26 PM
170	They need another covered full size arena, pull through RV sites with grills and power/water hookups, and education programming.	4/15/2021 6:24 PM
171	A restroom closer to stalls!	4/15/2021 6:22 PM
172	More playground equipment, different trails that are interconnected, picnic tables along trails	4/15/2021 5:30 PM
173	Climate control expansion	4/15/2021 5:10 PM
174	improved camp sites; outdoor stage; more picnic areas; trail connections to adjacent neighborhoods; better maintained trails; cohesive and comprehensive sign system;	4/15/2021 4:46 PM
175	I believe at some point, our beloved Founders Day celebration will outgrow the existing place in and around Mercer street. Perhaps look to expand Founders Day to incorporate Ranch Park.	4/15/2021 4:15 PM
176	Parking improvements or expansion, Gated access after hours of use.	4/15/2021 4:14 PM
177	Expansion Arena needs to be climate controlled. There is a need for a Ticket/Show Office. They desperately need a front gate/attendant to help direct people and collect appropriate fees from all users.	4/15/2021 4:04 PM
178	directional signage, trail signage	4/15/2021 3:19 PM
179	Indoor dust control.	4/15/2021 12:58 PM

Dripping Springs Ranch Park (DSRP) Master Plan - Public Input Survey

SurveyMonkey

## Q10 Is there anything else you'd like us to know?

Answered: 109 Skipped: 191

#	RESPONSES	DATE
1	Security - there are signs that say there are security cameras however there is ample evidence that people access the park after hours without regard for any wrongdoing they may do (like off roading, dumping garbage..)	4/26/2021 12:27 PM
2	My kids love to go explore there. Would love walking and biking trails. Anything family friendly.	4/25/2021 7:04 PM
3	It's a wonderful space. We used it all the time before you built the building. Now it's as if th park land is an afterthought.	4/25/2021 8:28 AM
4	I'd like the huge dirt pile removed from when the pond was dredged	4/24/2021 7:47 PM
5	Regarding the welcome station at entrance, it is confusing to newcomers to not have the entrance be for information & welcome, which it seems designed for, but I am not sure its present use. Perhaps everything is online? Thank you	4/24/2021 6:06 PM
6	Book clubs, walking club, horse shoes, etc.	4/24/2021 5:54 PM
7	A easy access calendar with all indoor and outdoor event to know what is upcoming without having to constantly scroll through the Facebook page to try and find out what's going on.	4/24/2021 2:00 PM
8	I would love to see more activities like craft shows (spring, summer, winter & Fall). Art and antique shows.	4/24/2021 12:49 PM
9	I live in the neighborhood next to the center and have found the trail closed to me several times but it was next to impossible to find anything online about why. I feel like your event advertising needs to be significantly improved.	4/24/2021 11:57 AM
10	I'd like more kids activities with animals	4/24/2021 11:25 AM
11	You do a good job. Thank you.	4/24/2021 11:19 AM
12	Improve the trail system around Dripping Springs. Our community is too car dependent.	4/24/2021 10:58 AM
13	Would like to see more markets, flea markets, etc.	4/24/2021 10:41 AM
14	Keeping events from starting too early/too late is important for the neighborhoods around the park. Also, properly directing traffic so that there isn't a bottleneck in the neighborhood or entrances.	4/24/2021 10:07 AM
15	It would be great to see more events. It's a wonderful facility and is mostly empty currently. Other facilities in the area have been booking events and shows for months. It is such an asset to the community and it is not being fully utilized to its potential.	4/24/2021 10:07 AM
16	I love the serenity of it, and it is perfect the way it is! I love walking and sharing the trails with the horses and mountain bikers	4/24/2021 10:04 AM
17	Expansion is great. During expansion, please be cognizant of noise and the hill country beauty. With the rapid growth, we want to offer additional services while retaining our hill country culture	4/24/2021 9:56 AM
18	We love DSRP and think you have done an amazing job with it	4/24/2021 9:35 AM
19	Your interest in improving services at area parks is deeply appreciated.	4/24/2021 8:32 AM
20	A simple drop box for fees works at other parks.	4/24/2021 8:29 AM
21	No to gun shows	4/24/2021 7:52 AM
22	You have a wonderful facility and staff!	4/24/2021 6:41 AM
23	I would not like a fee involved with this park. We pay for this park with our taxes.	4/23/2021 8:27 PM

Dripping Springs Ranch Park (DSRP) Master Plan - Public Input Survey		SurveyMonkey
24	But it's so blasted hot in there!	4/23/2021 8:01 PM
25	Thank you for all the hard work! Please keep this open for our equine friends!	4/23/2021 7:13 PM
26	thanks for running this facility! so happy we have it in Dripping Springs!	4/23/2021 11:51 AM
27	I am very against the idea of having separate days for separate types of trail users. I think that it is really cool that there are trails available and anything we can do in this day and age to encourage trail use is positive. If there are conflicts that is something that should be managed with clear rules posted. One of the best parts of this park is how accessible it is, which is pretty much unheard of. Please do not take actions to give certain users privileged access to a shared resource.	4/22/2021 9:21 PM
28	I love riding bikes at the park. Super convenient and well maintained trails for the days and times when it just isn't in the plans to make big trips to places like Warda, Reveille Peak, Comfort, etc. Always awesome to have home town trails for multiple uses like hiking, MTB, horse, etc.	4/22/2021 8:07 PM
29	Would you be in support of Trail Use Guidelines ... Maybe - Depends on what is proposed.	4/22/2021 8:06 PM
30	Need to improve the sound system. Cannot understand when someone is speaking. More outlets in the arena. When there is a cattle show, there is not enough power to run blowers for cattle and goats/lamb.	4/22/2021 12:43 PM
31	The atmosphere at the ranch park is no longer welcoming I am not sure what the change has been however being involved with many very different organizations that have held events at the ranch park this is concerning.	4/22/2021 12:37 PM
32	Would like trails more clearly marked	4/22/2021 11:07 AM
33	Thank you for reaching out to us Dripping folks about this!	4/22/2021 10:51 AM
34	Do NOT decrease the ag based activities. It was built to host ag based events. While other activities are good and encouraged, just don't limit ag based activities.	4/22/2021 10:12 AM
35	So thankful for the Ranch Park	4/22/2021 9:55 AM
36	Would like to see park go back to being user friendly!	4/22/2021 9:43 AM
37	This could be a great horse show facility if you keep up the good work done so far.	4/22/2021 9:41 AM
38	I would like for the park to be more mindful in cost towards non-profit groups that give back to youth of Hays county and Dripping Springs. As I know there are cost to maintain the facility year round, but groups that are all volunteers to raise money to give back need to be supported as much as possible and bare minimum fees charged to those groups.	4/22/2021 9:38 AM
39	Emphatic yes on number 8-- days or directions!	4/22/2021 9:26 AM
40	Keep as natural as possible except more trails and FREE entrance	4/21/2021 10:06 AM
41	Please don't take away our option to mountain bike here. A frisbee golf course would be really cool too.	4/21/2021 8:14 AM
42	Support to Special ed students	4/21/2021 2:14 AM
43	I would like to see more equestrian activities like the event you had recently, the 5 card stud event!!!! That was fun and no competitive. Just fun!!!	4/20/2021 8:11 PM
44	Please keep it super horse friendly! :-)	4/20/2021 8:05 PM
45	We horseback riders have few choices close in so development of these trails for riding is loved by all!!!	4/20/2021 5:59 PM
46	Love DSRP. Would be happy to continue having equine events and ag events for kids. Such an important aspect of Texas. Love the wildlife stuff, as well. Ok with multi-use, just want maintained for equine.	4/20/2021 5:51 PM
47	Please do not limit Mountain Biking!	4/20/2021 5:36 PM
48	Clear Communication from Ranch Park online and on site. (example: no link to survey sent to the groups that participated in the Stakeholder input. Survey hard to find on RP site or City site... Pricing to use facilities is too high. Priced the school out of using the venue to host XC	4/20/2021 5:28 PM

## Dripping Springs Ranch Park (DSRP) Master Plan - Public Input Survey

SurveyMonkey

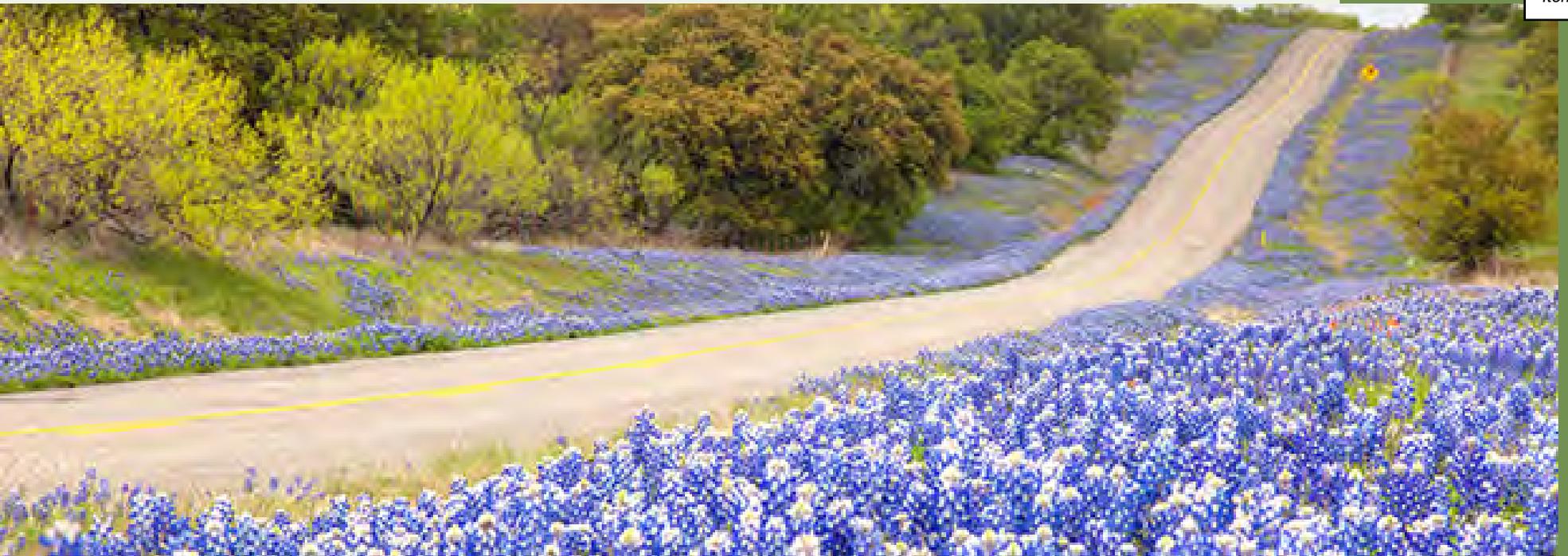
	State and District meets. Charging to bike at this location will definitely decrease usage on the trails built & maintained for free-horses & hikers aren't maintaining. No way to enforce multiple access points or usage.	
49	We so appreciate you! I plan to get a membership, just haven't gotten around to it.	4/20/2021 5:22 PM
50	RP has been very narrow minded and selfish to try to only serve the needs of the newly employed who only care about themselves and what they like to do. The MB'ers have always been courteous and respectful of other people and horses, but the reverse has not been done.	4/20/2021 5:14 PM
51	The original property owner's desire was for the Ranch Park to be equine only. Please protect the owner's desire and provide a much needed equine only property.	4/20/2021 5:07 PM
52	Please don't divide the horseback riders' time and access to the arena with other hobbies and sports. There are so few places that we can ride and practice with our horses. When I got the first arena membership, I understood that the facility wouldn't be available when other events are there like the rodeo. But if we must also accommodate mountain bikers, hikers, and culinary artists, there will be fewer and fewer opportunities for horses and their riders.	4/20/2021 5:03 PM
53	The Ranch Park should remain true to its original purpose. Hike/bike trails abound. Horse trails are harder to find. Please keep this horse focused.	4/20/2021 5:01 PM
54	Yes, there are not many places left to safely ride my horse. There are many places where cyclists can enjoy their sport. Please do not remove this pleasure from equestrians	4/20/2021 5:01 PM
55	Please keep ranch park what it was designed to be, a top notch equestrian center!	4/20/2021 4:36 PM
56	I believe Ranch Park should remain primarily horse use with VERY few exceptions.	4/20/2021 4:29 PM
57	Thanks for supporting the Dripping Springs Mountain Bike Team	4/20/2021 4:10 PM
58	Trail use guidelines absolutely. Directional use, yes. Certain days for certain groups, no.	4/20/2021 3:27 PM
59	Nice to have a small pavilion with a couple picnic tables at the bottom of the road down the back of the main building.	4/20/2021 3:16 PM
60	The DSMTB team created and helps maintain the trail system. They should have the most influence on decisions about trails. Nobody should pay an entrance fee to use the trails!!!!!! Ever!	4/20/2021 2:11 PM
61	It would be a travesty that the park does not garner all the various resources available in the biking, skater, and equestrian communities. I have a vested interest in all. My daughter horse back rides, son skates and mountain bikes, myself a former vet tech for small animals and horses avid bike rider, and my wife's childhood filled with horses and 4H lamb shows. We would want those opportunities to be available for all and support any improvements across the spectrum park could offer but not with exclusions.	4/20/2021 1:25 PM
62	No	4/20/2021 1:09 PM
63	This survey was not well publicized, it is hard to find on the Ranch Park website, why wasn't it prominently featured on the homepage for the park or at a minimum have a link directly off the home page?	4/20/2021 1:00 PM
64	It's not fun to walk or ride through horse manure. They should be required to clean-up or wear a catch bag. I think all walkers should pay fees if other users must.	4/20/2021 12:47 PM
65	No	4/20/2021 12:46 PM
66	More outside groomed areas to hang out.	4/20/2021 12:42 PM
67	I'm apart of the dripping springs mtn biking community and am very thankful for y'all's patience with us and the kids. I hope y'all will continue to support our team by allowing us access to the trails! Many thanks	4/20/2021 12:36 PM
68	We dont want limited days for certain trail use. Instead just have signs posted with safety suggestions for being on the lookout. Perhaps separate horse trails to limit bikes and shoes stepping in manure, however.	4/20/2021 12:36 PM
69	No, it's been a great park so far	4/20/2021 12:24 PM
70	It was very difficult to find this survey as it was not announced on the home page nor on the	4/20/2021 12:22 PM

## Dripping Springs Ranch Park (DSRP) Master Plan - Public Input Survey

SurveyMonkey

	City of Dripping Springs website as had been mentioned during the last meeting. It seems like it is "hidden" to favor input from certain groups only who are notified where to find it. Essentially, I think this survey should be re-done in a manner that it is easy for everyone to find and complete.	
71	Love what y'all do!	4/20/2021 11:36 AM
72	Adult programming and community programming. Find more ways to engage the community.	4/20/2021 11:29 AM
73	I would love to be able to ride until the time specified on the form I filled out. It's says dawn-dusk and the facility closes well before dark some days. Which is really unfortunate after people get there believing they will have time to ride and they don't.	4/20/2021 11:17 AM
74	The high school mountain bike team is very disrespectful to the property as well as other patrons of the facility.	4/20/2021 10:56 AM
75	We love using the indoor arena to work our horses before a show. Your grounds are always well kept. Enjoy using the facility	4/20/2021 10:47 AM
76	Would love any type of ranch event.	4/20/2021 10:44 AM
77	I really hope the park maintains it's Texas heritage and stays a primarily equine and ag center. We have such a need for it in the area and surrounding areas and I would love to see the efforts of the staff and the public working towards our youth in the fields and our adults who preserve it.	4/20/2021 10:20 AM
78	Please keep horses and equine activities strong in Dripping Springs	4/20/2021 10:12 AM
79	The horse use of the park is super important and needs to stay!	4/20/2021 9:33 AM
80	Bathrooms are great. Workers are nice.	4/20/2021 8:47 AM
81	Keep DSRP an equine focused facility.	4/19/2021 7:21 PM
82	The staff at Ranch Park have been very helpful and welcoming. There are other dog events (conformation, rally & obedience, barn hunt, etc.) that could use the small arena area.	4/19/2021 8:51 AM
83	Thank you for this wonderful resource!	4/18/2021 3:00 PM
84	Road conditions are horrible toward the back of the park.	4/17/2021 12:32 PM
85	No	4/16/2021 6:36 PM
86	About shared trails. Having different days for different recreational activities is never user friendly. If different activities are not compatible, have more trails rather than mix them. If mountain biking (inherently fast) and equestrian riding are not a good mix, give them separate venues. s..	4/16/2021 4:50 PM
87	Question 8: I am NOT in support for specific days for specific groups. However, I am in support of directional use based on user group.	4/16/2021 3:46 PM
88	Concerts would be great.	4/16/2021 12:00 PM
89	The ranch park is a real local gem	4/16/2021 11:27 AM
90	Love DSRP!	4/16/2021 10:45 AM
91	We are thankful for such a beautiful equine facility in our town and hope to see more equine related activities and competitions!	4/16/2021 10:03 AM
92	You rock!	4/16/2021 9:42 AM
93	The dirt in the indoor arena is so much better, I would like to commend the City and DSRP for taking the effort to improve the footing in the indoor arena and the warm up arena. It would be nice to improve the dirt a little more in the annex arena as well. If there is an opportunity to expand the acreage at DSRP, that would be wonderful. I'm a weekly user of DSRP and I'm so thankful for the site and the staff that allow me to ride more than I've ever had opportunity to before. Big kudos and thank you!!	4/16/2021 8:47 AM
94	DSRP is an awesome area	4/16/2021 8:27 AM
95	Bicyclists need to pay some kind of membership just like horse riders.	4/15/2021 10:30 PM

Dripping Springs Ranch Park (DSRP) Master Plan - Public Input Survey		SurveyMonkey
96	The park should develop a separate rental fee schedule for 501 (c)3 non-profits.	4/15/2021 10:21 PM
97	I like the idea of trail use separated by type of use but not sure if that will work since someone would have to monitor/police it.	4/15/2021 10:09 PM
98	Y'all are doing an amazing job!	4/15/2021 9:46 PM
99	I'm not against enrichment, nature and other programs I just live in Manor and they wouldn't be convenient	4/15/2021 9:43 PM
100	So many people enjoy riding bikes and there should be more biking paths like Mopac/45 intersection have added. So many people out enjoying them !	4/15/2021 9:21 PM
101	I can see opportunity to set up larger events utilizing the parking lot for more space. The main events that comes to mind are the shopping fairs. It seems like the vendors are sometimes crammed inside and the outside space might be beneficial to utilize.	4/15/2021 8:02 PM
102	In order for larger Barrel Races to come to Dripping Springs Ranch Park, the city will have to allow the event to use their own tractor drivers.	4/15/2021 6:37 PM
103	We desperately need sidewalks or trails to get to the park from the East side of RR 12	4/15/2021 6:31 PM
104	Lily and Tina are doing a phenomal job and the new footing is AMAZING	4/15/2021 6:29 PM
105	This needs to be a equestrian and livestock arena and park	4/15/2021 6:26 PM
106	It is the "Ranch" park and does already have big investment in arenas. Emphasis needs to be continued development for horse and agriculture related activities.	4/15/2021 6:26 PM
107	We would hold more dog agility in the expansion with climate control maybe at least once a month	4/15/2021 5:10 PM
108	Excessive parking on subdivision entry street during very large events	4/15/2021 4:14 PM
109	this park is a diamond in the rough	4/15/2021 3:19 PM



Bluebonnets in Texas Hill Country

# Recommendations & Priorities

## *Sustainability & Park Development*

Sustainability is a widely accepted concept that should be integrated into any park development. Parks present opportunities to demonstrate and share environmental concepts and educate the public about their role in the environment. Many park sites have embraced the concept of sustainability and have been developed with a sustainable site design approach that incorporates strategies that are ecologically based and compatible with the natural systems, cycles of the site, as well as the recreational use by the community members.

The further development of amenities at DSRP provides an opportunity to incorporate sustainable design techniques and features. Integration of sustainable design principals, BMPs, and products for construction are encouraged to minimize the impact on natural resources and promote longterm resiliency of the site.

## *Action Plan*

The master plan recommendations were developed with consideration of the six (6) project goals, the analysis of the site and existing conditions, and from input received from key personnel, internal stakeholders, and public input surveys. The priority ranking of these recommendations is based upon a myriad of factors including funding, project type, goals, project sequencing, and input from City Staff and DSRP Board of Directors.

Listed below is a priority action plan and accompanying concept plans. A concept plan is flexible in nature and seeks to provide a graphic for showing scale, relationships between site features, and for diagramming potential amenity zones. It's best used as only a reference when discussing the recommendations and shouldn't be considered a final plan. This concept plan illustrates some of the top priorities but should be understood as only one of many possible design alternatives.



LEFT/CENTER: Mountain bike at Reimers Ranch in Dripping Springs, Texas. Photo courtesy of Destination Dripping Springs website.



Roaming Texas longhorns. Photo courtesy of Destination Dripping Springs website.

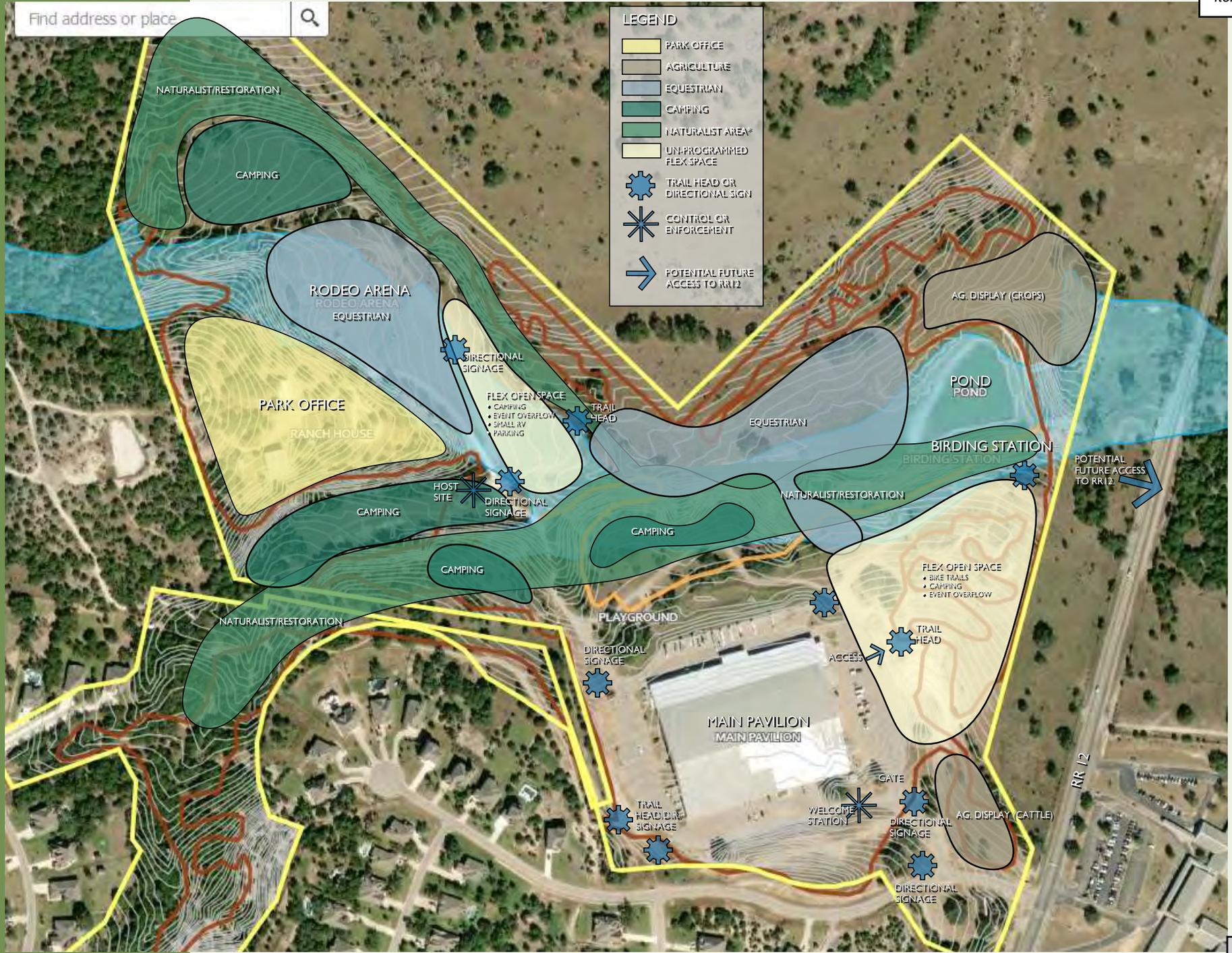


**Park Related Action Recommendations**

Priority Rank	Action	Description	Project Type	Goal(s) Satisfied from Master Plan	Funding Source	Estimated Budget Amount
1	Programming	Provide opportunities for park related programs including environmental and active recreation classes and events.	Organizational	1,4,6	Various	Various
2	Fencing	Fencing or protection against "Mudders" in open property and protection against loose horses.	Construction	2,5	General Fund	\$20/LF, Depending on type
3	Signage System - Ongoing from Previous Master Plan	A comprehensive signage system to guide visitors, inform, direct, mark distances and etiquette as well as outline other park rules. This would include caution, yield and other crossing signages.	Installation	1,2,3	General Fund	\$500-Directional sign, \$2000-Informational signage, \$8000-Trailhead signage
4	Road improvements to rear of park	Extend improved road and utilities to the rear of the property.	Construction	1,2,4,7	In progress	In progress
5	Welcome Station	Controlled entry for fee collection and RV entry.	Construction	2,3,4,5,7	Various	\$25,000, 5'x8, prefab unit w/HVAC, internet
6	Cover for outdoor arena	Spanned structure approximately 260'x160'x20' Red Iron, open walls. Other options available.	Construction	1,2,4,6	Various	\$350,000
7	Replace Bleachers at back arena	(4) Total	Installation	2	General Fund	\$2,000 ea (2016)
8	Fishing opportunities (pond improvements) and dock	Pond makeup water and fishing dock	Construction	1	Possible Grants with Match	TBD - Source for Makeup water is a challenge for this priority.
9	Expanded parking lot (Cars)	Expand surface parking for approximately 60 spaces west of the existing parking area on the west side of the Main Pavilion	Construction	1,2	TBD	\$120,000
10	Trail building and maintenance	Ongoing trail repair, maintenance and extensions.	Maintenance	1,2,4,5	General Fund/Volunteer/Grant	TBD
11	Park Fee Structure and Enforcement	Create or enhance collection ability through high and low tech options.	Policy	3,4,7	TBD	TBD
12	Playscape improved/expansion	Expand/upgrade existing playscape	Construction	1,2,5	TBD	\$20-\$50,000 including fall surfacing
13	Pull through RV sites.	Including full hookup and grills. Natural ground material	Construction	1,2,4,7	General Fund	\$12,000 per site, if no utilities are existing
14	Horse Elements and Obstacles	Create course for horse training and rider training	Construction	1,2,4,6	Grants, other funding, possible volunteer/ fundraising	\$30,000
15	Restroom/Storage/Concession Building	New Building combined storage, concession, and restroom (w/showers for primitive sites) near improved outdoor arena.	Construction	1,2,4,5,6	TBD	\$150,000 - \$250,000
16	Access to the park via trails or other safe routes	Connect park to overall Dripping Springs Master Trail Plan	Construction	1,3	Grants, other projects funding	TBD
17	Buy more land to the north; adjacent to existing property	Additional land will allow more trails and 2nd access	Purchase	1,5	TBD	TBD
18	Secondary Access and North Road	Secondary entrance to facilitate better access/egress off RR 12	Construction	1,5	General Fund	TBD - Easement/Access Agreement Needed
19	RV Sites and Parking added to rear of park	RV loop with backin or pull through sites	Construction	1,2,4,7	TBD	\$12,000 per site minimum plus road costs

**Event Center Related Action Recommendations**

Priority Rank	Action	Description	Project Type	Goal(s) Satisfied from Master Plan	Funding Source	Budget Amount
1	Programming	Provide opportunities for programs including equestrian related classes and events, as well as non-equestrian programs such as cooking classes & guest speakers	Organizational	1,4,6	General Fund, Volunteer	Various
2	Show Office/ Ticket Booth improvements	improvements to ticketing/office function	Construction	2,4,6	General Fund	TBD
3	Highspeed WIFI	Upgrade technology capabilities	Purchase, Installation	1,2	TBD	TBD base on area providers
4	Sound system improvements	Upgrade and improve PA system	Purchase	2,4,6	TBD	\$15,000-\$30,000
5	Vents to the roof structure	Vents to the Roof Structure	Installation	2	General Fund	\$5000 ea (2016)
6	More fans in arena area	Addition of (3) 14' diameter fans in the arena; included electrical wiring and conduit.	Purchase	2	General Fund	Quote: \$33k (2016)
7	Video Surveillance System	Cameras installed along perimeter of arena	Installation	5	General Fund	Fee based on service
8	Expanded RV Sites at Arena with hookups w/pens	Expanded surface parking/overnight spaces for RVs with full utility hook up and pens for horses. Surface material option, compacted base	Construction	1,2,4,6	General Fund	\$12,000 per site, if no utilities are existing
9	Dirt base RV parking lot	Pervious areas for RVs / Horse sites	Construction	1,2,4,6	General Fund	TBD
10	Equipment Storage Barn	Building for Equipment Storage - currently stored in pavilion	Construction	1,2,4,5,6	General Fund	\$30/sq ft
11	Cow cutter flags	Rentable	Purchase	1,2,4,6	n/a	TBD
12	Indoor Dust Control	Options to be determined	Purchase	1,2,4,6	General Fund	TBD
13	Wash Racks/Horse Cleanup Areas	Add or expand Wash Racks, outdoor	Construction	1,2,4,5,6	General Fund	\$20,000
14	Vending machines	Vending Machines to supplement events without concessions	Installation	1,2,4	n/a	potential no cost with vendor
15	Watering opportunities	Water stops for horses throughout park	Construction	1,2,4,6	TBD	\$5000-\$10,000 ea depending on utilities
16	Rubber Mats	City would like to have own rubber mats in stall area	Purchase	2	General Fund	TBD
17	East VIP Box	VIP Box Improvements - Opt. 1 Big Room by Concession/Club Box at end (Open Air Box)	Construction	1,4	TBD	TBD
18	West VIP Box	VIP Box Improvements - Opt. 1 Make Boxes larger at existing VIP Box	Construction	1,4	TBD	TBD
19	Outside Fenced	For Panel Storage	Construction	5	General Fund	TBD



Monster Truck event at DSRP.  
Image courtesy of DSRP website.



# Funding Opportunities

The master plan establishes a vision for the park that can be implemented in phases. Although some communities fund park development directly, most explore various funding opportunities to offset the cost of capital improvements. One strategies for funding park development projects is through Grants. The Grants listed below may or may not apply to DSRP, but are listed here as reference for consideration and further investigation. Some communities also use Municipal Bonds as the local match for grant programs, but should be aware to fully understand all the rules of the funding mechanisms with before pursuing.

## *Governmental Grant Opportunities*

- **Texas Historical Commission** (grant funding resources list)  
[https://www.thc.texas.gov/public/upload/publications/Funding-PreservationProjects-updated2019\\_0.pdf](https://www.thc.texas.gov/public/upload/publications/Funding-PreservationProjects-updated2019_0.pdf)
- **TPWD**  
<https://tpwd.texas.gov/business/grants/recreation-grants/recreational-trails-grants>
- **Federal Highway Administration (FHWA) / TxDOT**  
<https://www.txdot.gov/inside-txdot/division/public-transportation/bicycle-pedestrian.html>
- **Transportation Alternatives (TA) &**
- **Safe routes to schools (SRTS)**
- **National Endowment for the Humanities**
- **Infrastructure and Capacity Building Challenge Grants**  
<https://www.neh.gov/grants/preservation/infrastructure-and-capacity-building-challenge-grants>

## *Governmental Grant Opportunities*

- **Meadows Foundation**  
<https://www.mfi.org/WhoWeAre.html>
- **Ed Rachal Foundation**  
<https://www.edrachal.org/>

# Appendices

1. DSRP Master Plan 2017 - Project Status
2. Public Input Meeting Press Release
3. Stakeholder Comments
4. Public Input Programing Comments
5. 2017 DSRP Master Plan
6. Funding Opportunities

## DSRP Master Plan 2017 - Project Status

Status	Priority	Project Description
0%	1	Fencing
<b>80%</b>	2	Permanent Bleachers
0%	3	Vents to the roof structure
0%	4	More Fans in arena area
<b>100%</b>	5	Skid Steer with Equipment
<b>100%</b>	6	Additional Stall Barn
0%	7	New Low Water Crossing
0%	8	Video Surveillance System
<b>in progress</b>	9	Signage - Trailhead
<b>ongoing</b>	10	Fire Breaks/Deadwood
<b>ongoing</b>	11	Invasive Species Eradication
<b>in progress</b>	12	White Round pen needs replacing
<b>100%</b>	13	Trails (as an entry from Harrison Hills)
0%	14	Secondary Access
0%	15	Replace bleachers at back arena
0%	16	Buy more land to the north;
<b>100%</b>	17	Front Office Space
0%	18	Rubber Mats
0%	19	Outside Fenced Area for Panel Storage
<b>100%</b>	20	Picnic Areas
0%	21	Corner restrooms (primarily for Stall workers)
0%	22	Fishing areas
<b>in progress</b>	23	Doggie waste disposal stations
<b>100%</b>	24	Bird watching Areas
0%	25	East VIP Box
0%	26	West VIP Box



**FOR IMMEDIATE RELEASE**

Contact: Lisa Sullivan  
Communications Director  
City of Dripping Springs  
512-858-4725

**Dripping Springs Ranch Park & Event Center is Holding a Master Plan  
Virtual Input Meeting on April 15, 6:00pm**  
*Input Survey to Follow*

**DRIPPING SPRINGS, TEXAS** – April 9, 2021 – With the rapid growth of the City of Dripping Springs and the increasing demand for park and recreation outlets to provide a high quality of life for its community members and visitors, the City of Dripping Springs Parks and Community Services department is updating the Dripping Springs Ranch Park & Event Center’s Master Plan. The update aims at ensuring that the park and event center’s mission and vision are evolving while remaining consistent with the uniqueness of the park and its primary goal of serving as a resource to the equine community and stronghold for Texas Hill Country culture.

The updated Master Plan will study and make recommendations to the Dripping Springs Ranch Park Board and City Council regarding the operation, enhancement, and use of Dripping Springs Ranch Park. The updated document will guide improvements and priorities for the next 5-10 years.

Some of the umbrella goals of the Master Plan include:

1. Maximizing the recreational and functional opportunities offered throughout the Park, both at the Events Center and throughout the Park grounds.
2. Establishing and maintaining a high-quality level of park facilities and amenities throughout the Park by meeting and exceeding industry standards while also ensuring park patron safety and adherence to park use policies.
3. Enhance the marketing efforts and outreach to residents in order to communicate the many different park, recreational and open space opportunities available to residents within the Park.
4. Balancing the revenue generating aspects of the Park with providing affordable recreation opportunities for residents of Dripping Springs and the long-term Event Center partners.
5. Providing a safe and secure environment for the operation, maintenance and use of the Park.

The public will have opportunities to give input and feedback regarding the Master Plan. The first opportunity will take place Thursday, April 15, at 6:00 p.m. at a Public Input and Informational Virtual Meeting. Details on this virtual meeting can be found at: [drippingspringsranchpark.com/page/masterplan](http://drippingspringsranchpark.com/page/masterplan).



#### **DSMTB Representative**

Shawn McCraw, Principal at McCraw Design

I am a representative and a founding member of the Dripping Springs Mountain Bike Team. My twins were on the High School Team and I served as the 1<sup>st</sup> Board Vice President, Coach, Volunteer, Steward, and a Sponsor. I was on the team that pitched the trail, skills park and wayfinding to the Ranch Park Board & the City, resulting in a signed agreement with the city. Also helped consult on the Harrison Hills neighborhood issues with the city and team to find an agreeable and happy solution for all parties. I still ride and race mountain bikes, am an avid hiker and grew up on a farm riding horses. (Connection & Passion to all 3 main trail users)

#### **DSMTB Background**

Since the nonprofit DSMTB team was founded in 2015 we have provided 100s of kids in Middle School, High School and Homeschoolers the opportunity to ride and race bikes in 2 race series in Texas (NICA & TMBRA). The team has built and maintained 6.2 miles of hand-built trails for free that are utilized by the community: MS/HS MTB Team & Cross Country running teams, hikers, and equestrian. The trail is wide enough for a gator style vehicle through 90% of trail. We had Progressive Trail Design from Bentonville, Arkansas consult with us on improvements for sustainability and teach our team proper building techniques and trail improvements. Kids get credit for trail building (Paydirt) that applies to community service for school as well as points for rankings in the race series. We have had multiple State Champions for both boys and girls. In 2019 we established a Team scholarship for graduating seniors. We have raised awareness in the community for the team and Ranch Park in various News sources and were recognized as Volunteer Of The Year from the city in 2019. Our alumni are still active with the team and cycling. Several compete in college. [www.dsmtb.com](http://www.dsmtb.com)

#### **How your group uses the site?**

- Weekly Mountain Bike Team practices for High School, Middle School & Home School (timeframe) Fall & Spring during the school calendar, Tuesdays & Thursdays
- Weekend Practices
- We also established run/setup/volunteer for the HS and MS Cross Country Team running races and district meets as well as volunteer for nonprofit fun runs like Red Arena benefiting equine. Brings in multiple schools from the district and state at one time. Usually during the school day and no conflicts.

**What are important site features for your group?**

- Access to trails (Team, Neighbors, All Groups)
- Trails
- Safety and Sustainability
- Skills Features (Skills Park & Pump Track)
- Restrooms
- Wayfinding (Cohesiveness, Sense of Community Pride, Connect trails/places, Inclusive, Predictable and Keep It Simple)
- Designated parking for Mountain Biking, Equestrian, Hikers, Birders, etc...

**How do you circulate within the site, both on arrival/departure and while recreating?**

- We park down at the practice arena out of the way and for safety unless raining.
- Usually start at the trailhead and ride the trail clockwise multiple times.
- Ride some in the adjoining Harrison Hills Neighborhood (rain days).

**Where do you see restraints or conflicts with the site that could be improved?**

- Riding or hiking in the wet weather destroys the trails and park property.
- Wayfinding needs updating, especially for Ranch Park-not clear where to go.
- Designated Trailhead signage. (Where does the trail start and end, guide users to it.)
- Signage
- Designated Parking Areas (Visitors don't have an idea where to go or park, which direction.)
- Parking up top when wet (Overflow parking when wet is on the trail and destroys the trail. Ground is hard dirt, nothing grows and is difficult to rebuild.)
- \*Love the In and Out idea for entering and leaving Ranch Park suggested on the call but not sure another traffic light on Hwy 12 is wanted.
- Clear Communication from Ranch Park online and on site.

**What improvements would benefit the Dripping Springs community as a whole?**

- Need more trail mileage (with all the breweries even road riders are looking for a place to ride safely) Dripping used to be a biking destination. Riders would park downtown and spend money before and after rides in local businesses.
- Skills area & Pump Track(Designed by MTB Team or MTB Consultants) Team would build
- Trail flow: Bikers clockwise. Horses, Hikers Counterclockwise (Slaughter Creek, Reimers Ranch)
- Multiple Trail Etiquette signs posted
- Limit access points
- Low areas water crossings / bridges, rock for trail armoring
- Online map and parking maps on Ranch Park site
- Crosswalk up top next to entrance where trail crosses Road
- Sign at top crosswalk/entrance: Slow Down & Events (practice, race, horse, birding, etc...)
- Parking at Dripping Elementary for overflow events when wet works great for large races.

- **COSTS:** Pricing Discounts for School Events / Priced us out of usage. Used to hold banquets, team sign up under pavilion, races, etc... can't afford.

**WHAT IF VISION:**

- Ride from Highpoint or new elementary to Ranch Park and continue to Reimers or Wimberly.

- Community examples & team experience where this works:

Bentonville, Fayetteville, Whistler, Squamish, Sedona, Moab, Durango...

Walton Family Foundation

- Concrete path from Dripping to Johnson City. (ex: Aspen to Denver, Whitefish, Bentonville)

Dripping used to be a cycling town & riders still ride the Livestrong loop. Need more safe trails.

**Feedback we have received from hikers and equestrian:**

**"Thanks for building & maintaining the trails!"**

**From:** [Shauna Doyle](#)  
**To:** [Drew Carman](#)  
**Subject:** Re: Dripping Springs Ranch Park Master Plan - Stakeholder Input Meeting  
**Date:** Tuesday, April 6, 2021 6:40:14 PM

---

Hi Drew,  
Below is the notes I wrote for myself to read at the meeting tonight.  
Thank you again!  
Shauna Doyle

We are a volunteer led non-profit organization dedicated to preserving our community's agricultural heritage by Supporting Our Youth Involved in 4-H & FFA.

Our mission is to support our Dripping Springs FFA & 4-H youth through scholarships, purchasing agricultural projects at Hays County Livestock Show, assisting with equipment needs, sponsoring educational workshops and mentoring the youth and families of our community.

Our organization puts on 2 fundraising events a year at DSRP. The rodeo and the Fall Classic prospect show. We utilize the entire DSRP grounds while hosting our events. These events bring people to Dripping Springs from all over the state and beyond. The profits from these events allow the Ag Booster to be one of the top 10 buyers at the Hays County Youth Auction for our Dripping Springs 4-H and FFA kids.

While these events are taking place people are spending money at local restaurants, gas stations, hotels and small businesses therefore benefiting the City of Dripping Springs.

As with most people and organizations that plan and host an event we face obstacles. Recently our biggest obstacle seems to be the costs associated with DSRP. Relationships are key to success for all parties involved, so how can we work together to minimize the costs to all nonprofit organizations that look to use DSRP for events similar to ours?

Since new management has taken over DSRP the ticket booth and show office has been removed from our access and made into offices. These areas are a necessity for many events that are hosted at DSRP.

Parking at the park needs to be reevaluated because there is simply not enough. This issue will not be made better by forcing one way traffic around the building or by having trucks and trailers pull into spaces versus having them back into spaces. While organizations such as ours, are hosting events at DSRP and have paid for the use of the facility that should include ALL parking areas. Yes, DSRP has hookups for RVs; however, those spots should not be rented out during events to anyone other than attendees of the event.

One minor improvement would be to rearrange the horse stalls to allow a walkway from the alley gate from the upper arena leading to the lower arena. Currently people have to take a longer route around the stalls. This is just more for convenience than anything else.

Thank you for allowing Ag Boosters the opportunity to provide input today.

Sent from my iPhone

On Apr 5, 2021, at 1:05 PM, Drew Carman <Dcarman@rviplanning.com> wrote:

Please find the log in information below to attend the virtual stakeholder input meeting for Dripping Springs Ranch Park Master Plan. Stakeholder groups should choose one representative who will be given a chance to provide input for the Master Planning

**Programming related suggestions from Public Input**

<b>Program</b>	<b>Capital Improvement</b>	<b>Notes</b>
<b><u>Horse Related</u></b>		
Obstacles / Challenge /Cross country Course	Y	Build Horse Elements
Roping	N	
Kids equine education/training	N	
Group Rides	N	
Dressage	N	
Hunter/Jumper shows	N	
Equine Clinics	N	
Ranch/Rodeo events	N	
<b><u>Environmental</u></b>		
Fishing/ stock pond	Y	Make-up Water & Ordinance Update
Native plants/ water conservation	N	
Bird walks	N	
Geology/botany education	N	
Gardening/Environmental Classes	N	
Leave no trace/ Responsible recreation classes	N	
Equine education	N	
Stargazing/astronomy classes	N	
Kids classes, outdoor events	N	
<b><u>Active Recreation</u></b>		
Mountain biking	N	
Trail running/cross country	N	
Family camping events	N	
Skate Boarding	Y	
5k walks	N	
Disc Golf	Y	
Pump Track/BMX Skills course	Y	
<b><u>Other Programming</u></b>		
Cooking classes	N	
Music	N	
Book clubs	N	
Dance classes	N	
Youth programs	N	
Repair classes	N	
Guest speakers	N	
Photography	N	
Halloween events/hay ride	N	
Seniors classes	N	
Camps for kids	N	

MAY 2021

Item 10.

[2017 Master Plan inserted after]



# Dripping Springs Ranch Park Master Plan

February 21 , 2017



# TABLE OF CONTENTS

1

## ACKNOWLEDGEMENTS

The City of Dripping Springs Parks and Recreation Commission -  
The Dripping Springs Ranch Park Master Plan Committee- City Staff  
PAGE 3

2

## VISION, MISSION AND GOALS

PAGE 4

3

## METHODOLOGY

Inventory - Vision and Goals -Facilities Needs-Recommendations  
Action Plan-Adoption  
PAGE 6

4

## DRIPPING SPRINGS RANCH PARK IN CONTEXT

PAGE 8

5

## INVENTORY

PAGE 10

6

## NEEDS ASSESSMENT PRIORITIES AND ACTION PLAN

PAGE 17

# 1 ACKNOWLEDGEMENTS

The City of Dripping Springs, Texas and Luck Design Team, LLC collaborated to prepare the Dripping Springs Ranch Park Master Plan. The plan was developed between March 2016 and September 2016 with contributions from many individuals and groups. The following individuals are recognized for their significant contributions to the development of the Parks Master Plan.

## THE DRIPPING SPRINGS PARKS & RECREATION COMMISSION:

Robbie Zamora, Chair

Eric Russell, Vice Chair

David Douglas

Robert Hayden

Eric Henline

Ron Jones

Wade King

Rich Moore

## DRIPPING SPRINGS RANCH PARK MASTER PLAN COMMITTEE:

Wayne Burklund

Lewanna Campbell

Gay Dotin

Nick Dotin

Wade King

Rich Moore

Ken Nicolas

Pam Owens

Reed Smith



## CITY STAFF:

Michelle Fischer, City Administrator

Lynne Dickinson, Dripping Springs Ranch Park & Event Center Manager

## 2 VISION, MISSION AND GOALS

### PURPOSE

The establishment of the Dripping Springs Ranch Park (DSRP) Master Plan Committee was approved by the Dripping Springs City Council to collect information, study, and make recommendations to the Parks & Recreation Commission and City Council regarding the operation, enhancement, and use of Dripping Springs Ranch Park.

Committee Members were selected to represent the interest of various stakeholders, including, but not limited to Dripping Springs Agriculture Boosters, the Dripping Springs Chamber of Commerce and Visitors Bureau, the Dripping Springs Lions Club, Equine Events, Retail/Trade Shows, Entertainment/Music/Hospitality interests, the Hays County Master Naturalists, the Hays County Master Gardener, the Dripping Springs Independent School District and General Park Users, including residents of Dripping Springs and visitors to the city alike.



### PARKS AND RECREATION MISSION STATEMENT

The Dripping Springs Parks & Recreation Commission functions under the following mission statement:

***“Preserving Texas Hill Country for its people and their recreation and leisure, for its history and the sense of place, for its beauty and open spaces.”***

### VISION AND MISSION OF DRIPPING SPRINGS RANCH PARK

It is under this umbrella of the Parks and Recreation Commission Mission Statement that the DSRP Master Plan Committee developed the inspiring Vision Statement for Dripping Springs Ranch Park:

***“Where the past meets the future!”***

This vision statement encompasses the mission of celebrating and continuing the historical past of Dripping Springs at the park site while at the same time providing recreational opportunities for families of Dripping Springs and visitors.

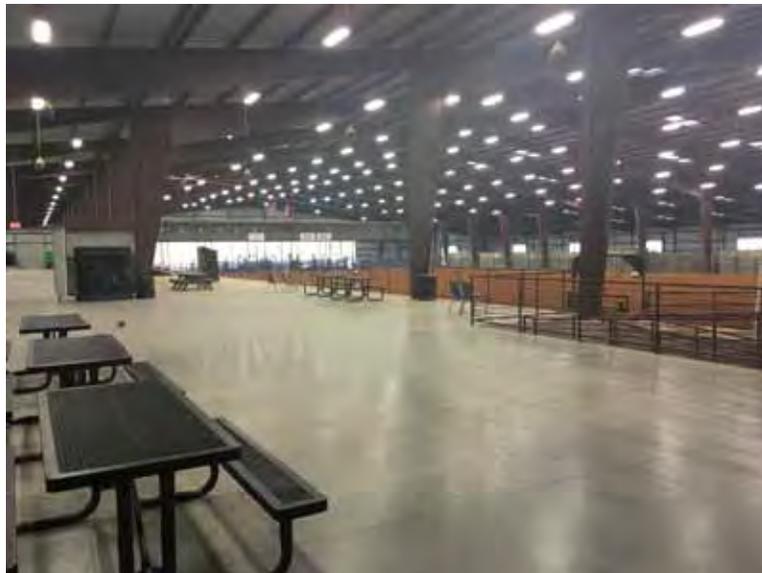
## GOALS FOR DRIPPING SPRINGS RANCH PARK

Multi-layered goals for the park site were also established by the DSRP Master Plan Committee in the early Spring of 2016.

These goals include:

1. Expanding and maximizing the recreational and functional opportunities offered throughout the Park, both at the Events Center and the exterior areas of the Park;
2. Establishing and maintaining a high quality level of park facilities and amenities throughout the Park by meeting the park priority and comfort needs of residents and vendors through the continual addition and upgrade of park facilities;
3. Enhance the marketing efforts and outreach in particular to residents in order to communicate the many different park, recreational and open space opportunities available to residents within the Park;
4. Balancing the revenue generating aspects of the Park with providing affordable recreation opportunities for residents of Dripping Springs;
5. Providing a safe and secure environment for the operation, maintenance and use of the Park.

In order to implement these five goals of the DSRP Master Plan, specific objectives were identified as action items. These action items are further expanded in "Section 6 - Needs Assessment and Action Plan".



# 3 METHODOLOGY

The development of the plan was carried out in six chronological steps:

## 1. INVENTORY

The inventory assessed the condition and needs of the park system facilities that provide recreational opportunities for Dripping Springs residents and potential visitors to the site , and identified needed improvements for each location. In the Spring of 2016, City Staff and staff from LUCK Design Team went to each park, photographically documenting the facilities, and charting each feature on a map of the park. The data was compiled into two categories (“Event Center” and “Non- Event Center” amenities) for the DSRP Master Plan Committee to review and discuss.



## 2. PUBLIC INPUT

Working with a LUCK Design Team, the City formulated a process for public input to gather ideas for the master plan.

From March to August 2016, the DSRP Master Plan Committee , along with City Staff, had a total of six meetings at the Dripping Springs Ranch Park or City Hall. At each meeting committee members had the opportunity to provide input and direction in the formulation of the master plan.

## 3. VISION, MISSION AND GOALS

Analysis of the collected data and information resulted in a list of priorities that fit into one of five broad categories or park system goals. These were then defined into specific objectives or “tracts” within the Action Plan.

## 4. FACILITY NEEDS

Facility needs were assessed using standard and resource based methods utilizing information from the DSRP Master Plan Committee input process.

## 5. RECOMMENDATIONS

Multiple recommendations were formulated for the Park, based on the needs assessment and discussions with City Staff, the DSRP Master Plan Committee and City Leadership. The recommendations are in order of preferred priority, with project descriptions, type, goals satisfied from each of the priorities accomplished, potential funding sources and estimated budget amounts stated in 2016 dollars.

## 6. ADOPTION

The Dripping Springs Ranch Park Master Plan was recommended by the DSRP Master Plan Committee for approval by the Dripping Springs Parks & Recreation Commission at their February 2017 meeting. The plan is effective January 2017 through the end of 2026. Comprehensive updates to the plan will be made every five years or as needed between each five-year interval.



## 4 DRIPPING SPRINGS RANCH PARK IN CONTEXT

The beautiful Dripping Springs Ranch Park is nestled amidst rolling landscape, seasonal creeks and ponds with wide open spaces for numerous leisure activities and outdoor recreational opportunities. The Park is home to the City's new premier Event Center with 166,000 square feet under cover. Dripping Springs Ranch Park was designed as a multi-use facility to accommodate a variety of agricultural and equine events as well as social and corporate gatherings, and as a venue for entertainment. The Park is conveniently located 1.5 miles from downtown Dripping Springs near restaurants, lodging, and entertainment.

Dripping Springs Ranch Park and Event Center offers multi-use facilities including indoor and outdoor arenas for regional and national horse and agricultural competitions and for music entertainment, trade shows and large festivals. The Special Event Venue is available for social gatherings, corporate meetings, banquets, conventions and galas.

The Park's trail system is ideal for hiking and horse riding throughout the Park. With picnic tables, washer pitching, playground and primitive camping and RV sites, the Park is ideal for a variety of group activities and leisure time for family outings.

While many facilities at Dripping Springs Ranch Park and Event Center are free, other venues must be rented for personal and group events.



### HISTORY

Dripping Springs Ranch Park is owned and operated by the City of Dripping Springs and has been a part of the City's recreational facilities since 2008 with the purchase of the Harrison family homestead and working ranch. The acquisition was made possible by funds from Hays County park bond funds and funds dedicated by the City. The acquisition and planned improvements were complimentary to the City's master park plans for a community gathering space and large open spaces. The new facilities became a reality with generous funding and matching grants from Texas Parks and Wildlife, the Lower Colorado River Authority and additional funds from Hays County park bond funds. The Park has been embraced by citizens as well with generous gifts from private donors and local businesses.

The Park opened in 2008 and is enjoyed by thousands of users. It is a popular park for horse riders who participate in competitive and leisure equine events as well as for individuals and families who are attracted to the many outdoor recreational opportunities, including hiking, washer pitching, wildlife viewing, primitive camping and gatherings. It is the perfect spot for a family picnic or a special occasion for reunions and weddings.

The Park is home to annual festivals that attract visitors from all areas of the Hill Country and beyond.

With the additional new facilities, the Park is now home to a versatile venue that is one of the largest in the Texas Hill Country.

### PRESERVING THE LAND

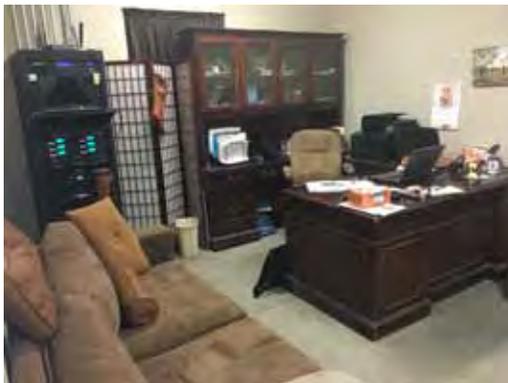
Dripping Springs Ranch Park and Event Center spans over 100 acres of heavily wooded landscape and open space. A segment of Little Barton Creek runs through the property, supporting an abundance of wildlife and native plants. More than eight acres have been set aside as a wildlife preservation and conservation area. The Park uses a rainwater collection system to provide water and further conserve natural resources. This beautiful Park reflects all aspects of the Hill Country landscape in which Dripping Springs was founded. One of the main goals of Dripping Springs Ranch Park and Event Center project is to preserve a legacy of the City's foundation in farming and ranching life while bringing tourism and economic value to the community.



# 5 INVENTORY

In order to project the future park and recreation needs of the Dripping Springs Ranch Park, City Staff and personnel from LUCK Design Team conducted a parks/facilities inventory review of the amenities within the Park. Each of the parks were inventoried and categorized according to the following classification system: Event Center amenities and exterior (non-Event Center) amenities.

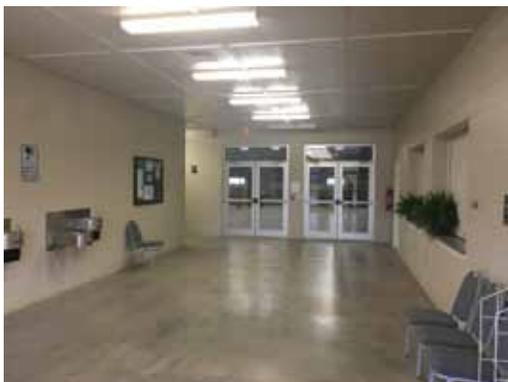
These items were documented with photographs in the Spring of 2016, and categorized into the two categories stated above. The following pages document that inventory.



Event Center - Administration Office



Event Center - Administration Office



Event Center - Entry Hall



Event Center - Kitchen



Event Center - Storage Area



Event Center - Ticket Booth



Event Center - Refrigerator Storage



Event Center - Storage Room



Event Center - Arena Gathering Area



Event Center - Arena Plaza



Event Center - Arena



Event Center - Warm Up Area



Event Center - Warm Up Area



Event Center - East Entry to Staging Area



Event Center - Animal Treatment Area



Event Center - Wash Rack



Event Center - Wash Down Area



Event Center - Large Equipment Area



Event Center - Animal Stalls



Event Center - Animal Stalls



Event Center - Animal Stalls



Event Center - Indoor Pen (West End)



Event Center - Suites (West End)



Event Center - Animal Pens



Event Center - Maint. Office Exterior



Event Center - Indoor Vendor Area



Event Center - Maintenance Office



Event Center - Temporary Bleachers



Event Center - Chutes (West End)



Event Center - Arena (Looking East)



Exterior - Existing Barn - HCLE Owned



Exterior- Existing Barn (Interior) - HCLE Owned



Exterior - Corral



Exterior - Stall Barn (Exterior)



Exterior - Stall Barn (Exterior)



Exterior - Existing House



Exterior- Existing House Yard



Exterior - Existing House Interior



Exterior- Existing House Interior



Exterior - Outdoor Arena



Exterior - Outdoor Arena



Exterior - Outdoor Arena



Exterior- Round Pen-Under Construction



Exterior- Round Pen - Under Construction



Exterior - Open Field / Parking Area



Exterior- Low Water Crossing



Exterior - Drainage Issues at Park Road



Exterior - Playground Area



Exterior - Playground and Parking



Exterior - Existing Pond



Exterior - Damaged Concrete Path



Exterior - Existing Pond



Exterior - Field Along RR12



Event Center - South Side Parking

## 6 NEEDS ASSESSMENT PRIORITIES AND ACTION PLAN

To assist in the development of the City's park priority need at Dripping Springs Ranch Park, the DSRP Master Plan Committee divided future park improvements into categories: "Event Center Improvement Needs/Desires" and "Non-Event Center Improvement Needs/Desires". This reflects the nature of the park functioning as almost two separate entities. Both categories need to be addressed with equal attention to accomplish the goals stated earlier in the master plan.

At its June 2016 meeting, the planning committee identified the following possible items for prioritization for "Event Center" improvements:

- Reorganization of front office space is an issue (has to be shared with electrical /server)
- More fans in arena area
- Permanent Bleachers (Existing temporary bleachers holds 250 each; also on stall side)
- Stall Area – would like to have rubber mats (existing ones are City of San Marcos owned-Hays County Live Stock Board)
- Another stall barn to east end of facility (add 100 more stalls, meeting room, indoor showers, Restrooms)
- Video Surveillance System (inherent liability if you don't do it)
- Moving server to electric room
- Add vents to roof structure
- Purchase used Skid steer (that the City would own) with equipment (i.e, broom, etc.)
- VIP Box Improvements Opt. 1- Big Room by Concession/Club Box – at east end (Open Air Box)
- VIP Box Improvements Opt. 2 - Make boxes larger at old VIP Box (knock down walls to enlarge)
- Corner Restrooms (especially for stall workers)
- Outside Fenced Area for Panel Storage (covered metal pole barn)



Additionally, the following items were considered for prioritization for “Non-Event Center” improvements:

- Park Signage (trail head signs illustrating the character of DSRP)
- Picnic Areas
- Trails (as an entry from Harrison Hills Subdivision)
- Keeping Old School Arena Functional (replace gates, other elements)
- Bird watching areas (bird blind along high point with picnic tables)
- Doggie waste disposal station/bags
- Fishing areas around existing pond
- Secondary access and lower road
- Fencing for the whole Park (to be able to lock facility up and section off the Park)
- Buy more land to the north (for access, more equestrian, multi-use trails)

These items were discussed and prioritized by the DSRP Master Plan Committee on August 10, 2016. They are presented on the following pages in order of preferred priority, with project descriptions, type, goals satisfied from each of the priorities accomplished, potential funding sources and estimated budget amounts stated in 2016 dollars.



Priority Item	Project Name	Project Description	Project Type	Goal(s) Satisfied from Master Plan	Funding Sources	Est. Budget Amount
1	Fencing	Fencing or protection against "Mudders" in open property; fencing for the whole park (to be able to lock up facility and section off park)	Construction	Goals 2 and 5	General Fund	Estimate: \$xx/Linear foot
2	Permanent Bleachers	Bank A - 10 tiers X 123'-05", (5) sections, (4) aisles, electric power operation; Bank B - 10 tiers X 83'-0", (4) sections, (3) aisles, electric power operation	Installation	Goal 2	General Fund	Quote: \$144,544 from Specialty Supply and Installation; dated 5/27/16
3	Vents to the roof structure	Vents to the roof structure	Installation	Goal 2	General Fund	Estimate: \$5,000/Each
4	More Fans in arena area	Addition of (3) 14' diameter fans in the arena; includes electrical wiring and conduit	Purchase	Goal 2	General Fund	Quote: \$32,874.76 from Macro Air; dated 4/27/16 (does not include install; fans only)
5	Skid Steer with Equipment	Asco Equipment Case SV300 skid (Used)	Purchase	Goal 2	General Fund	Quote: \$74,000 from Asco dated 8/10/16
6	Additional Stall Barn	80' x 250' (20,000 SF); includes 4,000 Meeting Room	Construction	Goals 1, 2 and 5	TBD	Quote: \$865,000 from Southwest Erectors; dated 5/25/16
7	New Low Water Crossing	Concrete Structure along internal going to the back arena; existing crossing has serious erosion	Construction	Goals 2 and 5	TBD	Estimate: \$20,000
8	Video Surveillance System	Cameras installed along the perimeter of the arena	Installation	Goal 5	General Fund	TBD
9	Signage - Trailhead	Addition of (2) Trailhead Kiosks with wayfinding , rules and orientation	Construction	Goal 3	General Fund	Estimate: \$3,000- 5,000 ea.
10	Fire Breaks/Deadwood Removal	Constructing Fire Breaks and Clearing of Deadwood	Clearing / Construction	Goals 2 and 5	General Fund	TBD
11	Invasive Species Eradication	Clearing of Invasive Species Throughout the Park	Clearing / Construction	Goals 2 and 5	General Fund	TBD
12	White Round pen needs replacing	Replace White wooden pen at west outdoor arena	Construction	Goal 2	FEMA Funds	TBD
13	Trails (as an entry from Harrison Hills)	Construction of trails that provide a connection to the arena and existing trail system from the west side of the property	Construction	Goal 1	Grant Funding from Texas Parks & Wildlife	Estimate: \$18/Linear foot
14	Secondary Access and North Road	Secondary entrance to facilitate better access/egress off of Ranch Road 12	Construction	Goals 1 and 5	General Fund	TBD: Maybe possible easement
15	Replace bleachers at back arena	(4) Total	Installation	Goal 2	General Fund	Estimate: \$2,000/Each
16	Buy more land to the north; adjacent to existing property	Additional land will allow for more trails and 2nd access	Purchase	Goals 1 and 5	TBD	TBD

Priority Item	Project Name	Project Description	Project Type	Goal(s) Satisfied from Master Plan	Funding Sources	Est. Budget Amount
17	Front Office Space / Moving Server to Electric Room	Includes running additional conduit and wire and relocating server to back electrical room	Construction	Goal 2	General Fund	TBD
18	Rubber Mats	City would like to have own rubber mats in stall area	Purchase	Goal 2	General Fund	TBD
19	Outside Fenced Area for Panel Storage	For Panel Storage	Construction	Goal 5	General Fund	TBD
20	Picnic Areas	Covered Picnic Areas Around Existing Pond and Trails	Construction	Goal 1	TBD	TBD
21	Corner restrooms (primarily for Stall workers)	Restrooms located at north side of arena so workers do not have to go to the same restroom as patrons	Construction	Goals 1 and 2	TBD	TBD
22	Fishing areas	Wooden Docks at Existing Pond	Construction	Goal 1	TBD	TBD
23	Doggie waste disposal stations / bags	Along trail	Purchase	Goal 1	TBD	TBD
24	Bird watching Areas	Overlook "blinds" by existing pond and creek area	Construction	Goal 1	TBD	TBD
25	East VIP Box	VIP Box Improvements - Opt. 1 Big Room by Concession / Club Box at end (Open Air Box)	Construction	Goals 1 and 4	TBD	TBD
26	West VIP Box	VIP Box Improvements - Opt. 1 Make boxes larger at existing VIP Box	Construction	Goals 1 and 4	TBD	TBD

-  - High Priority
-  - Medium Priority
-  - Low Priority

**CITY OF DRIPPING SPRINGS**

**ORDINANCE No. 2021-\_\_\_\_\_**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, TEXAS AMENDING THE DRIPPING SPRINGS RANCH PARK MASTER PLAN.

**WHEREAS**, Dripping Springs Ranch Park (“DSRP”) provides entertainment and outdoor activities for families and citizens of all age groups and demographics; and

**WHEREAS**, the proposed DSRP Master Plan includes areas for camping, birding, flexible open spaces, RV camping and event overflow, designated equestrian areas, a pond, and hiking trails; and

**WHEREAS**, Section 331.002 of the Texas Local Government Code provides that the City has the authority to operate and maintain parks; and

**WHEREAS**, the proposed amendments to the DSRP master plan provides for large naturalist/restoration areas.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, HAYS COUNTY, TEXAS:**

**SECTION 1. MASTER PLAN**

The Dripping Springs Ranch Park Master Plan is hereby adopted as the master or comprehensive plan for the Dripping Springs Ranch Park.

**SECTION 2. ENACTMENT**

The City Council hereby adopts the Dripping Springs Ranch Park Master Plan, as attached in Exhibit “A”.

**SECTION 3. REPEALER**

In the case of any conflict between other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance will control.

**SECTION 4. SEVERABILITY**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

**SECTION 6. EFFECTIVE DATE**

The Ordinance shall be effective immediately upon passage and publication.

**SECTION 7. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED & APPROVED** this, the 20<sup>th</sup> day of July 2021, by a vote of \_\_\_\_ (ayes) to \_\_\_\_ (nays) to \_\_\_\_ (abstentions) of the City Council of Dripping Springs, Texas.

**CITY OF DRIPPING SPRINGS:**

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Bill Foulds, Jr., Mayor

**ATTEST:**

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Andrea Cunningham, City Secretary



**STAFF REPORT**  
**City of Dripping Springs**  
**PO Box 384**  
**511 Mercer Street**  
**Dripping Springs, TX 78620**

**Submitted By:** Laura Mueller, City Attorney

**Council Meeting Date:** July 20, 2021

**Agenda Item Wording:** **Discuss and consider approval of an Ordinance Amending the Membership of the Transportation Committee.** *Sponsor, Bill Foulds, Jr., Mayor*

**Agenda Item Requestor:** Mayor Bill Foulds, Jr.

**Summary/Background:** The Transportation Committee currently consists of seven members including the planning director, a member from city council, the city engineer, and a member of the planning and zoning commission as well as three members of the public. This change would add an additional member to the Transportation Committee due to its current importance as the City develops. There will be four members of the public to be appointed to the committee.

**Commission  
Recommendations:**

**Recommended  
Council Actions:** Approve update to ordinance.

**Attachments:** Ordinance. Staff report.

**Next Steps/Schedule:** If this ordinance change is approved, a new member of the public will need to be appointed.

- CODE OF ORDINANCES  
Chapter 2 - ADMINISTRATION AND PERSONNEL  
ARTICLE 2.04. - BOARDS, COMMISSIONS AND COMMITTEES  
DIVISION 6. TRANSPORTATION COMMITTEE

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***DIVISION 6. TRANSPORTATION COMMITTEE***

**Sec. 2.04.151. Title.**

This division shall be commonly cited as the "transportation committee ordinance."

**Sec. 2.04.152. Purpose.**

- (a) This article provides standards for the formation, function, and responsibilities of an advisory transportation committee tasked with representing various citizen groups and their interests as part of the city council's greater discussion of transportation, its planning, and its improvements.
- (b) This article is in furtherance of good government and public safety. Through these regulations, the city seeks to promote the safety of persons and property by preventing:
  - (1) Uncoordinated transportation development that threatens public safety; or
  - (2) Disconnected residential and business development that reduces the efficiency and operation of good government and order.

**Sec. 2.04.153. Scope.**

This article applies to all property within the incorporated municipal boundaries (i.e., city limits) and the extraterritorial jurisdiction (ETJ).

**Sec. 2.04.154. Definitions.**

- (a) Rules of interpretation. Words and phrases used in this article shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the code. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number shall include the singular number (and vice versa), and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.
- (b) Specific definitions.

Committee: The transportation committee created herein.

Transportation master plan: A nonbinding, guidance document utilized for municipal planning purposes, which contains a vision statement, capital improvement project options, and roadway maintenance project lists.

**Sec. 2.04.155. Membership; meetings.**

(a) Number of members.

- (1) The committee will have ~~seven~~eight voting members, one of whom will be the committee chair appointed by the city council. A vice-chair will be selected by the chair and approved by a majority of the transportation committee members. The vice-chair will serve as the chair in the absence of the chair.
- (2) Four municipal members of the committee are:
  - (A) A member from city council;
  - (B) A member from planning and zoning commission;
  - (B) ~~The planning director~~public works coordinator; and
  - (C) The city engineer.

The city council and planning and zoning commission shall nominate and vote on their respective member to serve on the committee.

- (3) Four public members of the committee shall be residents of either the city limits or its ETJ. No less than one public member will reside within the city limits.
- (4) The committee may have subcommittees of at least three members, one of whom will be the subcommittee chair designated by the subcommittee at its first meeting. A vice-chair will be selected by the chair and approved by a majority of the subcommittee members. The vice chair will serve as the subcommittee chair in the absence of the chair. Subcommittees may invite input from non-committee members.
- (5) The committee may add non-voting members on an as-needed basis as approved by a majority of the committee.

(b) Terms of members and chair and vice-chair.

- (1) Municipal members of the committee will serve at the pleasure of the bodies that appointed them. The public committee members will serve a two-year term, at the will of the city council. There is no limit as to how many terms a member may serve.
- (2) The chair and vice-chair will serve a one-year term, at the will of city council. There is no limit as to how many terms the chair or vice-chair may serve.
- (3) Vacancies may be filled by appointment, with the appointed replacement member being bestowed the remainder of the unexpired term.

(c) Member selection.

- (1) Every two years on even years starting in June 2014, city staff will prepare a slate of nominees for city council consideration. The slate will include nominees including but not limited to those with a background and experience in civil engineering, land/transportation planning, real estate/development, business ownership, and alternative mobility. The slate will only include individuals that city staff has contacted

and who have expressed an interest and availability to serve. Potential nominees may express interest in the committee by contacting the city secretary in writing.

- (2) The city council will approve, reject, or modify the list.
- (d) Resignation; vacancies. A committee member may resign by notifying the city secretary in writing of his or her intent to resign. A failure to attend three or more sequential committee meetings without approval from the chair will constitute a de facto notification of intent to resign. Members appointed to fill a vacancy will complete the unexpired portion of the term.
- (e) Meetings.
  - (1) The committee will meet monthly at city hall, as coordinated with and arranged by city staff. Agendas will be drafted by the committee chair, under the advisement of committee members.
  - (2) Committee designated subcommittees may meet more often, as coordinated with and arranged by city staff. Agendas will be drafted by the subcommittee chair, under the advisement of subcommittee members.
  - (3) The committee will make a report to the city council at the first meeting of each month to update the council on projects and progress.

**Sec. 2.04.156. Authority.**

The committee has no authority to make decisions binding on the city. The committee's functions are purely advisory and not subject to the Open Meetings Act.

**Sec. 2.04.157. Responsibilities.**

- (a) The committee is responsible for organizing an inclusive process for assessing community needs and priorities in an orderly fashion and providing the council with guidance via a proposed transportation master plan that reflects the skills, creativity, vision, and cooperation of the committee, its members, and any advisors.
- (b) After the final transportation master plan is adopted by city council, the committee will continue to advise the council on carrying out the plan. The committee may review proposed subdivision and site development plans and make recommendations to assure conformance with the transportation master plan.
- (c) The city council should consider updating the transportation master plan every five years, at which time the transportation master plan drafting process described below will begin again.
- (d) The committee shall advise the council on budgeting for transportation-related needs.

**Sec. 2.04.158. Drafting of transportation master plan.**

- (a) Functions of committee. The committee's function is to study the city's transportation status, assess opportunities for improvements, and suggest guidelines to the city council for

collaboration and growth that will effectively move the city from its current status towards future opportunities for traffic safety and circulation enhancements.

- (b) Contents of plan. The committee is tasked with drafting a transportation master plan that identifies:
- (1) A vision statement to drive future transportation safety and circulation improvements and enhancements.
  - (2) Capital improvement project options the city can implement/complete in the next five years, along with each project's necessary participants, strengths, weaknesses, draft budget, and timeline.
  - (3) Roadway maintenance project options the city can implement/complete in the next three years, along with each project's necessary participants, strengths, weaknesses, draft budget, and timeline.

**Sec. 2.04.159. Presentation of transportation plan.**

- (a) Schedule. The transportation plan will be presented to the city council in written and presentation format in phases over the course of one year. The presentations over the course of the committee's first year will include:
- (1) Draft presentation to P&Z.
  - (2) Draft presentation to council.
  - (3) Public forums.
  - (4) Final presentation to P&Z.
  - (5) Final presentation to council.
- (b) Public access to information. The committee's work and work product will be subject to the Public Information Act, chapter 552 of the Texas Government Code.

**Sec. 2.04.160. Support.**

- (a) City staff will provide logistical support to the committee and its subcommittees, as defined by access to city facilities for purposes of public meetings, access to city resources for purposes of copies and communications, and a designated staff liaison to coordinate and direct such support.
- (b) The city website will provide a page via the staff liaison upon which the committee may post:
- (1) Meeting information;
  - (2) Agendas and minutes; and
  - (3) Resource materials, if any.

(Ordinance 7000.11, adopted 5/13/14)

**Secs. 2.04.161—2.04.190. Reserved.**

**CITY OF DRIPPING SPRINGS**

**ORDINANCE No. 2021-\_\_\_\_\_**

AN ORDINANCE AMENDING CHAPTER 2 OF THE DRIPPING SPRINGS CODE OF ORDINANCES; AMENDING ARTICLE 2.04 BOARDS, COMMISSIONS AND COMMITTEES, DIVISION 6. TRANSPORTATION COMMITTEE AS IT RELATES TO THE MEMBERSHIP OF THE COMMITTEE; FINDINGS OF FACT; ENACTMENT; REPEALER, SEVERABILITY; PUBLICATION; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

**WHEREAS**, the City Council of the City of Dripping Springs (“City Council”) seeks to facilitate business and residential growth by providing for adequate transportation to the Dripping Springs area; and

**WHEREAS**, the City benefits from the perspective and knowledge of staff, officials, and residents of the City; and

**WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City.

**NOW, THEREFORE, BE IT ORDAINED by the Dripping Springs City Council:**

**1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**2. ENACTMENT**

Chapter 2, Article 2.04 of the City of Dripping Springs Code of Ordinances, Division 6. Transportation Committee is amended so to read in accordance with Attachment “A”, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated within Attachment “A”.

**3. REPEALER**

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**5. CODIFICATION**

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City’s Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

**6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and publication.

**7. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED & APPROVED** this, the \_\_\_\_ day of \_\_\_\_ 2021, by a vote of \_\_\_\_ (ayes) to \_\_\_\_ (nays) to \_\_\_\_ (abstentions) of the City Council of Dripping Springs, Texas.

**CITY OF DRIPPING SPRINGS:**

\_\_\_\_\_  
Bill Foulds, Jr., Mayor

**ATTEST:**

\_\_\_\_\_  
Andrea Cunningham, City Secretary



**STAFF REPORT**  
**City of Dripping Springs**  
**PO Box 384**  
**511 Mercer Street**  
**Dripping Springs, TX 78620**

**Submitted By:** Andrea Cunningham, City Secretary

**Council Meeting Date:** July 20, 2020

**Agenda Item Wording:** **Discuss and consider the Appointment of two (2) Public Members to the Transportation Committee for terms ending June 30, 2023; and the appointment of a Committee Member to serve as the Chair.**

**Agenda Item Requestor:** Ginger Faught, Deputy City Administrator

**Summary/Background:** The Transportation Committee is a seven-member advisory committee tasked with representing various citizen groups and their interests as part of the City Council's greater discussion of transportation, its planning, and its improvements. The Committee is responsible for assessing the community's transportation needs and priorities, and for drafting a transportation master plan for City Council recommendation.

Municipal Members (4) are appointed accordingly: the Mayor shall appoint the City Council Member seat; the Planning & Zoning Commission shall appoint their representative from their current commissioners; and, the remaining Municipal Members (2) shall be the current City Staff member in that designated position.

Public Members (4) are appointed by the City Council and may include but not be limited to those with a background and experience in civil engineering, land/transportation planning, real estate/development, business ownership, and alternative mobility. Staff shall prepare a slate of candidates for consideration consisting of those that have submitted applications or have expressed an interest in membership.

**Current Committee**

<i>Member</i>	<i>Term</i>	<i>Seat Description</i>
<b>Jim Martin (ETJ), Interim Chair</b>	<b>06/30/21</b>	<b>P&amp;Z Representative</b>
<b>VACANT</b>	<b>06/30/21</b>	<b>City Council Member</b>
Chad Gilpin	NA	City Engineer

Aaron Reed	NA	Public Works Coordinator
Barrett Criswell (ETJ)	06/30/22	Public Member
Sharon Hamilton (ETJ)	06/30/22	Public Member
<b>John Pettit (City Limits)</b>	<b>06/30/21</b>	<b>Public Member</b>
<b>VACANT (New Seat)</b>	<b>06/30/23</b>	<b>Public Member</b>

There are two (2) Public Member seats for consideration. Public notice was sent for applications for appointment in April with a deadline for submission on May 31<sup>st</sup>.

**Slate of Candidates**

<i>Applicant</i>	<i>Background Experience</i>
John Pettit (City Limits)	Current Member, Real Estate
Travis Crow (City Limits)	Former Appointed Council Member
*Michael Aulick (ETJ, 2019)	City & Transportation Planning
*Benton Morton (ETJ, 2020)	Residential Real Estate
*Ken Eshelman (ETJ, 2020)	Construction Executive

\*Per City policy, applicants not appointed shall remain on file for two (2) years. These applicants were notified that their applications would be included for consideration. No responses were received from the applicants and applications are included City policy.

**Recommended Council Actions:**

Staff recommends the reappointment of John Pettit and the appointment of Travis Crow. Additionally, staff recommends the appointment of Travis Crow as the Chair of the Committee.

**Attachments:**

1. Applications for Appointment

**Next Steps/Schedule:**

1. Notify applicants of Council decision – welcome letters and denial letters
2. Update website and master roster
3. Notify commission of appointments and send updated roster
4. Send calendar invite to appointees



**STAFF REPORT**  
**City of Dripping Springs**  
 PO Box 384  
 511 Mercer Street  
 Dripping Springs, TX 78620

**Submitted By:** Andrea Cunningham, City Secretary

**Council Meeting Date:** July 20, 2020

**Agenda Item Wording:** **Discuss and consider the Appointment of one (1) individual to the TIRZ No. 1 & No. 2 Board for an unexpired seat with a term expiring December 31, 2021. Sponsor: Mayor Pro Tem Manassian**

**Agenda Item Requestor:** Dave Edwards, TIRZ No. 1 & No. 2 Board Chair

**Summary/Background:** The TIRZ Board is a seven-member advisory board responsible for making recommendations to the City Council regarding the administration of the TIRZ. The Board makes recommendations regarding TIRZ Project Plans, and expenditures related to development and redevelopment of land within the TIRZ.

Board members are appointed by City Council and the Hays County Commissioner. The City Council shall appoint Places 1 - 5, and the Hays County Commissioner shall appoint Places 6 and 7. Places 1 - 5 selected at-large and must be at least 18 years of age or older.

**Current Commission**

<i>Member</i>	<i>Place</i>	<i>Term</i>
Dave Edwards, Chair	Place 1	12/31/2022
Taline Manassian, Vice Chair	Place 2	12/31/2022
Misty Atwood	Place 3	12/31/2022
<b>VACANT</b>	<b>Place 4</b>	<b>12/31/2021</b>
<b>John McIntosh</b>	<b>Place 5</b>	<b>12/31/2021</b>
<b>VACANT</b>	<b>Place 6, Hays County</b>	<b>12/31/2021</b>
Walt Smith	Place 7, Hays County	12/31/2022
Bob Richardson	Advisory Member	NA

Public notice was sent for applications for appointment in June 9<sup>th</sup> with a deadline for submission on June 30<sup>th</sup>. The following applications were received which will be marked private due to personal and confidential information therein.

<i>Applicant</i>	<i>Residency</i>
Michelle Fischer	City Administrator
John Kroll	Former Council Member & TIRZ Board Member

**Commission  
Recommendations:**

At the July 12<sup>th</sup> TIRZ regular meeting, the Board voted unanimously to recommend the appointment of Michelle Fischer.

**Recommended  
Council Actions:**

Staff recommends the appointment of Michelle Fischer for an unexpired term ending December 31, 2021.

**Attachments:**

1. Applications for Appointment
2. Interview Panel Recommendation

**Next Steps/Schedule:**

1. Notify applicants of Council decision – welcome letters and denial letters
2. Update website and master roster
3. Notify commission of appointments and send updated roster
4. Send calendar invite to appointees



**STAFF REPORT**  
**City of Dripping Springs**  
**PO Box 384**  
**511 Mercer Street**  
**Dripping Springs, TX 78602**

**Submitted By:** Michelle Fischer, City Administrator

**Council Meeting Date:** July 20, 2021

**Agenda Item Wording:** **Discuss and consider the Appointment of Council Member Sherrie Parks to the Greater San Marcos Partnership Board of Directors to Represent the City of Dripping Springs.**

**Agenda Item Requestor:** Mayor Bill Foulds, Jr.

**Summary/Background:** City Administrator Michelle Fischer currently represents the city on the GSMP Board. Before her appointment, former Council Member John Kroll represented the city on the Board. When Michelle was appointed, it was intended to be temporary until a council member replaced her.

The Greater San Marcos Partnership (GSMP) is a public-private partnership that serves as the regional economic development organization for the City of San Marcos, Hays and Caldwell Counties, and the other cities in those counties. Its mission is to “promote smart and sustainable economic growth by promoting the Greater San Marcos value proposition, supporting quality job growth in export-oriented target sectors, optimizing the local talent base, accommodating and managing natural resources & quality growth, and creating community appeal.”

The 37-member GSMP Board is made up of Institutional members which include the City of San Marcos, Hays County, Caldwell County, regional communities investing at least \$5,000 annually, Texas State University, Gary Job Corps, Christus Santa Rosa and other partners and stakeholders.

Through outreach by the Board's Nominating Committee, the institutional members name their respective Board Member representatives. The Nomination Committee reviews and recommends a slate of Directors and a slate of Officers to the Board each fiscal year. The Committee will soon ask the city to appoint its representative. In the past, the city's representative has been a City Council Member. It is not required that the city's representative be a Council Member, but it is a common practice for board representation.

This year the city contributed \$5,000 to the GSMP and the draft budget calls for \$10,000 next fiscal year.

**Recommended  
Council Actions:**

Appoint Council Member Sherrie Parks to the GSMP Board.

**Attachments:**

Overview of GSMP Board, Board Bylaws.

**Next Steps/Schedule:**

Notify GSMP Nominating Committee of the city's appointment. The GSMP Board will consider appointments at the October 28, 2021, annual meeting.



The Greater San Marcos Partnership (GSMP) is a public-private partnership that serves as the regional economic development organization for the City of San Marcos and Hays and Caldwell Counties, located at the heart of the Texas Innovation Corridor.

Our mission is to promote smart and sustainable economic growth by promoting the Greater San Marcos value proposition, supporting quality job growth in export-oriented target sectors, optimizing the local talent base, accommodating and managing natural resources & quality growth, and creating community appeal. By employing these strategic catalysts, we strengthen the region's economy through the creation of high-quality jobs with increased wages for our citizens and attract increased capital investment.

GSMP is a 501c(6) organization founded in 2010 by regional stakeholders with the commitment to community advancement and a focused objective: creating economic diversity and strength through ethical, proactive and strategic professional economic development.

The 37-member GSMP Board is made up of Institutional members which include the City of San Marcos, Hays County, Caldwell County, regional communities investing at least \$5,000 annually, Texas State University, Gary Job Corps, Christus Santa Rosa and other partners and stakeholders. Through outreach by the Board's Nominating Committee, the institutional members name their respective Board Member representatives. The Nomination Committee reviews and recommends a slate of Directors and a slate of Officers to the Board each fiscal year.

The GSMP Board's goal is to operate efficiently and transparently for the benefit of all stakeholders. Particular emphasis is placed on transparency because of the public sector participants are appropriately held accountable to their respective communities and taxpayers. All Board meetings are open to the public and the agenda is posted in accordance with the Texas Open Meetings Act.

Greater San Marcos Economic Development Corporation  
**A Texas Non-Profit Corporation**

**THIRD AMENDED AND RESTATED BYLAWS**

Article I  
NAME

The name of the organization shall be the **Greater San Marcos Economic Development Corporation, d/b/a the Greater San Marcos Partnership** (“*GSMP*” or the “*Corporation*”).

Article II.  
MISSION, PURPOSE AND LIMITATION ON POWERS

Section 2.1 Mission. The mission of the Corporation is to promote the economic vitality of, to encourage and support job creation and preservation in, to attract and recruit new companies and industries to, and to encourage the retention of and support the expansion of companies and industries in the Greater San Marcos, Texas Region, as defined by the Board of Directors from time to time.

Section 2.2 Purposes. In furtherance of its Mission above within and for the benefit of the Greater San Marcos, Texas Region, the purpose of the Corporation are: (a) to facilitate education and workforce development providing quality employment opportunities for all residents; (b) to conduct an industrial association for the purpose of encouraging, stimulating and promoting economic development, expansion and diversification; (c) to lessen the burden of government by creating a larger tax base for the benefit of all residents; (d) to develop a complete range of employment opportunities to maximize workforce potential and reduce unemployment; and (e) such other purposes as may be permitted under Section 501 (c)(6) of the Internal Revenue Code (the “*Code*”) and the Texas Business Organizations Code, as amended from time to time or their successor provisions.

Section 2.3 501(c)(6) Tax-Exempt Organization. The Corporation is a Section 501 (c) (6) organization under the Code. The Corporation is not authorized to take any action not allowed by the Code for such an organization. The Corporation is not organized for profit, and no part of the net earnings of the Corporation may inure to the benefit of any private individual.

Article III.  
OFFICES

Section 3.1 Principal Office. The principal office of the Corporation in the State of Texas shall be located in the City of San Marcos, Hays County, Texas. The Corporation may have other offices, either within or without the State of Texas, as the Board of Directors may determine or as the affairs of the Corporation may require from time to time.

Section 3.2 Registered Office and Agent. The Corporation shall have and continuously maintain in the State of Texas, a registered office and a registered agent whose office is identical with such registered office as required by the Texas Business Organizations Code. The registered office of the Corporation may be, but need not be identical with the principal office of the Corporation in the State of Texas. The Board of Directors may change its registered agent and the address of the registered office from time to time.

Article IV.  
MEMBERSHIP

Section 4.1 Institutional Members. The City of San Marcos, Texas, Economic Development San Marcos Board, the San Marcos Area Chamber of Commerce, Texas State University, Hays County, Texas, Caldwell County, Texas, Adventist Health System/Sunbelt, Inc., doing business as Central Texas Medical Center, San Marcos Manufacturers' Association, Gary Job Corps Center, San Marcos Consolidated Independent School District, an additional Independent School District located in Hays or Caldwell County, regional economic development organizations ("Regional Partners"), Four Rivers Board of Realtors or its successor, San Marcos Regional Airport, and Austin Community College are Members of the Corporation (each of the foregoing being "Institutional Members"). Institutional Members shall each pay a minimum fee of at least \$5,000.00 or provide an equivalent in-kind contribution in such form or manner acceptable to and as determined by the officers of the Corporation.

Section 4.2 Non-Institutional Members. In addition to the Institutional Members, private entities paying a membership fee annually to the Corporation as provided below shall be a non-institutional Member of the Corporation ("Non-Institutional Members").

(a) General Members. Non-Institutional Members paying less than \$10,000.00 annually shall be "General Members".

(b) Lead Members. Non-Institutional Members paying at least \$10,000.00 annually shall be "Lead Members".

Section 4.3 Other Classes of Members. The Board of Directors may, as it deems appropriate, establish other classes or sub-classes of Members and any other benefits and privileges for each class or subclass.

Section 4.4 Membership Meetings. The Board of Directors shall call and organize one or more meetings of the Members of the Corporation each year at a location within the Greater San Marcos Region. The meetings of the Members may be held in conjunction with any meetings of the Board of Directors.

Section 4.5 Voting Rights of Members. Except as to the manner in which Institutional Members appoint their respective representatives to serve on the Board of Directors as provided in Section 5.5, the Members of the Corporation shall have no voting rights or privileges with regard to the management and affairs of the Corporation.

Section 4.6 Removal of Members. The Board of Directors may remove any Member of any class or sub-class of Members by a two-thirds vote of the Directors for failure of any

Member to meet the requirements set forth in this Article or such other requirements as established by the Board of Directors.

Section 4.7 Member Responsibilities and Obligations. It is expected that both Non-Institutional Members and Institutional Members holding seats on the Board ("Board Members") shall at all times be Members in good standing, which includes but is not limited to their attendance, financial contribution, and general engagement in the work of the Corporation. Board Members also agree to abide by any and all contractual responsibilities held by the Corporation.

Article V.  
BOARD OF DIRECTORS

Section 5.1 Powers. The affairs and activities of the Corporation shall be managed by its Board of Directors, which may exercise all powers of the Corporation and do all such lawful acts and things as are not prohibited by the Code, statute or by the Certificate of Formation or these Bylaws.

Section 5.2 Number. The number of Directors on the Corporation Board of Directors shall be no less than 16. The Board of Directors may, by a two-thirds vote of the Directors, increase or decrease the number of representatives representing any member on the Board of Directors.

Section 5.3 Qualifications. In addition to any other requirements of this Article, all Directors must reside or work in Hays or Caldwell County, Texas.

Section 5.4 Ex-Officio Directors. The Board of Directors may appoint one or more ex-officio persons to the Board of Directors as it deems appropriate from time to time.

Section 5.5 Composition of Directors. Subject to the authority of the Board of Directors to add, remove or establish new classes of members and to increase or decrease the number or representatives representing such members, the Board of Directors of the Corporation shall consist of the following persons:

Member to be Represented	Board Seats	Designated Representative
<i>Institutional Members</i>		
City of San Marcos, Texas	4	City Manager, Mayor and two City Council members
Economic Development San Marcos	1	Chair or one nominee
Greater San Marcos Area Chamber of Commerce	1	Chair or one nominee
Texas State University	1	President or Provost
Hays County, Texas	2	Two members of Commissioners Court
Caldwell County, Texas	1	One member of Commissioners Court
Central Texas Medical Center	1	President
San Marcos Manufacturers Association (or its successor)	1	President or one nominee
Gary Job Corps Center	1	Center Director
San Marcos CISD	1	Superintendent
Regional ISD	1	The Regional ISD rotates, as

<b>Member to be Represented</b>	<b>Board Seats</b>	<b>Designated Representative</b>
<i>Institutional Members</i>		
		recommended by the Nominating Committee; Representative designated by the Member
San Marcos Regional Airport	1	Designated by Airport Commission
Four Rivers Association of Realtors	1	Appointee will reside in either Caldwell County or Hays County
Regional Partners contributing \$5,000 or more annually	TBD	Representative designated by the Member
Austin Community College	1	Representative designated by the Member
<i>Non-Institutional Members</i>		
Lead Members	6	As recommended by the Nominating Committee
General Members	3	As recommended by the Nominating Committee
At-Large Positions	4	Individuals who are deemed to be of a special and unique value, as recommended by the Nominating Committee
General Counsel	1	An investor with legal experience relevant to the GSMP, as recommended by the Nominating Committee

Notwithstanding the foregoing to the contrary, the Nominating Committee may in good faith, and due to extenuating circumstances and in partnership with the Institutional Members, select one or more names for nomination to serve as an Institutional Director other than those Designated Representatives listed above.

A slate of names for nomination to the Board of Directors shall be prepared by the Nominating Committee for election by the Board of Directors at each Annual Meeting pursuant to Section 5.6 below. Institutional Directors, as submitted by Institutional Members, shall be included in the slate. All other nominations for open or vacant seats shall be selected by the Nominating Committee and included in the slate.

Section 5.6 Confirmation and Election of Nominees. No later than 30 days prior to the Annual Meeting of the Board of Directors, the Nominating Committee shall present to the Board of Directors the slate of nominated Directors for the next ensuing Fiscal Year. Should the Nominating Committee deem necessary, it shall be permitted to modify the slate of nominated Directors prior to the Annual Meeting. A final slate of nominated directors shall be submitted to the Board of Directors for consideration and election at the Annual Meeting. Upon the presentation of a final slate, any sitting Director may move to amend the slate of nominated Non-Institutional Directors on the floor at such Annual Meeting. The final approved slate for Institutional Directors shall be confirmed by the sitting Directors, and the final approved slate for Non-Institutional Directors shall be elected by a vote of not less than two-thirds of the sitting Directors. The newly elected Directors shall take office immediately following the close of the meeting at which they are elected.

Section 5.7 Terms of Office. Each Non-Institutional Director other than the General Counsel shall serve for staggered terms of 3 years or until his or her death, resignation, retirement, disqualification, or removal from office. There shall be no limitation on the number of consecutive or subsequent 1- or 3- year terms to which a Non-Institutional Director may be appointed; however, any sitting Non-Institutional Director must be re-nominated and approved for an additional term or terms as provided in these Bylaws at the expiration of each three-year term. Each Institutional Director shall serve until the name of a replacement director is submitted to the Nominating Committee by the applicable Institutional Member, whereupon a replacement director shall be nominated by the Nominating Committee pursuant to Section 5.8 hereof.

Section 5.8 Vacancies. In the event of a vacancy on the Board of Directors, a replacement director shall be nominated by the Nominating Committee in accordance with the selection process described in Sections 5.5 and 5.6 hereof. Such nominees shall be submitted to the Board of Directors at least 15 days prior to the regularly scheduled meeting of the Board of Directors at which such nominee shall be presented for election by the Board of Directors.

Section 5.9 Automatic Disqualification. Any Director shall be automatically disqualified from service on the Board when the employment or other relationship with the nominating Member is terminated or the person no longer holds the position or title qualifying the person to serve as a Director. A replacement director shall be nominated by the Nominating Committee and submitted to the Board of Directors for election pursuant to Sections 5.5 and 5.6 hereof.

Section 5.10 Disputes Regarding Eligibility to Serve. In the event of a dispute between any Member and any one or more of its respective Director, the opinion of the Member shall control over the opinion of the representative with whom there is a dispute.

Section 5.11 Duties. The duties of the Board of Directors are: (a) to develop and establish the policies and goals of the Corporation; (b) to manage the financial and operational affairs of the Corporation including the approval of the annual budget and other related matters; (c) to authorize necessary expenditures not otherwise included in the approved budget; (d) to create committees, task forces, and other organizational units, however denominated, of the Corporation as are not herein provided for and prescribe the duties for the same; (e) to elect the officers and Directors of the Corporation; (f) to delegate any lawful authority to the Chair or other officers, and (g) to raise money to support the programs and goals of the Corporation.

Section 5.12 Compensation. The Board of Directors for the Corporation shall not receive any compensation or salaries for their services, but by resolution of the Board may be paid or reimbursed reasonable expenses for activities performed in furtherance of their duties on behalf of the Corporation.

## Article VI

### ACTION BY THE BOARD OF DIRECTORS

Section 6.1 Regular Meetings. The Board of Directors shall meet at least four times each year, one of which shall be the Annual Meeting. All meetings of the Board of Directors

may be at a place and time designated by the Chair. The Board of Directors may provide by resolution the time and place of additional regular meetings of the Board.

Section 6.2 Annual Meetings. The Board of Directors hold an annual meeting within 30 days of the commencement of each Fiscal Year (an "Annual Meeting"), at which the election of the incoming Board of Directors and Officers shall be conducted pursuant to Section 5.6 and Section 7.2 respectively.

Section 6.3 Special Meetings. Special meetings of the Board of Directors may be called by or at the request of the Chair or by the Secretary if the Secretary receives a written request signed by at least one-half of the members of the Board of Directors. The persons authorized to call special meetings may choose any place within the State of Texas, as the place for holding any special meetings of the Board.

Section 6.4 Electronic, Fax, Telephonic Voting. The Board of Directors may, at the discretion of the Chair and to the extent permitted under the Texas Business Organizations Code, vote by e-mail, fax, conference call or in person. Any action taken by email pursuant to this Section shall be included in the minutes of the Board Meeting immediately following same.

Section 6.5 Action by Written Consent. Any action required or permitted to be taken at any meeting of the Board of Directors, or of any committee thereof may be taken without a meeting, if prior to such action a written consent, including consent by reply e-mail or by fax, thereto is signed or transmitted by the number of Directors or members of such committee necessary to conduct such action or actions, as the case may be, and such written consent shall be included in the minutes of proceedings of the Board of Directors or committee.

Section 6.6 Quorum. A majority of the Directors shall constitute a quorum. Except as otherwise specifically provided in these Bylaws, the action of a majority of the Directors present at the meeting at which a quorum is in attendance or participating under Section 6.3 shall constitute action by the Board of Directors.

Section 6.7 Absence. Absence from 3 consecutive Board meetings without an excuse deemed valid and so recorded shall be construed as and deemed to be such Director's resignation from the Board. The Chair, in his or her sole discretion, may excuse any absence.

Section 6.8 Removal. The Board of Directors may remove any officer elected or appointed by the Board of Directors by the affirmative vote of at least two-thirds of the whole Board of Directors whenever in its judgment the best interests of the Corporation would be served.

Section 6.9 Open Meetings. The Corporation shall post notice of meetings of its Board of Directors and conduct such meetings in the spirit of openness and transparency. Notices and agendas for all meetings of the Board of the Corporation shall be posted on the website of the Corporation and provided to the San Marcos City Clerk's Office at least 48 hours in advance of the meeting. Members of the public are invited to attend and listen to all non-executive portions of such meetings. The Corporation shall post the minutes and agendas of the meeting within a reasonable time after the minutes are approved. Items eligible for discussion in Executive Session shall include the following: (a) Consultation with Attorney; (b) Deliberation

Regarding Real Property; (c) Deliberation Regarding Contract Being Negotiated; (d) Deliberation Regarding Prospective Gift; (e) Personnel Matters; and (f) Deliberation Regarding Strategies that are Proprietary in Nature.

Article VII  
OFFICERS

Section 7.1 Stated Offices. The officers of the Corporation shall include: Chair, Chair-Elect, Past Chair, President, Secretary, and Treasurer. New offices may be created and filled at any meeting of the Board of Directors.

Section 7.2 Election of Officers. The Board of Directors shall elect the Chair, Chair-Elect, Secretary, and Treasurer of the Corporation at the Annual Meeting. Each officer shall remain in office until a successor is duly elected. Except in extenuating circumstances, the positions of Chair and Chair-Elect shall be limited to a term of no more than one year. Under no circumstances, however, shall any Chair or Chair-Elect serve for a term of more than two years.

No later than 30 days prior to each Annual Meeting of the Board of Directors, the Nominating Committee shall present to the Board of Directors the slate of nominated officers for the next ensuing Fiscal Year. Should the Nominating Committee deem necessary, it shall be permitted to modify the slate of nominated officers prior to the Annual Meeting. A final slate of nominated officers shall be submitted to the Board of Directors for election at the Annual Meeting. Upon the presentation of a final slate, any sitting Director may move to amend the slate of nominated officers on the floor for at such Annual Meeting. The final approved slate for officers shall be elected by a vote of not less than two-thirds of the sitting Directors. The newly elected officers shall take office immediately following the close of the meeting at which they are elected.

Section 7.3 Honorary Chair or Co-Chairs. In special recognition of their role and contribution, the Board of Directors, annually and by a vote of 2/3, may designate the Mayor of San Marcos and/or representative from Hays County Commissioners Court to serve as Honorary Chair or Co-Chairs.

Section 7.4 Duties of the Chair. The Chair shall preside at all meetings of the Board of Directors. The Chair will assign persons to committees and shall be an *ex officio* member of all standing committees. The Chair will assist in the formulation and promotion of the programs and activities of the Corporation and its committees. The Chair may sign any deeds, mortgages, bonds contracts or other instruments which the Board of Directors has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors or by these Bylaws or by statute to come other officer or agent of the Corporation; and in general, shall perform all duties incident to the office of the Chair and such other duties as may be prescribed by the Board from time to time.

Section 7.5 Duties of the Past Chair. The Past Chair shall provide support and guidance to the ongoing success of the Corporation. The Past Chair, should their term expire, shall remain a Director for the year during which they serve as Past Chair.

Section 7.6 Duties of the Chair-Elect. The Chair-Elect will act in the absence of the Chair or in the event of his inability or refusal to act. The Incoming Chair shall perform such other duties as from time to time may be assigned to him or her by the Chair.

Section 7.7 Duties of the Secretary. The Secretary shall cause to be entered in the minute books the minutes of all meetings of the Board of Directors and, when requested, any committees. The Secretary shall maintain all books and papers for the Corporation and shall be responsible for the giving of all notices as required by these Bylaws. The Secretary shall attest such instruments as required by law, resolution or as may customarily be required. The Secretary shall carry out such other reasonable and customary duties incident to the office or as directed by law and the Board of Directors. The Board may designate the President as the Secretary.

Section 7.8 Duties of the Treasurer. The Treasurer shall in cooperation with the President, oversee the receipt and disbursement of all funds deposited in the name of the Corporation. The Treasurer shall present reports of receipts and disbursements to the Board of Directors on a regular basis as determined by the Chair. Checks are to be signed by the Treasurer and the President, or in the absence of either or both, by any two (2) authorized officers. However, the President shall have authority to sign checks for items not exceeding a fixed dollar amount as specified in writing by the Board of Directors from time to time except those made payable to the President. The Treasurer shall cause a monthly financial report to be made to the Board. A petty cash fund not to exceed \$100 may be maintained and disbursed for authorized expenses. A written record of expenses shall be maintained.

Section 7.9 Duties of the President. The Board of Directors may employ an Executive Director who shall be the President and Chief Executive Officer of the Corporation. The President shall have general executive charge, management and control of properties, business and operations of the Corporation with all such powers as may be reasonably incident to such responsibilities, and shall have such other powers as may be assigned to such officer from time to time by the Board of Directors, including, but not limited to:

- (a) attending all meetings of the Board of Directors;
- (b) ensuring that the members of the Board of Directors and other committees are notified of their respective meetings and that accurate minutes are kept of all meetings of the Corporation;
- (c) Keeping an itemized record of all receipts, disbursements and financial transactions of the Corporation in accordance with generally accepted accounting principles or other accounting method approved by the Board of Directors;
- (d) endorsing or cause to be endorsed, in the name and on behalf of the Corporation, all checks, notes and other obligations and shall deposit the same, with monies received by the Corporation, to the credit of the Corporation in such bank or banks or depositories as designated by the Board of Directors;
- (e) serving as the Secretary of the Corporation, if requested by the Board of Directors and performing all duties incidental to the office of Secretary; and

- (f) serving as an ex-officio member of all committees.

The President shall be employed as an “at-will” employee and shall serve at the pleasure of the Board of Directors. The Board of Directors shall establish the compensation and any benefits of the President. Any contract of employment between the Corporation and any person to employ such person as President shall be subject to this Section.

Article VIII.  
COMMITTEES

Section 8.1 Nominating Committee. The Nominating Committee consists of not less than seven members, which shall include (i) the Chair, (ii) the Chair-Elect, (iii) one Director, (iv) two Lead Member representatives who are not also Directors, (v) one General Member representative who is not also a Director, and (vi) and one Director, who shall be the Mayor or member of the San Marcos City Council. All members shall be selected and appointed by the Chair no later than 60 days following the Annual Meeting. No member of the Nominating Committee shall serve for more than three consecutive years.

The Nominating Committee shall meet no later than 60 days following the Annual Meeting, and not less than three times in each Fiscal Year. The Nominating Committee shall be responsible for recommending both a slate of Directors and a slate of Officers to the Board for each Fiscal year in accordance with these Bylaws. The Nominating Committee shall present its recommendations at the Annual Meeting. Prior to the presentation of its recommendations and nomination report, the Nominating Committee shall contact each of its nominees and shall determine each nominee’s willingness to serve if elected for the position for which he or she is to be nominated.

Section 8.2 Standing and Special Committees. The Chair may designate one or more standing or special committees, each to have the name, membership, duties and responsibilities designated by the Chair.

Section 8.3 Committee Limitations. No committee shall have the authority of the Board of Directors in reference to amending, altering or repealing the Bylaws; electing, appointing or removing any member of any committee or any Director or officer of the Corporation; amending the Certificate of Formation; adopting a plan of merger or adopting a plan of consolidation with another corporation; authorizing the sale, lease, exchange or mortgage of all or substantially all of the property and assets of the Corporation; authorizing the voluntary dissolution of the Corporation or revoking proceedings therefore; adopting a plan for the distribution of the assets which by its terms provides that it shall not be amended, altered or repealed by such committee. The designation and appointment of any committee and the delegation thereto of authority shall not operate to relieve the Board of Directors, or any individual Directors, of any responsibility imposed on it or him by law.

Section 8.4 Rules. Each committee may adopt rules for its own government not inconsistent with these Bylaws or with rules adopted by the Board of Directors.

Article IX  
INDEMNIFICATION

Section 9.1 Indemnification. The Corporation may indemnify any officer or Director of the Corporation to the extent permitted by law and to the extent such officer or Director is acting within such standard of care established under the Texas Business Organizations Code.

Section 9.2 Coverage. The provisions of Section 9.1 shall not be deemed exclusive of any other rights to which any Director, officer or other person may be entitled under any other agreement or pursuant to a vote of the Directors, as a matter of law or otherwise, either as to action in his official capacity or as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a Director or officer and shall inure to the benefit of the heirs, executors and administrators of such a person

Article X  
CONTRACTS, CHECK, DEPOSITS AND FUNDS

Section 10.1 Contracts. The Board of Directors may authorize any officer or officers or agents of the Corporation, in addition to the officers so authorized by these Bylaws to either into any contract or execute and deliver any instrument in the name of and in behalf of the Corporation with the budget and guidance provided by the Treasurer. Such authority may be general or confirmed to specific instances.

Section 10.2 Checks and Drafts. All check, drafts or order for the payment of money, notes or other evidences of indebtedness issued in the name of the Corporation shall be signed by such officer or officers, agents or agents of the Corporation and in such a manner as shall from time to time be determined by resolution of the Board of Directors. In the absence of such determination by the Board of Directors, such instruments shall be signed by the President if the expenditure is part of an approved budget or was previously approved by the Board. Unbudgeted expenditures in excess of \$5,000.00 much be approved by the Board of Directors and be signed by an officer of the Corporation or approved agent.

Section 10.3 Deposits. All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks, trust companies or other depositories as the Board of Directors may select.

Section 10.4 Gifts. The Board of Directors may accept on behalf of the Corporation any contribution, gift, bequest or device for the general or special purposes of the Corporation.

Article XI  
MISCELLANEOUS

Section 11.1 Books and Records. The Corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of the Board of Directors and shall keep at the registered or principal office a record giving the names and addresses of the Directors entitled to vote. Any Director or his/her agent or attorney may inspect all books and record for any proper purpose at any reasonable time.

Section 11.2 Fiscal Year. The fiscal year of the Corporation shall begin the first day of October and end on the last day in September each year

Section 11.3 Seal. The Board of Directors may adopt a corporate seal, which shall be in the form of a circle and shall have inscribed thereon the words, Greater San Marcos Economic Development Corporation.

Section 11.4 Amendments. These Bylaws may be altered, amended or repealed and new bylaws adopted by a two-thirds majority of the Board of Directors, if 30 days written notice is given of an intention to alter, amend, or repeal these Bylaws or adopt new bylaws at such meeting. Concurrent 30 day written notice shall be submitted to the San Marcos City Clerk, in form identical to that provided under this Section to the Board of Directors.

Section 11.5 Waiver of Notice. Whenever any notice is required to be given under the provisions of the Texas Business Organizations Code or under the provision of the Certificate of Formation of the Corporation or there Bylaws, a wavier there of in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

Section 11.6 Parliamentary Authority. The rules contained in Robert's Rule of Order as amended shall govern the Corporation in every case to which they are applicable and in which they are consistent with these Bylaws.

Section 11.7 Dissolution. In the event of dissolution, the assets of the Corporation will be turned over to one or more organization which themselves are exempt as organizations describe in Section 501 (c)(6) and 170 (c)(2) of the Code, as amended, or corresponding section of any prior or future federal tax code, or to the federal government, or to a state or local government for lawful public purposes.

Section 11.8 Operating Procedures. The Corporation will specifically adhere to any and all existing contractual obligations.

ADOPTED by the Board of Directors of the Greater San Marcos Economic Development Corporation, d/b/a the Greater San Marcos Partnership, on the 9th day of August, 2018.

\_\_\_\_\_  
Dr. Denise Trauth, Chair

ATTEST:

\_\_\_\_\_  
Becky Collins, Secretary



# Legislative UPDATE

<i>Subject Index for City-Related Bill Summaries</i>	
Property Tax .....	3
Public Safety .....	8
Sales Tax.....	24
Community and Economic Development .....	25
Elections .....	34
Emergency Management .....	37
Municipal Courts .....	40
Open Government.....	42
Other Finance and Administration .....	43
Personnel.....	58
Purchasing.....	62
Transportation.....	66
Utilities and Environment .....	68

June 11, 2021  
Number 22

## **Eighty-Seventh Legislature Adjourns:** **Cities Retain Their Voice**

A legislative session that got its start during two major disasters—the Coronavirus Pandemic and Winter Storm Uri—ended just as unusually, with House members leaving the building on the penultimate day to break a quorum on a bill they disliked.

In between, important legislation was passed, much of it beneficial for Texas cities. One bill that passed, H.B. 5, will speed the expansion of broadband to underserved communities by creating a new Broadband Development Office to be overseen by the comptroller. Assisting the expansion of broadband—as H.B. 5 does—was a TML priority.

Another TML priority was supporting legislation that hardens the electric grid in the wake of Uri. Several grid-related bills were passed, including S.B. 3, to try to prevent future electric disasters.

Good annexation legislation passed, as well. S.B. 374, corrects unintended consequences related to annexing roads that was caused by legislation passed in 2017 and 2019.

Many bills that would have harmed city authority either failed to pass or passed in negotiated form that cities can live with, including the following:

- A community censorship bill that would have prevented cities from hiring advocates or joining associations that advocate for their issues at the Capitol.
- A debt bill that, in its early form, would have prevented the issuance of most certificates of obligation for infrastructure projects by requiring they be paid from the maintenance and operations side of the property tax rate.
- A bill that would have harmfully expanded the application of calendar “shot clocks” in the building permitting and land development fields.
- A “super preemption” bill that would have prevented many city regulations from applying to any state license holder.
- Legislation requiring paid sick and injury leave for first responders that was duplicative of already existing workers compensation laws.
- A bill that would have prevented cities from regulating backyard agricultural practices.

There were many more harmful bills that ended up on the “cutting room floor”, as it were, or were negotiated by the League and its cities into an acceptable format.

Not all restrictive bills were defeated, however, and all of the ones that passed will be summarized in detail later in this edition of the Update. Included among those that passed are a bill preventing police “defunding” in certain large cities, legislation waiving governmental immunity for development agreements, and a bill limiting the scope of the disaster exception under last session’s revenue cap bill.

On balance, it was a positive session for Texas cities as they emerge from two unprecedented disasters. City leaders had a “seat at the table” on important legislation and constructive communication between city officials and legislators was critical in fighting back some of the most problematic legislation. There will be a special session later in 2021 to address legislative redistricting, in addition to other unfinished business from the regular session, during which any of the harmful ideas mentioned above could be revived. We will be ready.

## City-Related Bills

The following sections contain summaries of the 249 city-related bills passed by the Eighty-Seventh Legislature. The governor has until June 20 to sign bills, veto them, or let them become law without his signature. The effective date of each bill is noted in a parenthetical following each bill described below. Some of the bills will become effective as soon as they are signed (e.g., “effective immediately”), others (unless vetoed) will become effective on September 1, and a few have special effective dates.

Future issues of the *TML Legislative Update* or *Texas Town & City* magazine will provide additional details on some of the bills described here, may include summaries of “straggler” bills that for various reasons were not summarized at the time of printing, and will provide other updates as appropriate.

The link for each bill leads to its “landing page” on the Texas Legislature Online website. To read the final version, click on the “text” tab and click on the “enrolled” version on that screen.

### Property Tax

**[H.B. 988 \(Shine/Hancock\)](#)** – **Property Tax Appraisal**: this bill, among other things: (1) provides that a member of the governing body, officer, or employee of a taxing unit commits a Class A misdemeanor if the person directly or indirectly communicates with the chief appraiser or another employee of the appraisal district in which the taxing unit participates for the purpose of influencing the value at which property in the district is appraised, unless the person owns or leases the property that is the subject of the communication; (2) authorizes the governing body of a taxing unit, any part of which is located in an area designated a disaster area on or after January 1, 2020, to take official action to extend the date by which goods-in-transit must be transported to another location in the state or outside the state to a date not later than the 270th day after the date the person acquired the property in or imported the property into the state for the purposes of the goods-in-transit property tax exemption; and (3) provides that the authority described in (2), above, expires on December 31, 2025. (Summarized provisions are effective January 1, 2022, certain other provisions in the bill are effective immediately.)

**[H.B. 1090 \(Bailes/Nichols\)](#)** – **Property Tax Appraisal**: provides that, if the chief appraiser discovers that real property was omitted from an appraisal roll in one of the three preceding tax years, the chief appraiser shall appraise the property as of January 1 of each tax year that it was omitted and enter the property and its appraised value in the appraisal records. (Effective September 1, 2021.)

**[H.B. 1197 \(Metcalf/Campbell\)](#)** – **Property Tax Exemption**: extends from six years to ten years the amount of time that a tract of land that is contiguous to the tract of land on which a religious organization’s place of regular religious worship is located may be exempted from property taxes

when the religious organization is expanding or constructing a new place of religious worship. (Effective January 1, 2022.)

**H.B. 1869 (Burrows/Bettencourt)** – **Debt Financing:** modifies the definition of “debt” for purposes of the debt service property tax rate calculation to only include debt that meets one of the following requirements: (1) has been approved at an election; (2) includes self-supporting debt; (3) evidences a loan under a state or federal financial assistance program; (4) is issued for “designated infrastructure”, which means infrastructure, including a facility, equipment, rights-of-way, or land, for the following purposes: (a) streets, roads, highways, bridges, sidewalks, parks, landfills, parking structures, or airports; (b) telecommunications, wireless communications, information technology systems, applications, hardware, or software; (c) cybersecurity; (d) as part of any utility system, water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, wharf, dock, or flood control and drainage project; (e) police stations, fire stations, or other public safety facilities, jails, juvenile detention facilities, or judicial facilities, and any facilities that are physically attached to these facilities; (f) as part of any school district; or (g) as part of any hospital district that includes a teaching hospital; (5) is a refunding bond; (6) is issued in response to an emergency related to a hurricane or tropical storm; (7) is issued for renovating, improving, or equipping existing buildings or facilities; (8) is issued for vehicles or equipment; or (9) is issued for a tax increment reinvestment zone or a transportation reinvestment zone. (Effective September 1, 2021.)

**H.B. 2429 (Meyer/Bettencourt)** – **Property Tax Rate Notice:** this bill, for a city with a population of less than 30,000 that is not required to hold a tax rate election and for which the qualified voters may not petition to hold an election, establishes alternate provisions for notice of the property tax rate when the de minimis tax rate of the city exceeds the voter-approval tax rate. (Effective immediately.)

**H.B. 2535 (Sanford/Perry)** – **Property Tax Appraisal:** provides that, in determining the market value of real property, the chief appraiser shall analyze the effect on that value of, and exclude from that value the value of, any chicken coops or rabbit pens used for the noncommercial production of food for personal consumption. (Effective January 1, 2022.)

**H.B. 2723 (Meyer/Bettencourt)** – **Tax Rate Notice:** requires: (1) the Department of Information Resources to develop and maintain an easily accessible Internet website that lists each property tax database and includes a method to assist a property owner in identifying the appropriate property tax database for the owner’s property; and (2) certain existing property tax rate notices to contain a statement encouraging taxpayers to visit a website collecting property tax database information to read as follows: “Visit Texas.gov/PropertyTaxes to find a link to your local property tax database on which you can easily access information regarding your property taxes, including information about proposed tax rates and scheduled public hearings of each entity that taxes your property.” (Effective immediately, but changes made by the bill apply only to a notice required to be delivered for a property tax year beginning on or after January 1, 2021.)

**H.B. 3610 (Gervin-Hawkins/Springer)** – **Property Tax Exemption:** this bill, among other things: (1) exempts property owned by an open-enrollment charter school from property taxes; and (2) exempts the portion of real property that is leased to an independent school district, community

college district, or open-enrollment charter school from property taxes if the portion of the real property that is leased to the public school is: (a) used exclusively by the public school for the operation or administration of the school or the performance of other educational functions of the school; and (b) reasonably necessary for a purpose under (a) as found by the school's governing body. (Effective September 1, 2021.)

**H.B. 3629 (Bonnen/Taylor)** – **Property Tax Deferral:** this bill, among other things, provides that a taxing unit may not file suit to collect delinquent taxes on the residence homestead of an elderly or disabled person or disabled veteran, and the property may not be sold at a sale to foreclose the lien, until the 181st day after the date the collector for the taxing unit delivers a notice of delinquency of the taxes following the date the individual no longer owns and occupies the property as a residence homestead. (Effective September 1, 2021.)

**H.B. 3833 (P. King/Hancock)** – **Property Tax Appraisal:** this bill, among other things: (1) modifies the appraisal of certain nonexempt property used for low-income or moderate-income housing if the property in question is under construction or has not reached stabilized occupancy on January 1 of the tax year in which the property is appraised; (2) eliminates the requirement for a property owner to pay interest along with an additional tax imposed on certain agriculture land and timber land if a change in the use of the land occurs; and (3) provides that, if land appraised as recreational, park, scenic land, or public access airport property is diverted to another use, an additional tax is imposed on the land equal to the difference between the taxes imposed on the land for each of the previous three years and interest is eliminated. (Effective immediately.)

**H.B. 3971 (Meyer/West)** – **Appraisal of Property in Historic District:** provides that when determining the market value of residential real property located in an area that is zoned or otherwise designated as a historic district under city, state, or federal law, the chief appraiser shall consider the effect on the property's value of any restriction placed by the historic district on the property owner's ability to alter, improve, or repair the property. (Effective January 1, 2022.)

**S.B. 63 (Nelson/Meyer)** – **Appraisal Process:** makes several changes to the property tax appraisal process, including: (1) imposing term limits on appraisal district board of directors members for appraisal districts established in a county with a population of 120,000 or more; (2) prohibiting certain former employees of an appraisal district from later serving on an appraisal district board of directors; (3) prohibiting certain former members of the appraisal review board from serving as an employee of the appraisal district; (4) providing that a person is entitled to an exemption from property taxation of the appraised value of a solar or wind-powered energy device owned by the person that is installed or constructed on real property and is primarily for production and distribution of energy for on-site use, regardless of whether the person owns the real property on which the device is installed or constructed; (5) imposing a 90-day and 30-day time limit on various determinations that a chief appraiser can make on certain exemptions and other appraisal applications; and (6) limiting the ability of a chief appraiser to offer evidence at certain protest and appraisal hearings in support of modifying or denying an application. (Effective September 1, 2021.)

**S.B. 611 (Campbell/Lopez)** – **Property Tax Exemption:** this bill: (1) exempts from property taxes the residence homestead of the surviving spouse of a member of the armed services who is

fatally injured in the line of duty; (2) except as provided by (3), below, requires a chief appraiser to accept and approve or deny an application for a residence homestead exemption after the deadline for filing it has passed if it is filed not later than two years after the delinquency date for taxes on the homestead; and (3) requires a chief appraiser to accept and approve or deny an application for a homestead exemption for a partially or totally disabled veteran after the deadline for filing it has passed if it is filed not later than five years after the delinquency date for the taxes on the property. (Effective January 1, 2022, but only if **S.J.R. 35** is approved at the election on November 2, 2021.)

**S.B. 742 (Birdwell/Anderson)** – **Installment Payments in Disaster or Emergency Area:** provides that, for certain property owned or leased by a business entity in a disaster or emergency area that has not been damaged as a result of a disaster or emergency, the governing body of a taxing unit may authorize a person to pay the taxing unit’s property taxes in four equal installments without penalty or interest if the first installment is paid before the delinquency date and is accompanied by notice to the taxing unit that the person will pay the remaining taxes in three equal installments. (Effective immediately.)

**S.B. 794 (Campbell/Meyer)** – **Disabled Veteran Property Tax Exemption:** modifies the eligibility for a homestead property tax exemption for a totally disabled veteran to a disabled veteran who “has been awarded by” the United States Department of Veterans Affairs 100 percent disability compensation, instead of a disabled veteran who “receives from” the United States Department of Veterans Affairs 100 percent disability compensation. (Effective January 1, 2022.)

**S.B. 1257 (Birdwell/Murphy)** – **Property Tax Abatement:** requires a chief appraiser to include in a tax abatement report submitted to the comptroller a list of the kind, number, and location of all proposed improvements of the property in connection with each tax abatement agreement within the district in the year following the year in which or an agreement is executed. (Effective September 1, 2021.)

**S.B. 1421 (Bettencourt/Thierry)** – **Property Tax Appraisal:** this bill, among other things, authorizes the appraisal review board, on the motion of the chief appraiser or of a property owner, to direct by written order changes in the appraisal roll or related appraisal records under certain circumstances for the current tax year and for either of the two preceding tax years to correct an inaccuracy in the appraised value of the owner’s tangible personal property that is the result of an error or omission in a rendition statement or property report filed for the applicable tax year. (Effective September 1, 2021.)

**S.B. 1427 (Bettencourt/Shine)** – **Property Tax Exemption:** clarifies that the temporary property tax exemption for a portion of the appraised value of property damaged by a disaster only applies when there is physical damage to a property caused by a disaster. (Effective immediately.)

**S.B. 1438 (Bettencourt/Meyer)** – **Tax Rate Calculation in Disaster Area:** this bill, among other things:

1. repeals existing law relating to the calculation of a tax rate in a disaster area;

2. provides that the governing body of a taxing unit, other than a school district, may direct the designated officer or employee to calculate the voter-approval tax rate of the taxing unit in the manner provided for a special taxing unit (an eight percent voter-approval rate) if any part of the taxing unit is located in an area declared a disaster area during the current tax year by the governor or by the president of the United States and at least one person is granted a temporary property tax exemption for a portion of the appraised value of property damaged by a disaster;
3. requires the designated officer or employee to continue calculating the voter-approval tax rate in the manner provided by Number 2, above, until the earlier of: (a) the first tax year in which the total taxable value of property taxable by the taxing unit as shown on the appraisal roll for the taxing unit submitted by the assessor for the taxing unit to the governing body exceeds the total taxable value of property taxable by the taxing unit on January 1 of the tax year in which the disaster occurred; or (b) the third year after the tax year in which the disaster occurred;
4. provides that in the first tax year following the last tax year for which the designated officer or employee calculates the voter-approval tax rate under Number 2, above, the taxing unit's voter-approval tax rate is reduced by the taxing unit's emergency revenue rate;
5. provides that when increased expenditure of money by a taxing unit other than a school district is necessary to respond to a disaster, including a tornado, hurricane, flood, wildfire, or other calamity, but not including a drought, epidemic, or pandemic, that has impacted the taxing unit and the governor has declared any part of the area in which the taxing unit is located as a disaster area, an election is not required to approve a tax rate exceeding the voter-approval tax rate or de minimis tax rate, as applicable, for the year following the year in which the disaster occurs;
6. provides that, if a taxing unit adopts a tax rate under Number 5, above, the amount by which the rate exceeds the taxing unit's voter-approval tax rate for that tax year may not be considered when calculating the taxing unit's voter-approval tax rate for the tax year following the year in which the taxing unit adopts the rate;
7. requires a taxing unit that calculates the taxing unit's voter-approval tax rate under Number 2, above, or adopts a tax rate that exceeds the taxing unit's voter-approval tax rate for that tax year without holding an election under Number 5, above, to specify the disaster declaration that provides the basis for authorizing the taxing unit to calculate or adopt a tax rate under the applicable statute;
8. provides that a taxing unit that in a tax year specifies a disaster declaration under Number 7, above, may not in a subsequent tax year specify the same disaster declaration as providing the basis for authorizing the taxing unit to calculate or adopt a tax rate under the disaster authority if, in an intervening year, the taxing unit specifies a different disaster declaration as the basis for authorizing the taxing unit to calculate or adopt a tax rate; and
9. eliminates the ability of a local taxing unit to adopt the temporary exemption for qualified property damaged by a disaster following the date the taxing unit adopts a tax rate, making the property tax exemption mandatory regardless of when the disaster occurs.

(Effective immediately.)

**S.B. 1449 (Bettencourt/Murphy) – Property Tax Exemption:** provides that a person is entitled to a property tax exemption for tangible personal property with a taxable value of less than \$2,500 and that is held or used for the production of income. (Effective January 1, 2022.)

**S.J.R. 35 (Campbell/Lopez) – Property Tax Exemption:** amends the Texas Constitution to authorize the legislature to exempt from property taxes the residence homestead of the surviving spouse of a member of the armed services who is fatally injured in the line of duty. (Effective if approved at the election on November 2, 2021.)

### **Public Safety**

**H.B. 9 (Klick/Campbell) – Obstructing Highway:** provides that it is a state jail felony if, in committing the offense of obstructing a highway or other passageway, the actor knowingly: (1) prevents the passage of an authorized emergency vehicle that is operating the vehicle’s emergency audible or visual signals; or (2) obstructs access to a hospital or other health care facility that provides emergency medical care. (Effective September 1, 2021.)

**H.B. 54 (Talarico/Whitmire) – Police Reality TV Shows:** prohibits a law enforcement agency from authorizing a person to accompany and film a peace officer acting in the line of duty for the purpose of producing a reality television program. (Effective immediately.)

**H.B. 103 (Landgraf/Zaffirini) – Active Shooter Alert System:** requires the Texas Department of Public Safety to establish the Texas Active Shooter Alert System and allows local law enforcement agencies to request activation of the system when certain criteria are met. (Effective September 1, 2021.)

**H.B. 390 (S. Thompson/Huffman) – Human Trafficking:** imposes requirements for human trafficking awareness and prevention in commercial lodging establishments, and provides that: (1) a peace officer may enter the premises of a commercial lodging establishment between the hours of 9 a.m. and 5 p.m. Monday through Friday to ensure compliance with the requirements of the bill; (2) a city ordinance, rule, or other regulation related to human trafficking awareness and prevention in commercial lodging establishments, including training and certification requirements, is not preempted; and (3) in the case of a conflict between a city ordinance and this new law, the more stringent regulation controls. (Effective January 1, 2022, except that the requirement that the attorney general adopt related rules is effective September 1, 2021.)

**H.B. 402 (Hernandez/Alvarado) – Asset Forfeiture:** provides, among other things, that the head of a law enforcement agency may cover the costs of a contract with a city or county program to provide services to domestic victims of trafficking using any portion of the gross amount credited to the agency’s special asset forfeiture fund from the forfeiture of contraband that: (1) is used in the commission of, or used to facilitate or intended to be used to facilitate the commission of, an offense of human trafficking; or (2) consists of proceeds gained from the commission of, or property acquired with proceeds gained from the commission of, an offense of human trafficking. (Effective September 1, 2021.)

**H.B. 558 (White/Hall) – Blood and Breath Specimens:** this bill:

1. requires a peace officer to take a specimen of a person’s blood if:
  - a. the officer arrests the person for certain intoxication offenses involving the operation of a motor vehicle or a watercraft;
  - b. the person refuses the officer’s request to submit to the taking of a specimen voluntarily;
  - c. the person was the operator of a motor vehicle or a watercraft involved in an accident that the officer reasonably believes occurred as a result of the offense; and
  - d. at the time of the arrest, the officer reasonably believes that as a direct result of the accident any individual has died, will die, or has suffered serious bodily injury;
2. requires a peace officer to take the specimen of a person’s breath or blood under any of the following circumstances, if the officer arrests the person for an intoxication offense involving the operation of a motor vehicle or a watercraft and the person refuses the officer’s request to submit to the taking of a specimen voluntarily:
  - a. the person was the operator of a motor vehicle or a watercraft involved in an accident that the officer reasonably believes occurred as a result of the offense and, at the time of the arrest, the officer reasonably believes that as a direct result of the accident an individual other than the person has suffered bodily injury and been transported to a hospital or other medical facility for medical treatment;
  - b. the offense for which the officer arrests the person is an offense of driving while intoxicated with a child passenger; or
  - c. at the time of the arrest, the officer possesses or receives reliable information from a credible source that the person:
    - i. has been previously convicted of or placed on community supervision for the offense of driving while intoxicated with a child passenger, intoxication assault, or intoxication manslaughter, or an offense under the laws of another state containing elements substantially similar to the elements of such offenses; or
    - ii. on two or more occasions, has been previously convicted of or placed on community supervision for the offense of driving while intoxicated, flying while intoxicated, boating while intoxicated, or assembling or operating an amusement ride while intoxicated, or an offense under the laws of another state containing elements substantially similar to the elements of such offenses;
3. provides that the peace officer shall designate the type of specimen to be taken under the provisions of Number 2, above; and
4. provides that a peace officer may not require the taking of a specimen unless the officer:
  - a. obtains a warrant directing that the specimen be taken; or
  - b. has probable cause to believe that exigent circumstances exist.

(Effective September 1, 2021.)

**H.B. 763 (Toth/Zaffirini) – Seized Alcoholic Beverages:** provides that an alcoholic beverage, its container, and its package which has been seized by a peace officer shall be: (1) destroyed or disposed of by a peace officer; or (2) delivered to the Texas Alcoholic Beverage Commission

(TABC) for immediate public or private sale in the manner TABC considers best. (Effective September 1, 2021.)

**H.B. 929 (Sherman/West)** – **Body Worn Cameras**: provides that: (1) a body worn camera policy must: (a) include provisions related to the collection of a body worn camera, including the applicable video and audio recorded by the camera, as evidence; (b) require a peace officer who is equipped with a body worn camera and actively participating in an investigation to keep the camera activated for the entirety of the officer’s active participation in the investigation unless the camera has been deactivated in compliance with such policy; and (2) a peace officer equipped with a body worn camera may choose not to activate a camera or may choose to discontinue a recording currently in progress for any encounter with a person that is not related to an investigation. (Effective September 1, 2021.)

**H.B. 1024 (Geren/Hancock)** – **Alcohol To-Go**: this bill allows for the pickup and delivery of alcoholic beverages for off-premises consumption under certain circumstances. (Effective immediately.)

**H.B. 1069 (Harris/Birdwell)** – **First Responders Carrying Handguns**: this bill:

1. prohibits a city with a population of 30,000 or less that has not adopted collective bargaining from adopting or enforcing an ordinance, order, or other measure that generally prohibits a first responder who holds a license to carry a handgun, holds an unexpired certification of completion of a handgun training course for first responders, and has the required liability insurance from: (a) carrying a concealed or holstered handgun while on duty; or (b) storing a handgun on the premises of or in a vehicle owned or leased by the city if the handgun is secured with a device approved by the Texas Department of Public Safety (DPS);
2. provides that the prohibition in Number 1, above, does not prohibit a city from adopting an ordinance, order, or other measure that: (a) prohibits a first responder from carrying a handgun while on duty based on the conduct of the first responder; or (b) limits the carrying of a handgun only to the extent necessary to ensure that carrying the handgun doesn’t interfere with the first responder’s duties;
3. authorizes a city with a population of 30,000 or less that has not adopted collective bargaining to adopt a policy authorizing a first responder who holds a license to carry a handgun, holds an unexpired certification of completion of a handgun training course for first responders, and has the required liability insurance to: (a) carry a concealed or holstered handgun while on duty; or (b) store a handgun on the premises of or in a vehicle owned or leased by the city if the handgun is secured with a device approved by DPS;
4. provides that a first responder may not engage in the conduct described in Number 3(a)-(b), above, unless the city has adopted a policy authorizing the conduct;
5. provides that a first responder may discharge a handgun while on duty only in self-defense;
6. provides that a city that employs or supervises a first responder is not liable in a civil action arising from the discharge of a handgun by a first responder who is licensed to carry a handgun;
7. provides that the discharge of a handgun by a first responder who is licensed to carry a handgun is outside the course and scope of the first responder’s duties;

8. provides that one or more complaints received by a city with respect to a specific first responder constitute grounds for prohibiting or limiting that first responder's carrying a handgun while on duty;
9. defines "first responder" to mean a public safety employee whose duties include responding rapidly to an emergency, including fire protection personnel and emergency medical services personnel, but not including volunteer emergency services personnel, or a peace officer or reserve law enforcement officer who is performing law enforcement duties; and
10. requires the public safety director of DPS to establish a handgun training course for first responders.

(Effective September 1, 2021.)

**H.B. 1172 (Howard/Zaffirini)** – **Sexual Assault Victims**: this bill, among other things: (1) provides that a peace officer or an attorney representing the state may not request or take a polygraph examination of a person who, in a complaint, charges or seeks to charge the commission of certain sexual offenses; (2) provides that a law enforcement agency that receives a report of a sexual assault shall, within 120 hours of the assault and with the requisite consent, request a forensic medical examination of the victim for use in the investigation or prosecution of the offense; (3) repeals a provision that provides that a law enforcement officer may refuse to request a forensic medical examination of the victim of a sexual assault if: (a) the person reporting the sexual assault has made one or more false reports of sexual assault to any law enforcement agency; and (b) there is no other evidence to corroborate the current allegations of sexual assault; (4) provides that, before conducting an investigative interview with a sexual assault victim, the peace officer conducting the interview shall offer the victim the opportunity to have an advocate from a sexual assault program present with the victim during the interview, if the advocate is available at the time; (5) provides that, if the advocate described in (4), above, is not available at the time of the interview, the peace officer conducting the interview shall offer the victim the opportunity to have a crime victim liaison from the law enforcement agency, a peace officer who has completed a sexual assault training program, or a victim's assistance counselor from a state or local agency or other entity present with the victim during the interview; and (6) provides that a peace officer or law enforcement agency that provides an advocate, liaison, or counselor with access to a victim reporting a sexual assault is not subject to civil or criminal liability for providing that access. (Effective September 1, 2021.)

**H.B. 1407 (Schaefer/Hughes)** – **Handguns**: excepts a handgun that is visible, in a holster, and in a motor vehicle (along with the licensed holder of the gun) from the prohibition against displaying a handgun in plain view of another person in a public place. (Effective September 1, 2021.)

**H.B. 1419 (Hull/Alvarado)** – **Missing Persons**: provides, among other things, that: (1) a law enforcement agency shall: (a) on receiving a report of a missing child or person, immediately, but not later than two hours after receiving the report, report the name of the person to the Alzheimer's Association Safe Return emergency response center, if applicable; (b) not later than the 60th day after the date the agency receives the report described in (1)(a), above, enter the name of the missing child or person into the National Missing and Unidentified Persons System, with all available identifying features such as dental records, fingerprints, other physical characteristics,

and a description of the clothing worn when last seen, as well as all available information describing any person reasonably believed to have taken or retained the missing child or missing person; (c) inform the person who filed the report of the missing child or missing person that the information will be entered into the clearinghouse, the national crime information center missing person file, and the National Missing and Unidentified Persons System, and reported to the Alzheimer's Association Safe Return emergency response center, if applicable; and (d) as soon as possible, enter information not immediately available to the agency when the original entry is made into the clearinghouse, the national crime information center file, and the National Missing and Unidentified Persons System as a supplement to the original entry; and (2) immediately after the return of a missing person or the identification of an unidentified body, the local law enforcement agency having jurisdiction of the investigation shall: (a) clear the entry in the National Crime Information Center database; and (b) notify the National Missing and Unidentified Persons System. (Effective September 1, 2021.)

**H.B. 1545 (Cyrier/Hall)** – **Commission on Jail Standards**: continues the functions of the Commission on Jail Standards and, among other things, repeals the requirement that the chief jailer of each municipal lockup submit to the commission an annual report of persons under 17 years of age securely detained in the lockup. (Effective September 1, 2021.)

**H.B. 1694 (Raney/Schwertner)** – **9-1-1 Good Samaritan**: this bill, known as the Jessica Sosa Act, provides: (1) a defense to prosecution for certain drug offenses if the actor: (a) was the first person to request emergency medical assistance in response to the possible overdose of another person and: (i) made the request for medical assistance during an ongoing medical emergency; (ii) remained on the scene until medical assistance arrived; and (iii) cooperated with medical assistance and law enforcement; or (b) was the victim of a possible overdose for which emergency medical assistance was requested by the actor or by another person during an ongoing medical emergency; (2) exceptions to the defense in (1), above, if: (a) at the time the request for emergency medical assistance was made: (i) a peace officer was in the process of arresting the actor or executing a search warrant describing the actor or the place from which the request for medical assistance was made, or (ii) the actor was committing certain other offenses other than one for which the defense is available; (b) the actor has previously been convicted or placed on deferred adjudication community supervision for certain offenses; (c) the actor was acquitted in a previous proceeding in which the actor successfully used the defense in (1), above; (d) at any time during the 18-month period preceding the date of the commission of the instant offense, the actor requested emergency medical assistance in response to the possible overdose of the actor or another person; and (3) that the defense in (1), above, does not preclude the admission of evidence obtained by law enforcement resulting from the request for emergency assistance if that evidence pertains to an offense for which the defense in (1), above, is not available. (Effective September 1, 2021.)

**H.B. 1755 (Metcalf/Hancock)** – **Alcohol To-Go**: provides that a mixed beverage permittee may not permit any person to take any alcoholic beverage purchased on the licensed premises from the premises where sold, except that a person who orders wine with food may remove the container of wine from the premises whether the container is opened or unopened. (Effective September 1, 2021.)

**H.B. 1758 (Krause/Birdwell) – Unmanned Aircraft**: this bill: (1) requires each law enforcement agency that uses or intends to use a drone for law enforcement purposes to: (a) adopt a written policy regarding the agency’s use of force by means of a drone, before the agency first uses a drone, and update the policy as necessary; and (b) not later than January 1 of each even-numbered year submit the policy to the Texas Commission on Law Enforcement (TCOLE) in the manner prescribed by TCOLE; and (2) provides that, notwithstanding any other law, the use of force, including deadly force, involving a drone is justified only if: (a) at the time the use of force occurred, the actor was employed by a law enforcement agency; and (b) the use of force: (i) would have been justified under certain other law; and (ii) did not involve the use of deadly force by means of an autonomous drone; and (c) before the use of force occurred, the law enforcement agency employing the actor adopted and submitted to TCOLE a policy on the agency’s use of force by means of a drone, as described in (1), above, and the use of force conformed to the requirements of that policy. (Effective September 1, 2021.)

**H.B. 1900 (Goldman/Huffman) – Law Enforcement Funding**: this bill:

1. characterizes a “defunding municipality” as a city with a population of more than 250,000: (a) that adopts a budget for a fiscal year that, in comparison to the city’s preceding fiscal year, reduces the appropriation to the city’s police department; and (b) for which the criminal justice division of the governor’s office issues a written determination finding that the city has made a reduction described by (a);
2. provides that, in making a determination of whether a city is a “defunding municipality” according to the budget adopted for the first fiscal year beginning on or after September 1, 2021, the criminal justice division of the governor’s office shall compare the appropriation to the city’s police department in that budget to the appropriation to the police department in the budget of the preceding fiscal year or the second preceding fiscal year, whichever is greater (this specific requirement expires on September 1, 2023);
3. provides that a city is not considered to be a defunding municipality under Number 1, above, if: (a) for a fiscal year in which the city adopts a budget that is less than the budget for the preceding fiscal year, the percentage reduction to the appropriation to the city’s police department does not exceed the percentage reduction to the total budget; or (b) before adoption of the budget, the city applies for and is granted approval from the criminal justice division of the governor’s office for a reduction to the appropriation to the city’s police department to account for: (i) capital expenditures related to law enforcement during the preceding fiscal year; (ii) the city’s response to a state of disaster; or (iii) another reason approved by the division;
4. provides that, for purposes of making a determination of whether a city is a defunding municipality, a city’s appropriation to the city’s police department does not include: (a) any grant money received by the city during any fiscal year; or (b) any sales and use tax revenue received by the city for the purpose of financing a crime control and prevention district;
5. provides that a city is considered a defunding municipality until the criminal justice division of the governor’s office issues a written determination finding that the city has reversed the inflation-adjusted reductions described in Number 1(a), above;
6. requires the criminal justice division of the governor’s office to: (a) compute the inflation rate used to make determinations under Number 5, above, each fiscal year using a price

- index that accurately reports changes in the purchasing power of the dollar for cities in this state; and (b) publish the inflation rate in the Texas Register;
7. provides that a defunding municipality may not annex an area during the period beginning on the date that the criminal justice division of the governor's office issues the written determination that the city is a defunding local government and ending on the 10th anniversary of the date on which the criminal justice division of the governor's office issues a written determination finding that the defunding municipality has reversed the reductions described in Number 1, above;
  8. provides: (a) that a defunding municipality, on the next available uniform date that occurs after the date on which the criminal justice division of the governor's office issues a written determination that a city is a defunding municipality, shall hold a separate election in each area annexed in the preceding 30 years by the city on the question of disannexing the area; (b) that the defunding municipality shall immediately disannex an area by ordinance for which a majority of votes received in the election favor disannexation; (c) that if an area is disannexed pursuant to an election under (a), the city may not attempt to annex the area before the 10th anniversary of the date on which the criminal justice division of the governor's office issues a written determination finding that the city has reversed the reductions described in Number 1, above; and (d) that a city holding a disannexation election under (a) may not use public funds on informational campaigns relating to the election;
  9. requires a defunding municipality to calculate a municipal public safety expenditure adjustment to the city's property tax rate;
  10. prohibits the governing body of a defunding municipality from adopting a property tax rate for the current tax year that exceeds the lesser of the city's no-new-revenue tax rate or voter-approval tax rate for that tax year;
  11. provides: (a) that the comptroller may not, before July 1 of each state fiscal year, send to a defunding municipality its share of city sales and use taxes collected by the comptroller during the state fiscal year; and (b) that before sending the defunding municipality its share of sales and use taxes, the comptroller shall deduct the amount reported to the comptroller for the defunding municipality under Number 12, below, and credit that deducted amount to the general revenue fund, which must be appropriated only to the Department of Public Safety;
  12. provides that not later than August 1 of each state fiscal year, the criminal justice division of the governor's office shall report to the comptroller for each defunding municipality the amount of money the state spent in that state fiscal year to provide law enforcement services in the defunding municipality;
  13. requires a defunding municipality to, for the purpose of funding retirement benefits, increase municipal contributions to a public retirement system in which its employees participate as members in a manner that ensures that the total amount the city and members contribute to the system for the fiscal year on which the determination is based is not less than the total amount the city and members of the system contributed to the system for the fiscal year immediately preceding the fiscal year on which the determination is based;
  14. prohibits the governing body of a municipally-owned electric utility that is located in a city that is a defunding local government from charging a customer: (a) at a rate higher than the rate the customer was charged or would have been charged on January 1 of the year that the city was determined to be a defunding local government; (b) any customer fees in

amounts higher than the customer fees the customer was charged or would have been charged on January 1 of the year that the city was determined to be a defunding local government; and (c) any types of customer fees that the customer was not charged or would not have been charged on January 1 of the year that the city was determined to be a defunding local government;

15. provides that if a municipally-owned utility has not transferred funds to the defunding municipality under Number 14, above, the municipally-owned utility may increase its rates to account for: (a) pass-through charges imposed by a state regulatory body or the Electric Reliability Council of Texas; (b) fuel, hedging, or wholesale power cost increases; or (c) to fulfill debt obligations; and
16. prohibits a municipally-owned utility that increases rates under Number 15, above, from transferring funds to the defunding municipality until the date the criminal justice division of the governor's office issues a written determination finding that the city has reversed the reduction.

(Effective September 1, 2021.)

**H.B. 1927 (Schaefer/Schwertner)** – **Unlicensed Handgun Carry**: this bill, known as the *Firearms Carry Act of 2021*:

1. leaves the current handgun licensing scheme in place, presumably for purposes of reciprocity with other states and ease of handgun purchases;
2. authorizes most Texans over 21 years of age to carry a handgun in a concealed manner or openly in a holster, without the requirement to obtain a handgun license;
3. modifies language in the Texas Penal Code to make it a crime to carry a handgun only by someone who is younger than 21 years of age or in the previous five years has been convicted of the following state crimes: (a) assault causing bodily injury, including to a spouse; (b) deadly conduct, including discharging a firearm at persons, a habitation, a vehicle or a building; (c) making a terroristic threat; or (d) disorderly conduct by: (i) discharging a firearm in a public place other than a public road or a sport shooting range; or (ii) displaying a firearm or other deadly weapon in a public place in a manner calculated to alarm;
4. prohibits a person who is a member of a criminal street gang or a person convicted of a felony or a family violence offense from possessing a firearm, with some limited exceptions (Note: The federal Gun Control Act makes it unlawful for certain additional categories of persons convicted of serious crimes to ship, transport, receive, or possess firearms or ammunition);
5. mandates that the Texas Department of Public Safety (DPS) develop free-of-charge and post online a course on firearms safety and handling, and that DPS prepare an annual report to the legislature related to handgun carry;
6. provides that a licensed or unlicensed carrier is prohibited from entering certain places listed in Penal Code Section 46.03, including, among many others and most relevant to cities: (a) the premises of a polling place on the day of an election or while early voting is in progress; and (b) the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court (it remains

- unclear whether this prohibition applies to the building or only the rooms housing the court or court offices);
7. provides that a licensed carrier is prohibited from entering the room or rooms where a meeting of a governmental entity is held, if the meeting is an open meeting subject to the Open Meetings Act, only if: (a) the entity provided notice as required by the Open Meetings Act, and (b) the entity provides notice that carry is prohibited in the meeting (e.g., by posting the existing 30.06 sign [licensed concealed carry prohibition] and/or 30.07 sign [licensed open carry prohibition] at the entrance to the meeting room);
  8. provides that an unlicensed carrier may not enter the room or rooms where an open meeting of a governmental entity is held (Note: the new 46.15(o) sign, described in Number 9, below, allows only a “person” to prohibit unlicensed carry, and a city is not a person under the Penal Code definition);
  9. provides that a person or business, but not a city, may provide notice under Penal Code Section 46.15(o) that firearms and other weapons are prohibited on the premises or other property by posting a sign at each entrance to the premises or other property that: (a) includes language that is identical to or substantially similar to the following: “Pursuant to Section 46.03 Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon on this property”; (b) includes the language described by (a) in both English and Spanish; (c) appears in contrasting colors with block letters at least one inch in height; and (d) is displayed in a conspicuous manner clearly visible to the public;
  10. provides that a person or a business, but not a city, may post a notice similar to that in Number 9, above, but under the authority of Penal Code Section 30.05, to prohibit unlicensed carry on their property;
  11. provides that the signage in Number 9, above, should be posted at each entrance to the property and: (a) include language that is identical to or substantially similar to the following: “Pursuant to Section 30.05, Penal Code (criminal trespass), a person may not enter this property with a firearm”; (b) include the language described by (a) in both English and Spanish; (c) appear in contrasting colors with block letters at least one inch in height; and (d) be displayed in a conspicuous manner clearly visible to the public;
  12. provides that a city may not prohibit a person who is authorized by law to carry a handgun from doing so: (a) in a public park (prior to this bill, a city could prohibit anyone other than a handgun license holder from carrying a firearm in a city park, but after this bill’s passage, a city can’t prohibit anyone who is lawfully carrying a firearm from bringing it into the park); (b) at a public meeting of a city, county, or other governmental body, unless the entity posts proper notice to prohibit that carry is prohibited; (c) at a political rally, parade, or official political meeting; or (d) at a nonfirearms-related school, college, or professional athletic event; and
  13. authorizes a peace officer who is acting in the lawful discharge of the officer’s official duties to temporarily disarm an unlicensed carrier when that person enters a nonpublic, secure portion of a law enforcement facility, if the law enforcement agency provides a gun locker where the peace officer can secure the person’s handgun, and if the peace officer returns the handgun to the person immediately after the person leaves the nonpublic, secure portion of the law enforcement facility.

(Effective September 1, 2021.)

**H.B. 1938 (Jetton/Kolkhorst)** – **Body Worn Camera Grants:** provides that a law enforcement agency that provides body worn cameras to its peace officers may apply to the office of the governor for a grant to defray the cost of data storage for recordings created with the body worn cameras. (Effective September 1, 2021.)

**H.B. 2106 (Perez/Zaffirini)** – **Credit Card Skimmers:** this bill, among other things: (1) transfers rulemaking authority regarding credit card skimmers at motor fuel dispensers from the attorney general to the Texas Department of Licensing and Regulation (TDLR), and redesignates the payment card fraud center as the financial crimes intelligence center at TDLR; (2) provides that a law enforcement agency or the financial crimes intelligence center may disclose certain information regarding the discovery of a credit card skimmer (which would otherwise be confidential) to the public if the law enforcement agency or the chief intelligence coordinator for the center determines that the disclosure of the information furthers a law enforcement purpose; (3) provides that TDLR may enter into agreements with law enforcement agencies or other governmental agencies for the operation of the financial crimes intelligence center; and (4) provides that the financial crimes intelligence center may, among other things, provide training and educational opportunities to law enforcement. (Effective September 1, 2021.)

**H.B. 2366 (Buckley/Hughes)** - **Penal Offenses:** provides, among other things, that: (1) the offense of directing a light from a laser pointer to a uniformed safety officer, including a peace officer, security guard, firefighter, emergency medical service worker, or other uniformed city, state, or federal officer is enhanced to: (a) a felony of the third degree if the conduct causes bodily injury to the officer; or (b) a felony of the first degree if the conduct causes serious bodily injury to the officer; and (2) a person commits an offense if the person explodes or ignites fireworks with the intent to: (a) interfere with the lawful performance of an official duty by a law enforcement officer; or (b) flee from a person the actor knows is a law enforcement officer attempting to lawfully arrest or detain the actor. (Effective September 1, 2021.)

**H.B. 2462 (Neave/Paxton)** – **Forensic Medical Examinations:** this bill, among other things,: (1) provides that a victim of a sexual assault is entitled to a forensic medical examination if, within 120 hours of the offense: (a) the offense is reported to a law enforcement agency; or (b) a forensic medical examination is otherwise conducted at a health care provider; (2) provides that, if a sexual assault is reported to a law enforcement agency within 120 hours after the assault, the law enforcement agency, with the consent of the victim of the reported assault, a person authorized to act on behalf of the victim, or an employee of the Department of Family and Protective Services, shall request a forensic medical examination of the victim for use in the investigation or prosecution of the offense; (3) provides that, if a sexual assault is not reported within the period described by (2), above, and the victim is a minor, on receiving the appropriate consent, a law enforcement agency shall request a forensic medical examination of the victim for use in the investigation or prosecution of the offense; (4) provides that, if a sexual assault is not reported within the period described by (2), above, and the victim is not a minor, on receiving the appropriate consent, a law enforcement agency may request a forensic medical examination of a victim of a reported sexual assault for use in the investigation or prosecution of the offense if: (a) based on the circumstances of the reported assault, the agency believes a forensic medical examination would further that investigation or prosecution; or (b) after a medical evaluation by a physician, sexual assault examiner, or sexual assault nurse examiner, the physician or examiner

notifies the agency that a forensic medical examination should be conducted; (5) provides that, if a sexual assault is reported to a law enforcement agency as described by (2), (3), or (4), above, the law enforcement agency shall document, in the form and manner required by the attorney general, whether the agency requested a forensic medical examination, and the law enforcement agency shall: (a) provide the documentation of the agency's decision regarding a request for a forensic medical examination to: (i) the health care provider and the physician, sexual assault examiner, or sexual assault nurse examiner, as applicable, who provides services to the victim that are related to the sexual assault; and (ii) the victim or the person who consented to the forensic medical examination on behalf of the victim; and (b) maintain the documentation of the agency's decision in accordance with the agency's record retention policies; (6) eliminates the provision in state law that requires a law enforcement agency that requests a forensic medical examination under (2), (3), and (4), above, to pay all costs of the examination and provides that a healthcare provider that provides such services shall be entitled to reimbursement by the attorney general; (7) provides that the statewide electronic tracking system for evidence collected in relation to a sexual assault or other sex offense that is implemented by the Texas Department of Safety (DPS) shall include the evidence collection kit and any other items collected during the forensic medical examination in relation to a sexual assault or other sex offense and submitted for a laboratory analysis that is necessary to identify the offender or offenders, regardless of whether the evidence is collected in relation to an individual who is alive or deceased; (8) provides that a law enforcement agency that fails to submit evidence of a sexual assault or other sex offense to a public accredited crime laboratory within 30 days after the date on which that evidence was received shall provide to DPS written documentation of the failure, including a detailed explanation for the failure, and shall submit such documentation on or before the 30th day after the date on which the agency discovers that the evidence was not submitted within the required period; and (9) provides that the failure of a law enforcement agency to comply with certain requirements related to collection, preservation, tracking, and submitting for analysis evidence of sexual assault or other sex offenses may be used to determine eligibility for receiving grant funds from DPS, the office of the governor, or another state agency. (Effective September 1, 2021.)

**H.B. 2677 (Bonnen/Taylor)** – **CLEAR Alert**: renames the statewide alert for missing adults between the ages of 18 to 65 to the Coordinated Law Enforcement Adult Rescue (CLEAR) Alert for Missing Adults. (Effective immediately.)

**H.B. 2706 (Howard/Nelson)** – **Forensic Medical Examinations**: this bill, among other things: (1) provides that evidence collected during a forensic medical examination may not be used to investigate or prosecute a misdemeanor offense, or an offense related to a controlled substance, alleged to have been committed by the victim from whom the evidence was collected; and (2) eliminates the provision in state law that requires a law enforcement agency that requests for a forensic medical examination for victims of sexual assault to pay all costs of the examination, and provides that a healthcare provider that provides such services shall be entitled to reimbursement by the attorney general. (Effective September 1, 2021.)

**H.B. 2911 (White/Hancock)** – **Next Generation 9-1-1 Service**: this bill, among other things: (1) provides that before September 1, 2025, all parts of the state must be covered by Next Generation 9-1-1 service; (2) creates the next generation 9-1-1 service fund as a fund in the state treasury outside the general revenue fund; (3) requires the comptroller to transfer to the credit of the next

generation 9-1-1 service fund any amount available from federal money provided to Texas from the Coronavirus State and Local Fiscal Recovery Funds of the American Rescue Plan Act of 2021 or from any other federal governmental source; (4) provides that money deposited to the credit of the next generation 9-1-1 service fund may be used only for the purpose of supporting the deployment and reliable operation of next generation 9-1-1 service, including the costs of equipment, operations, and administration and may be distributed to only the Commission on State Emergency Communications and emergency communication districts and must be used in a manner that complies with federal law; (5) provides that the comptroller may issue guidelines for use by the commission and emergency communication districts in implementing the bill; (6) requires all money in the next generation 9-1-1 service fund to be distributed in accordance with the requirements of the bill not later than December 31, 2022, and all money distributed under the bill be spent not later than December 31, 2024, for the deployment and reliable operation of next generation 9-1-1 service; and (7) repeals the provisions in state law: (a) that provide that on receipt of an invoice from a wireless service provider for reasonable expenses for network facilities, including equipment, installation, maintenance, and associated implementation costs, the Commission or an emergency services district of a home-rule city or an emergency communication district created under state law shall reimburse the wireless service provider in accordance with state law for all expenses related to 9-1-1 service; and (b) that provide that funds collected under the equalization surcharge are not precluded from being used to cover costs under (7)(a) as necessary and appropriate, including for rural areas that may need additional funds for wireless 9-1-1. (Effective September 1, 2021.)

**H.B. 3026 (Canales/Alvarado) – Automated Motor Vehicle:** this bill: (1) adopts the current definitions for: (a) “automated motor vehicle” as a motor vehicle on which an automated driving system is installed; and (b) “automated driving system” as hardware and software that, when installed on a motor vehicle and engaged, are collectively capable of performing, without any intervention or supervision by a human operator: (i) all aspects of the entire dynamic driving task for the vehicle on a sustained basis; and (ii) any fallback maneuvers necessary to respond to a failure of the system; and (2) exempts automated motor vehicles and driving systems from certain required vehicle equipment and inspection screenings. (Effective September 1, 2021.)

**H.B. 3363 (Harless/West) – Warrants:** provides, among other things, that: (1) for the purpose of requesting a judicial order for the installation and use of a mobile tracking device, a peace officer’s affidavit must provide facts and circumstances that show probable cause to believe (instead of reasonable suspicion under current law) that criminal activity has been, is, or will be committed and the installation and use of the mobile tracking device is likely to produce information that is material to an ongoing criminal investigation of that criminal activity; (2) unless a magistrate directs in the warrant a shorter period for the execution of any search warrant issued for the search of any property, for a wire intercept, or for the installation of tracking equipment, the period allowed for the execution of the warrant, exclusive of the day of its issuance and of the day of its execution, is: (a) 15 whole days if the warrant is issued solely to search for and seize specimens from a specific person for DNA analysis and comparison, including blood and saliva samples; (b) 10 whole days if the warrant is issued for certain customer data information held in electronic storage or certain location information held in electronic storage; or (c) three whole days if the warrant is issued for a purpose other than that described by (2)(a) or (2)(b); (3) only a prosecutor or a prosecutor’s assistant with jurisdiction in a county within a specific judicial district may file

an application for a warrant for certain location information held in electronic storage; (4) an authorized peace officer of a designated law enforcement office or agency or an authorized peace officer commissioned by the Texas Department of Public Safety (DPS) may, without a warrant, require the disclosure of certain location information held in electronic storage if: (a) the officer reasonably believes an immediate life-threatening situation exists that: (i) is within the officer's territorial jurisdiction; and (ii) requires the disclosure of the location information before a warrant can, with due diligence, be obtained; and (b) there are sufficient grounds on which to obtain a warrant requiring the disclosure of the location information; and (5) not later than 48 hours after requiring disclosure of location information without a warrant under (4), above, an authorized peace officer shall obtain a warrant for that purpose. (Effective September 1, 2021.)

**H.B. 3712 (E. Thompson/West) – Peace Officer Training:** provides that: (1) the basic peace officer training course required as part of the peace officer training program may not be less than 720 hours; (2) the basic peace officer training course must include training on: (a) the prohibition against the intentional use of a choke hold, carotid artery hold, or similar neck restraint by a peace officer in searching or arresting a person unless the officer reasonably believes the restraint is necessary to prevent serious bodily injury to or the death of the peace officer or another person; (b) the duty of the officer to intervene or stop or prevent another peace officer from using force against a person suspected of committing an offense in certain situations; and (c) the duty of a peace officer who encounters an injured person while discharging the officer's official duties to immediately and as necessary request emergency medical services personnel to provide the person with emergency medical services and, while waiting for emergency medical services personnel to arrive, provide first aid or treatment to the person to the extent of the officer's skills and training, unless the request for emergency medical services personnel or the provision of first aid or treatment would expose the officer or another person to a risk of bodily injury or the officer is injured and physically unable to make the request or provide the treatment; (3) the Texas Commission on Law Enforcement (TCOLE) shall develop and maintain a model training curriculum and model policies for law enforcement agencies and peace officers that must include the items described in (2), above; and (4) before the first day of each 24-month training unit during which peace officers are required to complete 40 hours of continuing education programs, TCOLE shall specify the mandated topics to be covered in up to 16 of the required hours. (Effective September 1, 2021.)

**S.B. 64 (Nelson/White) – Peer Support:** provides, among other things, that: (1) the Texas Commission on Law Enforcement (TCOLE) shall develop a peer support network for law enforcement officers that includes: (a) peer-to-peer support; (b) training for peer service coordinators and peers that includes suicide prevention training; (c) technical assistance for program development, peer service coordinators, licensed mental health professionals, and peers; and (d) identification, retention, and screening of licensed mental health professionals; (2) as part of the peer support network for law enforcement officers, TCOLE shall ensure law enforcement officers have support in both urban and rural jurisdictions; (3) information relating to a law enforcement officer's participation in peer-to-peer support and other peer-to-peer services under the network is confidential and may not be disclosed under the Public Information Act, by: (a) TCOLE; (b) a law enforcement agency that employs a law enforcement officer participant; or (c) any other state agency or political subdivision that employs a law enforcement officer participant; and (4) a law enforcement officer's participation in peer-to-peer support and other peer-to-peer

services under the network may not: (a) serve as the basis for a revocation, suspension, or denial of a license issued by TCOLE; or (b) be considered in any proceeding related to the officer's TCOLE licensure. (Effective immediately.)

**S.B. 69 (Miles/White)** – **Use of Force:** provides that: (1) a peace officer has a duty to intervene to stop or prevent another peace officer from using force against a person suspected of committing an offense if: (a) the amount of force exceeds that which is reasonable under the circumstances; and (b) the officer knows or should know that the other officer's use of force: (i) violates state or federal law; (ii) puts a person at risk of bodily injury, and is not immediately necessary to avoid imminent bodily injury to a peace officer or other person; and (iii) is not required to apprehend the person suspected of committing an offense; (2) a peace officer who witnesses the use of excessive force by another peace officer shall promptly make a detailed report of the incident and deliver the report to the supervisor of the peace officer making the report; and (3) the use of any force, by any person, including a peace officer or person acting in and at the direction of an officer, in connection with the arrest of another person, is not a justified use of force if such force is used in a manner that impedes the normal breathing or circulation of the blood of the person by applying pressure to the person's throat, neck, or torso or by blocking the person's nose or mouth. (Effective September 1, 2021.)

**S.B. 111 (West/Collier)** – **Duties of Law Enforcement Agency:** provides that: (1) a law enforcement agency filing a case with an attorney representing the state in a criminal case, excluding a city attorney or prosecutor appearing in a justice or municipal court, shall submit to the attorney a written statement by an employee of such agency with knowledge of the case acknowledging that all documents, items, and information in the possession of the agency that are required to be disclosed to the defendant as discovery have been transmitted to the attorney; and (2) at any time after a case is filed with the attorney representing the state a law enforcement agency discovers or acquires any additional document, item, or information required to be disclosed to a defendant, an employee of the agency shall promptly transmit such document to the attorney. (Effective September 1, 2021.)

**S.B. 112 (West/Sherman)** – **Warrants:** provides, among other things, that: (1) for the purpose of requesting a judicial order for the installation and use of a mobile tracking device, a peace officer's affidavit must provide facts and circumstances that show probable cause to believe (instead of reasonable suspicion under current law) that criminal activity has been, is, or will be committed and the installation and use of the mobile tracking device is likely to produce information that is material to an ongoing criminal investigation of that criminal activity; (2) unless a magistrate directs in the warrant a shorter period for the execution of any search warrant issued for the search of any property, for a wire intercept, or for the installation of tracking equipment, the period allowed for the execution of the warrant, exclusive of the day of its issuance and of the day of its execution, is: (a) 15 whole days if the warrant is issued solely to search for and seize specimens from a specific person for DNA analysis and comparison, including blood and saliva samples; (b) 10 whole days if the warrant is issued for certain customer data information held in electronic storage or certain location information held in electronic storage; or (c) three whole days if the warrant is issued for a purpose other than that described by (2)(a) or (2)(b); (3) only a prosecutor or a prosecutor's assistant with jurisdiction in a county within a specific judicial district may file an application for a warrant for certain location information held in electronic storage; (4) an

authorized peace officer of a designated law enforcement office or agency or an authorized peace officer commissioned by the Texas Department of Public Safety (DPS) may, without a warrant, require the disclosure of certain location information held in electronic storage if: (a) the officer reasonably believes an immediate life-threatening situation exists that: (i) is within the officer's territorial jurisdiction; and (ii) requires the disclosure of the location information before a warrant can, with due diligence, be obtained; and (b) there are sufficient grounds on which to obtain a warrant requiring the disclosure of the location information; and (5) not later than 48 hours after requiring disclosure of location information without a warrant under (4), above, the authorized peace officer shall obtain a warrant for that purpose. (Effective September 1, 2021.)

**S.B. 281 (J. Hinojosa/Lucio)** – **Hypnotically Induced Testimony**: provides that a statement made during or after a hypnotic session by a person who has undergone investigative hypnosis for the purposes of enhancing the person's recollection of an event at issue in a criminal investigation or case is not admissible against a defendant in a criminal trial, whether offered in the guilt or innocence phase or the punishment phase of the trial. (Effective September 1, 2021.)

**S.B. 315 (Huffman/Hunter)** – **Sexually Oriented Businesses**: this bill: (1) provides that an individual younger than 18 years may not be on the premises covered by a permit or license issued by the Texas Alcoholic Beverage Commission (TABC) if a sexually oriented business operates on the premises; (2) provides that the holder of a license or permit covering a premises described in (1), above, may not knowingly or recklessly allow an individual younger than 18 years to be on the premises; (3) provides that if a permit or license holder is found to violate (2), above, TABC shall suspend the permit or license for the first and second violation, and cancel the permit or license for the third violation; (4) prohibits a sexually oriented business from allowing an individual younger than 18 years to enter the premises of the business; (5) provides that a sexually oriented business commits an offense if it violates (4), above; (6) amends current law to provide that it is a common nuisance to: (i) employ or enter into a contract for the performance of work or the provision of services with an individual younger than 21 years for work or services performed at a sexually oriented business; or (ii) permit an individual younger than 18 years to enter the premises of a sexually oriented business; (7) amends current law to provide that a sexually oriented business may not hire or enter into a contract with an individual younger than 21 years for the performance of work or the provision of services other than a contract to perform repairs, maintenance, or construction services at the business; and (8) amends current law to provide that a child is a person younger than 21 years for purposes of the criminal offense of employing, authorizing, or inducing a child to work in a sexually oriented commercial activity or in any place of business permitting, requesting or requiring a child to work nude or topless. (Effective immediately.)

**S.B. 335 (Johnson/Wu)** – **Toxicological Evidence**: provides, among other things, that: (1) a governmental or public entity or an individual, including a law enforcement agency, prosecutor's office, or crime laboratory, that is charged with the collection, storage, preservation, analysis, or retrieval of toxicological evidence, shall ensure that toxicological evidence collected pursuant to an investigation or prosecution of an intoxication and alcoholic beverage offense, is retained and preserved for the greater of two years or the period of the statute of limitations for the offense if the indictment or information charging the defendant, or the petition in a juvenile proceeding, has not been presented or has been dismissed without prejudice; (2) a person from whom toxicology

evidence is collected and, if the person is a minor, the person's parent or guardian, shall be notified of the periods for which evidence may be retained and preserved, and such notice must be given by: (a) an entity or individual described by (1), above, that collects the evidence, if the entity or individual collected the evidence directly from the person or collected it from a third party; or (b) the court, if the records of the court show that the person was not given the notice described by (2)(a) and the toxicological evidence is subject to the certain retention periods; (3) the entity or individual charged with storing toxicological evidence may destroy the evidence on expiration of the applicable retention period, provided that: (a) notice is given in accordance with (2), above; and (b) if applicable, the prosecutor's office gives written approval for the destruction; (4) before requesting a person who is arrested for certain offenses related to operating a motor vehicle or a watercraft while intoxicated to submit to the taking a specimen of the person's blood or breath, a peace officer shall inform the person orally and in writing that if the person submits to the taking of a blood specimen, the specimen will be retained in accordance with applicable retention periods; and (5) if a person consents to the request of an officer to submit to the taking of a specimen described in (4), above, the officer shall request the person to sign a statement that: (a) the officer requested that the person submit to the taking of a specimen; (b) the person was informed of the consequences of not submitting to the taking of a specimen; and (c) the person voluntarily consented to the taking of a specimen. (Effective September 1, 2021.)

**S.B. 476 (Nelson/Stucky) – Sexual Assault:** provides for the establishment of a county adult sexual assault response team in each county that consists of, among others, the police chief, or the police chief's designee, of the police department with the largest population in the county, for the purpose of strengthening the collaborative response and enhancing health and judicial outcomes for sexual assault survivors who are adults. (Effective September 1, 2021.)

**S.B. 709 (Hall/Canales) – Texas Commission on Fire Protection:** this bill, among other things, (1) provides that the Texas Commission on Fire Protection (Commission) is continued until 2033; (2) provides that advisory members appointed by the Commission shall serve six-year staggered terms but may not be appointed to more than two consecutive terms; (3) provides that if a person holds more than one certificate issued by the Commission, the Commission may collect only one fee for the renewal of those certificates; (4) provides that a certificate issued by the Commission is valid for one or two years as determined by Commission rule; (5) provides that the Commission may: (a) waive any prerequisite to obtaining a certificate for an applicant who holds a license or certificate issued by another jurisdiction: (i) that has licensing or certification requirements substantially equivalent to those of Texas; or (ii) with which Texas has a reciprocity agreement; (6) makes an agreement with another state to allow for Commission certification by reciprocity; and (7) eliminates a provision in state law that provides that, in adopting or amending a rule under the Commission's authority or any other law, the Commission shall seek the input of the fire fighter advisory committee, and that the Commission shall permit the advisory committee to review and comment on any proposed rule, including a proposed amendment to a rule, before the rule is adopted. (Effective September 1, 2021.)

**S.B. 1056 (Huffman/Wu) – False Reports:** this bill, among other things: (1) creates a criminal offense for a person if: (a) the person makes a report of a criminal offense or an emergency or causes a report of a criminal offense or an emergency to be made to a peace officer, law enforcement agency, 9-1-1 service, official or volunteer agency organized to deal with

emergencies, or any other governmental employee or contractor who is authorized to receive reports of a criminal offense or emergency; (b) the person knows that the report is false; (c) the report causes an emergency response from a law enforcement agency or other emergency responder; and (d) in making the report or causing the report to be made, the person is reckless with regard to whether the emergency response by a law enforcement agency or other emergency responder may directly result in bodily injury to another person; and (2) provides that if a person is convicted of an offense under (1), above, the court may order the defendant to make restitution to an entity for the reasonable costs of the emergency response by that entity resulting from the false report. (Effective September 1, 2021.)

**S.B. 1550 (Nelson/Goldman)** – **Airport Police Force:** provides that: (1) the governing body of a joint board, or the governing body of a political subdivision, including a city, that operates an airport served by an air carrier certified by the Federal Aviation Administration or the United States Department of Transportation may: (1) establish an airport police force; and (2) commission and employ a peace officer, if the employee takes and files the oath required of peace officers. (Effective September 1, 2021.)

**S.B. 2212 (West/S. Thompson)** – **Duty to Render and Request Aid:** provides that a peace officer: (1) who encounters an injured person while discharging the officer’s official duties shall immediately and as necessary: (a) request emergency medical services personnel to provide the person with emergency medical services; and (b) while waiting for emergency medical services personnel to arrive, provide first aid or treatment to the person to the extent of the officer’s skill and training; and (2) is not required to request emergency medical services or provide first aid or treatment under (1), above, if: (a) making the request or providing the treatment would expose the officer or another person to a risk of bodily injury; or (b) the officer is injured and physically unable to make the request or provide the treatment. (Effective September 1, 2021.)

## **Sales Tax**

**H.B. 1445 (Oliverson/Nichols)** – **Sales Tax Exemption:** exempts from sales taxes a medical billing service performed before the original submission of: (1) a medical or dental insurance claim related to health or dental coverage; or (2) a claim related to health or dental coverage made to a medical assistance program funded by the federal government, a state government, or both. (Effective January 1, 2022.)

**H.B. 3799 (Metcalf/Nichols)** – **Sales Tax Exemption:** exempts items sold by a nonprofit organization at a county fair from sales taxes. (Effective October 1, 2021.)

**S.B. 153 (Perry/Sanford)** – **Sales Tax Exemption:** exempts from sales taxes data processing services designed to process payment made by credit card or debit card. (Effective October 1, 2021.)

**S.B. 197 (Nelson/Noble)** – **Sales Tax Exemption:** exempts the sale of an animal by a nonprofit animal welfare organization from sales and use taxes. (Effective October 1, 2021.)

**S.B. 313 (Huffman/Meyer)** – **Sales Tax Exemption:** exempts firearm safety equipment from sales taxes. (Effective September 1, 2021.)

**S.B. 1524 (Hughes/Guillen)** – **Sales Tax Refund Pilot Program:** establishes a sales tax refund pilot program for a person who employs at least one apprentice in a qualified apprenticeship position for at least seven months during a calendar year. (Effective January 1, 2022.)

### **Community and Economic Development**

**H.B. 5 (Ashby/Nichols)** – **Broadband Development Office:** this bill, among other things:

1. requires the governor’s broadband development council to: (a) research and monitor the progress of: (i) deployment of broadband statewide; (ii) purchase of broadband by residential and commercial customers; and (iii) patterns and discrepancies in access to broadband; and (b) study industry and technology trends in broadband and the detrimental impact of pornographic or other obscene materials on residents of this state and the feasibility of limiting access to those materials;
2. establishes a broadband development office within the comptroller’s office;
3. for purposes of the broadband development office, defines “broadband service” as internet service with the capability of providing: (a) a download speed of 25 megabits per second or faster; and (b) an upload speed of three megabits per second or faster;
4. authorizes the comptroller by rule to adjust the threshold speeds for broadband services defined in Number 3, above, if the Federal Communications Commission adopts upload or download threshold speeds for advanced telecommunications capability that are different from those listed in Number 3, above;
5. requires the broadband development office to: (a) serve as a resource for information regarding broadband service and digital connectivity in the state; (b) engage in outreach to communities regarding the expansion, adoption, affordability, and use of broadband service and the programs administered by the office; and (c) serve as an information clearinghouse in relation to federal programs providing assistance to local entities with respect to broadband service and addressing barriers to digital connectivity;
6. requires the broadband development office to create, update annually, and publish on the comptroller’s website a map classifying each designated area in the state as: (a) an eligible area, if fewer than 80 percent of the addresses in the designated area have access to broadband service and the federal government has not awarded funding under a competitive process to support the deployment of broadband service in the designated area; or (b) an ineligible area, if 80 percent or more of the addresses in the designated area have access to broadband service or the federal government has awarded funding under a competitive process to support the deployment of broadband service to addresses in the designated area;
7. requires the map described in Number 6, above, to display: (a) the number of broadband service providers that serve each designated area; (b) for each eligible area, an indication of whether the area has access to Internet service that is not broadband service, regardless of the technology used to provide the service; and (c) each public school in the state and an indication of whether the area has access to broadband service;

8. provides that if information available from the Federal Communications Commission is not sufficient for the broadband development office to create or update the map, the office may request the necessary information from a political subdivision or broadband service provider, and the subdivision or provider may report the information to the office;
9. establishes a petition process, under which a political subdivision or broadband service provider may petition the broadband development office to reclassify a designated area on the map as an eligible area or ineligible area;
10. requires the broadband development office to establish a program to award grants, low-interest loans, and other financial incentives to applicants for the purpose of expanding access to, and adoption of, broadband service in designated areas determined to be eligible areas;
11. requires the broadband development office to establish and publish eligibility criteria for award recipients under Number 10, above;
12. provides that the broadband development office may not award a grant, loan, or other financial incentive to a noncommercial provider of broadband service for an eligible area if a commercial provider of broadband service has submitted an application for the eligible area;
13. provides that an award granted under the broadband development program does not affect distributions received by a broadband provider from the state universal service fund;
14. requires the broadband development office to prepare, update, and publish on the comptroller's Internet website a state broadband plan that establishes long-term goals for greater access to and adoption, affordability, and use of broadband service in Texas;
15. requires the broadband development office, in developing the state broadband plan, to: (a) to the extent possible, collaborate with state agencies, political subdivisions, broadband industry stakeholders and representatives, and community organizations that focus on broadband services; (b) consider the policy recommendations of the governor's broadband development council; (c) favor policies that are technology-neutral and protect all members of the public; (d) explore state and regional approaches to broadband development; and (e) examine broadband service needs related to public safety, public education, and public health;
16. establishes the broadband development account in the state's general revenue fund consisting of: (a) appropriations of money to the account by the legislature; (b) gifts, donations, and grants, including federal grants; and (c) interest earned on the investment of the money in the account; and
17. establishes the broadband development office board of advisors to provide guidance to the broadband development office regarding the expansion, adoption, affordability, and use of broadband service and the programs administered by the office.

(Effective immediately.)

**H.B. 738 (Paul/Nichols)** – **Building Codes**: this bill: (1) provides that the 2012 version of the International Residential Code is the residential building code in this state, and the 2012 version of the International Building Code is the commercial building code in this state; (2) authorizes a city to establish procedures to adopt local amendments “that may add, modify, or remove requirements” set by the codes in (1), above, but only if the city: (a) holds a public hearing on the local amendment before adopting the amendment; and (b) adopts the local amendment by

ordinance; (3) prohibits a city from enacting an ordinance, bylaw, order, building code, or rule requiring the installation of a multipurpose residential fire protection sprinkler system or any other fire sprinkler protection system in a new or existing one- or two-family dwelling; and (4) excepts from the prohibition in (3), above, a city that has enacted an ordinance, bylaw, order, building code, or rule requiring the installation of a multipurpose residential fire protection sprinkler system or any other fire protection sprinkler system in a new or existing one- or two-family dwelling on or before January 1, 2009. (Effective January 1, 2022, except that a requirement that a city establish rules and take other necessary action to implement (1) and (2) before January 1, 2022, is effective September 1, 2021.)

**H.B. 871 (Morrison/Kolkhorst)** – **Contractor Registration Fees:** this bill: (1) prohibits a city from charging a licensed air conditioning and refrigeration contractor a registration fee for: (a) worked performed in the city; or (b) notice that an air conditioning and refrigeration license has been obtained; and (2) provides that the prohibition in (1), above, does not prohibit a city from charging a building permit fee. (Effective September 1, 2021.)

**H.B. 1475 (Cyrier/Buckingham)** – **Board of Adjustment:** provides that, in exercising its authority to grant or deny a variance, a board of adjustment may consider the following as grounds to determine whether compliance with the zoning ordinance as applied to a structure would result in an unnecessary hardship: (1) whether the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent certified appraisal roll; (2) whether compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur; (3) whether compliance would result in the structure not being in compliance with a requirement of a city ordinance, building code, or other requirement; (4) whether compliance would result in the unreasonable encroachment on an adjacent property or easement; or (5) whether the city considers the structure to be a nonconforming structure. (Effective September 1, 2021.)

**H.B. 1505 (Paddie/Hancock)** – **Broadband:** establishes: (1) state funding for the Texas Broadband Pole Replacement Program; and (2) a process by which a broadband provider may apply for and attach an affixture of cables, strands, wires, and associated equipment used in the provision of a broadband provider’s services to a pole owned and controlled by an electric cooperative. (Effective September 1, 2021.)

**H.B. 1543 (Parker/Creighton)** – **Public Improvement Districts:** this bill, among other things: (1) provides that the resolution adopted by a city council authorizing the creation of a public improvement district (PID), other than a tourism PID, takes effect on the date the resolution is adopted; (2) requires a city to file a copy of a PID-creation resolution under (1), above, with the county clerk of each county in which all or part of the PID is located not later than the seventh day after the date the city council adopts the resolution; (3) requires a city council to approve a PID service plan, or amend or update the plan, only by ordinance; (4) requires a city to file a copy of the initially-adopted or amended PID service plan with the county clerk of each county in which all or part of the PID is located not later than the seventh day after the date the city council approves the service plan; (5) revises the language of the mandatory notice of obligations related to a PID used in a real estate transaction to include, among other things, additional information about the PID assessment levied against the property; (6) authorizes the city or county that created the PID

to provide additional information regarding the district in the PID obligation notice described in (5), above, including whether an assessment has been levied, the amount of the assessment, and the payment schedule for assessments; (7) requires the PID obligation notice described in (5), above, to be given to a prospective purchaser before the execution of a binding contract of purchase and sale, either separately or as an addendum or paragraph of a purchase contract; (8) provides that in the event a contract of purchase and sale is entered into without the seller providing the required notice of PID obligations, the purchaser is entitled to terminate the contract; and (9) provides that it shall be conclusively presumed that the purchaser has waived all rights to terminate the contract under (8), above, or recover damages or other remedies or rights, if the seller furnishes the notice of PID obligations at or before closing the purchase and sale contract and the purchaser elects to close even though the notice was not timely furnished before execution of the contract. (Effective September 1, 2021.)

**H.B. 1554 (Rogers/ Buckingham)** – **Municipal Development Districts:** authorizes a municipal development district to use money in the development project fund to pay the costs of planning, acquiring, establishing, developing, constructing, or renovating one or more development projects located outside the district if: (1) the project is located in the extraterritorial jurisdiction of the city that created the district; (2) the board determines that the development project will provide an economic benefit to the district; and (3) the following entities, as applicable, approve the development project by resolution: (a) the city that created the district; and (b) each city in whose corporate limits or extraterritorial jurisdiction the project is located. (Effective Immediately.)

**H.B. 1929 (Wilson/Buckingham)** – **ETJ Development Agreements:** this bill: (1) defines the term “contract” to mean a contract for an ETJ development agreement and defines such a contract to be a program authorized by the legislature under Article III, Section 52-a of the Texas Constitution; (2) provides that: (a) a city that enters into a contract described in (1), above, waives immunity from suit for the purpose of adjudicating a claim for breach of contract; (b) actual damages (but not exemplary damages), specific performance, or injunctive relief may be granted in an adjudication brought against a city for breach of a contract, and that damages are limited to (i) the balance due and owed by the city under the contract, (ii) any amount owed by the landowner as a result of the city’s failure to perform under the contract, including compensation for the increased cost of infrastructure as a result of delays or accelerations caused by the city, (iii) reasonable attorney’s fees, and (iv) interest; (3) provides that a contract described in (1), above, that is entered into by a city and a landowner prior to the effective date of this bill is validated, enforceable, and may be adjudicated subject to the terms and conditions of this bill; and (4) annexation by a city of the land subject to a contract does not invalidate the enforceability of the contract. (Effective September 1, 2021.)

**H.B. 2127 (C. Turner/Hancock)** – **Public Entertainment Zones:** this bill: (1) defines the term “public entertainment zone” to mean an area of land that: (a) is owned by a city with a population of 175,000 or more; (b) is designated as a public entertainment zone by the governing body of a city in a formal meeting; and (c) contains a public safety facility; and (2) authorizes the concessionaire for a public entertainment zone to allow a patron who possess an alcoholic beverage to enter or leave a licensed or permitted premises within the zone if the alcoholic beverage: (a) is in an open container; (b) appears to be possessed for present consumption; (c) remains within the

confines of the zone, excluding a parking lot; and (d) was purchased legally at a licensed or permitted premises within the zone. (Effective September 1, 2021.)

**H.B. 2404 (Meyer/Zaffirini)** – **Chapter 380 Economic Development Agreements:** this bill, among other things:

1. requires the comptroller to create and make accessible on the Internet a database, to be known as the Chapter 380 and 381 Agreement Database, that contains information regarding all city and county economic development agreements under Chapters 380 and 381 of the Local Government Code, respectively;
2. provides that, for each local economic development agreement described in Number 1, above, the database must include: (a) the name of the local government that entered into the agreement; (b) a numerical code assigned to the local government by the comptroller; (c) the address of the local government's administrative offices and public contact information; (d) the name of the appropriate officer or other person representing the local government and that person's contact information; (e) the name of any entity that entered into the agreement with the local government; (f) the date on which the agreement went into effect and the date on which the agreement expires; (g) the focus or scope of the agreement; (h) an electronic copy of the agreement; and (i) the name and contact information of the individual reporting the information to the comptroller;
3. requires a city, not later than the fourteenth day after entering into, amending, or renewing an economic development agreement under Chapter 380 of the Local Government Code, to submit to the comptroller the information described by Number 2, above, in the form and manner prescribed by the comptroller in addition to providing a direct link on the city's website to the location of the agreement information published on the comptroller's website;
4. authorizes the comptroller to consult with the appropriate officer of, or other person representing, each local government that enters into a local economic development agreement to obtain the information necessary to operate and update the database;
5. requires the comptroller to enter the relevant information into the database not later than the 15th business day after the date the comptroller receives the information from the providing local government;
6. requires the information, including a copy of the agreement, to remain accessible to the public through the database during the period the agreement is in effect;
7. provides that if a local government that enters into a local economic development agreement described in Number 1, above, does not comply with the requirement to provide information to the comptroller, the comptroller shall send a written notice to the local government describing the information that must be submitted to the comptroller and inform the local government that if the information is not provided on or before the 30th day after the date the notice is provided, the local government will be subject to a civil penalty of \$1,000;
8. provides that, if a local government does not report the required information to the comptroller, the local government is liable to the state for a civil penalty of \$1,000 and the attorney general may sue to collect a civil penalty; and

9. creates a defense to an action brought under Number 8, above, that the local government provided the required information or documents to the extent the information or documents are not exempt from disclosure or confidential under the Public Information Act.

(Effective September 1, 2021.)

**H.B. 2667 (Smithee/Perry)** – **Broadband**: this bill: (1) provides that the statewide uniform charge in support of the universal service fund is payable by each provider of Voice over Internet Protocol Service; and (2) defines “high cost rural area” for purposes of the universal service fund as: (a) an area: (i) receiving support from the universal service fund to assist telecommunications providers in providing basic local telecommunications service at reasonable rates in high cost rural areas on December 31, 2020; and (ii) served by a telecommunications provider that is subject to rate regulation; and (b) any other exchange: (i) receiving support under the Texas High Cost Universal Service Plan or the Small and Rural Incumbent Local Exchange Company Universal Service Plan; and (ii) not excluded by PUC rule based on the number of telecommunications providers serving the exchange, the population density in the exchange, and the number of customers served per route mile of plant in service used to provide basic local telecommunications service served by a small provider. (Effective immediately.)

**H.B. 3215 (Geren/Hughes)** – **Energy Efficiency Building Standards**: provides that Standard 301 of the American National Standard for the Calculation and Labeling of the Energy Performance of Dwelling and Sleeping Units using an Energy Rating Index accredited energy efficiency program, commonly cited as ANSI/RESNET/ICC 301, is in compliance with certain state law provided that: (a) the building meets the mandatory requirements of Section R406.2 of the 2018 International Energy Conservation Code; (b) the building’s thermal envelope is at least equal to the levels of efficiency and solar heat gain coefficient in Table R402.1.2 or Table R402.1.4 of the 2018 International Energy Conservation Code; and (c) the standard used to measure compliance for single-family residential construction uses a certain energy rating index depending on climate zone. (Effective September 1, 2021.)

**H.B. 3853 (Anderson/Perry)** – **Middle Mile Broadband Service**: this bill, among other things: (1) defines “middle mile broadband service” as the provision of excess fiber capacity on an electric utility’s electric delivery system or other facilities to an Internet service provider to provide broadband service, and provides that the term does not include the provision of Internet service to end-use customers on a retail basis; (2) authorizes certain electric utilities, not including a municipally owned utility, to own, construct, maintain, and operate fiber optic cables and other facilities for providing middle mile broadband service in unserved and underserved areas; (3) provides that if a city is already collecting a charge or fee from the electric utility for the use of the public rights-of-way for the delivery of electricity to retail electric customers, the city may not require a franchise, an amendment to a franchise, or an additional charge, fee, or tax from the electric utility for the use of the public rights-of-way for middle mile broadband service; (4) provides that if a city or local government is not already collecting a charge or fee from the electric utility for the use of the public rights-of-way, the city may impose a charge on the provision of middle mile broadband service, but the charge may not be greater than the lowest charge that the city or local government imposes on other providers of broadband service for use of the public rights-of-way in its jurisdiction; and (5) establishes a system by which an electric utility that plans

a project to deploy middle mile broadband must submit a written plan to the Public Utility Commission (PUC) for PUC approval. (Effective immediately.)

**S.B. 4 (Buckingham/Burrows)** – **National Anthem:** this bill provides that: (1) a governmental entity, including a city, may not enter into an agreement with a professional sports team that requires a financial commitment by the state or any governmental entity unless the agreement includes a written verification that the professional sports team will play the United States national anthem at the beginning of each team sporting event held at the team’s home venue or other facility controlled by the team for the event; (2) a team’s failure to comply with the written verification requirement in (1), above, for any team sporting event at the team’s home venue or other facility: (a) constitutes a default of the agreement; (b) immediately subjects the team to any penalty the agreement authorizes for default; and (c) may subject the team to debarment from contracting with the state; and (3) the attorney general may intervene to enforce the provision in (1), above, if the governmental entity fails to timely adhere to the default provision. (Effective September 1, 2021.)

**S.B. 113 (West/Rodriguez)** – **Community Land Trusts:** this bill, among other things: (1) expands the type of nonprofit organizations that may constitute a community land trust; (2) provides that, once adopted by the governing body of a taxing unit, certain community land trust tax exemptions continue to apply to the property until the governing body rescinds the exemption in the manner provided by law; and (3) imposes certain requirements on a chief appraiser who is appraising land or a housing unit leased by a community land trust, including that the chief appraiser use the income method of appraisal. (Effective September 1, 2021.)

**S.B. 291 (Schwertner/Bucy)** – **Commercial Construction:** requires a developer, as soon as practicable after beginning construction of a commercial building project, to visibly post the following information at the entrance to the construction site: (1) the name and contact information of the developer; and, (2) a brief description of the project. (Effective September 1, 2021.)

**S.B. 374 (Seliger/Shine)** – **Annexation of Rights-of-Way:** this bill provides that: (1) a city annexing an area on request of the owners, an area with less than 200 population by petition, an area with at least 200 population by election, or certain special districts may also annex with the area the right-of-way of a street, highway, alley or other public way or of a railway line spur, or roadbed that is: (a) contiguous and runs parallel to the city’s boundaries; and (b) contiguous to the area being annexed; (2) a city may annex a right-of-way described under (1), above, only if: (a) the city provides written notice of the annexation to the owner of the right-of-way not later than the 61st day before the date of the proposed annexation; and (b) the owner of the right-of-way does not submit a written objection to the city before the date of the proposed annexation; and (3) certain width requirements do not apply to the annexation of a right-of-way under (1), above. (Effective immediately.)

**S.B. 500 (Miles/Rose)** – **Operating Boarding Home without License:** this bill: (1) creates a Class B misdemeanor offense for operating a boarding home facility without a permit; and (2) provides that (1), above, only applies in a county or city that requires a permit to operate a boarding home facility as authorized by certain state law. (Effective September 1, 2021.)

**S.B. 507 (Nichols/Anderson)** – **Broadband in State Rights-of-Way**: requires the Texas Transportation Commission to promulgate rules: (1) establishing an accommodation process that authorizes broadband-only providers to use state highway rights-of-way, subject to highway purposes, for: (a) new broadband facility installations; (b) additions to or maintenance of existing broadband facility installations; (c) adjustments or relocations of broadband facilities; and (d) existing broadband facilities retained within the rights-of-way; and (2) prescribing minimum requirements for the accommodation, method, materials, and location for the installation, adjustment, and maintenance of broadband facilities under the accommodation process. (Effective immediately.)

**S.B. 678 (Alvarado/Button)** – **Small Business Disaster Recovery Loans**: requires the governor’s Economic Development and Tourism Office by rule to establish a loan program to use money from the small business disaster recovery revolving fund to provide financial assistance to small businesses affected by a disaster. (Effective September 1, 2021.)

**S.B. 804 (Menéndez/Cortez)** – **Tourism Public Improvement Districts**: this bill: (1) authorizes a city council to include property in a tourism public improvement district after establishment of the district if: (a) the property is a hotel; and (b) a sufficient number of the record owners of the real property currently included and proposed to be included in the district have consented to be included in the district by signing the original petition to establish the district or by signing a petition or written consent to include property in the district; (2) provides that no newly constructed hotel property may be added to the district unless the record owner of the property consents to its inclusion; and (3) provides that for purposes of (1)(b), above, the number of consenting record owners is sufficient if the record owners own more than 60 percent of the appraised value of taxable real property liable for assessment in the district and: (a) constitute more than 60 percent of all record owners of taxable real property liable for assessment in the district; or (b) own, in aggregate, more than 60 percent of the area of all taxable real property liable for assessment in the district. (Effective immediately.)

**S.B. 877 (Hancock/Morrison)** – **Building Inspections**: this bill: (1) provides that, in an area of a city subject to a disaster declaration by the governor or a declaration of local disaster, a building inspection may be performed by a person: (a) other than the owner of the building, or a person whose work is the subject of the inspection; and (b) who is: (i) certified to inspect buildings by the International Code Council; (ii) employed as a building inspector by the city in which the building is located; (iii) employed as a building inspector by any political subdivision, if the city in which the building is located has approved the person to perform inspections during a disaster; or (iv) a licensed engineer; (2) prohibits a city from collecting an additional inspection fee related to the inspection of a building performed under (1), above; (3) provides that a person who performs an inspection under (1), above, must comply with the city’s building regulations and policies, and not later than the 30th day after the date of the inspection, provide notice to the city of the inspection; and (4) allows a city to prescribe a reasonable format for the notice required in (3), above. (Effective immediately.)

**S.B. 1090 (Buckingham/Murr)** – **Building Materials**: exempts the following from certain regulations regarding the use of building products, materials, or methods used in the construction or renovation of residential or commercial buildings: (1) a city, to the extent that the city regulates

outdoor lighting for the purpose of reducing light pollution, that has adopted a resolution stating the city's intent to become certified as a Dark Sky Community that does not regulate outdoor lighting in a manner that is more restrictive than the prohibitions or limitations required to become certified as a Dark Sky Community; (2) a standard for a plumbing product required by an ordinance or other regulation implementing certain water conservation plans or programs; (3) a standard for a plumbing product imposed by the Texas Water Development Board as a condition for applying for or receiving financial assistance under a program administered by the board; and (4) certain land use restrictions contained in plats and other instruments in certain cities. (Effective September 1, 2021.)

**S.B. 1168 (Campbell/C. Bell)** – **Extraterritorial Jurisdiction:** in an area in a city's extraterritorial jurisdiction that has been disannexed under certain law or for which the city has attempted and failed to obtain consent for annexation under certain law, this bill: (1) prohibits a city from imposing a fine or fee on a person on the basis of an activity that occurs wholly in the area, or the management or ownership of property located wholly in the area; and (2) provides that the prohibition in (1), above, does not apply to a fine or fee for water, sewer, drainage, or other related utility services. (Effective immediately.)

**S.B. 1210 (Johnson/Oliverson)** – **Refrigerants:** provides that a building code or other requirement applicable to commercial or residential buildings or construction may not prohibit the use of certain substitutes for hydrofluorocarbon refrigerants authorized under federal law. (Effective January 1, 2023.)

**S.B. 1269 (Whitmore/K. King)** – **Main Street:** would amend current state law allowing cities to participate in a main street program by modifying the program to include "communities" and their historic neighborhood commercial districts rather than cities. (Effective September 1, 2021.)

**S.B. 1338 (Zaffirini/Sanford)** – **Annexation/Development Agreements:** this bill: (1) requires that, at the time a city makes an offer to a landowner to enter into an agreement in which the landowner consents to annexation or makes an offer to enter into a development agreement, the city provide the landowner with a written disclosure: (a) that the landowner is not required to enter into the agreement; (b) of the authority under which the city may annex the land with references to relevant law; (c) with a plain-language description of the annexation procedures applicable to the land; (d) whether the procedures require the landowner's consent; and (e) with a statement regarding the city's waiver of immunity to suit; and (2) provides that a failure to provide the disclosure in (1), above, makes the agreement void. (Effective September 1, 2021.)

**S.B. 1465 (Hinojosa/Guillen)** – **Small and Rural Community Success Fund:** this bill, among other things, establishes the Texas small and rural community success fund to make loans to economic development corporations (EDCs) for eligible EDC projects. (Effective immediately.)

**S.B. 1585 (Hughes/Cyrier)** – **Historic Landmark:** provides that: (1) a city may not designate a property as a local historic landmark or include property within the boundaries of a local historic district unless: (a) the owner of the property consents; or (b) if the property owner does not consent, the governing body and the zoning, planning, or historical commission of the city approve the designation or inclusion by a three-fourths vote; (2) a city that has more than one

zoning, planning, or historical commission shall designate one of those commissions as the entity with the exclusive authority to approve the designations of properties as local historic landmarks; (3) property owned by a religious organization may be included in a local historic district only if the organization consents to the inclusion; and (4) a city must, not later than the 15th day before the date of the initial hearing in front of the zoning, planning, or historical commission, if any, or the governing body of the municipality, provide the property owner a statement that describes the impact that inclusion of the owner's property in a local historic district may have on the owner and the owner's property. (Effective September 1, 2021.)

## **Elections**

**H.B. 574 (Bonnen/Taylor)** – **Election Offenses:** provides that a person commits a felony of the second degree if the person knowingly or intentionally makes any effort to: (1) count votes the person knows are invalid or alter a report to include votes the person knows are invalid; or (2) refuse to count votes the person knows are valid or alter a report to exclude votes the person knows are valid. (Effective September 1, 2021.)

**H.B. 1128 (Jetton/Kolkhorst)** – **Election Bystanders:** this bill: (1) authorizes the following people to be lawfully present in a polling place during the time the presiding judge arrives there on election day until the precinct returns have been certified and the election records assembled for distribution following the election: (a) an election judge or clerk; (b) a watcher; (c) the secretary of state; (d) a staff member of the Elections Division of the Office of the Secretary of State performing an official duty; (e) an election official, a sheriff, or a staff member of an election official or sheriff delivering election supplies; (f) a state inspector; (g) a person admitted to vote; (h) a child under 18 years of age accompanying a parent who has been admitted to vote; (i) a person providing authorized assistance to a voter; (j) a person accompanying a voter who has a disability; (k) a special peace officer appointed by the presiding judge; (l) the county chair of a political party conducting a primary election; (m) an authorized voting system technician; (n) the county election officer as necessary to perform tasks related to the administration of the election; or (o) a person whose presence has been authorized by the presiding judge; (2) authorizes the following people to be lawfully present in the meeting place of an early voting ballot board during the time of the board's operation: (a) a presiding judge or member of the board; (b) a watcher; (c) a state inspector; (d) an authorized voting system technician; (e) the county election officer, as necessary to perform tasks related to the administration of the election; or (f) a person whose presence has been authorized by the presiding judge; and (3) authorizes the following people to be lawfully present in the central counting station while ballots are being counted: (a) a counting station manager, tabulation supervisor, assistant to the tabulation supervisor, presiding judge, or clerk; (b) a watcher; (c) a state inspector; (d) an authorized voting system technician; (e) the county election officer, as necessary to perform tasks related to the administration of the election; or (f) a person whose presence has been authorized by the counting station manager. (Effective September 1, 2021.)

**H.B. 1264 (K. Bell/Springer)** – **Deceased Resident Report:** the bill, among other things, requires the local registrar of deaths to file each abstract of a death certificate with the voter registrar of the decedent's county of residence and the secretary of state as soon as possible, but not later than the seventh day after the date the abstract is prepared. (Note: previous law required the local registrar

to file the abstract with the voter registrar not later than the 10th day of the month following the month in which the abstract was prepared.) (Effective September 1, 2021.)

**H.B. 1382 (Bucy/Hughes)** – **Mail Ballot Tracking:** requires the secretary of state to develop or otherwise provide an online tool to each early voting clerk that enables a person who submits an application for a ballot to be voted by mail to track the location and status of the person’s application and ballot on the secretary’s Internet website and on the county’s Internet website if the early voting clerk is the county clerk of a county that maintains an Internet website. (Effective September 1, 2021.)

**H.B. 1622 (Guillen/ Hughes)** – **Early Voting Reporting:** this bill: (1) allows a person registered to vote in the county where the early voting clerk is conducting early voting to submit a complaint to the secretary of state stating that an early voting clerk has not delivered to the local canvassing authority a report of the early voting votes cast not later than the time of the local canvass; (2) requires the secretary of state to create and maintain a system for receiving and recording complaints; and (3) requires the secretary of state to maintain a record indicating which counties and early voting clerks have failed to comply with the requirements of early voting reporting. (Effective September 1, 2021.)

**H.B. 3107 (Clardy/Zaffirini)** – **Election Practices and Procedures:** this bill, among many other things: (1) provides that in the case of an election in which any members of a political subdivision’s governing body are elected from territorial units such as single-member districts, the state laws governing the election of unopposed candidates apply if each candidate for an office that is to appear on the ballot in that territorial unit is unopposed and no opposed at-large race is to appear on the ballot; (2) requires the notice of a general or special election to state the internet website of the authority conducting the election; (3) provides that an election services contract may not change a political subdivision’s requirement to keep an election officer’s office open for election duties for at least three hours each day, during regular office hours, on regular business days during a specified period of time prior to election day and beginning not later than the 50th day before the date of each general election of the political subdivision or the third day after the date a special election is ordered by an authority of the political subdivision and ending not earlier than the 40th day after election day; (4) expands the methods of notice that an election authority conducting the drawing to order names of candidates on the ballot may use to notify candidates of the date, hour, and place of the drawing to include telephone, email, and personal written notice; (5) requires an election officer at the polling place to maintain a registration omissions list; (6) provides that if the name of a voter who is offering to vote is not on the precinct list of registered voters, an election officer may contact the voter registrar regarding the voter’s registration status; (7) provides that provisional voting records are not available for public inspection until the first business day after the date the early voting ballot board completes the verification and counting of provisional ballots and delivers the provisional ballots and other provisional voting records to the general custodian of election records; (8) provides that a voter’s defective ballot that is timely returned to the clerk as a marked ballot must be treated as a marked ballot not timely returned if the corrected ballot is timely returned as a marked ballot by the close of the polls on election day or as the voter’s ballot for the election if the corrected ballot is not timely returned by the close of the polls on election day; (9) requires the authority with whom an application for a place on the ballot must be filed to designate an email address in the notice of deadlines for filing an application for a place on the

ballot; (10) provides that for cities conducting recall elections, a vacancy in an officer's office occurs on the date of the final canvass of a successful recall election; (11) provides that for an election in which the territory served by the early voting clerk is situated in a county with a population of 100,000 or more, or in an election in which the territory served by the clerk is situated in more than one county and the sum of the populations of the counties is 100,000 or more, must conduct early voting by personal appearance at each temporary branch polling place on the days that voting is required to be conducted at the main early voting polling place and remain open for at least: (a) eight hours each day; or (b) three hours each day if the city or county clerk does not serve as the early voting clerk for the territory holding the election and the territory has fewer than 1,000 registered voters; and (12) provides that for an election in which the territory served by the early voting clerk is situated in a county with a population under 100,000, or in an election in which the territory served by the clerk is situated in more than one county and the sum of the populations of the counties is under 100,000, voting at a temporary branch may be on any days and during any hours of the period for early voting by personal appearance, as determined by the authority establishing the temporary voting branch, and may also order early voting to be conducted on a Saturday or Sunday at any one or more of the temporary branch polling places. (Effective September 1, 2021.)

**H.B. 4555 (Guillen/Hinojosa)** – **Eligibility for Public Office:** this bill: (1) requires a candidate's application for a place on the ballot to include an indication that the candidate has either not been finally convicted of a felony or, if so convicted, has been pardoned or otherwise released from the resulting disabilities; (2) requires a candidate who has been convicted of a felony to include in the candidate's application for a place on the ballot proof that the candidate is eligible for public office; and (3) creates a Class B misdemeanor offense for a person to knowingly provide false information in an application for a place on the ballot regarding whether the person has been finally convicted of a felony or has been pardoned or otherwise released from the resulting disabilities. (Effective September 1, 2021.)

**S.B. 598 (Kolkhorst/Jetton)** – **Auditable Voting Systems:** provides, among other things, that: (1) a voting system that consists of direct recording electronic voting machines may not be used in an election unless the system is considered an "auditable voting system" that uses, creates, or displays a paper record that may be read by the voter and is not capable of being connected to the Internet or any other computer network or electronic device; (2) an authority that purchased a voting system other than an auditable voting system after September 1, 2014, and before September 1, 2021, may use available federal funding, and if federal funding is not available, available state funding to convert the purchased voting system into an auditable voting system in accordance with a specific schedule; (3) the requirement to use an auditable voting system in (1), above, does not apply to an election held before September 1, 2026; (4) beginning September 1, 2026, a voting system may not be capable of being connected to any external or internal communications network, including the Internet; (5) beginning September 1, 2026, a voting system may not have the capability of permitting wireless communication; and (6) the secretary of state may not waive certain requirements in the bill. (Effective September 1, 2021.)

**S.B. 1111 (Bettencourt/Paul)** – **Residency:** this bill, among other things, modifies the definition of "residence" for purposes of elections to provide that: (1) a person may not establish residence for the purpose of influencing the outcome of a certain election; (2) a person may not establish a

residence at any place the person has not inhabited; and (3) a person may not designate a previous residence as a home and fixed place of habitation unless the person inhabits the place at the time of designation and intends to remain. (Effective September 1, 2021.)

**S.B. 1116 (Bettencourt/Bucy) – Posting Election Information:** requires, among other things, that: (1) a city that holds an election and maintains an Internet website shall post on its public website the following as soon as practicable after the election: (a) the results of each election; (b) the total number of votes cast; (c) the total number of votes cast for each candidate or for or against each measure; (d) the total number of votes cast by personal appearance on election day; (e) the total number of votes cast by personal appearance or mail during the early voting period; and (f) the total number of counted and uncounted provisional ballots cast; (2) information required to be posted under (1), above, must be accessible without having to make more than two selections or view more than two network locations after accessing the city’s Internet website home page; and (3) not later than the 21st day before election day, a city that holds an election and maintains an Internet website shall post on the public Internet website: (a) the date of the next election; (b) the location of each polling place; (c) each candidate for an elected office on the ballot; and (d) each measure on the ballot. (Effective September 1, 2021.)

**S.B. 1387 (Creighton/Clardy) – Voting System:** this bill provides that: (1) for a voting system or voting system equipment to be approved for use in an election, the voting system must have been manufactured, stored, and held in the United States and sold by a company whose: (a) headquarters are located in the United States; and (b) parent company’s headquarters, if applicable, are located in the United States; and (2) for a voting system or voting system equipment to be considered manufactured in the United States as required in (1), above, final assembly of the voting system or voting system equipment must have occurred in the United States and all firmware and software must have been installed and tested in the United States. (Effective September 1, 2021.)

**S.B. 1418 (Schwertner/Wilson) – Presiding Election Judge:** provides that the presiding election judge of the early voting ballot board may, at the discretion of the appropriate authority, be compensated at a higher rate than presiding election judges. (Effective September 1, 2021.)

### **Emergency Management**

**H.B. 2211 (Metcalf/Perry) – In Person Hospital Visits:** provides, among other things, that: (1) during a qualifying period of disaster, a hospital may not prohibit in-person visitation with a patient receiving care or treatment at the hospital unless federal law or a federal agency requires the hospital to prohibit in-person visitation during that period; (2) a hospital may not prohibit in-person visitation by a religious counselor with a patient who is receiving care or treatment at the hospital and who is seriously ill or dying for a reason other than the religious counselor’s failure to comply with a requirement by the hospital for the counselor to complete a health screening before entering the hospital and wear personal protective equipment at all times while visiting a patient at the hospital; and (3) in the event of a conflict between the provisions of the bill and any provision of a qualifying official disaster order, the provisions of the bill prevail. (Effective September 1, 2021.)

**S.B. 6 (Hancock/Leach) – Pandemic Liability:** this bill, among other things, provides that:

1. except in a case of reckless conduct or intentional, willful, or wanton misconduct, and subject to other limited exceptions, a physician, health care provider, or first responder is not liable for an injury, including economic and noneconomic damages, or death arising from care, treatment, or failure to provide care or treatment relating to or impacted by a pandemic disease or a disaster declaration issued by the president or governor related to a pandemic disease, if the physician, health care provider, or first responder proves by a preponderance of the evidence that:
  - a. a pandemic disease or disaster declaration related to a pandemic disease was a producing cause of the care, treatment, or failure to provide care or treatment that allegedly caused the injury or death; or
  - b. the individual who suffered injury or death was diagnosed or reasonably suspected to be infected with a pandemic disease at the time of the care, treatment, or failure to provide care or treatment;
2. the statutory provisions relating to liability of physicians, health care providers, and first responders during a pandemic described in Number 1, above, do not constitute a waiver of sovereign immunity of the state or governmental immunity of a political subdivision and do not create a civil cause of action;
3. a person (including a governmental entity) is not liable for injury or death caused by exposing an individual to a pandemic disease during a pandemic emergency unless the claimant establishes that:
  - a. the person who exposed the individual:
    - i. knowingly failed to warn the individual of or remediate a condition that the person knew was likely to result in the exposure of an individual to the disease, provided that the person:
      1. had control over the condition;
      2. knew that the individual was more likely than not to come into contact with the condition; and
      3. had a reasonable opportunity and ability to remediate the condition or warn the individual of the condition before the individual came into contact with the condition; or
    - ii. knowingly failed to implement or comply with government-promulgated standards, guidance, or protocols intended to lower the likelihood of exposure to the disease that were applicable to the person or the person's business, provided that:
      1. the person had a reasonable opportunity and ability to implement or comply with the standards, guidance, or protocols; and
      2. the person refused to implement or comply with or acted with flagrant disregard of the standards, guidance, or protocols; and
      3. the government-promulgated standards, guidance, or protocols that the person failed to implement or comply with did not, on the date that the individual was exposed to the disease, conflict with government-promulgated standards, guidance, or protocols that the person implemented or complied with; and
  - b. reliable scientific evidence shows that the failure to warn the individual of the condition, remediate the condition, or implement or comply with the government-

promulgated standards, guidance, or protocols was the cause in fact of the individual contracting the disease;

4. a claimant must serve on the defendant, not later than the 120th day after the date a defendant files an answer to a claim to which Number 3, above, applies:
  - a. a report authored by at least one qualified expert that provides a factual and scientific basis for the assertion that the defendant's failure to act caused the individual to contract a pandemic disease; and
  - b. a curriculum vitae for each expert whose opinion is included in the report.

(Effective immediately.)

**S.B. 239 (Powell/Collier)** – **Disaster Educational Materials**: the bill: (1) requires the Department of State Health Services (DSHS) to develop and implement a disease prevention information system for dissemination of immunization information during a declared state of disaster or local state of disaster; and (2) provides that during a declared state of disaster or local state of disaster, DSHS shall ensure that educational materials regarding immunizations are available to local health authorities for distribution to specified organizations. (Effective September 1, 2021.)

**S.B. 863 (Blanco/Hull)** – **Residential Child Care Facilities**: provides that, to the extent necessary to comply with a state or local order during a state of disaster, the Health and Human Services Commission may authorize a residential child-care facility to temporarily: (1) relocate to a new location that is not stated in the facility's license; or (2) provide care to one or more children at an additional location that is not stated in the facility's license. (Effective immediately.)

**S.B. 967 (Kolkhorst/Klick)** – **Expiration of Public Health Orders**: provides that a public health order issued by a health authority that is imposed on more than one individual, animal, place, or object expires on the fifteenth day following the date the order is issued unless, before the fifteenth day: (1) the governing body of a city or the commissioners court of a county that appointed the health authority by majority vote extends the order for a longer period; or (2) if the health authority is jointly appointed by a city and county, the commissioner's court of the county extends the order for a longer period. (Effective September 1, 2021.)

**S.B. 968 (Kolkhorst/Klick)** – **Public Health Disaster Preparedness**: this bill, among other things:

1. provides that the presiding officer of the governing body of a political subdivision may not issue an order during a declared state of disaster or local disaster to address a pandemic disaster that would limit or prohibit: (a) housing and commercial construction activities, including related activities involving the sale, transportation, and installation of manufactured homes; (b) the provision of governmental services for title searches, notary services, and recording services in support of mortgages and real estate services and transactions; (c) residential and commercial real estate services, including settlement services; or (d) essential maintenance, manufacturing, design, operation, inspection, security, and construction services for essential products, services, and supply chain relief efforts;

2. requires the Texas Department of Emergency Management (TDEM) to establish a process for designating individuals who are included in the emergency assistance registry as medically fragile, and collaborate with first responders, local governments, and local health departments to conduct wellness checks on those individuals during certain events (e.g., a disaster or power outage), as determined by TDEM;
3. provides that a wellness check under (2), above, must include an automated phone call, a personalized call and, if the person is unresponsive to calls, an in-person check, and requires each city to adopt procedures to conduct wellness checks in compliance with minimum standards adopted by TDEM;
4. makes various changes to the Communicable Disease Prevention and Control Act, including providing that: (a) the Department of State Health Services is the “preemptive authority” for purposes of the Act, and shall collaborate with local elected officials to prevent the spread of disease and protect the public health; and (b) a regional public health disaster declaration or order must be filed with the county clerk or city secretary in each area to which it applies, unless the circumstances prevent or impede the filing; and
5. provides that a governmental entity may not issue a vaccine passport, vaccine pass, or other standardized documentation to certify an individual’s COVID-19 vaccination status to a third party for a purpose other than health care or otherwise publish or share any individual’s COVID-19 immunization record or similar health information for a purpose other than health care.

(Effective immediately.)

### **Municipal Courts**

**H.B. 80 (J. Johnson/Whitmire)** – **Municipal Court:** provides, when fines and costs are being imposed on a defendant under the conservatorship of the Department of Family and Protective Services or in extended foster care, that a municipal judge: (1) may not require a defendant to pay any amount of fines and costs; and (2) may require the defendant to perform community services to discharge fines and costs if the fines and costs are not waived. (Effective September 1, 2021.)

**H.B. 569 (Sanford/West)** – **Misdemeanor Fines:** provides, among other things, that in imposing a fine and costs in a case involving a misdemeanor punishable by a fine only, the justice or judge shall credit the defendant for any time the defendant was confined in jail or prison while serving a sentence for another offense at a rate of \$150 for each day of confinement if that confinement occurred after the commission of the misdemeanor. (Effective September 1, 2021.)

**H.B. 788 (Geren/Zaffirini)** – **Court Program:** expands the definition of a public safety employee, for the purpose of participating in a public safety employee treatment court program, to include an emergency service dispatcher. (Effective September 1, 2021.)

**H.B. 1071 (Harris/Whitmire)** – **Animals in Court:** allows a qualified facility dog or qualified therapy animal in certain court proceedings. (Effective September 1, 2021.)

**H.B. 1693 (Shaheen/Miles)** – **Financial Responsibility:** this bill: (1) authorizes a justice or municipal court to access the financial responsibility verification program to verify financial responsibility for the purpose of court proceedings; and (2) requires the costs associated with accessing the verification program to be paid out of the county treasury by order of the commissioners’ court or the municipal treasury by order of the governing body of the municipality, as applicable. (Effective immediately.)

**H.B. 3774 (Leach/Huffman)** – **Municipal Court Pleas:** provides, among many other things, that: (1) a judge may not accept a plea of guilty or plea of nolo contendere from a defendant in open court unless it appears to the judge that the defendant is mentally competent and the plea is free and voluntary; (2) the Texas Forensic Science Commission (commission) must adopt a code of professional responsibility and rules establishing sanctions for code violations to regulate the conduct of persons, laboratories, facilities, and other entities regulated by the state; (3) the commission is authorized to initiate an investigation of a forensic analysis or a forensic examination or test not subject to accreditation without receiving a complaint (former state law allowed for educational purposes); (4) a “forensic analyst” or “forensic science expert” is a professional service subject to the Professional Services Procurement Act; and (5) a “protective order” is defined to include an order issued by a court in this state to prevent sexual assault or abuse, stalking, trafficking, or other harm to an applicant. (Effective September 1, 2021, except that certain provisions creating new judicial district or statutory county courts have special effective dates.)

**H.B. 4293 (Hinojosa/Zaffirini)** – **Court Reminder Program:** this bill: (1) authorizes the Office of Court Administration of the Texas Judicial System, or the judges of the county courts, statutory county courts, and district courts with jurisdiction over criminal cases in each county, to partner with cities and local law enforcement agencies to allow: (a) individuals to whom a peace officer issues a citation and releases to receive text message reminders of scheduled court appearances; and (b) criminal defendants in municipal court to receive text message reminders of scheduled court appearances; and (2) requires any city that partners with the Office of Court Administration of the Texas Judicial System to pay all costs of sending reminders to municipal criminal defendants, including the costs of linking the municipal court database with the state court administrator database. (Effective September 1, 2021.)

**S.B. 41 (Zaffirini/Leach)** – **Court Costs:** this bill consolidates, allocates and increases certain state civil court costs to be used for the following: (1) to support a statewide electronic filing technology project for courts in this state; (2) to provide grants to counties to implement components of the project; or (3) to support court technology projects that have a statewide impact as determined by the office of court administration. (Effective January 1, 2022.)

**S.B. 49 (Zaffirini/Murr)** – **Defendants with Mental Illness or Intellectual Disability:** provides revisions to criminal trial and sentencing procedures, including procedures for magistrates, relating to a defendant who may have a mental illness or who may be a person with an intellectual disability, makes revisions to competency restoration programs, and sets out provisions relating to outpatient treatment program participation for civilly committed individuals. (Effective September 1, 2021.)

**S.B. 1373 (Zaffirini/White)** – **Municipal Courts**: provides that: (1) any officer authorized to collect a fine, reimbursement or other fee, or item of cost may request the trial court in which a criminal action or proceeding was held to make a finding that a fine, reimbursement or other fee, or item of cost imposed in the action or proceeding is uncollectible if the officer believes: (a) the defendant is deceased; (b) the defendant is serving a sentence for imprisonment for life or life without parole; (c) the fine, reimbursement or other fee, or item of cost has been unpaid for at least 15 years; or (d) the fine, reimbursement or other fee, or item of cost is otherwise uncollectible; and (2) a court may order the officer described in (1), above, to designate a fine, reimbursement or other fee, or item of cost as uncollectible in the fee record. (Effective September 1, 2021.)

### **Open Government**

**H.B. 872 (Bernal/Menéndez)** – **Confidentiality of Government-Operated Utility Customer Information**: this bill provides that: (1) information is excepted from disclosure under the Public Information Act if it is information maintained by a government-operated utility that: (a) discloses whether services have been discontinued, or reveals whether an account is delinquent or eligible for disconnection by the government-operated utility; or (b) is collected as part of an advanced metering system for usage, services, and billing, including amounts billed or collected for utility usage, except that all such information is to be made available to that customer or their designated representative if the information directly relates to utility services provided to the customer and is not confidential under law; (2) a government-operated utility may not disclose personal and utility usage information for government operated utility customers unless the customer requests that the government-operated utility disclose such information on an appropriately marked form or other written request for disclosure (Note: former law made personal information and utility usage information confidential only if the customer elected to keep the information confidential on a form provided by the government-operated utility); and (3) a government-operated utility must provide notice of the customer’s right to request disclosure of personal and utility usage information, along with the form to elect for disclosure, in each customer’s utility bill or on the government-operated utility’s website. (Effective immediately.)

**H.B. 1082 (P. King/Zaffirini)** – **Public Information**: provides that: (1) with regard to information a city holds as an employer, the home address, home telephone number, emergency contact information, social security number, and personal family information of an elected public officer, is excepted from the Public Information Act, regardless of whether the elected officer complies with certain requirements to elect the information be kept confidential; (2) with regard to information contained in records maintained by the city in any capacity, an elected public officer’s home address, home telephone number, emergency contact information, date of birth, social security number, and family member information is excepted from the Public Information Act if the elected officer elects to keep the information confidential; and (3) elected public officers are added to the list of individuals who may choose to restrict public access to certain information in appraisal records. (Effective immediately.)

**S.B. 244 (Bettencourt/Campos)** – **Tax Increment Reinvestment Zone**: makes the board of directors of a tax reinvestment zone subject to the Open Meetings Act. (Effective September 1, 2021.)

**S.B. 841 (Hughes/Schaefer)** – **Public Information:** adds certain honorably retired law enforcement positions to the personal information exceptions of the Public Information Act and the confidentiality of home address section in the tax appraisal statute. (Effective immediately.)

**S.B. 858 (Johnson/Davis)** – **Public Information:** provides: (1) that the following personal identifying information collected by a metropolitan rapid transit authority, regional transportation authority, municipal transit department, or coordinated county transportation authority is confidential and not subject to public disclosure: (a) trip data, including the time, date, origin, and destination of a trip, and demographic information collected when the person purchases a ticket or schedules a trip; and (b) other personal information, including financial information; and (2) personal identifying information described in (1), above, may be disclosed to a governmental agency or institution of higher education if the requestor confirms in writing that the use of the information will be strictly limited to use in research or in producing statistical reports, but only if the information is not published, redisclosed, sold, or used to contact any individual. (Effective Immediately.)

**S.B. 1225 (Huffman/Paddie)** – **Temporary Suspension of TPIA:** this bill, among other things, provides that: (1) for purposes of suspending the requirements of the Texas Public Information Act (TPIA), during a catastrophe, the term “catastrophe” does not mean a period when staff is required to work remotely and can access information responsive to an application for information electronically, but the physical office of the governmental body is closed; (2) a governmental body may suspend the requirements of the TPIA only once for each catastrophe; (3) a governmental body may suspend the requirements of the TPIA if the governmental body is currently significantly impacted by a catastrophe such that the catastrophe directly causes the inability of a governmental body to comply with the TPIA; (4) a governmental body that initiates a suspension period may not initiate another suspension period related to the same catastrophe, except for a single extension period, and that the combined suspension period for a governmental body may not exceed a total of 14 consecutive calendar days with respect to any single catastrophe; (5) if a governmental body closes its physical offices, but requires staff to work, including remotely, then the governmental body shall make a good faith effort to continue responding to applications for public information, to the extent staff have access to public information responsive to an application, while its administrative offices are closed; and (6) failure to respond to requests in accordance with (5), above, may constitute a refusal to request an attorney general's decision or a refusal to supply public information or information that the attorney general has determined is public information that is not excepted from required disclosure. (Effective September 1, 2021.)

### **Other Finance and Administration Bills**

**H.B. 29 (Swanson/Hughes)** – **Temporary Weapon Storage:** this bill: (1) allows a political subdivision to provide a person temporary secure weapon storage when entering a building or portion of a building used by the political subdivision that is generally open to the public and in which carrying a firearm, knife, club or other weapon is prohibited by state law or the political subdivision; (2) allows weapon storage to be provided via self-service weapon lockers or other temporary secure weapon storage operated at all times by a designated employee of the political

subdivision; (3) allows a political subdivision to collect a fee of not more than \$5 for the use of a self-service weapon locker or other temporary secure weapon storage; and (4) addresses how a political subdivision must handle an unclaimed weapon. (Effective September 1, 2021.)

**H.B. 525 (Shaheen/Hall)** – **Religious Organizations**: this bill: (1) provides that a religious organization is an essential business at all times, including during a declared state of disaster, and the organization’s religious and other related activities are essential activities, even if the activities are not listed as essential in an order issued during the disaster; (2) provides that a governmental entity may not: (a) at any time, including during a declared state of disaster, prohibit a religious organization from engaging in religious and other related activities or continuing to operate in the discharge of the organization’s foundational faith-based mission and purpose; or (b) during a declared state of disaster order a religious organization to close or otherwise alter the organization’s purposes or activities; and (3) authorizes a person and the attorney general to seek certain relief for a violation of the prohibition in (2). (Effective immediately.)

**H.B. 604 (Noble/Zaffirini)** – **Animal Shelter**: requires that, as soon as practicable after an animal is placed in the custody of an animal shelter, the shelter scan the animal to determine whether a microchip is implanted in the animal. (Effective September 1, 2021.)

**H.B. 624 (Shine/Campbell)** – **Offense Against Public Servant**: increases the criminal penalty for certain offenses committed in retaliation for, or on account of, a person’s service or status as a public servant. (Effective September 1, 2021.)

**H.B. 636 (S. Thompson/Whitmire)** – **Texas State Board of Plumbing Examiners**: this is the Texas State Board of Plumbing Examiners sunset bill. The bill, among other things, continues the functions of the Texas State Board of Plumbing Examiners through September 1, 2027. (Effective immediately.)

**H.B. 957 (Oliverson/Springer)** – **Firearm Suppressors (Silencers)**: this bill: (1) prohibits a city council or an officer, employee, or other body that is part of a city (including a police department) from: (a) adopting a rule, order, ordinance, or policy under which the city enforces, or by consistent action allows the enforcement of, a federal statute, order, rule, or regulation that purports to regulate a firearm suppressor if the statute, order, rule, or regulation imposes a prohibition, restriction, or other regulation that does not exist under Texas law; and (b) enforcing or attempting to enforce any federal statute, order, rule, or regulation described in (1)(a); (2) provides that a violation of the prohibition in (1) may be enforced by denying certain state grant funds to the city; (3) authorizes any citizen residing in the jurisdiction of a city to file a complaint with the attorney general if the citizen offers evidence to support an allegation that the city violated the prohibition in (1); (4) authorizes the attorney general, upon receipt of a valid citizen complaint, to file a writ of mandamus or seek other equitable relief to compel a city to comply with the requirements in the bill, and allows the attorney general to recover reasonable expenses in obtaining such relief; and (5) removes the prohibition in state law against possessing a firearm suppressor, and provides that any pending criminal action for that offense is dismissed on the effective date of the bill. (Effective September 1, 2021.)

**H.B. 1118 (Capriglione/Paxton) – Cybersecurity:** provides that: (1) a local government employee or official that uses a computer to complete at least 25 percent of the employee or official's required duties shall complete a cybersecurity training certified by the state cybersecurity coordinator and the state's cybersecurity council; (2) the governing body of a local government or the governing body's designee may deny access to the local government's computer system or database to an individual identified as one that is required to take cybersecurity training and is noncompliant with that requirement; (3) to apply for certain state grants (submitted on or after September 1, 2021), a local government must submit with its grant application proof of compliance with the cybersecurity training requirements; and (4) a local government that has not complied with the cybersecurity training requirements must repay the grant and will be ineligible for another grant for two years. (Effective immediately.)

**H.B. 1239 (Sanford/Paxton) – Religious Freedom:** this bill provides that: (1) for purposes of a disaster declared under Texas Disaster Act of 1975, the Texas Religious Freedom Restoration Act is not considered a regulatory statute and may not be suspended; and (2) a government agency or public official may not issue an order that closes or has the effect of closing places of worship. (Effective immediately.)

**H.B. 1256 (Ashby/Huffman) – Specialty Court Funding:** requires the comptroller to deposit one percent of both the mixed beverage gross receipts tax and the mixed beverage sales tax to the credit of the specialty court account. (Effective September 1, 2021.)

**H.B. 1276 (Parker/Springer) – Food Service Establishments:** this bill: (1) allows a food service establishment that holds a permit to sell food other than prepared food directly to consumers if the food: (a) is labeled with any information required by the Health and Human Services Commission; (b) is appropriately inspected and bears an official mark of USDA inspection, if the food is meat or poultry; and (c) is properly refrigerated, if applicable; and (2) prohibits a city or public health district from requiring a food service establishment that sells food directly to an individual consumer to obtain a food manufacturer license or permit if the establishment complies with the requirements in (1) and is not required to hold a food manufacturer license or permit under other state law. (Effective immediately.)

**H.B. 1322 (Shaheen/Zaffirini) – Proposed State Agency Rules:** requires that a state agency required to file notice of a proposed rule with the secretary of state must also publish on the agency's Internet website a summary of the proposed rule written in plain language, in both English and Spanish, that the general public, including individuals with limited English proficiency, can readily understand because the language is concise and well-organized. (Effective September 1, 2023.)

**H.B. 1410 (Murphy/Creighton) – Water Districts:** among other things, provides that: (1) when a city consents to the inclusion of land in a water district it may restrict the purposes for which a district may issue bonds to those purposes authorized by law for the district; and (2) the outstanding principal amount of debt obligations issued to finance a recreational facility in a water district may not exceed three percent of: (a) the value of the taxable property in the district; or (b) under certain circumstances, the value of the taxable property in the district making payments to a political subdivision under a contract. (Effective immediately.)

**H.B. 1493 (Herrero/Hinojosa) – Falsely Implying Governmental Affiliation:** provides: (1) that a governmental unit, including a city, is entitled to enjoin another person’s use of an entity name that falsely implies governmental affiliation with the governmental unit; (2) that in an action brought under (1), the governmental unit is entitled to injunctive relief throughout the state, and in the court’s discretion, reasonable attorney’s fees and court costs if a court finds that the person against whom injunctive relief is sought willfully intended to imply governmental affiliation with the governmental unit; and (3) procedures that the Secretary of State shall follow when a filing entity or foreign filing entity uses a name that falsely implies an affiliation with a governmental entity. (Effective September 1, 2021.)

**H.B. 1500 (Hefner/Creighton) – Firearm Regulation:** this bill: (1) provides that the Texas Disaster Act of 1975 does not authorize any person to prohibit or restrict the business or operations of a firearms or ammunition manufacturer, distributor, wholesaler, supplier, or retailer or a sport shooting range, in connection with a disaster; (2) provides that the governor may not, during a state of disaster, suspend or limit the sale, dispensing, or transportation of explosives or combustibles that are components of firearm ammunition; (3) provides that a directive issued during a state of emergency may not prohibit or restrict the business or operations of a firearms or ammunition manufacturer, distributor, wholesaler, supplier, or retailer or a sport shooting range; and (4) removes certain express statutory authority of a city to regulate the use of firearms, air guns, or knives in the case of an insurrection, riot, or natural disaster. (Effective September 1, 2021.)

**H.B. 1540 (S. Thompson/Huffman) – Offenses:** this bill: (1) adds drink solicitation to the list of acts or offenses that can trigger an automatic denial of certain alcoholic beverage permits or licenses if specific circumstances occurred and the application was made within a specified time period; (2) provides that if a law enforcement agency has reason to believe an activity related to prostitution or illegal massage services has occurred at property that is leased to a person operating a massage establishment, the law enforcement agency may provide written notice of the alleged activity, instead of an arrest, to each person maintaining the property; (3) provides that in an action brought to abate certain common nuisances, a court may award a prevailing party reasonable attorney’s fees in addition to costs incurred in bringing the action; (4) provides that proof in the form of an arrest or testimony from a law enforcement agent of activities relating to prostitution at a massage establishment taking place after the notice described in (2) is provided serves as prima facie evidence that a defendant did not make a reasonable attempt to abate activities relating to prostitution; (5) provides that proof that illegal massage services are committed at a place maintained by the defendant after notice described in (2) is provided to the defendant is prima facie evidence that the defendant knowingly tolerated the activity and did not make a reasonable attempt to abate the activity; (6) provides that, for purposes of (4) and (5), notice is considered to be provided to the defendant on the earlier of: (a) seven days after the postmark date of the notice; or (b) the date the defendant actually received notice; (7) provides that a person or enterprise commits racketeering if, for financial gain, the person or enterprise commits an offense related to trafficking of persons; (8) provides that a sex offender who is placed under community supervision may not go in, on, or within 1,000 feet, of certain child-care facilities operating as residential treatment centers; (9) provides that the penalty for certain offenses related to controlled substances is enhanced to a felony of the third degree if it shown that the offense was committed by any unauthorized person 18 years of age or older, in, on, or within 1,000 feet of premises owned,

rented, or leased by certain child-care facilities operating as residential treatment center; and (10) provides that the commissioners court of a county or governing body of a city may establish a first offender solicitation of prostitution prevention program for defendants charged with the offense of solicitation of prostitution. (Effective September 1, 2021.)

**H.B. 1560 (Goldman/Buckingham)** – **Texas Department of Licensing and Regulation:** provides for the continuation and functions of the Texas Department of Licensing and Regulation and, among other things: (1) deregulates (no longer licenses) polygraph examiners; and (2) eliminates certain court-ordered driver education programs. (Effective September 1, 2021, except as otherwise provided.)

**H.B. 1920 (Capriglione/Springer)** – **Weapons at Airport:** this bill: (1) provides that it is a defense to prosecution for the offense of carrying a weapon in a prohibited place that the actor was authorized by a federal agency or an airport operator to possess a firearm in a secured area; and (2) includes in the definition of “secured area” of an airport terminal building an aircraft parking area that is used by common carriers in air transportation, but not by general aviation, and to which access is controlled under federal law (the term does not include a baggage claim area, a motor vehicle parking area used by passengers, employees, or persons awaiting an arrival, or an area used by the public to pick up or drop off passengers or employees). (Effective September 1, 2021.)

**H.B. 1925 (Capriglione/Buckingham)** – **Camping in Public:** this bill:

1. creates a Class C misdemeanor criminal offense for a person who intentionally or knowingly camps in a public place without the effective consent of the officer or agency having the legal duty or authority to manage the public place;
2. provides that consent given by an officer or agency of a political subdivision is not effective for the purposes of (1), unless given to authorize the person to camp for certain recreational, homeless shelter, beach access, and emergency shelter purposes;
3. provides that an ordinance, order, rule, or other regulation adopted by a state agency or political subdivision relating to prohibiting camping in a public place or affecting the authority of a state agency or political subdivision to adopt or enforce an ordinance, order, rule, or other regulation relating to prohibiting camping in a public place is not preempted if the ordinance, order, rule, or other regulation: (a) is compatible with and equal to or more stringent than the offense in (1); or (b) relates to an issue not specifically addressed by the offense created in (1);
4. requires that, before or at the time a peace officer issues a camping in public citation, the peace officer make a reasonable effort to: (a) advise the person of an alternative place at which the person may lawfully camp; and (b) contact, if reasonable and appropriate, an appropriate official of the political subdivision in which the public place is located, or an appropriate nonprofit organization operating within that political subdivision, and request the official or organization to provide the person with: (i) information regarding the prevention of human trafficking; or (ii) any other services that would reduce the likelihood of the person suspected of committing the offense continuing to camp in the public place;
5. provides that the requirement in (4), above, does not apply when a peace officer determines there is an imminent threat to the health or safety of a person and compliance is impracticable;

6. provides that if a person is arrested or detained solely for a public camping offense, the peace officer must ensure that all of the person's personal property not designated as contraband under other law is preserved by: (a) permitting the person to remove all the property from the public place at the time of the person's departure; or (b) taking custody of the property and allowing the person to retrieve the property after the person is released from custody;
7. prohibits a political subdivision from designating a property to be used by homeless individuals to camp unless the Department of Housing and Community Affairs approves a plan to do so, and provides that the Department may not approve a plan if the property is a public park;
8. prohibits a local entity from adopting or enforcing a policy under which the entity prohibits or discourages the enforcement of any public camping ban;
9. provides that, in compliance with (8), a local entity may not prohibit or discourage a peace officer or prosecuting attorney who is employed by or otherwise under the direction or control of the entity from enforcing a public camping ban;
10. authorizes the attorney general to bring an action in a district court in Travis County or in a county in which the principal office of the entity is located to enjoin a violation of (8), and provides the attorney general may recover reasonable expenses, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs;
11. provides that a local entity may not receive state grant funds for the state fiscal year following the year in which a final judicial determination in an action brought under (10) is made that the entity has intentionally violated (8);  
and
12. provides that a local entity that has not violated (8) may not be denied state grant funds, regardless of whether the entity is a part of another entity that is in violation of (8).

(Effective September 1, 2021.)

**H.B. 2025 (Hunter/Huffman)** – **Federal Census**: this bill, among other things, provides that, until September 1, 2023, a statute that applies to a political subdivision having a certain population according to the most recent federal census: (1) continues to apply to the same political subdivisions to which the statute applied under the 2010 federal census, regardless of whether the political subdivisions continue to have the populations prescribed by the statute according to the 2020 federal census; and (2) does not apply to a political subdivision to which the statute did not apply under the 2010 federal census, regardless of whether the political subdivision has the population prescribed by the statute according to the 2020 federal census. (Effective immediately.)

**H.B. 2205 (Romero/Schwertner)** – **Swimming Pools**: this bill, among other things, provides that: (1) pool safety standards adopted by rule by the Department of State Health Services must comply with a version of the International Swimming Pool and Spa Code that is not older than the version in effect on May 1, 2019; (2) a person may use, maintain, and repair a pool or spa that was in compliance with the laws of this state on August 31, 2021, and related mechanical, electrical, and plumbing systems in accordance with the laws applicable to the pool or system on that date; (3) a municipality may adopt a more recent version of the International Swimming Pool and Spa Code than in (1) to apply in the municipality; and (3) to the extent a provision of a code adopted by a municipality under (2) conflicts with a law of this state or a regulation on pool operation and

management, water quality, safety standards unrelated to design and construction, signage, or enclosures, the law or regulation controls. (Effective September 1, 2021.)

**H.B. 2622 (Holland/Hall) – Firearm Regulation:** this bill provides that: (1) notwithstanding any other law, an agency of this state, a political subdivision of this state, or a law enforcement officer or other person employed by an agency of this state or a political subdivision of this state may not contract with or in any other manner provide assistance to a federal agency or official with respect to the enforcement of a federal statute, order, rule, or regulation that: (a) imposes a prohibition, restriction, or other regulation that does not exist under the laws of Texas; and (b) relates to: (i) a registry requirement for a firearm, a firearm accessory, or ammunition; (ii) a requirement that an owner of a firearm, a firearm accessory, or ammunition possess a license as a condition of owning, possessing, or carrying the firearm, firearm accessory, or ammunition; (iii) a requirement that a background check be conducted for the private sale or transfer of a firearm, a firearm accessory, or ammunition; (iv) a program for confiscating a firearm, a firearm accessory, or ammunition from a person who is not otherwise prohibited by the laws of Texas from possessing the firearm, firearm accessory, or ammunition; or (v) a program that requires an owner of a firearm, a firearm accessory, or ammunition to sell the firearm, firearm accessory, or ammunition; (2) the prohibition in (1) does not apply to a federal statute, order, rule or regulation in effect on January 19, 2021; and (3) a violation of the prohibition in (1) may be enforced: (a) by denying certain state grant funds to the political subdivision; and (b) through certain court action by the attorney general that is initiated by citizen complaint. (Effective September 1, 2021.)

**H.B. 2730 (Deshotel/Kolkhorst) – Eminent Domain:** makes several changes to the eminent domain process. Of primary importance to cities, the bill:

1. requires the attorney general, at least once every two years, to evaluate the landowner's bill of rights statement and make any change to the landowner's bill of rights statement that the attorney general determines necessary, including making a change to the writing style of the statement to ensure the statement is written in plain language designed to be easily understood by the average property owner;
2. provides that a person may not receive state certification to buy, sell, lease, or transfer an easement or right-of-way for another for compensation in connection with telecommunication, utility, railroad, or pipeline service unless the person successfully completes at least 16 classroom hours of coursework approved by the Texas Real Estate Commission in:
  - a. the law of eminent domain, including the rights of property owners;
  - b. appropriate standards of professionalism in contacting and conducting negotiations with property owners; and
  - c. ethical considerations in the performance of right-of-way acquisition services;
3. provides that an entity with eminent domain authority makes a bona fide offer when the entity's initial offer to a property owner is made in writing and includes:
  - a. a copy of the landowner's bill of rights statement;
  - b. a statement, in bold print and a larger font than the other portions of the offer, indicating whether the compensation being offered includes:
    - i. damages to the remainder, if any, of the property owner's remaining property; or

- ii. an appraisal of the property, including damages to the remainder, if any, prepared by a certified appraiser;
  - c. an instrument of conveyance; and
  - d. the name and telephone number of a representative of the entity who is:
    - i. an employee of the entity;
    - ii. an employee of an affiliate providing services on behalf of the entity;
    - iii. a legal representative of the entity; or
    - iv. if the entity does not have employees, an individual designated to represent the day-to-day operations of the entity;
4. requires that an entity that files a condemnation petition must concurrently provide a copy of the petition to the property owner by certified mail, return receipt requested, and first class mail;
  5. provides that if an entity has received written notice that the property owner is represented by counsel, the entity must also concurrently provide a copy of the condemnation petition to the property owner's attorney by first class mail, commercial delivery service, fax, or email;
  6. requires the judge of a court in which a condemnation petition is filed or to which an eminent domain case is assigned to, not later than the 30th calendar day after the date the petition is filed, appoint three disinterested real property owners who reside in the county as special commissioners, and appoint two disinterested real property owners who reside in the county as alternate special commissioners;
  7. provides that each party shall have until the later of ten calendar days after the date of the order appointing the special commissioners, or 20 days after the date the petition was filed to strike one of the three special commissioners, in which case an alternate special commissioner shall serve as a replacement for the special commissioner based on the order that the alternate special commissioners are listed in the initial order of appointment;
  8. provides that if a party exercises a strike under Number 7, above, the other party may, by the later of the third day after the date of filing the initial strike or the date of the initial strike deadline, strike a special commissioner from the resulting panel, provided the other party has not earlier exercised a strike;
  9. entitles each party in an eminent domain proceeding to a copy of the court's order appointing special commissioners; and
  10. requires the court to promptly provide the signed order appointing special commissioners to the party initiating the condemnation proceeding, and that party must: (a) provide a copy of the signed order to the property owner and each other party by certified mail, return receipt requested; and (b) if the entity has received written notice that the property owner is represented by counsel, concurrently provide a copy of the signed order to the property owner's attorney by first class mail, commercial delivery service, fax, or email.

(Effective January 1, 2022.)

**H.B. 3069 (Holland/Hughes) – Statute of Limitations on Claims:** this bill: (1) requires a governmental entity to bring suit for damages for certain claims against: (a) a registered or licensed architect, engineer, interior designer, or landscape architect in this state, who designs, plans, or inspects the construction of an improvement to real property or equipment attached to real property, not later than eight years after the substantial completion of the improvement or the

beginning of operation of the equipment in an action arising out of a defective or unsafe condition of the real property, the improvement, or the equipment; and (b) a person who constructs or repairs an improvement to real property not later than eight years after the substantial completion of the improvement in an action arising out of a defective or unsafe condition of the real property or a deficiency in the construction or repair of the improvement; and (2) excepts from (1): (a) a contract entered into by the Texas Department of Transportation; (b) a project that receives money from the state highway fund or a federal fund designated for highway and mass transit spending; and (c) a civil works project. (Effective immediately.)

**H.B. 3340 (Swanson/Bettencourt)** – **Dangerous Dogs**: this bill provides that: (1) any order to destroy a dog is stayed for a period of ten calendar days from the date the order is issued, during which period the dog’s owner may file a notice of appeal; and (2) a court, including a justice court, may not order the destruction of a dog during the pendency of an appeal related to a dangerous dog, including an order to destroy a dangerous dog and an order determining that a dog is a dangerous dog. (Effective September 1, 2021.)

**H.B. 3583 (Paddie/Hinojosa)** – **Energy Savings Performance Contracts**: this bill: (1) limits the scope of an energy savings performance contract by, among other things, excluding from the term “energy savings performance contract” the design or new construction of a water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, or drainage project; (2) prohibits modifying the scope of an energy savings performance contract for a water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, or drainage project through a change order, contract addendum, or other method: (a) to perform work that is not related to, connected with, or otherwise ancillary to the measures identified in the original scope of an energy savings performance contract; or (b) in a way that increases the price of the original awarded contract by more than 25 percent of the original contract value; and (3) provides that a contract entered into or an arrangement made in violation of certain state law governing energy savings performance contracts is voidable as against public policy, and that the state law may be enforced through an action for declaratory or injunctive relief filed not later than the 10th day after the date the contract is awarded. (Effective immediately.)

**H.B. 3584 (Murr/Buckingham)** – **Historical Monuments**: provides: (1) notwithstanding any other law, a monument, marker, or medallion installed by the Texas Historical Commission is state property solely under the commission’s custody and control and may not be altered, removed, relocated, covered, obscured, or concealed without the express written permission of the commission; (2) that the attorney general may file suit in district court to seek civil penalties in of not less than \$50 nor more than \$1,000 for each day of violation and equitable relief in accordance with current state law against a person who violates this amendment; (3) a presumption that if a person commits a violation on more than one day, that the person committed a violation on each intervening day between the days of violation; and (4) a waiver of governmental immunity for any county, city, or other political subdivision to the extent liability is created under (1). (Effective September 1, 2021.)

**H.B. 3786 (Holland/Nelson)** – **Electronic Submission to Comptroller**: among other things, this bill authorizes the comptroller, after providing notice, to require a document, payment, notice,

report, or other item required to be submitted to the comptroller to be submitted electronically. (Effective September 1, 2021.)

**H.B. 3807 (Hunter/Hinojosa) – Lifeguards:** among other things, provides that as part of the duty to clean and maintain the condition of public beaches, a city shall: (1) during reasonable daylight hours from Memorial Day to Labor Day, provide: (a) occupied lifeguard towers or mobile lifeguard units on each side of each pier, jetty, or other structure that protrudes into the Gulf of Mexico that is located within the corporate boundaries; or (b) a single occupied lifeguard tower or mobile lifeguard unity at each pier, jetty, or other structure that protrudes into the Gulf of Mexico that tis located within the corporate boundaries if the single tower provides and unobstructed view of both sides of the structure;(2) post within 100 yards of each side of each structure described by (1) signs clearly describing the dangerous water conditions that may occur near the structure; and (3) the city may suspend or alter these duties during dangerous weather conditions or emergency operations. (Effective September 1, 2021.)

**H.B. 3897 (S. Thompson/Birdwell) – Local Alcohol Permit Fees:** provides that the fee that a city may levy and collect for a brewer’s license or a brewer’s self-distribution license may not exceed 50 percent of the fee set by rule for the license. (Effective September 1, 2021.)

**H.B. 3898 (Anchia/Huffman) – Public Retirement Systems Funding:** provides, among other things, that: (1) an evaluation of the appropriateness, adequacy, and effectiveness of a public retirement system’s investment practices and performance that is required to be conducted by an independent firm must include: (a) a summary of the firm’s experience in evaluating institutional investment practices and performance and a statement that the firm’s experience meets the required experience; (b) a statement indicating the nature of any existing relationship between the independent firm and the public retirement system and confirming that the firm and any related entity are not involved in directly or indirectly managing the investments of the system; (c) a list of the types of remuneration received by the independent firm from sources other than the public retirement system for services provided to the system; (d) a statement identifying any potential conflict of interest or any appearance of a conflict of interest that could impact the analysis included in the evaluation due to an existing relationship between the independent firm and: (i) the public retirement system; or (ii) any current or former member of the governing body of the system; and (e) an explanation of the firm’s determination regarding whether to include a recommendation for specific evaluation matters; (2) a public retirement system shall conduct the evaluation described by (1): (a) once every three years, if the total assets of the retirement system as of the last day of the preceding fiscal year were at least \$100 million; or (b) once every six years, if the total assets of the retirement system as of the last day of the preceding fiscal year were at least \$30 million and less than \$100 million; (3) a public retirement system is not required to conduct the evaluation described by (1) if the total assets of the retirement system as of the last day of the preceding fiscal year were less than \$30 million; (4) a governmental entity that is the employer of active members of a public retirement system evaluated under (1) may pay all or part of the costs of the evaluation, and the public retirement system shall pay any remaining unpaid costs of the evaluation; (5) the governing body of a public retirement system and, if the system is not a statewide retirement system, its associated governmental entity shall: (a) jointly, if applicable: (i) develop and adopt a written funding policy that details a plan for achieving a funded ratio of the system that is equal to or greater than 100 percent; and (ii) timely revise the policy to

reflect any significant changes to the policy, including changes required as a result of formulating and implementing a funding soundness restoration plan; (b) post a copy of the most recent edition of the policy on a publicly available Internet website; (6) a public retirement system shall notify the associated governmental entity in writing if the system receives an actuarial valuation indicating that the system's actual contributions are not sufficient to amortize the unfunded actuarial accrued liability within 30 years; and (7) instances in which the governing body of a public retirement system and the governing body of the associated governmental entity shall jointly formulate a funding soundness restoration plan, including a revised funding soundness restoration plan. (Effective September 1, 2021.)

**H.B. 4107 (Burrows/Kolkhorst)** – **Eminent Domain by a Common Carrier Pipeline**: this bill: (1) requires a common carrier or its employees, contractors, agents, or assigns to, before entering property for the purpose of making a preliminary survey to be used in the exercise of the power of eminent domain, provide the property owner with: (a) written notice of the carrier's intent to enter the property; and (b) an indemnification provision in favor of the property owner with respect to damages, if any, resulting from the survey; (2) provides that notice and indemnification provided under (1), above: (a) must be provided to the property owner not later than the second day before the date of entry to the property; (b) must include the phone number of a person whom the property owner may contact regarding any questions or objections the property owner has relating to the survey, and (c) may be provided by first class mail, e-mail, personal delivery to an adult living on the property, or by any other method of service authorized by the Texas Rules of Civil Procedure; and (3) imposes various restrictions on access to the property for which notice is required under (1), above. (Effective September 1, 2021.)

**H.B. 4346 (Leman/Springer)** – **Firearm Regulation**: this bill: (1) prohibits an instrument granting an access easement from restricting or prohibiting an easement holder or an easement holder's guest from possessing, carrying, or transporting a firearm or an alcoholic beverage over the servient estate while using the easement for the easement's purpose; (2) prohibits the owner of a servient estate from enforcing a restrictive covenant in an instrument granting an access easement over the servient estate that restricts or prohibits the easement holder or the easement holder's guest from possessing, carrying, or transporting a firearm or an alcoholic beverage over the servient estate while using the easement for the easement's purpose; and (3) provides that the prohibitions in (1) and (2) do not apply to a right-of-way easement for a pipeline, electric transmission line, or other utility. (Effective September 1, 2021.)

**S.B. 73 (Miles/Klick)** – **Local Health Departments**: this bill: (1) defines a local public health entity as including a local health unit, a local health department, and a public health district; and (2) requires the executive commissioner of Health and Human Services Commission to establish a separate provider type for a local public health entity for purposes of enrollment as a provider for and reimbursement under the medical assistance program. (Effective September 1, 2021.)

**S.B. 149 (Powell/Goldman)** – **Unmanned Aircraft**: in relation to the prosecution of the offense of operating an unmanned aircraft over certain facilities, this bill adds to the definition of the term "critical infrastructure facility" a: (1) public or private airport depicted in a current aeronautical chart published by the Federal Aviation Administration; and (2) military installation owned or

operated by the federal government, the state, or another governmental entity. (Effective September 1, 2021.)

**S.B. 157 (Perry/Craddick) – Eminent Domain Reporting Requirements:** this bill: (1) exempts a city with a population of less than 25,000 from eminent domain reporting requirements if the city’s eminent domain authority information has not changed from the information reported in the city’s most recently filed report; and (2) provides that for a city described by (1), above, if the city’s eminent domain authority information is the same as the information in the eminent domain database from the previous reporting period, the city, not later than February 1 of the current reporting period, shall confirm the accuracy of the information by electronically updating the city’s previously filed report with the comptroller. (Effective September 1, 2021.)

**S.B. 454 (Kolkhorst/Lambert) – Local Mental Health Authority:** this bill, among other things, requires the Health and Human Services Commission to require each local mental health authority group to meet at least quarterly to collaborate on planning and implementing regional strategies to reduce: (1) costs to local governments of providing services to persons experiencing a mental health crisis; (2) transportation to mental health facilities of persons served by an authority that is a member of the group; (3) incarceration of persons with mental illness in county jails that are located in an area served by an authority that is a member of the group; and (4) visits by persons with mental illness at hospital emergency rooms located in an area served by an authority that is a member of the group. (Effective immediately.)

**S.B. 474 (Lucio/Collier) – Unlawful Restraint of Dog:** this bill: (1) prohibits and creates a criminal offense for the unlawful restraint of a dog; and (2) provides that the prohibition in (1) does not preempt a local regulation relating to the restraint of a dog or affect the authority of a political subdivision to adopt or enforce an ordinance or requirement relating to the restraint of a dog if the regulation, ordinance, or requirement: (a) is compatible with and equal to, or more stringent than, the prohibition; or (b) relates to an issue not specifically addressed by the prohibition. (Effective September 1, 2021.)

**S.B. 475 (Nelson/Capriglione) – Cybersecurity:** this bill, among other things: (1) requires the Department of Information Resources (DIR) to establish a framework for regional cybersecurity working groups to execute mutual aid agreements that allow state agencies, local governments, and others to assist with responding to a cybersecurity event in the state; (2) requires DIR to establish the Texas volunteer incident response team to provide rapid response assistance to any participating entity (which could include a city) under DIR’s direction during a cybersecurity event; (3) authorizes DIR to establish a regional network security center to assist in providing cybersecurity support and network security to certain entities (including cities) that elect to participate in and contract for services through such a center; (4) makes confidential and excepted from disclosure under the Public Information Act information written, produced, collected, assembled, or maintained by DIR, a participating entity, the cybersecurity council, or a volunteer relating to the response team if the information: (a) contains the contact information of a volunteer; (b) identifies or provides a means of identifying a person who may, as a result of disclosure of the information, become a victim of a cybersecurity event; (c) consists of a participating entity’s cybersecurity plans or cybersecurity-related practices; or (d) is obtained from a participating entity or from a participating entity’s computer system in the course of providing assistance through the

team; and (5) includes robotic process automation among the next generation technologies a local government must consider using in the administration of the government. (Effective September 1, 2021.)

**S.B. 617 (Kolkhorst/Wilson)** – **Farmers’ Markets**: this bill: (1) provides that a permit issued to a farmer or food producer for the sale of food directly to consumers: (a) must be valid for a term of not less than one year; (b) may impose an annual fee in an amount not to exceed \$100 for the issuance or renewal; and (c) must cover sales at all locations the holder is authorized to sell food, including farmers’ markets, farm stands, and farms; and (2) creates a cause of action for a farmer or food producer whose permit does not comply with (1) to recover: (a) the amount the farmer or food producer was charged in excess of the annual fee; and (b) reasonable and necessary attorney’s fees. (Effective September 1, 2021.)

**S.B. 700 (Buckingham/Cyrier)** – **Texas Parks and Wildlife Department**: this is the Texas Parks and Wildlife Department sunset bill. The bill, among other things, continues the functions of the Texas Parks and Wildlife Department until September 1, 2033. (Effective September 1, 2021.)

**S.B. 703 (Buckingham/Canales)** – **Texas Department of Agriculture**: this is the Texas Department of Agriculture sunset bill. The bill, among other things: (1) continues the department until 2033; and (2) repeals: (a) the Rural Foundation; (b) the Rural Health & Economic Development Advisory Council; and (c) the Early Childhood Health and Nutrition Interagency Council. (Effective September 1, 2021.)

**S.B. 705 (Lucio/Cyrier)** – **Animal Health Commission**: this is the Texas Animal Health Commission sunset bill. The bill continues the commission until 2033. (Effective September 1, 2021.)

**S.B. 721 (Schwertner/Leman)** – **Eminent Domain**: provides that an entity seeking to acquire property through the use of eminent domain shall, not later than the third business day before the date of a special commissioner’s hearing, disclose to the property owner any and all current and existing appraisal reports produced or acquired by the entity relating specifically to the owner’s property and used in determining the entity’s opinion of value, if an appraisal report is to be used at the hearing. (Effective September 1, 2021.)

**S.B. 725 (Schwertner/Leman)** – **Eminent Domain**: provides that: (1) land qualifies for appraisal for property tax purposes as agricultural land if a portion or parcel of the land is subject to a right of way that is less than 200 feet wide and that was taken by condemnation if the remainder of the parcel of land qualifies for appraisal as agricultural land; and (2) if additional taxes are due because the land is diverted to a nonagricultural use as a result of a condemnation, the additional taxes and interest are the personal obligation of the condemning entity and not the property owner from whom the property was taken. (Effective September 1, 2021.)

**S.B. 726 (Schwertner/Leman)** – **Eminent Domain**: this bill, among other things, in relation to a property owner’s right to repurchase property from a condemning entity: (1) eliminates as available elements to establish “actual progress” on a project: (a) the acquisition of a tract or parcel of real property adjacent to the property for the same public use project for which the owner’s

property was acquired; and (b) for a governmental entity, the adoption by a majority of the entity's governing body at a public hearing of a development plan for a public use project that indicates that the entity will not complete more than one tolling action before the tenth anniversary of the date of acquisition of the property; and (2) requires three of five remaining elements to be met to establish actual progress. (Effective September 1, 2021.)

**S.B. 780 (Hinojosa/Raymond)** – **Intergovernmental Agreements:** allows a local government to enter into an intergovernmental support agreement with a branch of the armed forces of the United States under the National Defense Authorization Act to provide installation-support services to a military installation located in Texas. (Effective immediately.)

**S.B. 790 (Zaffirini/Howard)** – **Ambulance Balance Billing:** provides that: (1) a county or city may elect to consider a health benefit plan payment towards a claim for air or ground ambulance services provided by the county or city as payment in full for those services regardless of the amount the county or city charged for those services; (2) a county or city may not practice balance billing for a claim for which the county or city makes an election described in (1); and (3) the Texas Department of Insurance shall conduct a study on the balance billing practices of ground ambulance service providers, the variations in prices for ground ambulance services, the proportion of ground ambulances that are in-network, trends in network inclusion, and factors contributing to the network status of ground ambulances. (Effective September 1, 2021.)

**S.B. 798 (Nelson/Neave)** – **Family Violence:** this bill, among other things, allows a victim of dating violence, a victim of family violence, or a child of a victim of dating or family violence, to request, without payment of a fee, a certified copy of the individual's birth record. (Effective September 1, 2021.)

**S.B. 911 (Hancock/Burrows)** – **Third-Party Food Delivery Service:** this bill, among other things: (1) defines "third-party food delivery service" as a website, mobile application, or other service that acts as an intermediary between consumers and multiple restaurants not owned or operated by the service to arrange for the delivery or pickup of food or beverages from those restaurants; (2) preempts a city or county from adopting or enforcing an ordinance or regulation that affects the terms of an agreement that meets the requirements of (3) between a third-party food delivery service and a restaurant; and (3) provides that an agreement between a third-party food delivery service and a restaurant must: (a) be in writing; (b) expressly authorize the service to arrange for the delivery or pickup of food or beverages from that restaurant; and (c) clearly state each fee, including a commission or other charge, that the restaurant will be required to pay to the service or absorb in connection with an order arranged through the service. (Effective January 1, 2022.)

**S.B. 1122 (Zaffirini/Holland)** – **Comptroller Contracts for Travel Services:** this bill, among other things, prohibits the comptroller from charging a city a fee if a city officer or employee who is engaged in official city business participates in the comptroller's contract for travel services for the purpose of obtaining reduced airline fares and reduced travel agent fees. (Effective immediately.)

**S.B. 1642 (Creighton/Canales)** – **Navigation Districts:** this bill, among other things, authorizes a navigation district to respond to and fight a fire or explosion or hazardous material incident that occurs on, or adjacent to, a waterway, channel, or turning basin that is located in the district’s territory, regardless of whether the waterway, channel, or turning basin is located in the corporate limits of a city. (Effective immediately.)

**S.B. 1827 (Huffman/Holland)** – **Opioid Abatement Account:** this bill, among other things: (1) defines “statewide opioid settlement agreement” as all settlement agreements and related documents entered into by Texas through the attorney general, political subdivisions that have brought a civil action for an opioid-related harm claim against an opioid manufacturer, distributor, or retailer, and opioid manufacturers, distributors, or retailers relating to illegal conduct in the marketing, promotion, sale, distribution, and dispensation of opioids that provide relief for Texas and political subdivisions of Texas; (2) requires the attorney general and comptroller to maintain a copy of a statewide opioid settlement agreement, including any amendments to the agreement, and make the copy available on the attorney general’s and comptroller’s Internet websites; (3) establishes the Texas Opioid Abatement Fund Council to ensure that money recovered by Texas through a statewide opioid settlement agreement is allocated fairly and spent to remediate the opioid crisis in Texas by using efficient and cost-effective methods that are directed to regions of Texas experiencing opioid-related harms; (4) provides that the executive commissioner of the Health and Human Services Commission shall appoint the regional members for the council in (3) from a list of two qualified candidates provided by the governing bodies of counties and cities that: (a) brought a civil action for an opioid-related harm against a released entity; (b) released an opioid-related harm claim in a statewide opioid settlement agreement; and (c) are located within the regions for which the member is being appointed; (5) creates the opioid abatement account as a dedicated account in the general revenue fund administered by the comptroller, which may be appropriated only to a state agency for the abatement of opioid-related harms; and (6) establishes the opioid abatement trust fund as a trust fund established outside of the state treasury that is administered by the Texas Treasury Safekeeping Trust Company. (Effective immediately.)

**S.B. 1955 (Taylor/Burrows)** – **Learning Pods:** this bill, among other things: (1) exempts any “learning pod” (defined as group of children who, based on the voluntary association of the children’s parents, meet together at various times and places to participate in or enhance the children’s primary or secondary academic studies, including participation in an activity or service provided to the children in exchange for payment) from any ordinance, rule, regulation, policy, or guideline adopted by a local governmental entity that applies to a school district campus or child-care facility, including any requirements regarding staff-to-child ratios, staff certification, background checks, physical accommodations, or building or fire codes; (2) exempts any group, building, or facility associated with or used by a learning pod from any ordinance, rule, regulation, policy, or guideline adopted by a local governmental entity that would not apply to the group, building, or facility if it was not associated with or used by a learning pod; (3) provides that an employee, contractor, or agent of a school district or other local governmental entity may not initiate or conduct a site inspection of, investigation of, or visit to a location in which a learning pod meets if the district or entity would not have initiated or conducted the inspection, investigation, or visit if the learning pod did not meet at that location; and (4) prohibits a school district or other local governmental entity from requiring: (a) a learning pod to be registered with

the district or entity; or (b) a person participating in a learning pod to report to the district or entity information regarding the learning pod 's existence or operation. (Effective immediately.)

**S.J.R. 27 (Hancock/Leach)** – **Religious Services:** amends the Texas Constitution to prohibit the state or a political subdivision of the state from enacting, adopting, or issuing a statute, order, proclamation, decision, or rule that prohibits or limits religious services by a religious organization established to support and serve the propagation of a sincerely held religious belief. (Effective if approved at the election on November 2, 2021.)

## **Personnel**

**H.B. 7 (Button/Nelson)** – **Unemployment Compensation:** provides that for purposes of calculating the replenishment ratio, the amount of benefits charged or paid shall not include the amount of benefits paid and not effectively charged to an employer's account as a result of an order or proclamation by the governor declaring at least 50 percent of the counties in this state to be in a state of disaster or emergency. (Effective immediately.)

**H.B. 786 (Oliverson/Perry)** – **CPR Training:** provides that a city that employs or appoints a telecommunicator shall provide training to the telecommunicator of not less than 20 hours during each 24-month period of employment that includes: (1) telecommunicator cardiopulmonary resuscitation training; and (2) other topics selected by the Texas Commission on Law Enforcement or the employing city. (Effective September 1, 2021.)

**H.B. 792 (Burns/Birdwell)** – **Police Dispatchers:** provides that: (1) a city with a population of more than 10,000 may adopt an alternate work schedule for the police department dispatchers if a majority of the dispatchers vote in favor of the alternate work schedule; and (2) a dispatcher working under an alternate work schedule described in (1) is entitled to overtime pay if the dispatcher works more hours during a calendar month than the number of hours in the normal work month of the majority of the employees of the city other than fire fighters and police officers. (Effective September 1, 2021.)

**H.B. 1589 (Davis/Menéndez)** – **Paid Military Leave:** provides that: (1) a person who is an officer or employee of the state, a city, a county, or another political subdivision and who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team is entitled to paid leave of absence for each day the person is called to state active duty by the governor or another appropriate authority in response to a disaster, not to exceed seven workdays in a fiscal year; and (2) during the leave of absence described in (1), the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time. (Effective September 1, 2021.)

**H.B. 2073 (Burrows/Springer)** – **Paid Quarantine Leave:** provides that: (1) the governing body of a political subdivision, including a city, shall develop and implement a paid quarantine leave policy for fire fighters, peace officers, detention officers, and emergency medical technicians who are employed by, appointed by, or elected for the political subdivision and ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty; (2) a paid

quarantine leave policy must: (a) provide that a fire fighter, peace officer, detention officer, or emergency medical technician on paid quarantine leave receives: (i) all employment benefits and compensation, including leave accrual, pension benefits, and health benefit plan benefits for the duration of the leave; and (ii) reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation; and (b) require that the leave be ordered by the person's supervisor or the political subdivision's health authority; and (3) a political subdivision may not reduce a fire fighter's, peace officer's, detention officer's, or emergency medical technician's sick leave balance, vacation leave balance, holiday leave balance, or other paid leave balance in connection with paid quarantine leave taken in accordance with a policy adopted (1). (Effective immediately.)

**S.B. 22 (Springer/Patterson) – Disease Presumption:** provides, among other things, that:

1. a detention officer, custodial officer, firefighter, peace officer, or emergency medical technician who suffers from severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) or coronavirus disease 2019 (COVID-19) that results in death or total or partial disability is presumed to have contracted the virus or disease during the course and scope of employment as a detention officer, custodial officer, firefighter, peace officer, or emergency medical technician if the detention officer, custodial officer, firefighter, peace officer, or emergency medical technician:
  - a. is employed in the area designated in a disaster declaration by the governor or another law and the disaster is related to severe acute respiratory syndrome SARS-CoV-2 or COVID-19; and
  - b. contracts the disease during the disaster declared by the governor;
2. the presumption under (1) applies only to a person who:
  - a. is employed as a detention officer, custodial officer, firefighter, peace officer, or emergency medical technician on a full-time basis;
  - b. is diagnosed with SARS-CoV-2 or COVID-19:
    - i. using a test authorized, approved, or licensed by the United States Food and Drug Administration; or
    - ii. if the person is deceased, using a test described by (2)(b)(i) or by another means, including by a physician;
  - c. was last on duty:
    - i. not more than 15 days before the date the person is diagnosed with SARS-CoV-2 or COVID-19; or
    - ii. if the person is deceased, not more than 15 days before the date the person: (A) was diagnosed with SARS-CoV-2 or COVID-19; (B) began to show symptoms of SARS-CoV-2 or COVID-19 as determined by a licensed physician; (C) was hospitalized for symptoms related to SARS-CoV-2 or COVID-19; or (D) died if SARS-CoV-2 or COVID-19 was a contributing factor in the person's death;
3. a rebuttal to a presumption described in (1) may not be based solely on evidence relating to the risk of exposure to SARS-CoV-2 or COVID-19 of a person with whom a detention officer, custodial officer, firefighter, peace officer, or emergency medical technician resides;
4. an injured employee who is subject to the presumption described in (1) and whose claim for benefits is determined to be compensable by an insurance carrier or division of the

workers' compensation of the Texas Department of Insurance, may request reimbursement for health care paid by the employee, including copayments and partial payments, by submitting to the carrier a legible written request and documentation showing the amounts paid to the health care provider;

5. the provisions of (1)-(4) expire on September 1, 2023;
6. a person subject to the presumption described in (1) who on or after the date the governor declared a disaster relating to SARS-CoV-2 or COVID-19, but before the effective date of this bill, contracted SARS-CoV-2 or COVID-19, may file a claim for benefits related to SARS-CoV-2 or COVID-19, on or after the effective date of the bill, regardless of whether that claim is otherwise considered untimely and the provisions of the bill apply to that claim; and
7. a person who is subject to the presumption described in (1) who on or after the date the governor declared a disaster relating to SARS-CoV-2 or COVID-19, but before the effective date of this bill, filed a claim for benefits related to SARS-CoV-2 or COVID-19, and whose claim was subsequently denied may, on or after the effective date of this bill, request in writing that the insurance carrier reprocess the claim and the changes in law made by this bill shall apply to that claim, and such request to reprocess a claim shall be filed not later than one year after the effective date of this bill.

(Effective immediately.)

**S.B. 24 (Huffman/Bonnen) – Police Pre-Employment Procedures:** provides that:

1. a law enforcement agency hiring a police officer is entitled to view the contents of the officer's departmental civil service personnel file (commonly referred to as the "g" file);
2. before a law enforcement agency may hire a person licensed by the Texas Commission on Law Enforcement (TCOLE), the agency must, on a form and in the manner prescribed by TCOLE:
  - a. obtain the person's written consent for the agency to review the information required to be reviewed;
  - b. request from TCOLE and any other applicable person information required to be reviewed; and
  - c. submit to TCOLE confirmation that the agency, to the best of the agency's ability before hiring the person:
    - i. contacted each entity or individual necessary to obtain the information required to be reviewed under; and
    - ii. obtained and reviewed as related to the person, as applicable:
      - A. personnel files and other employee
      - B. records from each previous law enforcement agency employer, including the employment application submitted to the previous employer;
      - C. employment termination reports maintained by TCOLE;
      - D. service records maintained by TCOLE;
      - E. proof that the person meets the minimum qualifications for enrollment in a TCOLE training program;

- F. a military veteran's United States Department of Defense Form DD-214 or other military discharge record;
  - G. criminal history record information;
  - H. information on pending warrants as available through the Texas Crime Information Center and National Crime Information Center;
  - I. evidence of financial responsibility required to operate a vehicle;
  - J. driving record from the Department of Public Safety;
  - K. proof of United States citizenship; and
  - L. information on the person's background from at least three personal references and at least two professional references;
3. if an entity or individual contacted for information required to be reviewed refused to provide the information or did not respond to the request for information, the confirmation submitted to TCOLE must document the manner of the request and the refusal or lack of response;
  4. if TCOLE or a law enforcement agency receives from a law enforcement agency a request for information and the person's consent on the forms and in the manner prescribed by TCOLE, TCOLE or the agency shall provide the information to the requesting agency;
  5. the confirmation form submitted to TCOLE under (2)(c) is not confidential and is subject to disclosure under the Public Information Act;
  6. TCOLE shall:
    - a. by rule establish the required forms and procedures for making a person's employment records available;
    - b. post the forms and procedures on TCOLE's internet website; and
    - c. retain a record of each submitted confirmation form;
  7. the head of a law enforcement agency or the agency head's designee shall review and sign each required confirmation form before submission to TCOLE, and the failure of an agency head or the agency head's designee to comply shall be grounds for suspension of the agency head's TCOLE license; and
  8. a law enforcement agency, agency head, or other law enforcement official is not liable for civil damages for:
    - a. a report made by that agency or person if the report is made in good faith; or
    - b. making a person's information available to a hiring law enforcement agency under the provisions of this bill.

(Effective September 1, 2021.)

**S.B. 45 (Zaffirini/Zwiener) – Sexual Harassment:** provides that an employer commits an unlawful employment practice if sexual harassment of an employee occurs and the employer or the employer's agents or supervisors: (1) know or should have known that the conduct constituting sexual harassment was occurring; and (2) fail to take immediate and appropriate corrective action. (Effective September 1, 2021.)

**S.B. 818 (Powell/C. Turner) - Unemployment Compensation:** provides that: (1) benefits computed on benefit wage credits of an employee or former employee may not be charged to the account of an employer if the employee's last separation from the employer's employment before the employee's benefit year was caused by the employee being called to provide service in the

uniformed services or in the Texas military forces, provided that the employer has not been found to be in violation of federal or state reemployment provisions with respect to the employee; and (2) an individual is not disqualified for unemployment benefits if the individual's separation from employment was caused by the individual being called to provide services in the uniformed services or the Texas military forces. (Effective September 1, 2021.)

**S.B. 1105 (Hughes/Anchia)** – **TMRS Return To Work:** provides, among other things, that: (1) the retirement annuity of a person who is reemployed by a city in which the employee most recently performed creditable service before the person's retirement shall not be suspended, provided that the person does not become an employee of the person's reemploying city at any time during the 12 consecutive months after the effective date of the person's last retirement from the reemploying city; and (2) if the annuity payments of a person who resumed employment with the person's reemploying city before September 1, 2021, were discontinued and suspended and the person has not terminated their employment with the city, on the filing of a written application with the Texas Municipal Retirement System (TMRS), TMRS shall resume making the annuity payments to the person, provided: (a) the person's retirement that preceded the resumption of employment was based on a bona fide termination of employment; and (b) the person did not become an employee of the person's reemploying city at any time during the 12 consecutive months after the effective date of the person's retirement from the reemploying city. (Effective September 1, 2021.)

**S.B. 1359 (Hughes/White)** – **Mental Health Leave Policy:** provides among other things, that: (1) each law enforcement agency shall develop and adopt a policy allowing the use of mental health leave by peace officers employed by the agency who experience a traumatic event in the scope of that employment; and (2) the policy adopted under (1) must: (a) provide clear and objective guidelines establishing the circumstances under which a peace officer is granted mental health leave and may use mental health leave; (b) entitle a peace officer to mental health leave without a deduction in salary or other compensation; (c) enumerate the number of mental health leave days available to a peace officer; and (d) detail the level of anonymity for a peace officer who takes mental health leave. (Effective September 1, 2021.)

## **Purchasing**

**H.B. 692 (Shine/Creighton)** – **Public Works Contracts Retainage:** this bill provides that:

1. "warranty period" means the period of time specified in a contract during which certain terms applicable to the warranting of work performed under the contract are in effect;
2. a governmental entity shall: (a) include in each public works contract a provision that establishes the circumstances under which: (i) a public works project is considered substantially complete; (ii) the governmental entity may release the retainage for substantially completed portions of the project, or fully completed and accepted portions of the project; (b) maintain an accurate record of accounting for the retainage withheld on periodic contracts payments, and the retainage released to the prime contractor for a public works contract; and (c) for certain public works contracts with a value of \$10 million or

- more, pay any remaining retainage on periodic contract payments, and the interest earned on the retainage, to the prime contractor on completion of the contract;
3. if the total value of a public works contract is less than \$5 million, a governmental entity may not withhold retainage in an amount that exceeds 10 percent of the contract price and the rate of retainage may not exceed 10 percent for any item in a bid schedule or schedule of values for the project, including materials and equipment delivered on site to be installed;
  4. if the total value of a public works contract is \$5 million or more, a governmental entity may not withhold retainage in an amount that exceeds five percent of the contract price and the rate of retainage may not exceed five percent for any item in a bid schedule or schedule of values for the project, including materials and equipment delivered on site to be installed;
  5. if a public works contract relates to the construction or maintenance of a dam, regardless of the total value of the contract, a governmental entity may not withhold retainage in an amount that exceeds 10 percent of the contract price and the rate of retainage may not exceed 10 percent for any item in a bid schedule or schedule of values for the project, including materials and equipment delivered on site to be installed;
  6. the limitations described in (3)-(5), above, do not apply to certain water contracts;
  7. for a competitively awarded contract with a value of \$10 million or more, and for a contract that was awarded using a method other than competitive bidding, a governmental entity and prime contractor may agree to deposit in an interest-bearing account the retainage withheld on periodic contract payments;
  8. a governmental entity may not withhold retainage: (a) after completion of the contract by the prime contractor, including during the warranty period; or (b) for the purpose of requiring the prime contractor, after completion of the contract, to perform work on manufactured goods or systems that were specified by the designer of record and properly installed by the contractor;
  9. on application to a governmental entity for final payment and release of retainage, the governmental entity may withhold retainage if the governmental entity provides written notice and there is a bona fide dispute between the governmental entity and the prime contractor and the reason for the dispute is that labor, services, or materials provided by the prime contractor, or by a person under the direction or control of the prime contractor, failed to comply with the express terms of the contract or if the surety on any outstanding surety bond executed for the contract does not agree to the release of retainage; and
  10. if there is no bona fide dispute as described (9), above, and neither party is in default, a prime contractor is entitled to: (a) cure any noncompliant labor, services, or materials; or (b) offer the governmental entity a reasonable amount of money as compensation for any noncompliant labor, services, or materials that cannot be promptly cured.

(Effective immediately.)

**H.B. 1428 (Huberty/Huffman)** – **Contingent Fee Contracts:** excepts the following types of contingent fee contracts for legal services from certain requirements: (1) a contract entered into by a political subdivision for the collection of certain delinquent obligations; and (2) a contract entered into by a political subdivision for certain public security services. (Effective September 1, 2021.)

**H.B. 1476 (K. Bell/Nichols)** – **Goods and Services Payments:** this bill: (1) requires a governmental entity to notify a vendor of an error or disputed amount in an invoice submitted for payment by the vendor not later than the 21st day after the date the entity receives the invoice, and include in the notice a detailed statement of the amount of the invoice which is disputed; and (2) provides that a governmental entity may withhold from payments required no more than 110 percent of the disputed amount. (Effective September 1, 2021.)

**H.B. 1477 (K. Bell/Nichols)** – **Public Work Contracts:** this bill: (1) defines, for purposes of certain state laws regarding public work performance and payment bonds: (a) a “prime contractor” to include a person who leases any public property, other than a person who leases property from certain river authorities; and (b) a “public work contract” to include work performed on public property owned by a governmental entity or on property leased by a governmental entity to a nongovernmental entity, but does not include certain river authority contracts; and (2) provides that a governmental entity that makes a public work contract with a prime contractor or authorizes a nongovernmental entity leasing public property from the governmental entity to enter into a public work contract with a prime contractor to require the contractor, before beginning the work, to execute to the governmental entity in certain circumstances, a performance bond and a payment bond. (Effective September 1, 2021.)

**H.B. 2116 (Krause/Powell)** – **Architects and Engineers:** this bill provides that: (1) with certain exceptions, a covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services related to an improvement to real property is void and unenforceable if the covenant or promise provides that a licensed engineer or registered architect must defend a party, including a third party against a claim based wholly or partly on the negligence of, fault of, or breach of contract by the owner, the owner’s agent, the owner’s employee, or another entity over which the owner exercises control; (2) a covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services related to an improvement to real property may provide for the reimbursement of an owner’s reasonable attorney’s fees in proportion to the engineer’s or architect’s liability; (3) notwithstanding (1), an owner that is a party to a contract for engineering or architectural services related to an improvement to real property may require in the contract that the engineer or architect name the owner as an additional insured under any of the engineer’s or architect’s insurance coverage to the extent additional insureds are allowed under the policy and provide any defense to the owner provided by the policy to a named insured; and (4) a construction contract for engineering or architectural services related to the construction or repair of an improvement to real property must require that the architectural or engineering services be performed with the professional skill and care ordinarily provided by competent architects or engineers under the same or similar circumstances and professional license, and a provision in a contract establishing a different standard is void and unenforceable. (Effective September 1, 2021.)

**H.B. 2581 (Kacal/Hancock)** – **Construction and Civil Works Projects:** this bill: (1) requires a the governing body of a governmental entity that considers a construction contract using a method other than competitive bidding to, among other things, publish in the request for qualifications a detailed methodology for scoring each criterion; (2) provides that: (a) an offeror who submits a bid, proposal, or response to a request for qualifications for a construction contract under certain

law may, after the contract is awarded, make a request in writing to the governmental entity to provide documents related to the evaluation of the offeror's submission; and (b) not later than the 30th day after the date a request is made, the governmental entity shall deliver to the offeror the documents relating to the evaluation of the submission including, if applicable, its ranking of the submission; (3) provides that for civil works projects, the weighted value assigned to price must be at least 50 percent of the total weighted value of all selection criteria; however, if the governing body of a governmental entity determines that assigning a lower weighted value to price is in the public interest, the governmental entity may assign to price a weighted value of not less than 36.9 percent of the total weighted value of all selection criteria; and (4) provides that when the competitive sealed proposal procurement method is used, the governmental entity shall make the evaluations, including any scores, public and provide them to all offerors not later than the seventh business day after the date the contract is awarded. (Effective September 1, 2021.)

**S.B. 13 (Birdwell/P. King)** – **Energy Boycott**: among other things, prohibits a city from entering into a contract with a value of \$100,000 or more that is to be paid from public funds with a company with more than 10 full-time employees for goods or services unless the contract contains a written verification from the company that it: (1) does not boycott energy companies; and (2) will not boycott energy companies during the term of the contract. (Effective September 1, 2021.)

**S.B. 19 (Schwertner/Capriglione)** – **Firearms**: among other things, (1) prohibits a governmental entity from entering into a contract with a value of \$100,000 or more that is to be paid from public funds with a company with more than 10 full-time employees for the purchase of goods or services unless the contract contains a written verification from the company that it: (a) does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (b) will not discriminate during the term of the contract against a firearm entity or firearm trade association; and (2) provides that the prohibition in (1) does not apply to a city that (a) contracts with a sole-source provider, or (b) the city does not receive any bids from a company that is able to provide the required verification required by (1). (Effective September 1, 2021.)

**S.B. 58 (Zaffirini/J. Turner)** – **Cloud Computing Services**: adds cloud computing services to the definition of the term “personal property” for purposes of the Public Property Finance Act. (Effective September 1, 2021.)

**S.B. 59 (Zaffirini/Geren)** – **Comptroller Purchasing Program**: authorizes the Texas Comptroller's office to advertise its state purchasing program for local governments in any available media or otherwise promote the purchasing program. (Effective immediately.)

**S.B. 219 (Hughes/Leach)** – **Real Property Construction and Repair**: this bill: (1) provides that, in regard to a contract for the construction or repair of improvement to real property, a contractor is not responsible for the consequences of design defects in and may not warranty the accuracy, adequacy, sufficiency, or suitability of plans, specifications, or other design documents provided to the contractor by a person other than the contractor's agents, contractors, fabricators, or suppliers, or its consultants, of any tier; (2) requires a contractor, within a reasonable time of learning of a defect, inaccuracy, inadequacy, or insufficiency in the plans, specifications, or other design documents, disclose in writing to the person with whom the contractor enters into a contract the existence of any known defect in the plans, specifications, or other design documents that is

discovered by the contractor, or that reasonably should have been discovered by the contractor using ordinary diligence, before or during construction; (3) excepts certain contracts from the new provisions regarding responsibility for defects in plans and specifications described in (1) and (2); (4) requires a construction contract for architectural or engineering services or a contract related to the construction or repair of an improvement to real property that contains architectural or engineering services as a component to require that the architectural or engineering services be performed with the professional skill and care ordinarily provided by competent architects or engineers practicing under the same or similar circumstances and professional license, and a provision in a contract with a different standard of care is void and unenforceable; and (5) provides that certain limitations on a contractor's responsibility for certain defects do not apply to a design-build contract. (Effective September 1, 2021, except for (5) which clarifies existing law and applies to a contract entered into before, on, or after September 1, 2021.)

**S.B. 538 (Blanco/Longoria)** – **Technology Purchases:** expands the Department of Information Resources' cooperative contracts purchasing program for information technology commodity items to include items in demand by political subdivisions and governmental entities of another state. (Effective September 1, 2021.)

**S.B. 1821 (Huffman/Canales)** – **Contingent Fee Contracts for Legal Services:** amends the definition of the term "contingent fee contract" to include an amendment to a contingent fee contract if the amendment: (1) changes the scope of representation; or (2) may result in the filing of an action or the amending of a petition in an existing action. (Effective immediately.)

**S.B. 2116 (Campbell/Parker)** – **Critical Infrastructure:** among other things, prohibits a city from entering into a contract or other agreement relating to "critical infrastructure" (defined to mean a communication infrastructure system, cybersecurity system, electric grid, hazardous waste treatment system, or water treatment facility) in this state with a company if the city knows that the company is: (1) owned by or the majority of stock or other ownership interest of the company is held or controlled by: (a) individuals who are citizens of China, Iran, North Korea, Russia, or other designated countries; or (b) a company or other entity, including a governmental entity, that is owned or controlled by citizens of or is directly controlled by the government of China, Iran, North Korea, Russia, or other designated countries; or (2) headquartered in China, Iran, North Korea, Russia, or other designated countries. (Effective September 1, 2021.)

## **Transportation**

**H.B. 914 (Hernandez/Huffman)** – **Parking:** allows: (1) a city to authorize a city employee to request the removal and storage of a vehicle in an area where on-street parking is regulated by an ordinance and that: (a) is parked illegally; or (b) is parked legally, but has been unattended for more than 48 hours and is reasonably believed to be abandoned; and (2) a parking facility owner or towing company to remove a vehicle from a public roadway under the direction of a city employee authorized to make a request under (1). (Effective September 1, 2021.)

**H.B. 1257 (Ashby/Nichols)** – **Property in Right-of-Way:** authorizes a law enforcement agency to remove an unattended manufactured home from a roadway or right-of-way without consent of

the owner if the agency determines that the home blocks the roadway or endangers public safety. (Effective September 1, 2021.)

**H.B. 1281 (Wilson/Schwertner)** – **Golf Carts**: this bill: (1) allows a golf cart to be operated in a master planned community: (a) that is a residential subdivision or has in place a uniform set of restrictive covenants; and (b) for which a county or city has approved one or more plats; (2) provides that a person may operate a golf cart in a master planned community described in (1) without a golf cart license plate on a highway for which the posted speed limit is not more than 35 miles per hour, including through an intersection of a highway for which the posted speed limit is more than 35 miles per hour; (3) allows a golf cart to be operated on a highway for which the posted speed limit is not more than 35 miles per hour, if the golf cart is operated during the daytime and not more than five miles from the location where the golf cart is usually parked and for transportation to or from a golf course; (4) allows a city to prohibit the operation of a golf cart on a highway in the following areas if the city council determines the prohibition is necessary in the interest of safety: (a) in a master planned community described in (1), above; (b) on a public or private beach that is open to vehicular traffic; or (c) on a highway for which the posted speed limit is not more than 35 miles per hour as described in (2), above. (Effective immediately.)

**H.B. 1759 (Krause/Hancock)** – **Railroad Grade Crossings**: includes “on-track equipment,” defined as any car, rolling stock, equipment, or other device that, alone or coupled to another device, is operated on a railroad track, among the equipment and devices that trigger special operational restrictions on vehicles (e.g., stop and speed restrictions). (Effective September 1, 2021.)

**S.B. 763 (Powell/Cook)** – **Urban Air Mobility**: requires the Texas Transportation Commission to appoint an advisory committee to assess current state law and any potential changes to state law that are needed to facilitate the development of urban air mobility operations and infrastructure in this state. (Effective September 1, 2021.)

**S.B. 941 (Buckingham/E. Morales)** – **Scenic Byways Program**: this bill: (1) directs the Texas Department of Transportation to establish a State Scenic Byways Program, under which a political subdivision or other community group may apply for grants for federal funding; and (2) provides that only a highway designated under certain state law as prohibited from having commercial signs may be designated as a State Scenic Byway. (Effective September 1, 2021.)

**S.B. 1055 (Huffman/Reynolds)** – **Crosswalk**: this bill: (1) provides that it is a criminal offense for a person, with criminal negligence, to operate a motor vehicle within the area of a crosswalk and cause bodily injury to a pedestrian or a person operating a bicycle, scooter, electronic personal assistive mobility device, neighborhood electric vehicle, or golf cart; and (2) imposes certain requirements for the operator of a vehicle to yield the right-of-way to a pedestrian. (Effective September 1, 2021.)

**S.B. 1064 (Alvarado/Schofield)** – **City-Owned Vehicles**: this bill: (1) allows a city that owns and operates a motor vehicle, trailer, or semitrailer that is exempt from the payment of a registration fee to apply to register the vehicle, trailer, or semitrailer for an extended registration period of not less than one year or more than eight years; and (2) provides that a vehicle registered for an

extended period under (1) is subject to inspection requirements as if the motor vehicle, trailer, or semitrailer were registered without an extended registration period. (Effective September 1, 2021.)

**S.B. 1334 (Hinojosa/Canales)** – **Toll Bridges**: allows a city within 15 miles of a section of the Rio Grande that forms the border between this state and the United Mexican States to donate to the United States property or a building, structure, or other facility acquired, constructed, improved, enlarged, or equipped in whole or in part with proceeds from the sale of certain toll bridge-related bonds. (Effective immediately.)

### **Utilities and Environment**

**H.B. 17 (Deshotel/Birdwell)** – **Restriction on Regulation of Utility Services**: this bill: (1) prohibits a regulatory authority, planning authority, or political subdivision of this state from adopting or enforcing an ordinance, resolution, regulation, code, order, policy, or other measure that has the purpose, intent, or effect of directly or indirectly banning, limiting, restricting, discriminating against, or prohibiting the connection or reconnection of a utility service or the construction, maintenance, or installation of residential, commercial, or other public or private infrastructure for a utility service based on the type or source of energy to be delivered to the end-use customer; (2) prohibits an entity, including a regulatory authority, planning authority, political subdivision, or utility, from imposing any additional charge or pricing difference on a development or building permit applicant for utility infrastructure that: (a) encourages those constructing homes, buildings, or other structural improvements to connect to a utility service based on the type or source of energy to be delivered to the end-use customer; or (b) discourages the installation of facilities for the delivery of or use of a utility service based on the type or source of energy to be delivered to the end-use customer; and (3) provides that the law does not limit the ability of a regulatory authority or political subdivision to choose utility services for properties owned by the regulatory authority or political subdivision. (Effective immediately.)

**H.B. 837 (Lucio III/Zaffirini)** – **Certificates of Convenience and Necessity**: provides that the Public Utility Commission by rule shall require a city or franchised utility to submit a report to the PUC verifying that the city or franchised utility has paid all required adequate and just compensation to a retail public utility for obtaining the certificate of convenience and necessity for an annexed area previously served by the retail public utility. (Effective September 1, 2021.)

**H.B. 963 (Lozano/Zaffirini)** – **Natural Gas Vehicle Grant Program**: this bill: (1) adds a used natural gas vehicle as a qualifying vehicle that may be considered for a grant under the Texas natural gas vehicle grant program; and (2) provides that a used natural gas vehicle that is proposed to replace an on-road heavy-duty or medium-duty motor vehicle must be of model year 2017 or later, provided that the model year may not be more than six years older than the current model year at the time of the submission of the grant application. (Effective September 1, 2021.)

**H.B. 1284 (Paddie/Hancock)** – **Railroad Commission**: provides that the Railroad Commission of Texas has jurisdiction over the injection and geologic storage of carbon dioxide. (Effective immediately.)

**H.B. 1510 (Metcalf/Creighton)** – **Response and Resilience of Certain Electric Utilities:** this bill, among other things: (1) expands the definition of “system restoration costs” to also include: (a) reasonable and necessary weatherization and storm-hardening costs incurred; and (b) reasonable estimates of costs to be incurred, by the electric utility, but such estimates shall be subject to true-up and reconciliation after the actual costs are known; (2) creates the Texas Electric Utility System Restoration Corporation (Corporation) as a nonprofit special purpose public corporation and instrumentality of Texas for the essential public purpose of providing a lower cost financing mechanism available to the Public Utility Commission and an electric utility operating outside of ERCOT to attract low-cost capital to finance system restoration costs; (3) requires that, in approving securitization, the PUC ensure that customers are not harmed as a result of any financing through the Corporation and that any financial savings or other benefits are appropriately reflected in customer rates; (4) provides that “qualified costs” also includes all costs of establishing, maintaining, and operating the Corporation and all costs of the Corporation and an issuer in connection with the issuance and servicing of the system restoration bonds, as approved in the financing order issued by the PUC under the law; (5) provides that the Corporation shall be self-funded and the state shall not budget for or provide any general fund appropriations for the Corporation; (6) expands the definition of “other factors” the PUC may consider in issuing a certificate of convenience and necessity for an electric utility to include any potential economic or reliability benefits associated with dual fuel and fuel storage capabilities in areas outside the ERCOT power region; and (7) provides that an electric utility operating solely outside of the ERCOT power region may, but shall not be required to, obtain a certificate to install, own, or operate a generation facility with a capacity of 10 megawatts or less. (Effective immediately.)

**H.B. 1520 (Paddie/Hancock)** – **Gas Utilities:** this bill, among other things: (1) provides that the Texas Public Finance Authority may create an issuing financing entity for the purpose of issuing customer rate relief bonds approved by the Railroad Commission of Texas (RRC) in a financing order; (2) provides that the RRC, on application of a gas utility to recover a regulatory asset, shall determine the regulatory asset amount to be recovered by the gas utility and a gas utility may request recovery of a regulatory asset under the bill only if the regulatory asset is related to Winter Storm Uri; (3) provides that if the RRC determines that customer rate relief bond financing for extraordinary costs is the most cost-effective method of funding regulatory asset reimbursements to be made to gas utilities, the RRC, after the final resolution of all applications filed by a gas utility to recover a regulatory asset, may request the authority to direct an issuing financing entity to issue customer rate relief bonds; (4) requires the RRC, in making the determination in (3), to find that the proposed structuring, expected pricing, and proposed financing costs of the customer rate relief bonds are reasonably expected to provide benefits to customers by: (a) considering customer affordability; and (b) comparing: (i) the estimated monthly costs to customers resulting from the issuance of customer rate relief bonds; and (ii) the estimated monthly costs to customers that would result from the application of conventional recovery methods; (5) provides that customer rate relief bonds are the limited obligation solely of the issuing financing entity and are not a debt of a gas utility or a debt or a pledge of the faith and credit of Texas or any political subdivision of Texas; (6) provides that, so long as any customer rate relief bonds or related financing costs remain outstanding, uniform monthly volumetric customer rate relief charges must be paid by all current and future customers that receive service from a gas utility for which a regulatory asset determination has been made under (2); (7) exempts the sale or purchase of or revenue derived from services performed in the issuance or transfer of customer rate relief bonds

issued from taxation by Texas or a political subdivision; (8) exempts a gas utility's receipt of customer rate relief charges from state and local sales and use taxes, utility gross receipts taxes and assessments, and from revenue for purposes of franchise tax; and (9) requires the RRC to conduct a study on measures to mitigate catastrophic weather events and provide a report of the findings to the governor, lieutenant governor, and speaker of the House of Representatives. (Effective immediately.)

**H.B. 1572 (Craddick/Springer)** – **Lease of Electric Generation Equipment**: this bill: (1) defines “electric generation equipment lessor or operator” as a person who rents to or operates for compensation on behalf of a third party electric generation equipment that: (a) is used on a site of the third party until the third party is able to obtain sufficient electricity service; (b) produces electricity on site to be consumed by the third party and not resold; and (c) does not interconnect with the electric transmission or distribution system; (2) exempts an electric generation equipment lessor or operator from the definition of an “electric utility”; and (3) provides that a person who is an electric generation equipment lessor or operator is not for that reason considered to be a retail electric utility. (Effective September 1, 2021.)

**H.B. 1905 (Harris/Taylor)** – **Regional Water Planning Groups**: this bill: (1) repeals the requirement for regional water planning groups to prioritize projects in their respective regional water plans for the purposes of bond enhancement agreements under the State Water Implementation Fund for Texas; and (2) repeals the requirement for each regional planning group to examine the financing needed to implement the water management strategies and projects identified in the group's most recent approved regional plan and report to the Texas Water Development Board: (a) how local governments, regional authorities, and other political subdivisions in the region propose to pay for water infrastructure projects identified in the plan; and (b) what role the regional planning group proposes for the state in financing projects identified in the plan, giving particular attention to proposed increases in the level of state participation in funding for regional projects to meet needs beyond the reasonable financing capability of local governments, regional authorities, and other political subdivisions involved in building water infrastructure. (Effective September 1, 2021.)

**H.B. 2483 (P. King/Hancock)** – **Utility Facilities for Restoring Service**: this bill, among other things: (1) provides that a transmission and distribution utility may: (a) lease and operate facilities that provide temporary emergency electric energy to aid in restoring power to the utility's distribution customers during a widespread power outage in which: (i) the independent system operator has ordered the utility to shed load; or (ii) the utility's distribution facilities are not being fully served by the bulk power system under normal operations; and (b) procure, own, and operate, or enter into a cooperative agreement with other transmission and distribution utilities to procure, own, and operate jointly, transmission and distribution facilities that have a lead time of at least six months and would aid in restoring power to the utility's distribution customers following a widespread power outage; (2) provides that a transmission and distribution utility that leases and operates facilities under (1)(a): (a) may not sell electric energy or ancillary services from those facilities; (b) must be operated in isolation from the bulk power system; and (c) may not be included in independent system operator: (i) locational marginal pricing calculations; (ii) pricing; or (iii) reliability models; (3) requires the Public Utility Commission (PUC) to permit: (a) a transmission and distribution utility that leases and operates facilities under (1)(a) to recover the

reasonable and necessary costs of leasing and operating the facilities, including the present value of future payments required under the lease, using the rate of return on investment established in the PUC's final order in the utility's most recent base rate proceeding; and (b) a transmission and distribution utility that procures, owns, and operates facilities under (1)(b) to recover the reasonable and necessary costs of procuring, owning, and operating the facilities, using the rate of return on investment established in the PUC's final order in the utility's most recent base rate proceeding; (4) provides that a transmission and distribution utility may request recovery of the reasonable and necessary costs of leasing or procuring, owning, and operating facilities under the bill, including any deferred expenses, through a periodic rate adjustment proceeding or in another ratemaking proceeding; and (5) provides that the bill expires on September 1, 2029. (Effective September 1, 2021.)

**H.B. 2586 (Thierry/Hall)** – **ERCOT Audit**: requires the Public Utility Commission to have an independent audit of each independent organization certified for the ERCOT power region. (Effective September 1, 2021.)

**H.B. 3476 (Schofield/Bettencourt)** – **Certificates of Convenience and Necessity**: this bill applies only to a city with a population of 500,000 or more and : (1) prohibits a city from requiring, as a condition of consent to grant a retail public utility a certificate of public convenience and necessity for a service area within the boundaries of the extraterritorial jurisdiction of a municipality, that all water and sewer facilities be designed and constructed in accordance with the municipality's standards for facilities; (2) requires that the Public Utility Commission (PUC) must include, as a condition of a certificate of public convenience and necessity granted in certain circumstances for a service area within the boundaries of a municipality, that all water and sewer facilities be designed and constructed in accordance with the municipality's standards for water and sewer facilities; and (3) provides, with certain exceptions, that the PUC must include, as a condition of a certificate of public convenience and necessity granted for a service area within the extraterritorial jurisdiction of a city, that all water and sewer facilities be designed and constructed in accordance with: (a) the Texas Commission on Environmental Quality's standards for water and sewer facilities applicable to water systems that serve greater than 250 connections; or (b) TCEQ's standards for water and sewer facilities applicable to water systems that serve 250 or fewer connections, if the PUC determines that: (i) standards for water and sewer facilities applicable to water systems that serve 250 or fewer connections are appropriate for the service area; and (ii) regionalization of the retail public utility or consolidation of the retail public utility with another retail public utility is not economically feasible. (Effective September 1, 2021.)

**H.B. 3615 (P. King/Buckingham)** – **District Cooling Systems**: this bill: (1) defines "chilled water program" as: (a) a program to produce chilled water at a central plant and pipe that water to buildings for air conditioning, including a district cooling system or chilled water service; or (b) any other program designed to used chilled water to provide air conditioning, reduce peak electric demand, or shift electric load; (2) defines "municipally owned utility" as, among other things, any chilled water program operated by the utility; (3) provides that information related to a chilled water program is not confidential as a public power utility competitive matter under the Public Information Act; and (4) provides that information or records of a municipally owned utility or municipality that operates a chilled water program are subject to disclosure under the Public Information Act if the information or records are reasonably related to: (a) a municipally owned

utility's rate review process; (b) the method a municipality or municipally owned utility uses to set rates for retail electric service; or (c) the method a municipality or municipally owned utility uses to set rates for a chilled water program described by (3). (Effective September 1, 2021.)

**H.B. 3648 (Geren/Hancock) – Natural Gas:** this bill requires: (1) the Railroad Commission (RRC) to coordinate with the Public Utility Commission (PUC) to adopt rules to establish a process to designate certain natural gas facilities and entities associated with providing natural gas in this state as critical customers or critical gas suppliers during energy emergencies; (2) the rules in (1) to: (a) establish criteria for designating persons who own or operate a facility under the jurisdiction of the RRC or engage in an activity under the jurisdiction of the RRC who must provide critical customer and critical gas supply information, as defined by the RRC, to the entities described by (4)(a); and (b) consider essential operational elements when defining critical customer designations and critical gas supply information for the purposes of (2)(a), including natural gas production, processing, and transportation, related produced water handling and disposal facilities, and the delivery of natural gas to generators of electric energy; (3) the PUC to collaborate with the RRC to adopt rules to establish a process to designate certain natural gas facilities and entities associated with providing natural gas in this state as critical during energy emergencies; (4) the rules in (3) to: (a) ensure that the independent organization certified for the ERCOT power region and each electric utility, municipally owned utility, and electric cooperative providing service in the ERCOT power region is provided with the information required by (1) and (2); (b) provide for prioritizing for load-shed purposes during an energy emergency the facilities and entities designated under (4)(a); and (c) provide discretion to an electric utility, municipally owned utility, or electric cooperative providing service in the ERCOT power region to prioritize power delivery and power restoration among the facilities and entities designated under (3) on the utility's or cooperative's systems, as circumstances require; and (5) the PUC to provide a report to the legislature regarding the implementation by the PUC of the designation and prioritization requirements in the bill by January 1, 2022. (Effective immediately.)

**H.B. 3689 (Cortez/Gutierrez) – Water Rate Appeals:** provides that the Public Utility Commission shall ensure that every appealed water rate is just and reasonable, including a municipally-owned utility's rates that are appealed by ratepayers who reside outside the corporate limits of the city. (Effective September 1, 2021.)

**H.B. 3717 (Burns/Lucio) – Sale of Utility System:** provides that a city is not required to hold an election to authorize the sale of a municipal retail water or sewer utility system if the Texas Commission on Environmental Quality has issued a notice of violation to the utility system and the city council finds, by official action, that the city is either financially or technically unable to restore the system to compliance with the applicable law or regulations. (Effective September 1, 2021.)

**H.B. 4492 (Paddie/Hancock) – Financing for Electric Market:** this bill, among other things:

1. provides that the comptroller shall invest not more than \$800 million of the economic stabilization fund balance to finance the default balance to be repaid by ERCOT market participants through default charges established by the Public Utility Commission (PUC) and that the interest rate charged in connection with the debt obligations must be calculated

by adding the rate determined by the Municipal Market Data Municipal Electric Index, as published by Refinitiv TM3, based on the credit rating of the independent organization plus 2.5 percent for a term not to exceed 30 years;

2. subjects electric municipally owned utilities to state law governing essential organizations and state law relating to Winter Storm Uri default balance financing and uplift financing.
3. requires the PUC to require that all market participants fully and promptly pay to the independent organization certified for the ERCOT power region all amounts owed to the independent organization, or provide for the full and prompt payment of those amounts owed, which must be calculated solely according to the protocols of the independent organization in effect during the period of emergency and subject to the jurisdiction of the commission, to qualify, or to continue to qualify, as a market participant in the ERCOT power region;
4. requires the independent organization certified for the ERCOT power region to report to the PUC that a market participant is in default for the failure to pay, or provide for the full and prompt payment of, all amounts owed to the independent organization and provides that the PUC may not allow the defaulting market participant to continue to be a market participant in the ERCOT power region for any purpose or allow the independent organization to accept the defaulting market participant's loads or generation for scheduling in the ERCOT power region until all amounts owed to the independent organization by the market participant are fully paid;
5. requires the PUC and the independent organization certified for the ERCOT power region to pursue collection in full of amounts owed to the independent organization by any market participant to reduce the costs that would otherwise be borne by other market participants or their customers;
6. provides that on application by the independent organization certified for the ERCOT power region, the PUC by order may authorize the independent organization to establish a debt financing mechanism to finance the default balance if the PUC finds that the debt obligations are needed to preserve the integrity of the wholesale market and the public interest, after considering: (a) the need to timely replenish financial revenue auction receipts used by the independent organization to reduce amounts short-paid to wholesale market participants; (b) the interests of wholesale market participants that are owed balances; and (c) the potential effects of uplifting those balances to the wholesale market without a financing vehicle;
7. provides that the financing order in (6) must include an adjustment mechanism requiring the independent organization to adjust default charges to refund, over the remaining period of the default charges, any payments made by a market participant toward unpaid obligations from the period of emergency that were included in the financed default balance;
8. provides that the PUC may contract with another state agency with expertise in public financing to establish a debt financing mechanism for the payment of the default balance under an order;
9. provides that a financing order must: (a) include terms ensuring that the imposition and collection of default charges authorized in the order shall be nonbypassable by wholesale market participants; and (b) authorize the independent organization to establish appropriate fees and other methods for pursuing amounts owed from entities exiting the wholesale market;

10. provides that the transfer and receipt of default charges are exempt from state and local sales and use, franchise, and gross receipts taxes;
11. requires the independent organization to file an application with the PUC to establish a debt financing mechanism for the payment of the uplift balance if the PUC finds that such financing will support the financial integrity of the wholesale market and is necessary to protect the public interest, considering the impacts on both wholesale market participants and retail customers;
12. requires that an order issued under (11) must: (a) state the uplift balance to be financed; (b) state the period over which the uplift charges must be assessed to repay the debt obligations, which may not exceed 30 years; and (c) provide the process for remitting the proceeds of the financing to load-serving entities who were exposed to the costs included in the uplift balance, including a requirement for the load-serving entities to submit documentation of their exposure;
13. requires the PUC to develop a one-time process that allows municipally owned utilities, electric cooperatives, river authorities, a retail electric provider that has the same corporate parent as each of the provider's customers, a retail electric provider that is an affiliate of each of the provider's customers, and transmission-voltage customers served by a retail electric provider to opt out of the uplift charges by paying in full all invoices owed for usage during the period of emergency;
14. provides that the PUC may contract with another state agency with expertise in public financing to establish a debt financing mechanism to finance the payment of the uplift balance under an order;
15. provides that transactions involving the transfer and ownership of uplift property and the receipt of uplift charges are exempt from state and local income, sales, franchise, gross receipts, and other taxes or similar charges; and
16. requires all load-serving entities that receive offsets to specific uplift charges from the independent organization to adjust customer invoices to reflect the offsets for any charges that were or would otherwise be passed through to customers under the terms of service with the load-serving entity, including by providing a refund for any offset charges that were previously paid.

(Effective immediately.)

**S.B. 2 (Hancock/Paddie)** – **ERCOT Board**: this bill, among other things, amends the qualifications of the board members of the independent organization certified for the ERCOT power region to require that every member be a resident of Texas. (Effective immediately.)

**S.B. 3 (Schwertner/Paddie)** – **Utility Preparedness**: this bill, among other things:

1. provides that with the cooperation of the Texas Department of Transportation, the Texas Division of Emergency Management (TDEM), the office of the governor, and the Public Utility Commission of Texas (PUC), the Texas Department of Public Safety shall develop and implement a statewide alert to be activated when the power supply in Texas may be inadequate to meet demand;

2. requires TDEM to create a list of suggested actions for state agencies and the public to take to prepare for winter storms and to develop disaster preparedness educational materials and post both on its internet website and distribute them to local governments;
3. establishes the Texas Energy Reliability Council to: (a) ensure that the energy and electric industries in Texas meet high priority human needs and address critical infrastructure concerns; and (b) enhance coordination and communication in the energy and electric industries in Texas;
4. requires the Texas Energy Reliability Council to submit a report including to the legislature on the reliability and stability of the electricity supply chain in Texas;
5. requires the Railroad Commission (RRC) to collaborate with the PUC to adopt rules to establish a process to designate certain natural gas facilities and entities associated with providing natural gas in this state as critical customers or critical gas suppliers during energy emergencies;
6. requires the RRC to adopt rules to require a gas supply chain facility operator to implement measures to prepare the well to operate during a weather emergency;
7. requires a municipally owned utility to regularly provide with bills sent to retail customers of the utility information about: (a) the utility's procedure for implementing involuntary load shedding; (b) the types of customers who may be considered critical care residential customers, critical load industrial customers, or critical load according to PUC rules; (c) the procedure for a customer to apply to be considered a critical care residential customer, a critical load industrial customer, or critical load according to PUC; and (d) reducing electricity use at times when involuntary load shedding events may be implemented;
8. requires the PUC to adopt rules to require each municipally owned utility, electric cooperative, qualifying facility, power generation company, or exempt wholesale generator, that provides generation service to implement measures to prepare the provider's generation assets to provide adequate electric generation service during a weather emergency according to reliability standards adopted by the PUC;
9. requires the independent organization for the ERCOT power region to: (a) inspect generation assets in the ERCOT power region for compliance with the reliability standards; (b) provide the owner of a generation asset with a reasonable period of time in which to remedy any violation the independent organization discovers in an inspection; and (c) report to the PUC any violation;
10. requires the PUC to adopt rules that require each electric cooperative, municipally owned utility, and transmission and distribution utility providing transmission service in the ERCOT power region to implement measures to prepare the cooperative's or utility's facilities to maintain service quality and reliability during a weather emergency according to standards adopted by the PUC;
11. requires the independent organization for the ERCOT power region to: (a) inspect the facilities of each electric cooperative, municipally owned utility, and transmission and distribution utility providing transmission service in the ERCOT power region for compliance with the reliability standards; (b) provide the owner of facility described by (a) with a reasonable period of time in which to remedy any violation the independent organization discovers in an inspection; and (c) report to the PUC any violation that is not remedied in a reasonable period of time;
12. requires the PUC to impose an administrative penalty on an entity, including a municipally owned utility or an electric cooperative, that violates a rule adopted under (10) in an amount

- not to exceed \$1,000,000 for a violation and each day a violation continues or occurs is a separate violation for purposes of imposing a penalty;
13. requires the PUC to adopt a system to allocate load shedding among electric cooperatives, municipally owned utilities, and transmission and distribution utilities providing transmission service in the ERCOT power region during an involuntary load shedding event initiated by an independent organization for the region during an energy emergency;
  14. requires the PUC to adopt rules to require electric cooperatives and municipally owned utilities providing transmission service in the ERCOT power region to: (a) maintain lists of customers willing to voluntarily participate in voluntary load reduction; and (b) coordinate with municipalities, businesses, and customers that consume large amounts of electricity to encourage voluntary load reduction;
  15. requires the PUC and the independent organization certified for the ERCOT power region to conduct simulated or tabletop load shedding exercises with providers of electric generation service and transmission and distribution service in the ERCOT power region;
  16. establishes the Texas Electricity Supply Chain Security and Mapping Committee to: (a) map Texas's electricity supply chain; (b) identify critical infrastructure sources in the electricity supply chain; (c) establish best practices to prepare facilities that provide electric service and natural gas service in the electricity supply chain to maintain service in an extreme weather event and recommend oversight and compliance standards for those facilities; and (d) designate priority service needs to prepare for, respond to, and recover from an extreme weather event;
  17. requires the PUC to adopt rules that: (a) establish an emergency pricing program for the wholesale market to take effect if the high system-wide offer cap has been in effect for 12 hours in a 24-hour period after initially reaching the high system-wide offer cap; and (b) establish an ancillary services cap to be in effect during the period an emergency pricing program is in effect;
  18. provides that a civil penalty for a gas utility provider who disconnects natural gas service to a residential customer during an extreme weather emergency shall be in an amount of not less than \$1,000 and not more than \$1,000,000 and the RRC shall adopt rules to establish a classification system to be used by a court for violations;
  19. requires the RRC to adopt rules regarding measures gas pipeline facility operators must implement to prepare gas pipeline facilities to maintain service quality and reliability during extreme weather conditions if the gas pipeline facility: (a) directly serves a natural gas electric generation facility operating solely to provide power to the electric grid for the ERCOT power region or for the ERCOT power region and an adjacent power region; and (b) is included on the electricity supply chain map created by the Texas Electricity Supply Chain Security and Mapping Committee under (16);
  20. defines "affected utility" as a retail public utility (including a municipally owned utility), exempt utility, or provider or conveyor of potable or raw water service that: (a) furnishes water service to more than one customer; and (b) is not in a county with a population of 3.3 million or more; or in a county with a population of 550,000 or more adjacent to a county with a population of 3.3 million or more;
  21. defines "emergency operations" as the operation of a water system during an extended power outage that impacts the operating affected utility;
  22. defines "extended power outage" as a power outage lasting for more than 24 hours;

23. requires an affected utility to: (a) ensure the emergency operation of its water system during an extended power outage at a minimum water pressure of 20 pounds per square inch, or at a water pressure level approved by TCEQ, as soon as safe and practicable following the occurrence of a natural disaster; and (b) adopt and submit to TCEQ for its approval: (i) an emergency preparedness plan that demonstrates the utility's ability to provide the emergency operations described by-(a); and (ii) a timeline for implementing the plan;
24. provides that not later than March 1, 2022, each affected utility shall submit to TCEQ the emergency preparedness plan described by (23)(b)(i);
25. provides that in accordance with TCEQ rules, an emergency preparedness plan under (23)(b)(i) for a provider of potable water shall provide for one or more of the following: (a) the maintenance of automatically starting auxiliary generators; (b) the sharing of auxiliary generator capacity with one or more affected utilities, including through participation in a statewide mutual aid program; (c) the negotiation of leasing and contracting agreements, including emergency mutual aid agreements with other retail public utilities, exempt utilities, or providers or conveyors of potable or raw water service, if the agreements provide for coordination with the division of emergency management in the governor's office; (d) the use of portable generators capable of serving multiple facilities equipped with quick-connect systems; (e) the use of on-site electrical generation or distributed generation facilities; (f) hardening the electric transmission and distribution system serving the water system; (g) for existing facilities, the maintenance of direct engine or right angle drives; (h) designation of the water system as a critical load facility or redundant, isolated, or dedicated electrical feeds; (i) water storage capabilities; (j) water supplies delivered from outside the service area of the affected utility; (k) the ability to provide water through artesian flows; (l) redundant interconnectivity between pressure zones; (m) emergency water demand rules to maintain emergency operations; or (n) any other alternative determined by TCEQ to be acceptable;
26. provides that each affected utility that supplies, provides, or conveys raw surface water shall include in its emergency preparedness plan under (23)(b)(i) provisions for demonstrating the capability of each raw water intake pump station, pump station, and pressure facility to provide raw water service to its wholesale customers during emergencies and provides that this provision does not apply to raw water services that are unnecessary or otherwise subject to interruption or curtailment during emergencies under a contract;
27. requires TCEQ to provide an affected utility with access to TCEQ's financial, managerial, and technical contractors to assist the utility in complying with the applicable emergency preparedness plan submission deadline and to create an emergency preparedness plan template for use by an affected utility when submitting a plan;
28. provides that an affected utility may adopt and enforce limitations on water use while the utility is providing emergency operations;
29. provides that except as specifically required by law, information provided by an affected utility is confidential and is not subject to disclosure under the Public Information Act;
30. provides that for the purposes of (31)-(33), "affected utility" means any retail public utility (including a municipally owned utility), exempt utility, or provider or conveyor of potable or raw water service that furnishes water service to more than one customer;
31. requires each affected utility to: (a) submit to the office of emergency management of each county in which the utility has more than one customer, the PUC, and the office of

- emergency management of the governor a copy of: (i) the affected utility's emergency preparedness plan; and (ii) TCEQ's notification to the affected utility that the plan is accepted; (b) submit to the PUC, each electric utility that provides transmission and distribution service to the affected utility, each retail electric provider that sells electric power to the affected utility, the office of emergency management of each county in which the utility has water and wastewater facilities that qualify for critical load status under rules adopted by the PUC, and the division of emergency management of the governor: (i) information identifying the location and providing a general description of all water and wastewater facilities that qualify for critical load status; and (ii) emergency contact information for the affected utility, including the person who will serve as a point of contact and the person's telephone number, the person who will serve as an alternative point of contact and the person's telephone number, and the affected utility's mailing address; (c) annually submit the information required by (b) to each electric utility that provides transmission and distribution service to the affected utility and to each retail electric provider that sells electric power to the affected utility; and (d) immediately update the information provided under (b) as changes to the information occur; (e) submit annually to each electric utility that provides transmission and distribution service to the affected utility and to each retail electric provider that sells electric power to the affected utility any forms reasonably required by an electric utility or retail electric provider for determining critical load status, including a critical care eligibility determination form or similar form;
32. provides that not later than May 1 of each year, each electric utility and each retail electric provider shall determine whether the facilities of the affected utility under (31) qualify for critical load status under rules adopted by the PUC;
  33. provides that if an electric utility determines that an affected utility's facilities under (31) do not qualify for critical load status, the electric utility and the retail electric provider, not later than the 30th day after the date the electric utility or retail electric provider receives the information required by (31)(b), (c), and (d), shall provide a detailed explanation of the electric utility's determination to the affected utility and the office of emergency management of each county in which the affected utility's facilities are located;
  34. provides that a retail public utility that is required to possess a certificate of public convenience and necessity or a district or affected county that furnishes retail water or sewer utility service shall not impose late fees or disconnect service for nonpayment of bills that are due during an extreme weather emergency until after the emergency is over and shall work with customers that request to establish a payment schedule for unpaid bills that are due during the extreme weather emergency;
  35. provides that a retail public utility or affiliated interest that violates (34) is subject to a civil penalty of not less than \$100 nor more than \$50,000 for each violation; and
  36. creates the State Energy Plan Advisory Committee to prepare a comprehensive state energy plan to be submitted to the legislature not later than September 1, 2022.

(Effective immediately.)

**S.B. 211 (Zaffirini/Landgraf)** – **TCEQ Judicial Review**: this bill, among other things, creates a uniform deadline of 30 days to appeal an order, decision, or other act of the Texas Commission on Environmental Quality for both water and solid waste orders. (Effective September 1, 2021.)

**S.B. 387 (Schwertner/Wilson) – Appeal of Water Service Rates in ETJ:** this bill: (1) expands the circumstances where ratepayers for water or sewer service who reside outside the corporate limits of a city may appeal the rates for that service to the Public Utility Commission (PUC) to include an increase in rates when the municipally-owned utility takes over the provision of service to ratepayers previously served by another retail public utility; (2) provides that (1) does not apply to a MOU that takes over the provision of service to ratepayers previously served by another retail public utility if the MOU: (a) takes over the service at the request of the ratepayer; (b) takes over the due to a sale or merger under state law; or (c) is required to take over the service by state law, an order of the Texas Commission on Environmental Quality, or an order of the PUC; and (3) provides that a ratepayer may use the appeals process in (1) to appeal increased rates charged to the ratepayer by a MOU by filing a petition for review with the PUC and the MOU not later than December 1, 2021, if the MOU began providing service to the ratepayer on or after September 1, 2016 only if the MOU has not changed rates since the MOU began providing service to the ratepayer. (Effective September 1, 2021.)

**S.B. 398 (Menéndez/Deshotel) – Distributed Renewal Generation Resources:** this bill, among other things:

1. preempts a city from prohibiting or restricting the installation of a solar energy device by a residential or small commercial customer except to the extent: (a) a property owner's association may prohibit the installation; or (b) the interconnection guidelines and interconnection agreement of a municipally owned utility serving the customer's service area, the rules of the Public Utility Commission of Texas, or the protocols of an independent organization, limit the installation of solar energy devices due to reliability, power quality, or safety of the distribution system;
2. provides that the preemption in (1) does not apply to: (a) transaction involving the sale or transfer of the real property on which a distributed renewable generation resource is located; (b) a person, including a person acting through the person's officers, employees, brokers, or agents, who markets, sells, solicits, negotiates, or enters into an agreement for the sale or financing of a distributed renewable generation resource as part of a transaction involving the sale or transfer of the real property on which the distributed renewable generation resource is or will be affixed; or (c) a third party that enters into an agreement for the financing of a distributed renewable generation resource;
3. provides that a person who owns or operates a distributed generation facility served by a municipally owned utility or electric cooperative in the ERCOT power region may sell electric power generated by the distributed generation facility at wholesale, including the provision of ancillary services;
4. provides that a person who owns or operates a distributed generation facility may sell electric power generated by the distributed generation facility at wholesale to a municipally owned utility or electric cooperative certificated for retail service to the area where the distributed generation facility is located or to a related generation and transmission electric cooperative;
5. requires the municipally owned utility or electric cooperative to purchase at wholesale the quantity of electric power generated by the distributed generation facility needed to satisfy the full electric requirements of the customer on whose side of the meter the distributed generation facility is installed and operated at a wholesale price agreed to by the customer and to resell that quantity of power at retail to the customer at the rate applicable to the

customer for retail service, which must at minimum include all amounts paid for the wholesale electric power, during: (a) an emergency declared by the independent organization certified for the ERCOT power region that creates the potential for interruption of service to the customer; (b) any service interruption at the customer's premises; (c) construction on the customer's premises that creates the potential for interruption of service to the customer; (d) maintenance and testing of the distributed generation facility; and (e) additional times mutually agreed on by the owner or operator of the distributed generation facility and the municipally owned utility or electric cooperative;

6. provides that in addition to a sale authorized under (9), on request by an owner or operator of a distributed generation facility, the municipally owned utility or electric cooperative shall provide wholesale transmission service to the distributed generation facility owner in the same manner as to other power generation companies for the sale of power from the distributed generation facility at wholesale, including for the provision of ancillary services, in the ERCOT market;
7. requires a municipally owned utility or electric cooperative to allow interconnection of a distributed generation facility and provide to a distributed generation facility on a nondiscriminatory basis wholesale transmission service, including at distribution voltage, in the same manner as for other power generation companies to transmit to the ERCOT power grid the electric power generated by the distributed generation facility; and
8. provides that a municipally owned utility or electric cooperative is not required to interconnect a distributed generation facility under the bill if, on the date the utility or cooperative receives an application for interconnection of the facility, the municipally owned utility or electric cooperative has interconnected distributed generation facilities with an aggregate capacity that equals the lesser amount of: (a) five percent of the municipally owned utility's or electric cooperative's average of the 15-minute summer peak load coincident with the independent system operator's 15-minute summer peak load in each of the months of June, July, August, and September; or (b) 300 megawatts, adjusted annually by the percentage of total system load growth in the ERCOT power region beginning in 2022. (Effective September 1, 2021.)

**S.B. 415 (Hancock/Holland) – Electric Energy Storage Facilities:** this bill, among other things, provides: (1) that a transmission and distribution utility, with prior approval of the Public Utility Commission, may contract with a power generation company to provide electric energy from an electric energy storage facility to ensure reliable service to distribution customers; and (2) in establishing the rates of a transmission and distribution utility, a regulatory authority—including a city—shall review a contract between the utility and a power generation company under (1) and the regulatory authority may authorize a transmission and distribution utility to include a reasonable return on the payments required under the contract only if the contract terms satisfy the relevant accounting standards for a capital lease or finance lease. (Effective September 1, 2021.)

**S.B. 669 (Springer/Lucio III) – Texas Water Development Board Reports:** this bill: (1) requires the Texas Water Development Board (TWDB) to make publicly available the most recent data relating to: (a) statewide water usage in the residential, industrial, agricultural, commercial, and institutional sectors; and (b) the data collection and reporting program for municipalities and water utilities with more than 3,300 connections; and (2) repeals the law that requires the TWDB,

in coordination with the Texas Commission on Environmental Quality, to prepare a report of the repair and maintenance needs of all dams that: (a) are not licensed by the Federal Energy Regulatory Commission; (b) do not have flood storage; (c) are required to pass floodwaters; and (d) have failed. (Effective September 1, 2021.)

**S.B. 900 (Alvarado/Paddie) – Aboveground Storage Tanks:** this bill, among other things: (1) requires the Texas Commission on Environmental Quality to establish a Performance Standards for Safety at Storage Vessels Program to provide for the protection of groundwater and surface water resources from a release of substances from a storage vessel in the event of an accident or natural disaster; (2) provides that a “storage vessel”: (a) is made of nonearthen materials; (b) is located on or above the surface of the ground; (c) has a capacity of 21,000 gallons or more of a regulated substance; and (d) is located at or is part of a petrochemical plant, a petroleum refinery, or a bulk storage terminal; (3) exempts certain tanks or pipes connected to certain tanks from the definition in (2) of “storage vessel”; and (4) establishes a fee. (Effective September 1, 2021.)

**S.B. 905 (Perry/Frank) – Potable Reuse of Wastewater:** this bill: (1) defines “direct potable reuse” as the introduction of treated reclaimed water either directly into a potable water system or into the raw water supply entering a drinking water treatment plant; and (2) requires the Texas Commission on Environmental Quality (TCEQ) to develop and make available to the public a regulatory guidance manual to explain TCEQ rules that apply to direct potable reuse. (Effective September 1, 2021.)

**S.B. 952 (Hinojosa/Walle) – Concrete Batch Plants:** requires that an application for a standard permit for a concrete batch plant issued by the Texas Commission on Environmental Quality include a plot plan that clearly shows: (1) a distance scale; (2) a north arrow; (3) all property lines, emission points, buildings, tanks, and process vessels and other process equipment in the area in which the facility will be located; (4) at least two benchmark locations in the area in which the facility will be located; and (5) if the permit requires a distance, setback, or buffer from other property or structures as a condition of the permit, whether the required distance or setback will be met. (Effective September 1, 2021.)

**S.B. 997 (Nichols/Harris) – Water and Sewer Rates:** this bill, among other things, provides: (1) that in an appeal on the amount paid for water or sewer service under a written contract for the rates a municipally-owned utility charges if it furnishes wholesale water or sewer service to another political subdivision, the Public Utility Commission (PUC) may not hold a hearing on or otherwise prescribe just and reasonable amounts to be charged under the contract unless the PUC determines that the amount charged under the contract harms the public interest; and (2) a judicial review process to challenge a PUC decision in (1). (Effective September 1, 2021.)

**S.B. 1281 (Hancock/P. King) – Electric Certificates of Convenience and Necessity:** this bill, among other things, requires the independent organization certified for the ERCOT power region to conduct a biennial assessment of the ERCOT power grid to assess the grid’s reliability in extreme weather scenarios, which must: (1) consider the impact of different levels of thermal and renewable generation availability; and (2) recommend transmission projects that may increase the grid’s reliability in extreme weather scenarios. (Effective September 1, 2021.)

**S.B. 1580 (Hancock/Paddie) – Electric Certificates of Convenience and Necessity:** this bill, among other things: (1) provides that no default or uplift charge or repayment may be allocated to or collected from a market participant, including a municipally owned utility, that: (a) otherwise would be subject to an uplift charge solely as a result of acting as a central counterparty clearinghouse in wholesale market transactions in the ERCOT power region; and (b) is regulated as a derivatives clearing organization, as defined by the Commodity Exchange Act; (2) requires the Public Utility Commission (PUC) to require that all market participants, including a municipally owned utility, pay or make provision for the full and prompt payment of amounts owed calculated solely according to the protocols in effect during the period of emergency (defined as the period beginning 12:00 a.m., February 12, 2021, and ending 11:59 p.m., February 20, 2021) to the independent organization for the ERCOT power region to qualify, or to continue to qualify, as a market participant in the ERCOT power region; (3) provides that if a market participant, including a municipally owned utility, has failed to fully repay all amounts calculated solely under the protocols in effect during the period of emergency of the independent organization certified for the ERCOT power region, the independent organization shall report the market participant as in default to the PUC and the PUC may not allow the independent organization to accept the defaulting market participant’s loads or generation for scheduling in the ERCOT power region, or allow the defaulting market participant to be a market participant in the ERCOT power region for any purpose, until all amounts owed to the independent organization by the market participant as calculated under the protocols are paid in full; and (4) provides that transactions involving the transfer and ownership of securitized property and the receipt of securitized charges for financing for electric cooperatives are exempt from state and local income, sales, franchise, gross receipts, and other taxes or similar charges. (Effective immediately.)

**S.B. 1890 (Creighton/Walle) – Texas Water Development Board Grants:** provides that the law regarding uniform grant and contract management does not apply to a contract for: (1) the flood infrastructure fund; (2) the Texas infrastructure resiliency fund; and, (3) the agriculture water conservation bond program. (Effective September 1, 2021.)

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## PARKS

### Charro Ranch Park:

Due to the World Migratory Event on May 8 at Charro Ranch Park, the monthly volunteer workday was canceled.

### Dripping Springs Ranch Park & Event Center –

*Submitted by Emily Nelson, Interim DSRP Manager*



The month of May was so exciting at the Ranch Park. It was the first time for a lot of the staff to experience a heavily booked month. From horses to comic books, the Ranch Park staff successfully hosted new and returning events. Retromania, a comic book and retro toy expo, was so pleased with their first show at DSRP that they are already booking return shows. Both Shorty Scott Memorial Roping and Central Texas Arabian Horse shows successfully returned to the Ranch Park. Shorty Scott had record attendance that had ropers watching the sunrise. Even our two DSRP Riding Series shows experience a surge in attendance. While our Arena rentals naturally slow down due to Texas heat, our first ever Coyote Kids Summer Camp will be ramping up. All 11 sessions are almost completely sold out! We are so excited to reconnect our campers with Nature this summer. From meteorologists

to survival specialist, the campers get to experience an exciting lineup of guest speakers each session of camp. Dripping Springs Ranch Park is definitely back in the saddle and we couldn't be happier.



### Founders Memorial Park & Pool:

*Submitted by Mack Rusick, Programs and Aquatics Manager*



We are excited to finally open to the public for the summer at the end of May. Although the rain and weather have made things difficult, we are hopeful the sun and the community will come out and enjoy the facility! We have had many people every day dropping by the pool to ask when we are opening. We have several families that have already purchased season passes and several rentals set up for the season as well. We have opened Swim Club registration for youth ages 9-15. These classes are 1hr long for two-week sessions and provide both swim instruction and fitness for young swimmers. Despite posting on the PCS Facebook we only have one person registered. We are hoping to blast more advertising for the program to generate more registrations.

The plumber finally arrived after several weeks of delays to hook up the gas lines and get the new commercial heater running. Several days of cold water for swim practice made for some very grateful swimmers and tiger splash volunteers when the heat finally kicked on. Unfortunately, without the thermal covers the cooler weather has caused us to eat up our propane quickly. Managing the temperature down as low as possible helped conserve some of the cost but sadly there is not much to be done except

wait for warmer weather. Staff hiring for 2021 is complete and new-hire orientation was held at City Hall where the Finance department's Penny Appleman helped to complete hiring paper and City Administrator, Michelle Fischer gave a presentation on the City's personnel manual. The guards were excited to receive their uniforms and equipment and participate in some team-building exercises. The last portion of orientation was spent in the water practicing patron surveillance, proper rescue techniques, and putting it all together with our EAP (Emergency Action Plan).

Tiger Splash had their first swim meet in the pouring rain on Saturday, May 22, 2021. Despite the bad weather operations, it ran smoothly and it was fun to see all the young swimmers in their first race. Many families attended with ponchos, umbrellas, and tents to shield from the rain. We spent extra effort hosing off muddy feet before kids entered the water. We were relieved to get through the entire meet without any delays from lightning or thunder. It will be an event that many of us won't forget!

We will be opening to the public for Memorial Day Weekend and are anticipating warmer weather on the horizon!

### **Sports & Recreation Park:**

Nothing to report.

### **Rathgeber Natural Resource Park:**

Nothing to report.

### **Veterans Memorial Park & Triangle**

Nothing to report.

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## **COMMUNITY SERVICES**

### **Community Services**

*Submitted by Melanie Blakely, Community Services Coordinator*



May 8, 2021 was the first annual Festival of Flight (World Bird Migratory Day) from 8am-12pm. Paul Fushille, Dripping Springs Parks Commissioner, lead the charge in starting a Community Bird Group that has grown leaps and bounds. The tour times were 7:30, 9:00 and 10:30 and they were fully booked. Followed by the tours were kids crafts that was hosted by Twisted X Brewery. Unfortunately, due to high winds the movie in the park "A Big Year" was postponed until later in the summer.

May had a total of seven (7) private pavilion rentals. The end of May brought "April Showers", so we had to reschedule 2 of the rentals.

There were two (2) permits that were issued in May. One special event permit for the Community Date Night and one Itinerant Vendor Permit was issued for peaches for Farmers Market.

May seems to be a good indicator of how busy this summer's rentals will be, residents are ready to get back out and enjoy good food and good company!

### **Coyote Kids Nature Camp**

*Submitted by Hanna Gregory, Coyote Kids Nature Camp Director*



The last month has been a very busy and exciting one for the Coyote Kids Camp crew. Last week, we reached maximum enrollment for the entire summer! We spent most of the month developing curriculum, making sure that our campers will be able to take away not only fun memories, but also, new knowledge. Each week has its own theme, with activities to match. This includes curriculum-rich activities, games, and guest speakers. Our goal was to have at least one guest speakers scheduled per week, and with the help of friends and neighbors, we made it happen. My favorite guests of the summer include the meteorologist during Big Sky Fun week, the traveling reptile educator who will bring live animals during Ways of the Wild, and the Fire Truck during Wet-N-Wild.

Staff training for the Coyote Kids camp counselors took place over the past two weekends. We are so thankful to be fully staffed with a group of such incredibly passionate and talented folks. Now that staff training is over, we are focused on ordering the rest of our supplies and getting the Coyote Den ready for the campers next week. We are looking forward to a great summer!

### Farmers Market –

*Submitted by Charlie Reed, Farmers Market Manager*



May was a happening month for the Farmers Market, starting with the return of long-time crowd pleaser, Blanco Cowboy Kettle Corn, after two years away. The Market was also featured on Fox7 Austin with three live segments on the morning of Monday, May 10. For the event, reporter Tierra Neubaum interviewed five vendors, which led to some shoppers coming to the next market from as far away as Liberty Hill. Throughout the month, Johnna revived the Market's Instagram account to further feature vendors as well as exciting, cute, and fun scenes from each week's event. Make sure you follow

the Market @DS\_Farmers\_Market and tag your photos to show off your good times, fabulous finds, and the delicious recipes you create when you get home!



### Marketing, Website, Social Media, Branding & Communications

The PCS department continues to expand its website pages to encompass the resource as a tool to provide the full scope of services within the department's span of responsibility. Currently, the "Community Services" aspect of the department is lacking in web presence and ease of service access. Staff is in the process of creating an easier application process and information dissemination platform.

- Road closure requests
- Itinerant Vendor Permits
- Event Permit for events held on city property and events held within City Limits
- Co-Sponsorship applications that include banners at the triangle requests
- Filming Permits (which tend to be last minute in nature – less than 48hrs notice)

It is a goal of the department to streamline operations and scope of the Programs & Events Coordinator position through renaming the position to serve comprehensively in the coordination of all aspects of community services and not just events and programming. The title change will be to that of Community Services Coordinator and the scope will expand to include the coordination of all such services in addition to events and programs will fall under the Programs & Aquatics Manager's scope entirely.

**DRIPPING SPRINGS PARK SYSTEM UPDATE**

**CHARRO RANCH PARK**

Submitted by- Sue Harding, Lead Volunteer

Saturday, June 12, 2021 –

5 volunteers participated in the workday. Volunteers mainly worked on trimming or removing tall grasses and weeds along the following areas:

- paths of the outer loop aka cross-country trail aka roadrunner trail (eek! there goes that problem of the multiple names for the same trail issue at Charro!).
- two spur trails on the west side of the park
- the path and around plants of the demonstration garden that a mower can't get to.
- the path to the bird blind
- the path leading up to the foot bridge in the middle of the park

Considering the heat, chiggers, and the long distance one has to carry a string trimmer, I think the five master naturalists did an AWESOME job 😁.

**DRIPPING SPRINGS RANCH PARK & EVENT CENTER**

Submitted by - Emily Nelson, DSRP Manager



June has shown the Ranch Park how diverse our programs and events can be. We hosted Kenny Reed, an Olympic skateboard coach, for two sessions of a skateboard camp that was amazing to watch the kids grow throughout the week. Our own camp, Coyote Kids, has been an amazing success. It is sold out with waitlists! This summer brought us a new program on Thursday nights called Tween Scene. It is a fun, safe spot for kids ages 9-14 to come and skate, play kickball and close the evening out with an epic dodgeball battle. The first Tween Scene had 24 kids. Last week, we had 93 kids attend. I think the secret is out on this fun evening!

Even with all this activity, we hosted 2 successful horse shows back-to-back. We hosted the district's 4H Horse Show which was a 2 day show for 4H kids in our District. They had an amazing turn out. Then, staff had to work fast to clear the stalls for a huge Fences Over Bee Cave Hunter/Jumper Show. It was an amazing team effort to turn the facility over with less than 24 hours.

Adding in some meeting rentals and portable bleacher rentals really rounded out our month. The Ranch Park calendar is almost booked out for the year. Ranch Hands are completing some facility projects over the next couple of hot months so that we are fully ready for our upcoming packed schedule. Stay tuned for all the exciting events!





Kickball @ Tween Scene, Thursday Nights during summer 2021 – An instant hit!!!

DSRP RANCH HOUSE RENOVATION PROJECT - COMPLETED



**PROGRAMS & AQUATICS**

**Submitted by - Mack Rusick, Programs & Aquatics Manager**



The season is in full swing at Founders Pool. After a long rainy spring we had some wonderfully hot days that brought many people out to the pool to cool off. We have had a steady stream of pass holders, daily admission, and many people from out of town enjoying the pool. Lately we have seen an increased number of regular lap swimmers in the morning, even on cool and rainy mornings.

Our calendar has finally begun to fill up with private parties and events. The Community Services Coordinator, Melanie Blakely and I have been working on two events for the pool in July and August. One will be a “Family Float Flick” featuring *JAWS* where families and friends watch the movie while lounging on floatation devices in the pool. Additionally, we are working on a “Bark in the Park” dog friendly event at the very end of the summer season where pets and their owners will get to splash around in the pool!

We have begun running our Swim Club program for kids ages 9-14. Our first two sessions have been great! We have had a good group of kids that want to improve their swimming skills and have fun. We purchased a few fun supplies including diving rings, and hoops to swim through, additionally Tiger Splash has allowed us to use their kickboards and other supplies to aid in our class.

We have had two lifeguard Inservice trainings since the start of the season. We reviewed rescues skills, proper rotating and scanning, rules enforcement and injury prevention. For our next Inservice we have scheduled local EMS to come and run through emergency scenarios with staff and are looking forward to their help in preparing for real world scenarios. I want to recognize our staff for their hard work in keeping Founders Pool a fun and safe place for families to come. Recently I was impressed by two lifeguards (Alexa McGilvray & Thomas Carroll) who immediately reacted and dealt with a man who had entered the facility without paying and began to snap photos. After politely being asked to leave the facility, the man returned to confront staff again for being “unwelcoming,” and I was able to step in at that point. Needless to say, the man did not return to the facility.

Construction has begun on the Skateboard Park parking lot at Founders Park. The project is slated to take 3-4 weeks depending on weather, to complete.

Looking forward to more sunny days!



New TS mural at the pool by Emily Long

## RATHGEBER NATURAL RESOURCE PARK

**June 11, 2021** – Hays County’s Parks and Open Space Commission 2.0 sent the following email to named potential recipients:

Dear Project Sponsor:

As you know, the Hays County Commissioners Court formed the Parks & Open Space Advisory Commission (POSAC) in March of 2020, which worked tirelessly for several months and delivered a report to the Commissioners Court in August that ultimately resulted in the passage of Proposition A in November 2020 for \$75 million in bond funding. The POSAC has been re-formed in order to review additional project funding requests and provide the Commissioners Court with a recommendation on funding for projects.

Halff Associates, Inc. and its project team (Halff Team) have been selected as the Hays County Park Bond Program Manager to assist the County with administration and completion of the park bond program. In its role as Program Manager, Halff Team will be assisting Hays County staff with facilitation of the POSAC’s review and ranking of potential projects to be submitted to the Hays County Commissioners Court for funding.

At this time, the POSAC is requesting a status update on the project(s) that your organization submitted for funding. Please provide any updates to the Project Information Form(s) (PIF’s) that are substantive in nature. These changes could be to any of the following:

- Design Program
- Size of the Project (acreage, length, square feet)
- Funding availability (Potential Match increased or decreased)
- Updated Cost Estimates
- Anticipated Schedule (especially if there are established Deadlines)
- Addition/Deletion of Project Partners
- Any other you feel affects the project

Please provide your response to the Halff Team’s Project Manager, James Hemenes via email, [HaysParkBondPM-43105@halff.com](mailto:HaysParkBondPM-43105@halff.com), no later than **Friday, June 25, 2021**. Any questions that you may have may be submitted to the same address.

Thanks in advance for your cooperation.

Staff met the deadline and shared the following significant project updates:

Updates to the formerly submitted PIF include:

- 1) Design Program (unchanged as submitted)
- 2) Size & Scope of Project (unchanged as submitted)
- 3) Funding Availability (unchanged as submitted)
  - September 22, 2020 - Formal Appraisal report obtained that estimated the market value of the 300-acre parcel at 5,690,000.
- 4) Updated Cost Estimates (unchanged as submitted)
- 5) Anticipated Schedule (Project schedule deliverables updated below). Timeline remains the same for the most part.
  - December 10, 2020 - Rathgeber Natural Resource Park 300-acre parcel was deeded to and accepted by the City of Dripping Springs.
  - June 18, 2021 - Primary arterial road gaining access to the parkland was at 90% completion.
- 6) Project Partners (unchanged as submitted, will most likely increase as park is developed)
- 7) Other changes affecting the project:
  - March 3, 2021 – The termination of the existing Capital Metro Boy Scout Lease Agreement attached to 300-acre parcel was fully executed.
  - March 3, 2021 - New City of Dripping Springs and Capital Metro Area Boys Scouts of America Maintenance and Use Agreement was fully executed.
- 8) Other Questions for POSAC and Hays County Parks Bond Program Managers:
  - a) What is the final award notification timeline?
  - b) Will assistance still be available to award recipients from Hays County for project guidance?

**June 22, 2021** – Hays Trinity Groundwater Conservation District’s Philip Websiter (Hydrogeologist) and other team members have been given permission to access Rathgeber. Their ask for access to the property was to have a better understanding of Barton Creek watershed and to map out the rock formations that are exposed on the surface throughout the property. This involved walking close to Little Barton and Barton Creek and identifying all exposed

rocks. Until now it has been challenging for the HTGCD to gain access to the creeks because most frontage is located on private property.

**SPORTS & RECREATION PARK**

**June 26, 2021**, Dripping Springs saw its first private event celebrating Pride month. The event was held at Road Runners and reserved 5 of the south soccer fields to utilize Sports and Recreation Park’s parking lots for event overflow parking. This brought in great revenue and exposure for the park. The event is to have estimated having more than 1500 attendees throughout the course of the day and evening.

**VETERANS MEMORIAL PARK**

**June 10, 2021** – Eagle Scout, JJ Guerrero completed his proposed project of improving the archways at Veterans Memorial park.



**June 14, 2021**- Daughters of the American Revolution – Sarah Pound Chapter completed their Veterans Memorial Park improvement project with a ribbon cutting ceremony on Flag Day. The improvement project led by Diane Thompson facilitated the removal of dying and overgrown shrubs to make way for a landscaped bed of native Texas plants framed by engraved pavers and accented by a dedicated memorial. In addition to approximately fifty spectators, City staff were invited to attend. Those present included Aaron Reed - Public Works Coordinator, Craig Rice- Maintenance Director, Shane Pevehouse, and Kelly Schmidt- Parks and Community Services Director.



## COMMUNITY SERVICES

### COYOTE KIDS NATURE CAMP - PROGRAM



**June 1 - July 2, 2021,** What can we say about June except- WE DID IT!!!! Finally, the concept that began in November/December of 2019 has finally come to fruition. With six counselors, one director, and 200 kids (~50 each week, just in June), we are living and breathing Coyote Kids Nature Camp and it's a hit! Weekly these kids leave electronics devices at home and come to DSRP for daily hikes, nature-themed activities, socializing, guest speakers and fun! From tie-dying to campfires with roasting s'mores, to 4-square and camp songs. It is Dripping Springs' Parks and Community Services first day camp that is delivering not only fun but a residential camp experience.

### EVENTS PERMITS + PARK RENTALS

**Submitted by- Melanie Blakely, Community Services Coordinator**



Early in the month, the City of Dripping Springs passed a proclamation declaring June as "Pride Month". As a result, a non-profit formed and approached the city about hosting a event celebrating the achievement. Assisting the event coordinators with their Pride of Dripping Springs event facilitated my training and learning as it pertains to issuing private event permits within the city limits on private property, which is a responsibility of my position.

**June 24, 2021,** the permit was approved by City Administrator, Michelle Fischer submitted to me exactly 30 days (as required for the minimum amount of time for a permit application review by the organizer) prior to the event date. The whole team worked tirelessly to overcome the constant issues that arose as we tried to confirm the information that was provided and ensure public safety. Not only did I learn how to make sure that the applications were properly filled out, I also learned about the need for police presence during an event of this magnitude as well as the difference between directional and on-site safety pay variances for the off-duty officers that are working the event.

Permits & Rentals for June	Qty
Itinerant Vendor Permits	11
Park Rentals	1
Pavilion/Pool Rentals	5
Triangle Banner Display	1

**EVENT - COMMUNITY MICRO EVENTS** - Sponsors secured - July 24, Float Flick & August 15, Bark in the Park

**EVENT - CHRISTMAS ON MERCER** – Nothing to report

**EVENT - FOUNDERS DAY FESTIVAL – June 14** - Commission meeting attended

**EVENT - TWEEN SCENE** June 3 - 23 Attendees | June 10 - 48 Attendees | June 17 - 54 Attendees | June 24 - 98 Attendees

Sponsorships and volunteers obtained to assist with event support of this wildy successful youth program.

**EVENT - WORLD MIGRATORY BIRD DAY** – Nothing to report for June.

**COMMUNITY INITIATIVE - KEEP DRIP (TEXAS) BEAUTIFUL** – Annual report completed.

**COMMUNITY INITIATIVE – BIRD CITY** – Nothing to report for June.

**COMMUNITY VOLUNTEER INITIATIVE** – Coordination of interested volunteers has begun. Several volunteers to programs within the Parks and Community Services Department that are a good fit and the volunteers have really enjoyed helping. Meetings with the Boy Scouts have begun about their volunteer clean up commitment to our parks.

**OTHER NOTABLES FOR THE MONTH** – Heavily assisted with Coyote Kids Camp administration and staffing coverage.

**FARMERS MARKET**



Submitted by - Charlie Reed, Farmers Market Manager  
 June was an outstanding month, with post-pandemic excitement colliding with peak growing season to create a robust market, with vendors and customers reaching all-time highs. June started with the market featuring a truly unique entertainer in Movin’ Melvin Brown, who brought tap-dancing and singing to deliver an engaging experience for all ages. New vendors included farmers, artisanal foods, and just in time for summer heat, a delicious seltzer seller. The market’s Instagram continued to draw new followers from all over the region. As grows Dripping Springs, so grows its Farmers Market!



Date	Vendors	Customers	Music
6/2/21	44	550	Melvin Brown
6/9/21	49	650	Jerry Kirk
6/16/21	46	600	None
6/23/21	50	525	Jerry Rivers
6/30/21	41	t/k	Melvin Brown
<b>2020</b>			
6/3/20	29	?	None
6/10/20	30	?	Jerry Rivers
6/17/20	32	?	Jerry Rivers
6/24/20	25	?	Jerry Kirk

The new Farmers Market duo is really moving the meter and receiving accolades like the email below, weekly.

*“Hi, just a quick note to let you know that your newsletter is so improved and impressive. I served on the DSFM Board a while a few years ago and have recently (in January) moved to East Texas... but I like to stay connected to Dripping Springs. I was looking through your newsletter this morning and was delighted to see all the links to vendors and the beautiful photography. Just thought I would tell you... Nice job!!! Please tell everyone I said hello!*

*Have a great day,  
 Diana Black”*

**DRIPPING SPRINGS FARMERS MARKET  
 WEEKLY NEWSLETTER**

Wednesday, June 30, 2021  
 3-6pm | Veterans Memorial Park | 160 E. Mercer Street | DSTX

## Best Little Market in Texas

The **America's Farmers Market Celebration** is an annual showcase of the best farmers markets across the country, helping raise public awareness of the importance of local, healthy food. Each year, one market is crowned with the "People's Choice" award, and YOUR Dripping Springs Farmers Market is in the running!

Support your favorite neighborhood farmers, ranchers, and other artisans by voting today and spreading the word!



*It's that time of year again to VOTE for our special Farmers Market!!!!*

**Note from FM Manager Charlie Reed:** Speaking of contests, the Olympics are coming up! Did you know I worked at the Olympics in Athens and Beijing? Don't ask me about it because I'll never shut up. Anyway, I brought back lots of stuff from Beijing that I never gave away, and I'm using it to throw a gauntlet here. Whoever leaves the best comment on [the DSFM page](#) will win a collectors item from Beijing's Opening Ceremony in 2008, to be awarded at the July 21st market.

### OTHER PCS BUSINESS & PROJECTS

June 30, 2021 - Park System Signage Plan - Update

Studio 16:19 has produced their first concept sketches. They are rustic in nature and a bit stylized for our purposes. The current sketches are possibly too rustic to translate and fit with the theme and purpose of all of our parks with a singular look. Below is an example of a trail wayfinding signage program that is more representative of what will work in our parks. The attached package from Studio 16:19 is the first draft and we will return to drafting further conceptual signage in a plan and look that will unify all parks. Staff is requesting a commissioner or two to assist as a subcommittee to work with staff on the plan. This will provide collaborative direction for the next Commission meeting.



# CITY OF DRIPPING SPRINGS

## Park Signage Inventory

June 2021

### CONTENTS

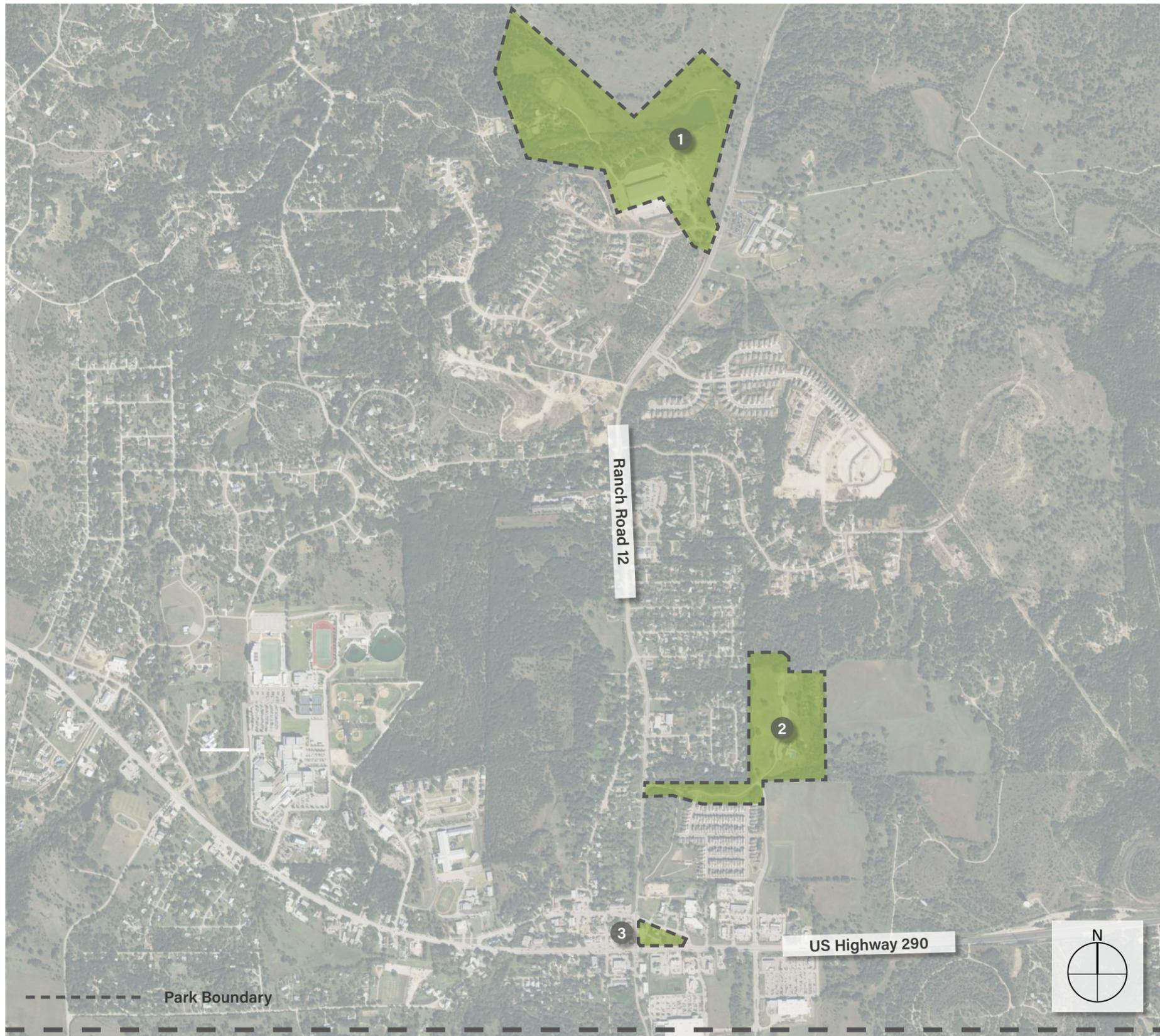
- Key Map
- Existing Sign Type Inventory
- Existing Signage Inventory by Park
- Inspirational Design Images and Sketches
- Proposed Signage Locations by Park
- Appendix: Existing Sign Inventory Photo Array



**CLIENT**  
**City of Dripping Springs**  
 511 Mercer Street  
 Dripping Springs, Texas 78620



**DESIGN TEAM**  
**Studio16:19**  
 305 W. Liberty Ave, Suite 100  
 Round Rock, TX 78664



D.S.  
Ranch Park



Founders  
Memorial Park



Veterans  
Memorial Park

Dripping Springs Key Map (North)

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Dripping Springs Key Map (South)

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ENTRANCE MONUMENT SIGN (5)



INFO KIOSKS (3)



PARK RULES/INFO/MISC. SIGNS (12)



TRAIL MARKERS (18)



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Existing Sign Type Inventory - All Parks (Quantity)



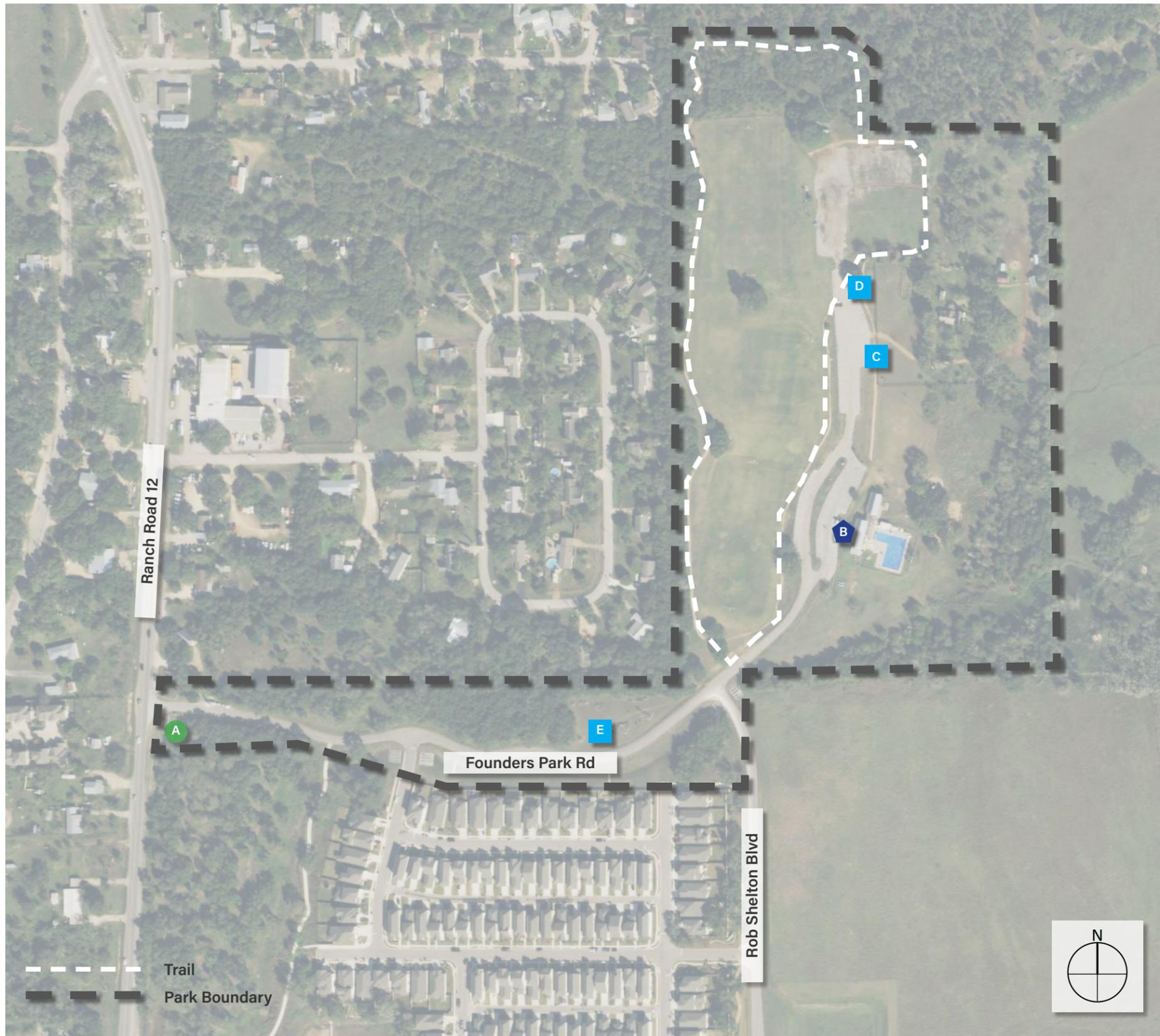
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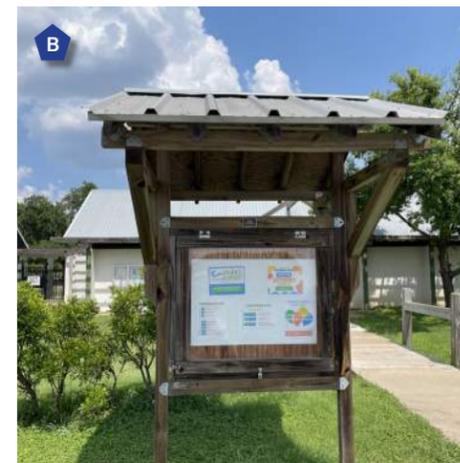
TRAIL MARKER (1)

Dripping Springs Ranch Park - Existing Signage Inventory (Quantity)

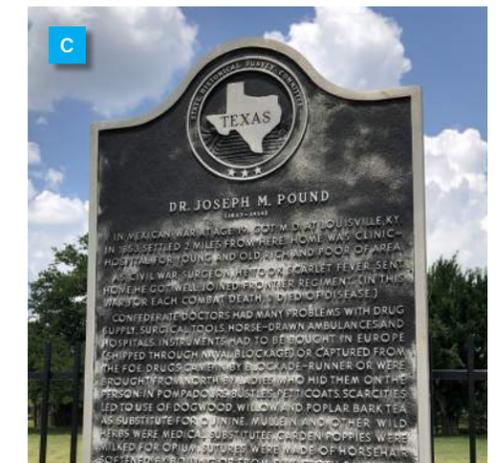
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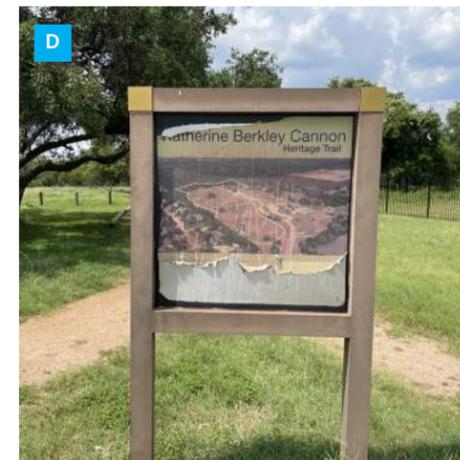
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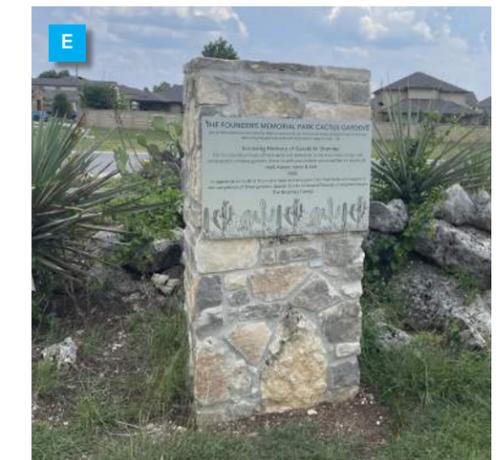
INFO KIOSK (1)



PARK RULES/INFO SIGN (3)



D



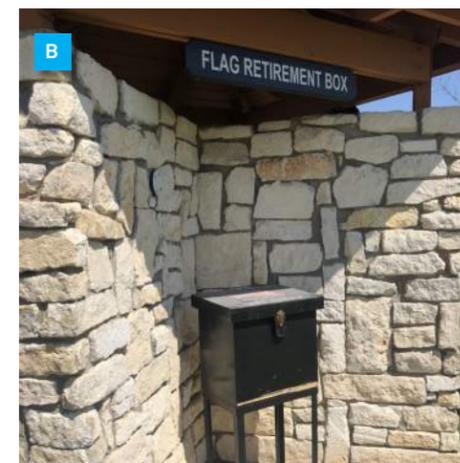
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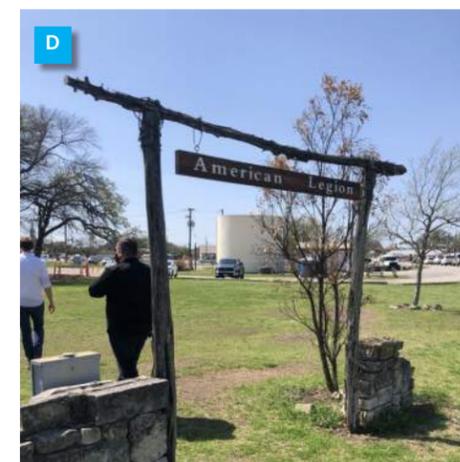
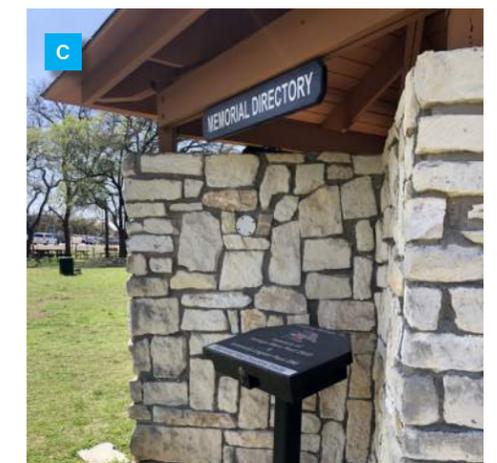
Founders Memorial Park - Existing Signage Inventory (Quantity)



ENTRANCE MONUMENT SIGN (1)

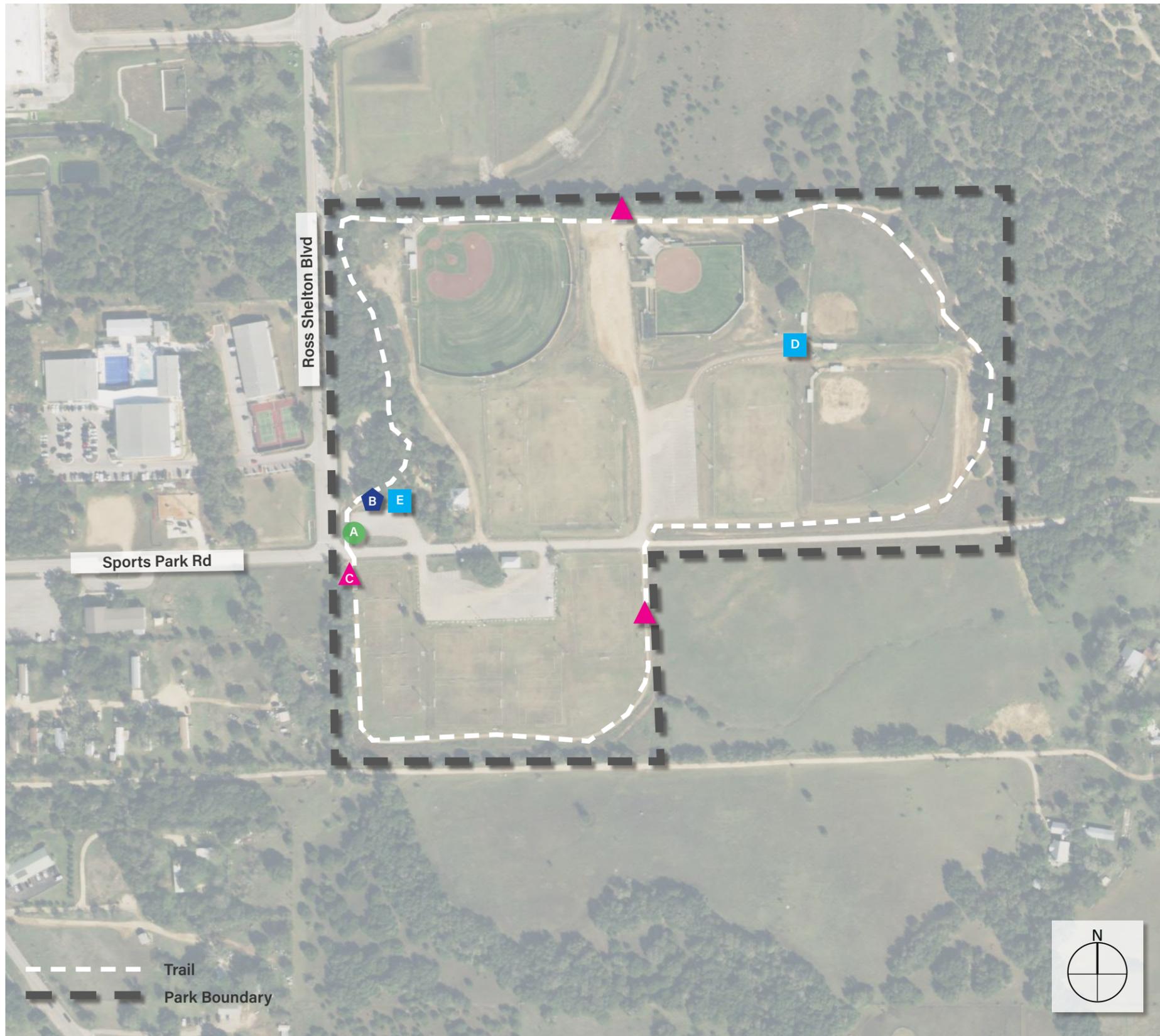


PARK RULES/INFO SIGN (3)



Veterans Memorial Park - Existing Signage Inventory (Quantity)

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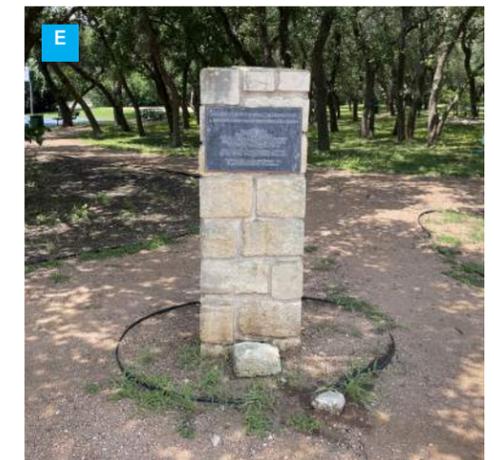
INFO KIOSK (1)



TRAIL MARKERS (3)

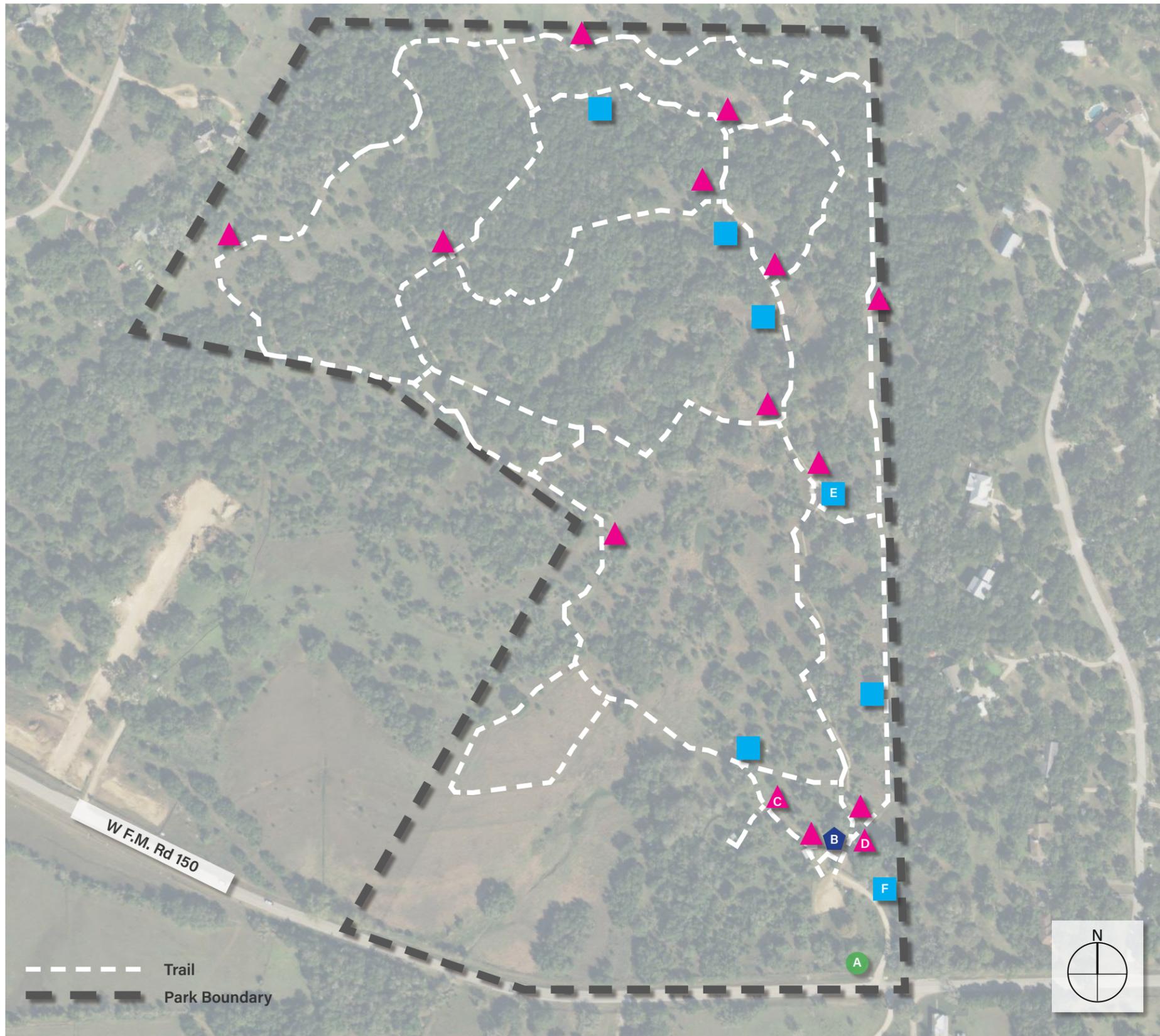


PARK RULES/INFO SIGN (2)



Sports & Recreation Park - Existing Signage Inventory (Quantity)

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ENTRANCE MONUMENT SIGN (1)



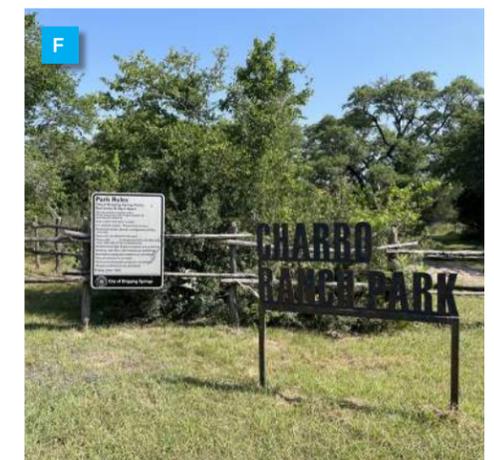
INFO KIOSK (1)



TRAIL MARKERS (14)



PARK RULES/INFO SIGN (7)



Charro Ranch Park - Existing Signage Inventory (Quantity)

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● ENTRANCE MONUMENT SIGN



◆ INFO KIOSKS



■ PARK RULES/INFO/MISC. SIGNS



▲ TRAIL MARKERS

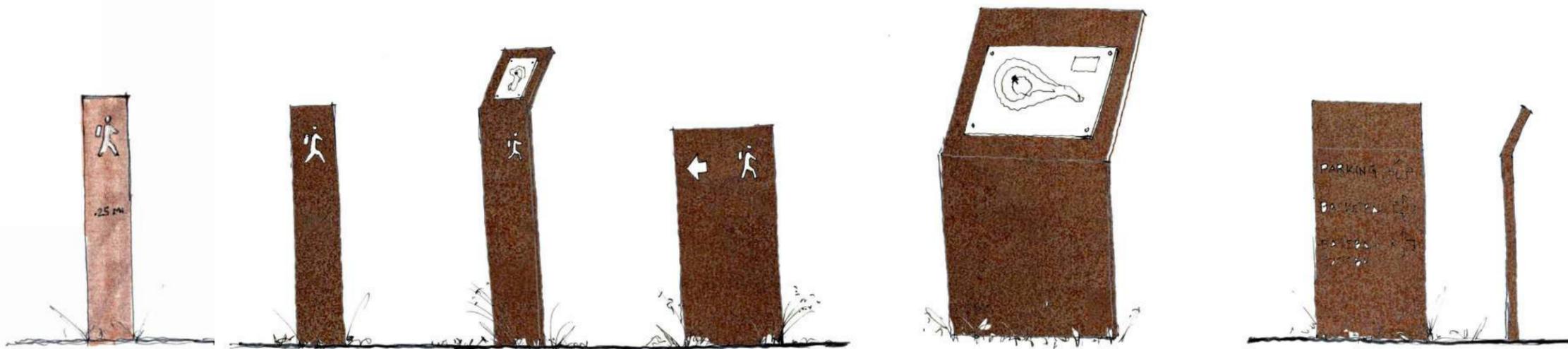
Item 17.



Inspirational Design Images

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SIMPLE MODERN



MILE MARKER

PEDESTRIAN WAYFINDING

PARK MAP/ INTERPRETIVE SIGNAGE

VEHICULAR WAYFINDING



CORTEN

CONTEMPORARY RUSTIC



MILE MARKER

PEDESTRIAN WAYFINDING

PARK MAP/ INTERPRETIVE SIGNAGE

VEHICULAR WAYFINDING



CORTEN



CONCRETE FORM BOARD

INDUSTRIAL



MILE MARKER

PEDESTRIAN WAYFINDING

PARK MAP/ INTERPRETIVE SIGNAGE

VEHICULAR WAYFINDING



STEEL



BLACK STEEL ACCENT



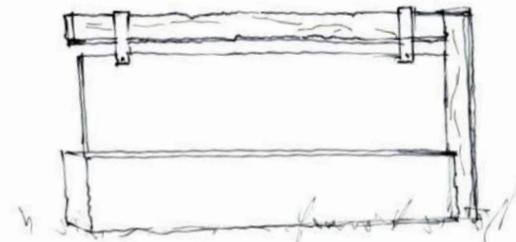
WOOD

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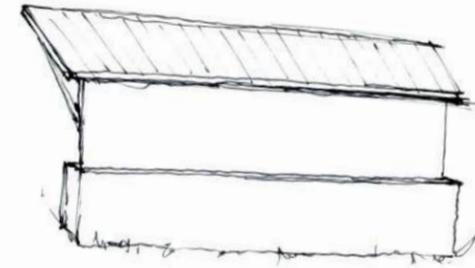
Preliminary Design Sketches - Wayfinding



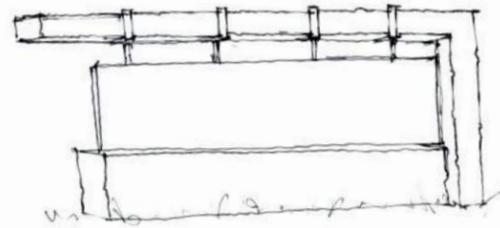
A



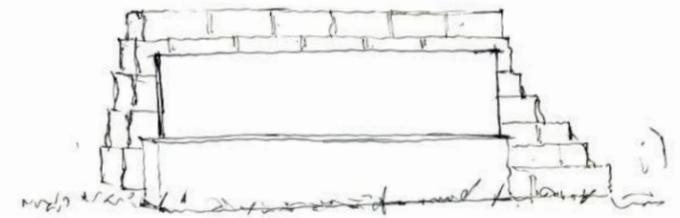
C



D



E



F



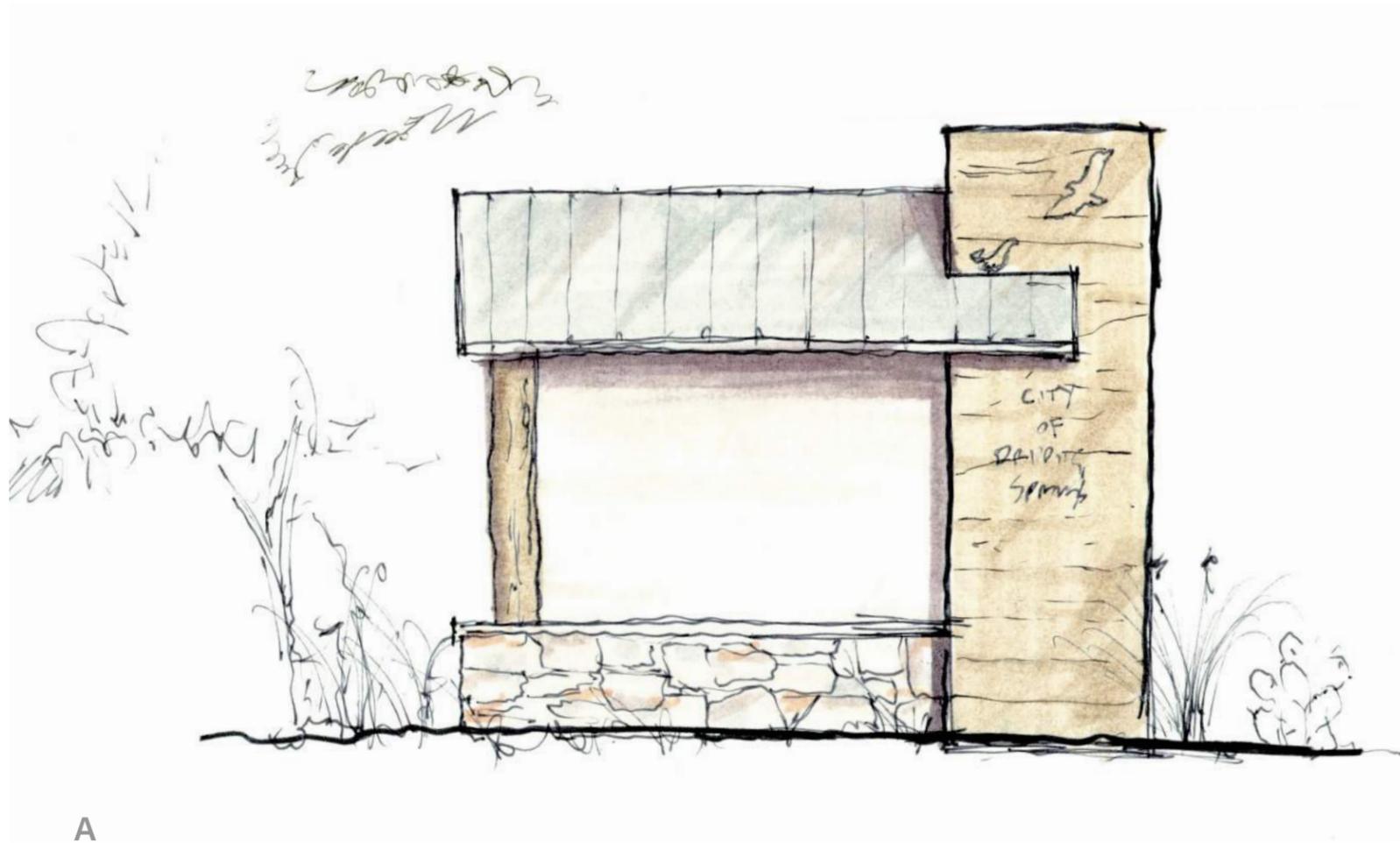
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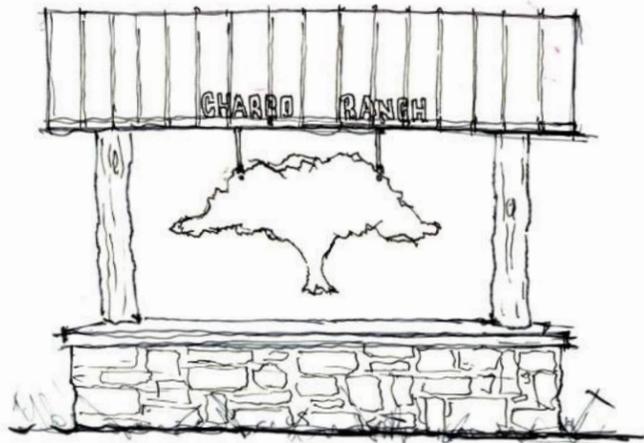
G

Preliminary Design Sketches - Monument

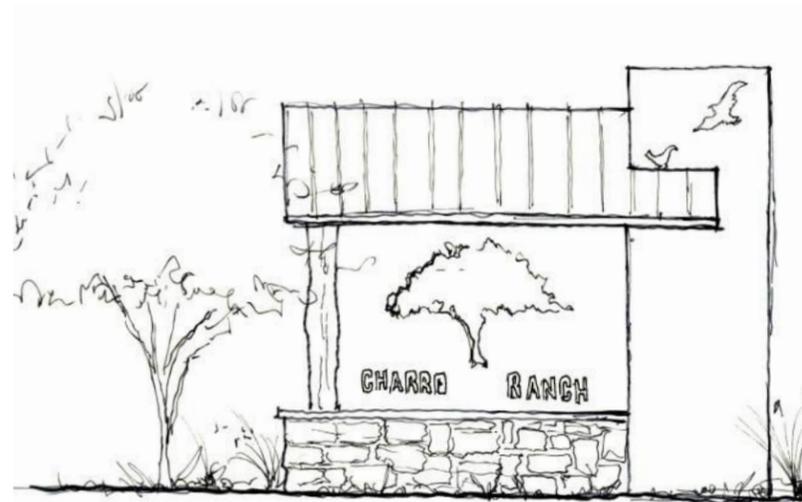
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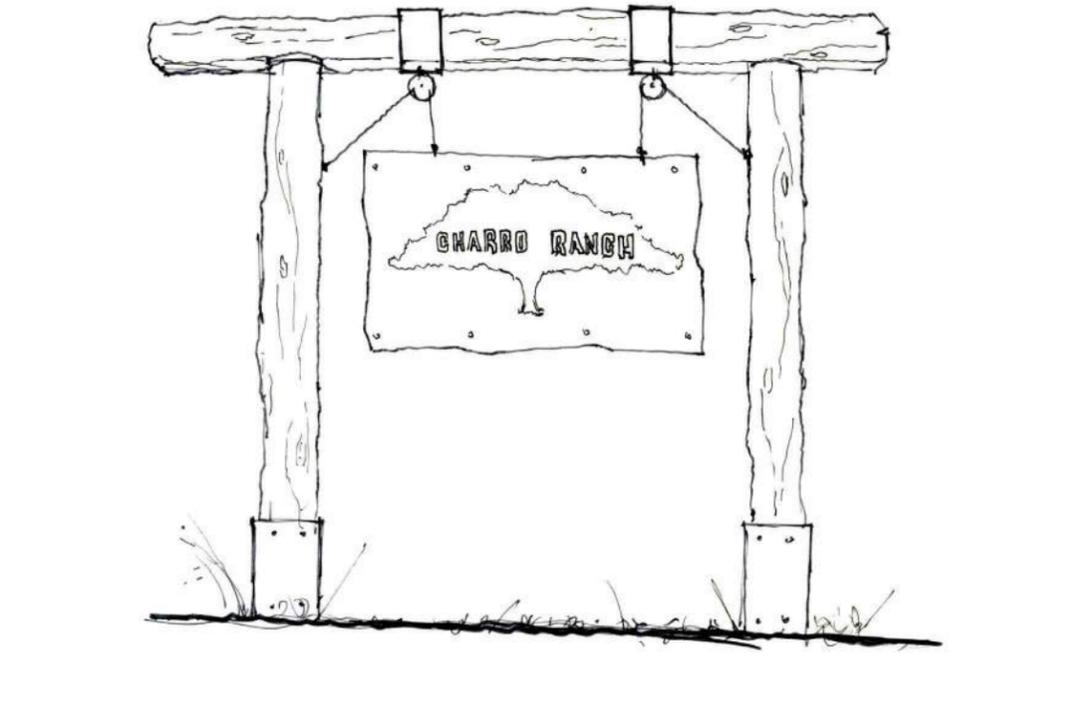
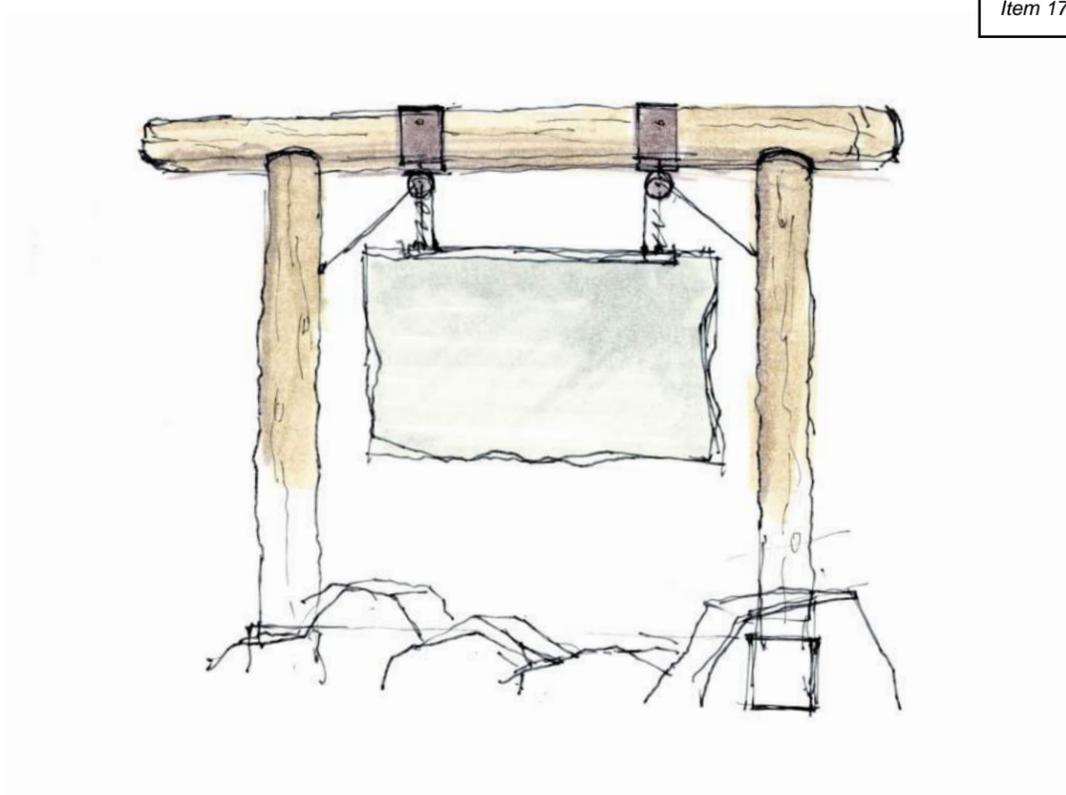
A



B



C



SOLSTICE SIGNAGE

Preliminary Design Sketches - Miscellaneous

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**Proposed Vehicular Wayfinding Sign (1)** Item 17.

A. Ranch Park Wayfinding

**Existing Signs to Remain (2)**

Dripping Springs Ranch Park - Proposed Signage Locations (Quantity)

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- Item 17.**
- Proposed Vehicular Wayfinding Sign (2)**
    - A. Founders Park  
Ranch Road 12
    - B. Pool/Pavilion  
Playground  
Historical House  
North/Middle Field  
South Field  
Cactus Garden
  - Proposed Park Rules/Info Sign (3)**
    - C. Park Rules  
Fields Wayfinding
    - D. Historical House Info/Visit Times
  - Proposed Pedestrian Wayfinding Sign (1)**
    - E. Trailhead  
Cactus Garden
  - Proposed Trail Marker (3)**
    - Mile Marker
  - Existing Signs to Remain (4)**
  - Existing Sign/Kiosk to be Replaced (2)**

Founders Memorial Park - Proposed Signage Locations (Quantity)

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- ▲ **Proposed Pedestrian Wayfinding Sign (2)** Item 17.
  - A. Veterans Park Wayfinding
- ◆ **3-Sided Sign Structure with Banners (1)**
  - A. Design TBD
- **Existing Signs to Remain (3)**

Veterans Memorial Park - Proposed Signage Locations (Quantity)

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**Proposed Vehicular Wayfinding Sign (2)**

- A. Playground  
Basketball/Volleyball Courts  
DSYSA Soccer Fields #1-5  
DSYSA Soccer Fields #6-7  
UIL Baseball/Softball Fields  
Adult Softball Fields #1-2
- B. UIL Baseball/Softball Fields  
Adult Softball Fields #1-2

**Proposed Park Rules/Info Sign (1)**

- C. Park Rules  
Soccer Fields Wayfinding

**Replacement Park Rules/Info Sign (1)**

- D. Park Rules  
Adult Softball Fields Wayfinding

**Proposed Pedestrian Wayfinding Sign (1)**

- E. H-E-B  
BBQ Grills  
Concession Stand  
UIL Baseball/Softball Fields

**Replacement Trail Marker (3)**

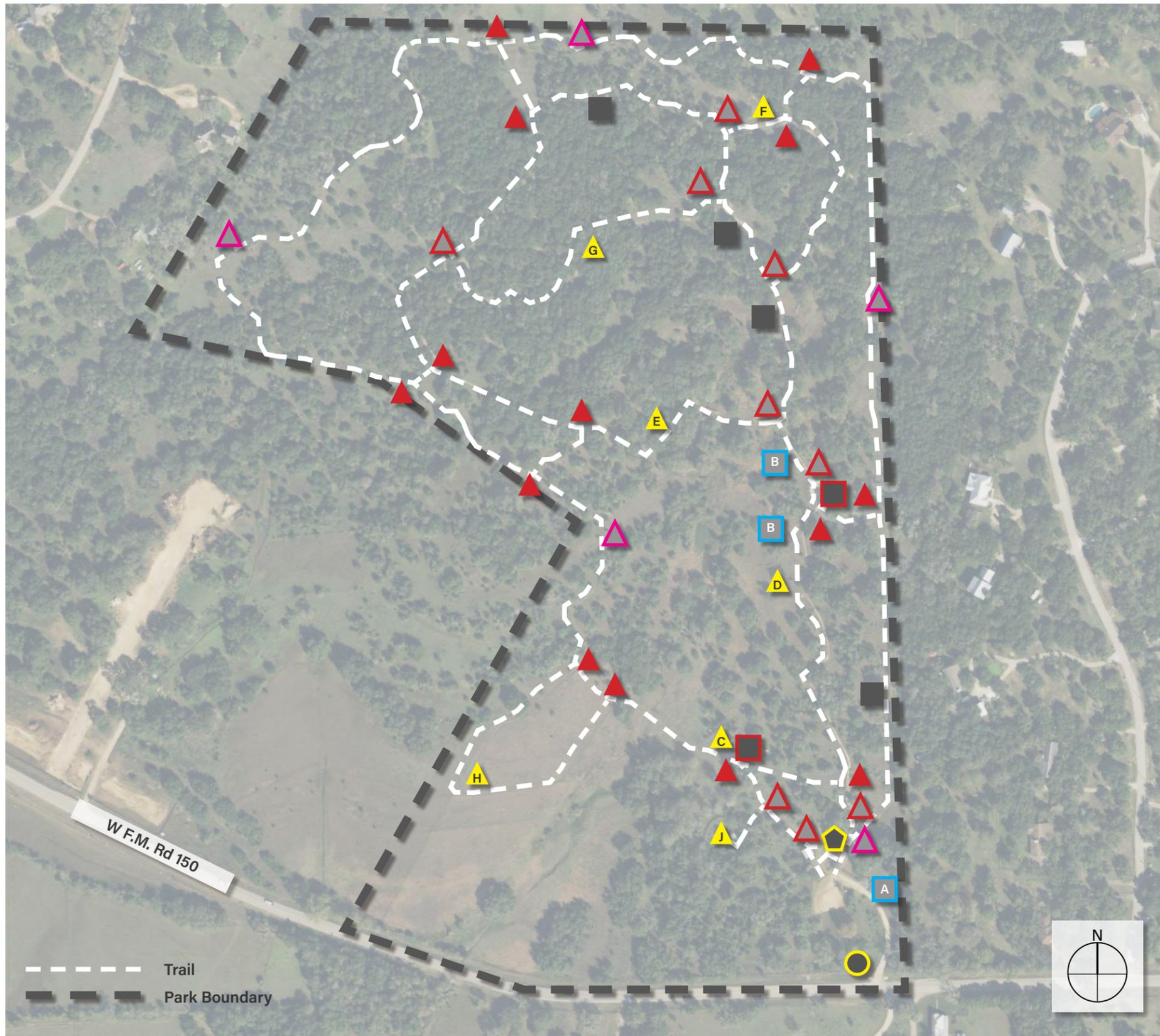
- Mile Marker

**Existing Signs to Remain (1)**

**Existing Sign/Kiosk to be Replaced (2)**

Sports & Recreation Park - Proposed Signage Locations (Quantity)

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**Replacement Park Rules/Info Sign (3)**

- A. Park Rules  
Parking Info
- B. Solstice Circle Info Sign

**Interpretive Trail Marker (6)**

- C. (Cross Country Trail) Chimney Swift Trail Sign
- D. (Nature Trail) Grassland Interpretive Trail Sign
- E. (Nature Trail) Wetland Interpretive Trail Sign
- F. (Peace Trail) Peace Monument Trail Sign
- G. (Woodland Trail) Forest Interpretive Trail Sign
- H. (Prairie Trail) Prairie Interpretive Trail Sign
- J. (Bird Watching Trail) Bird Watching Trail Sign

**Proposed Pedestrian Wayfinding Sign (14)**

- Ex. Nature Trail
- Cross Country Trail

**Replacement Pedestrian Wayfinding Sign (9)**

- Ex. Map
- Nature Trail
- Peace/Woodland Trail

**Replacement Trail Marker (5)**

- Mile Marker

**Existing Signs to Remain (4)**

**Existing Signs to be Removed (2)**

**Existing Sign/Kiosk to be Replaced (2)**

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Charro Ranch Park - Proposed Signage Locations (Quantity)



CHARRO RANCH  
ENTRANCE MONUMENT SIGN



CHARRO RANCH  
INFO KIOSK



CHARRO RANCH  
INFO SIGNS



CHARRO RANCH  
SOLSTICE CIRCLE INFO SIGN



CHARRO RANCH  
CHIMNEY SWIFT INFO SIGN



CHARRO RANCH  
BLACKJACK OAK INFO SIGN



CHARRO RANCH  
POST OAK INFO SIGN



CHARRO RANCH  
TX PERSIMMON INFO SIGN



CHARRO RANCH  
W. CHINABERRY INFO SIGN



CHARRO RANCH  
BIRD VIEW TRAIL SIGN



CHARRO RANCH  
TRAIL SIGN



CHARRO RANCH  
TRAIL SIGN



CHARRO RANCH  
TRAIL SIGN



CHARRO RANCH  
TRAIL SIGN



CHARRO RANCH  
TRAIL SIGN

Appendix: Sign Inventory Photo Array for Reference

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CHARRO RANCH TRAIL SIGN



CHARRO RANCH TRAIL SIGN



CHARRO RANCH MILE MARKER 0.00



CHARRO RANCH MILE MARKER 0.25



CHARRO RANCH MILE MARKER 0.50



CHARRO RANCH MILE MARKER 0.75



CHARRO RANCH MILE MARKER 1.00



SPORTS & REC. PARK ENTRANCE MONUMENT SIGN



SPORTS & REC. PARK INFO KIOSK



SPORTS & REC. PARK INFO SIGN



SPORTS & REC. PARK INFO MONUMENT (TO REMAIN)



SPORTS & REC. PARK MILE MARKER 0.00



SPORTS & REC. PARK MILE MARKER 0.25



SPORTS & REC. PARK MILE MARKER 0.25



VETERANS PARK ENTRANCE MONUMENT SIGN

Appendix: Sign Inventory Photo Array for Reference

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VETERANS PARK  
INFO SIGN (TO REMAIN)



VETERANS PARK  
INFO SIGN (TO REMAIN)



VETERANS PARK  
INFO SIGN (TO REMAIN)



FOUNDERS PARK ENTRANCE  
MONUMENT SIGN (TO REMAIN)



FOUNDERS PARK  
INFO KIOSK



FOUNDERS PARK  
INFO SIGN



FOUNDERS PARK  
INFO MONUMENT (TO REMAIN)



FOUNDERS PARK  
INFO MONUMENT (TO REMAIN)



RANCH PARK ENTRANCE  
MONUMENT SIGN (TO REMAIN)



RANCH PARK  
TRAIL SIGN

Appendix: Sign Inventory Photo Array for Reference

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## Project Status Report

Permits Created From 5/31/2021 to 7/1/2021

Generated 7/6/2021 12:27:33 PM

Item 18.

Project #	Status	Address	Description	WO #	Work Type	Specific Use	Inspection Type	WO Status	Inspector	Inspection Date
<a href="#">2021-61</a>	Closed	, Dripping Springs, TX 78620	Street and ROW Maint. (Jun WO's)	14573159	N/A	Street/Roads	Work Planned	Completed	Bill Stevens	06/03/2021
				14602559	N/A	Street/Roads	Work Planned	Completed	Jim Bass	06/16/2021
				14622581	N/A	Street/Roads	Work Planned	Completed	Bill Stevens	06/16/2021
				14602588	N/A	Street/Roads	Work Planned	Completed	Jim Bass	06/16/2021
				14602591	N/A	Street/Roads	Work Planned	Completed	Jim Bass	06/16/2021
				14623054	N/A	Street/Roads	Work Planned	Completed	Jim Bass	06/17/2021
				14614877	N/A	Street/Roads	Work Planned	Completed	Leonard Jones	06/28/2021
				14623404	N/A	Street/Roads	Work Planned	Completed	Sonny Garza	06/28/2021
				14640021	N/A	Street/Roads	Work Planned	Completed	Jim Bass	07/01/2021
				14639894	N/A	Street/Roads	Work Planned	Completed	Sonny Garza	07/02/2021
<a href="#">2021-62</a>	Open	511 Mercer St., Dripping Springs, TX 78620	City Hall (Jun WO's)	14566859	N/A	N/A	Work Planned	Completed	Jim Bass	06/02/2021
				14584365	N/A	N/A	Work Planned	Completed	Jim Bass	06/08/2021
				14614889	N/A	N/A	Work Planned	New	Sonny Garza	
				14616943	N/A	N/A	Work Planned	Completed	Jim Bass	06/20/2021
				14640645	N/A	N/A	Work Planned	Completed	Jim Bass	06/22/2021

<a href="#">2021-62</a>	Open	511 Mercer St., Dripping Springs, TX 78620	City Hall (Jun WO's)	14650968	N/A	N/A	Work Planned	New	Sonny Garza	Item 18.
				14652024	N/A	N/A	Work Planned	New	Bill Stevens	
<a href="#">2021-63</a>	Open	419 Founders Park Rd., Founders Memorial Park, TX 78620	Founders Park (Jun WO's)	14564302	N/A	Parks	Work Planned	Completed	Jim Bass	06/01/2021
				14613739	N/A	Parks	Work Planned	New	Jim Bass	
				14642751	N/A	Parks	Work Planned	Completed	Sonny Garza	06/28/2021
				14691932	N/A	Parks	Work Planned	Completed	Jim Bass	06/30/2021
<a href="#">2021-64</a>	Closed	27148 Ranch Rd 12, Sports and Rec Park, TX 78620	Sports and Rec Park (Jun WO's)	14592879	N/A	N/A	Work Planned	Completed	Jim Bass	06/10/2021
				14592844	N/A	N/A	Work Planned	Completed	Sonny Garza	06/14/2021
				14562505	N/A	N/A	Work Planned	Completed	Sonny Garza	06/14/2021
				14567397	N/A	N/A	Work Planned	Completed	Leonard Jones	06/14/2021
				14639817	N/A	N/A	Work Planned	Completed	Sonny Garza	06/28/2021
<a href="#">2021-65</a>	Closed	151 E Mercer St, VMP/Triangle, TX 78620	VMP/Triangle (Jun WO's)	14616930	N/A	Parks	Work Planned	Completed	Jim Bass	06/16/2021
				14651566	N/A	Parks	Work Planned	Completed	Jim Bass	06/23/2021
<a href="#">2021-66</a>	Closed	1042 Event Center Drive, Ranch House, TX 78620	Ranch House (Jun WO's)	14566884	N/A	N/A	Work Planned	Completed	Jim Bass	06/02/2021
				14592820	N/A	N/A	Work Planned	Completed	Leonard Jones	06/14/2021
				14639712	N/A	N/A	Work Planned	Completed	Jim Bass	06/21/2021
				14643413	N/A	N/A	Work Planned	Completed	Jim Bass	06/30/2021

<a href="#">2021-67</a>	Open	1042 Event Center Drive, Dripping Springs Ranch Park, TX 78620	DSRP (Jun WO's)	14564271	N/A	Parks	Work Planned	New	Craig Rice	<input type="text" value="Item 18."/>
				14566888	N/A	Parks	Work Planned	Completed	Leonard Jones	06/14/2021
				14662267	N/A	Parks	Work Planned	New	Leonard Jones	
				14683412	N/A	Parks	Work Planned	New	Leonard Jones	
				14572015	N/A	Parks	Work Planned	Completed	Jim Bass	06/03/2021
				14587838	N/A	Parks	Work Planned	Completed	Jim Bass	06/08/2021
				14572922	N/A	Parks	Work Planned	Completed	Sonny Garza	06/09/2021
				14595314	N/A	Parks	Work Planned	Completed	Sonny Garza	06/14/2021
				14629555	N/A	Parks	Work Planned	Completed	Leonard Jones	06/17/2021
				14649996	N/A	Parks	Work Planned	Completed	Jim Bass	06/23/2021
				14572053	N/A	Parks	Work Planned	Completed	Sonny Garza	06/28/2021
				14605052	N/A	Parks	Work Planned	Completed	Sonny Garza	06/28/2021
				14649963	N/A	Parks	Work Planned	Completed	Leonard Jones	06/28/2021
				14683455	N/A	Parks	Work Planned	Completed	Bill Stevens	07/01/2021
				14683436	N/A	Parks	Work Planned	Completed	Leonard Jones	07/02/2021
<a href="#">2021-68</a>	Closed	101 Old Fitzhugh, Stephenson Bldg., TX 78620	Stephenson Bldg (Jun WO's)	No Work Orders on Project	N/A	N/A				
<a href="#">2021-69</a>	Open	511 Mercer St., Fleet and Equipment, TX 78620	Fleet and Equipment (Jun WO's)	14642241	N/A	N/A	Work Planned	New	Leonard Jones	
				14642249	N/A	N/A	Work Planned	New	Leonard Jones	<input type="text" value="518"/>

<a href="#">2021-69</a>	Open	511 Mercer St., Fleet and Equipment, TX 78620	Fleet and Equipment (Jun WO's)	14642264	N/A	N/A	Work Planned	New	Leonard Jones	<i>Item 18.</i>
				14642268	N/A	N/A	Work Planned	New	Leonard Jones	
				14642275	N/A	N/A	Work Planned	New	Leonard Jones	
				14562127	N/A	N/A	Work Planned	Completed	Sonny Garza	06/09/2021
				14605034	N/A	N/A	Work Planned	Completed	Leonard Jones	06/14/2021
<a href="#">2021-70</a>	Open	22690 Ranch to Market Rd 150, Charro Park, TX 78620	Charro Park (Jun WO's)	14623929	N/A	Parks	Work Planned	Completed	Craig Rice	06/16/2021
<a href="#">2021-71</a>	Open	23127 W. 150, South Regional Water Reclamation Facility , TX 78620	South Regional Water Reclamation Facility (Jun WO's)	14624065	N/A	N/A	Work Planned	New	Bill Stevens	
				14624079	N/A	N/A	Work Planned	New	Bill Stevens	
				14592929	N/A	N/A	Work Planned	Completed	Jim Bass	06/10/2021
<a href="#">2021-72</a>	Open	511 Mercer St., COVID-19, TX 78620	COVID-19 (Jun WO's)	No Work Orders on Project	N/A	N/A				

# City of Dripping Springs

## Monthly Maintenance Report

*June 2021*

### **Routine Maintenance**

- M-F Weekly Maintenance Check list is completed in the morning
- Wednesday's setup and put away Farmers Market
- WWTP fields and lift stations landscaping
- Maintenance Meeting Wednesdays (1:00pm) safe distancing in council chambers
- Friday's Vehicles cleaned out, washed, and maintenance check completed
- Banners put up and taken down as needed
- City Hall fogged and sprayed with disinfectant daily
- Mercer St. plant beds maintained

### **Additional Maintenance Completed**

#### **Parks**

- SRP clean out repaired – 6/1
- Founders pool storage hooks installed – 6/1
- Founders Park kiosk board repaired – 6/1
- VMP mowed and trimmed – 6/2, 6/8, 6/16
- DSRP event room door repaired – 6/3
- SRP dead tree removed – 6/7
- DSRP clean out repaired – 6/7
- Founders pool utility hooks installed – 6/7
- Founders pool fence line trimmed – 6/7
- SRP softball towers repaired, and grip tape installed on steps – 6/9
- VMP outlet repaired – 6/9
- SRP adult softball infield treated with herbicide – 6/9
- DSRP road to low water crossing repaired – 6/9-6/10
- DSRP trail mowed – 6/10
- Charro trails mowed – 6/10
- Founders pavilion lock repaired – 6/11
- Camp water station set up – 6/14, 6/25
- VMP tree trimmed – 6/14
- Camp water refilled – 6/18, 6/23, 6/28, 6/30
- VMP ant treatment – 6/22
- Founders pool fence line treated with herbicide – 6/22
- SRP trails mowed – 6/23
- Founders pool pump repaired – 6/24
- SRP restroom bulbs replaced – 6/29
- SRP adult softball scoreboards repaired – 6/28, 6/30

- Founds pool sink unclogged – 6/30
- DSRP hike and bike trail mowed – 6/30

### **Streets**

- RR12 and Old Fitzhugh stop sign repaired – 6/7
- Wallace St. ROW mowed and trimmed – 6/14
- RR12 and Mercer St. corner mowed and trimmed – 6/15
- Springlake potholes repaired – 6/16
- Old Hwy 290 potholes repaired – 6/16
- Wallace St. potholes repaired – 6/16
- RR12 and Hays St. stop sign repair – 6/16, 6/21, 6/23
- Sportsplex fire lane repainted – 6/17
- Mercer St. DG bed cleaning and trimming – 6/22
- Rob Shelton ROW mowed – 6/23, 6/25
- Golden Eagle ROW mowed – 6/24
- Old Hwy 290 ROW mowed – 6/25
- Creek Rd. ROW mowed – 6/25
- Old Fitzhugh pothole repaired – 6/30
- Mercer St. pothole repaired – 6/30
- San Marcos St. pothole repaired – 6/30

### **Facilities**

- City Hall light fixtures cleaned – 6/2
- Ranch House septic tanks treated – 6/2
- City Hall A/C filters replaced – 6/2
- Stephenson bldg. A/C filters replaced – 6/2
- Ranch House A/C filters replaced – 6/2
- DSRP women's restroom toilet repaired – 6/3
- Ranch House water station set up – 6/3
- City Hall water filled – 6/4, 6/18, 6/25
- City Hall mowed and trimmed – 6/8
- Stephenson bldg. mowed and trimmed – 6/8, 6/24
- DSRP doorknob replaced – 6/8
- Ranch House fire pit cleaning – 6/10
- City Hall desk and couch moved – 6/15
- DSRP water collection irrigation pump repair – 6/14-6/15
- DSRP wash rack drainage jet cleaned – 6/15-6/16
- Ranch House water run – 6/21
- City hall light bulbs replaced – 6/21
- City Hall building office door hung – 6/21
- Ranch House shelving and boards installed – 6/23

### **Equipment/Vehicles**

- DSRP Kioti 4x4 brakes checked – 6/3

- Kioti Tractor DPF cleaned out – 6/3-6/4
- Ford F-350 (MD002) taken to dealership for limb mode repairs – 6/4
- Ford F-150 (MD003) pm'd – 6/4, 6/11
- Ford F-250 (MD004) pm'd – 6/4, 6/11, 6/18, 6/25
- Ford F-150 (PW001) pm'd – 6/4
- DSRP Water wagon repaired – 6/7, 6/10, 6/25, 6/28-6/30
- Mobile bleachers repaired – 6/9
- Ford F-350 (MD002) picked up from dealership – 6/10
- Ford F-250 (MD004) dropped off at dealership – 6/10
- Ford F-250 (MD004) picked up from dealership – 6/11
- DSRP Kioti 4x4 overheating issue investigated – 6/11
- Ford F-150 (MD005) dropped off for hail damage repair – 6/14
- SRWRF mower tire replaced – 6/16
- Kioti Tractor #1 hydraulic leak repaired – 6/17
- Ford F-350 (MD002) pm'd – 6/17
- SRWRF mower pm'd – 6/21
- Mower blades sharpened – 6/23

#### **Other**

- Quarterly meeting – 6/1
- Cyber training – 6/2
- Barricades for water crossing set up at Creek Rd. – 6/3
- Old Mercer St. destination signs taken down – 6/16
- COC/VB building ramp repaired – 6/21-6/22
- Founders pool broken umbrellas disposed – 6/22
- Sandbags filled for storm prep – 6/23
- SRP meter reading reported to finance department – 6/23

#### **SRWRF**

- Building swept – 6/3
- Irrigation boxes trimmed – 6/8
- Facility, fence line, and irrigation boxes treated with herbicide – 6/10
- Lift stations mowed and trimmed – 6/14
- Potholes repaired – 6/22
- Covered area cleaned up – 6/25

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**CITY OF DRIPPING SPRINGS  
TRANSPORTATION COMMITTEE  
AGENDA**

**MONDAY, APRIL 26, 2021  
3:30-5:00 PM—VIA ZOOM CONFERENCE**

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**COMMITTEE MEMBERS:**

Interim Chairman – P&Z Comm. Jim Martin	John Pettit
City Council Rep.—Travis Crow	Ben Sorrell – Non-Voting Member
Barrett Criswell	Chad Gilpin, P.E., City Engineer
Sharon Hamilton	

**INVITED GUESTS:**

Hays Co. - Precinct 4 Comm. Walt Smith, County Engineer Jerry Borcharding, P.E., Adam Leach, EIT  
 DSISD – Pam Swanks, Mike Garcia  
 TxDOT, Austin District, So. Area Office – Epigmenio Gonzales, P.E., Michelle Romage-Chambers, P.E., Reed Smith, P.E.  
 CAMPO – Doise Miers  
 HDR (City Traffic Engineering Consultant) – Rashed Islam, P.E., Leslie Pollack, P.E., Isabella Albino

**AGENDA**

1. TXDOT
  - Project Updates
    - a. Highway 290 Study Update
      - Nothing New
    - b. RR 12 Expansion Project
      - Still working on the East side of the road.
  - New/Other Project(s) Update
    - Willy Semora is the new area engineer for TxDoT and will be attending meetings from here on out in place of Epi

## 2. Hays County

- Project Updates
  - a. Hays County Transportation Plan Update

K Friese is wrapping up the plan update and they are expecting adoption in June or July

- New/Other Projects(s) Update
  - Nothing prepared, asks for any questions. Ben asks if they have information on RR 12 150 intersection. It is going to be let by txdot. Hays is finishing up design. They are expecting it to be let by the end of next year, construction beginning early next year.

## 3. HDR (Traffic Engineering Consultant)

- Update on Draft Transportation Master Plan
  - Since the last meeting, the third public outreach has taken place. They got a lot of questions and feedback. At this point they are waiting for more feedback, looking at comments they are getting from the planning website. Right now, they are waiting for the Hays County Master plan and some additional coordination with the EDC before preparing a package for Planning Commission and City Council. Robin Melanson asks if there is anyway the citizens will be able to see the final draft before it goes to the commission and City Council. Ginger says once they get it all together, they will talk with PnZ and CC about how to move forward before the actual adoption.
- Status of Traffic Impact Analysis Reviews/Task Orders:
  - a. Heritage Project
    - They're TIA has had comments cleared and they are in the design phase. Leslie and Chad are recommending approval and it is going to PnZ tomorrow.
  - b. Cannon—Ashton Woods Project
    - A presentation will be given later in this meeting
  - c. Anarene/Double L Project
    - A traffic study was submitted for phase 1 of the development. It is being reviewed now. The Double L team has coordinated with txdot on driveway locations. There were sight distance issues on the signalized north access point but those were cleared. South access will not be signalized.

d. Cynosure Ranch/Wild Ridge Project

- Tia has been submitted and is being reviewed.

4. CITY OF DRIPPING SPRINGS

- Update on 2021 Transportation Alternative Grant Applications

- City had submitted preliminary applications in March. Both were deemed eligible for funding. The detailed applications deadline is in June and Aaron is working towards getting that completed.

5. Cannon Tract: Ashton Woods Roadway Proposal

- Ginger introduces Steven Pierce who will give a presentation (see attached)

6. FY2022 Budget Workshop

- Aaron Reed gives the presentation of the preliminary budget (see attached)
- John Pettit asks if PDD 11 still moving along? Its still moving along but they've been making changes. The City feels like it will happen, but we are budgeting for if it doesn't.
- Sharon asks if this budget is an increase from the previous years. Aaron states that this budget is an increase from FY 21 but this is less than FY 20. Rob Shelton improvements are a big part of that. We are all anticipating the PDD will go through, but we are budgeting just in case it doesn't.

7. New Business

- Nothing New

8. Adjourn

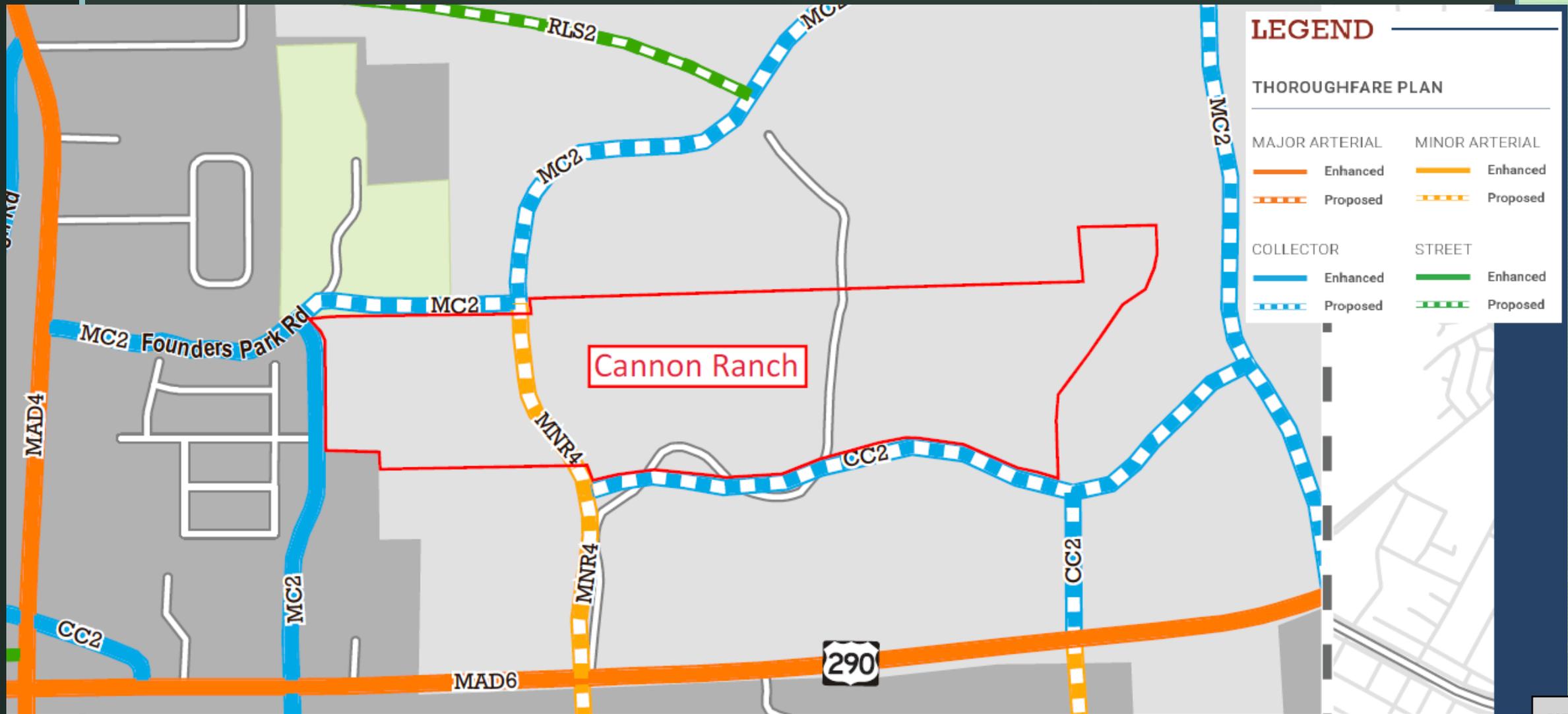
Dripping Springs Transportation Committee  
Presentation 4.26.21

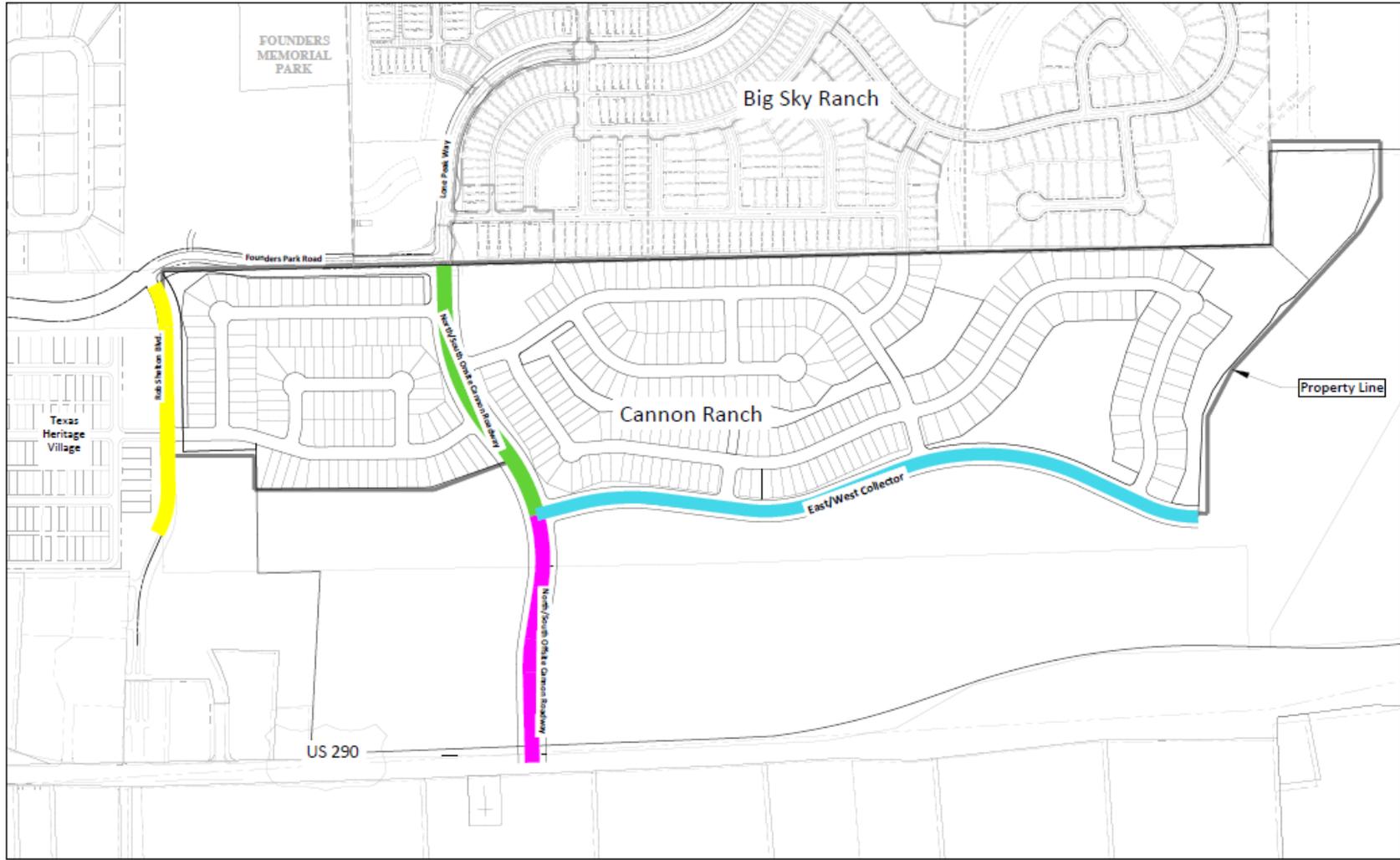
# Cannon Ranch

## Offsite Road Agreement

### Ashton Woods Homes

# ▶ Dripping Springs Master Transportation Plan





	Proposed Road Width	Existing Road Width	Proposed ROW	Existing ROW	Proposed LF
N/S Onsite Cannon Roadway (North of E/W)	48'	-	114'	-	1030
N/S Offsite Cannon Roadway (South of E/W)	48'	-	114'	-	1121
E/W Collector	24'	-	90'	-	2812
Rob Shelton	44'	22'	60'	60'	1085

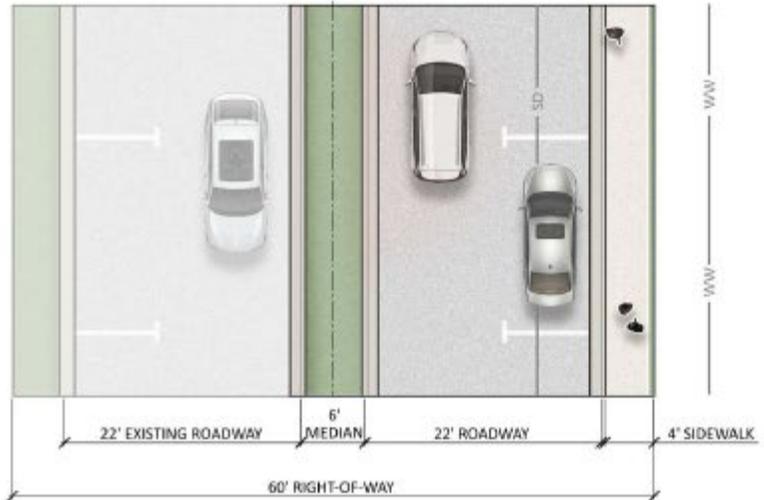
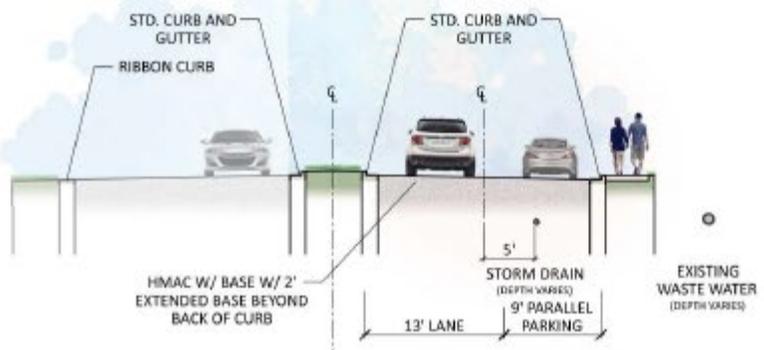


**DA DOUCET & ASSOCIATES**  
 Civil Engineering - Planning - Construction  
 4011 W. TX 37037, Dallas, TX 75241  
 www.doucetengr.com  
 TBP&E Firm Number: 3937  
 TBP&E Firm Number: 10104800

**Transportation Option**  
 Proposed Recommendations

**Cannon Ranch**  
 Dripping Springs, TX

Designed: EG  
 Created: EG  
 Reviewed: JH  
 Date: 04/15/2023  
 SHEET  
**1**  
 OF 1  
 Project No.: 1298-003

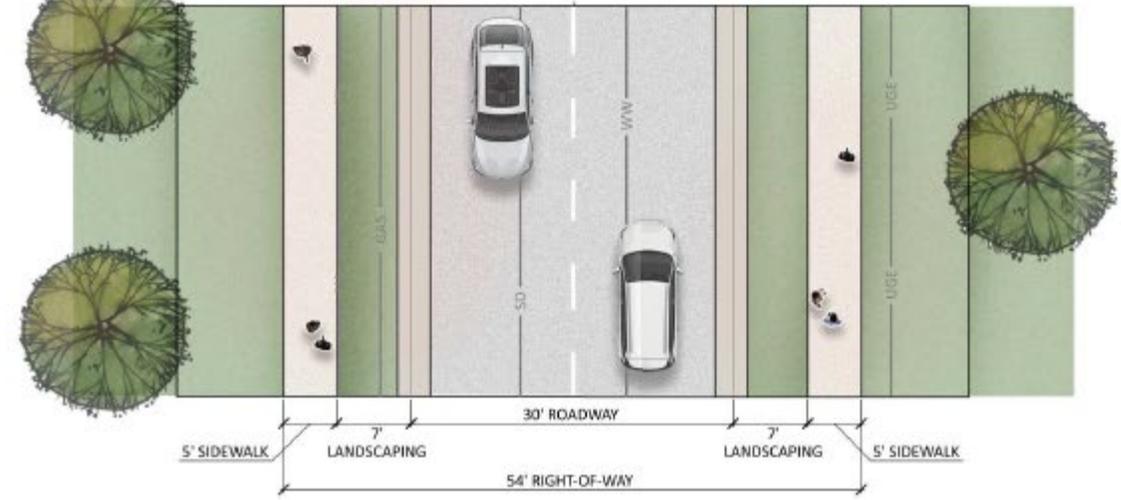
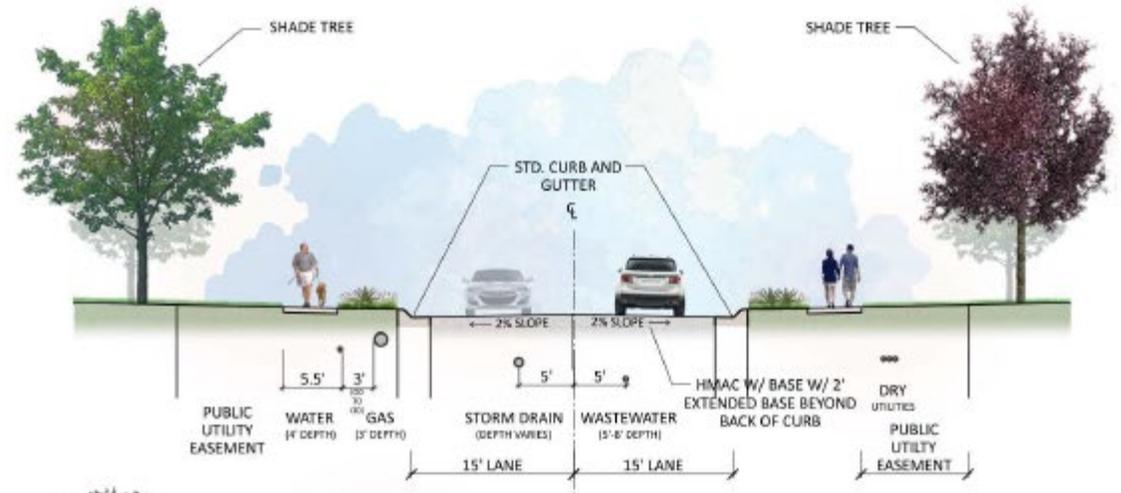


**STREET (60' R.O.W.)**  
**ROB SHELTON**

Scale: 1" = 20'

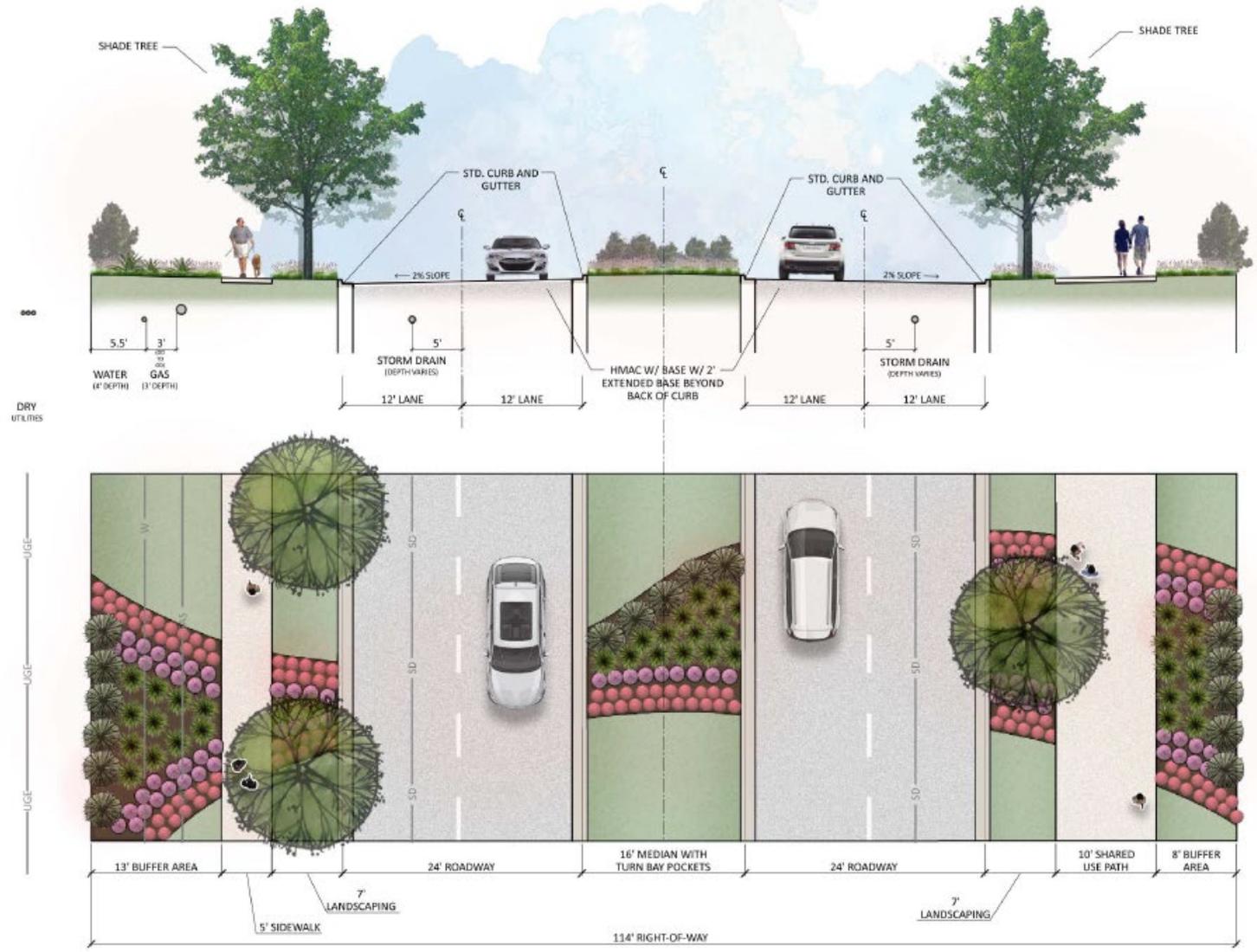
**NOTE:**

60' R.O.W. MAJOR COLLECTOR IS PROPOSED TO MATCH EXISTING SECTION THAT WAS BUILT WITH TEXAS HERITAGE VILLAGE



**STREET (54' R.O.W.)**  
**LOCAL STREET**

Scale: 1" = 20'



**STREET (114' R.O.W.)  
ONSITE N-S CANNON ROADWAY**

Scale: 1" = 15'

**NOTE:**

1. TURN BAYS AS REQUIRED
2. 114' ROW TO BE DEDICATED BY CANNON RANCH PDD DEVELOPMENT
3. ONSITE SHARED USE PATH, SIDEWALKS, AND LANDSCAPING TO BE CONSTRUCTED BY CANNON RANCH PDD DEVELOPMENT
4. LANDSCAPING WILL INCLUDE STREET TREES ON EITHER SIDE OF ROADWAY

**CANNON RANCH**

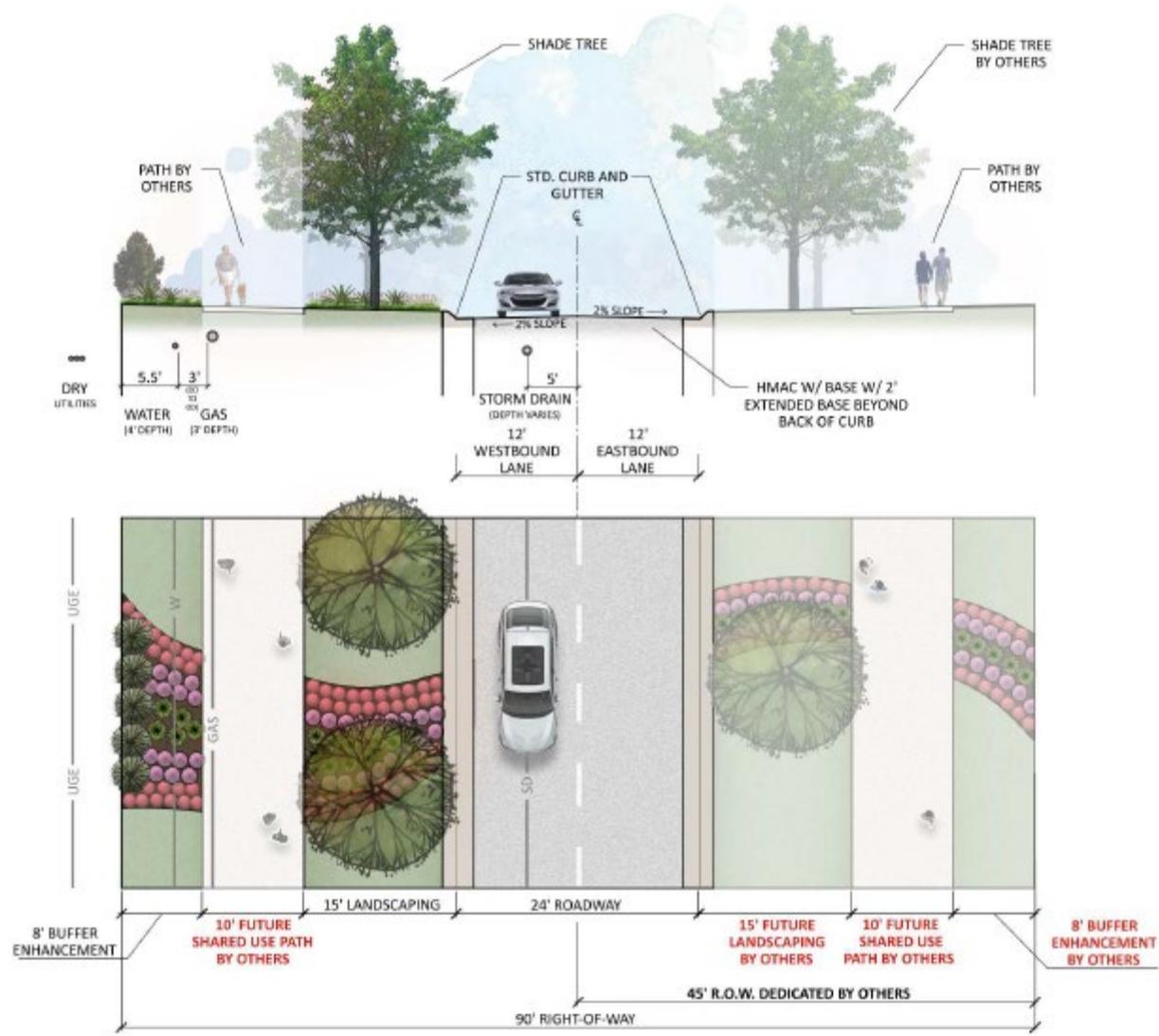
**SEC Planning, LLC**  
 Land Planning + Landscape Architecture + Community Branding  
 AUSTIN, TEXAS  
 1312.204.7000 • 1312.204.7101  
 www.secplanning.com • info@secplanning.com

**Exhibit E  
Street Sections**

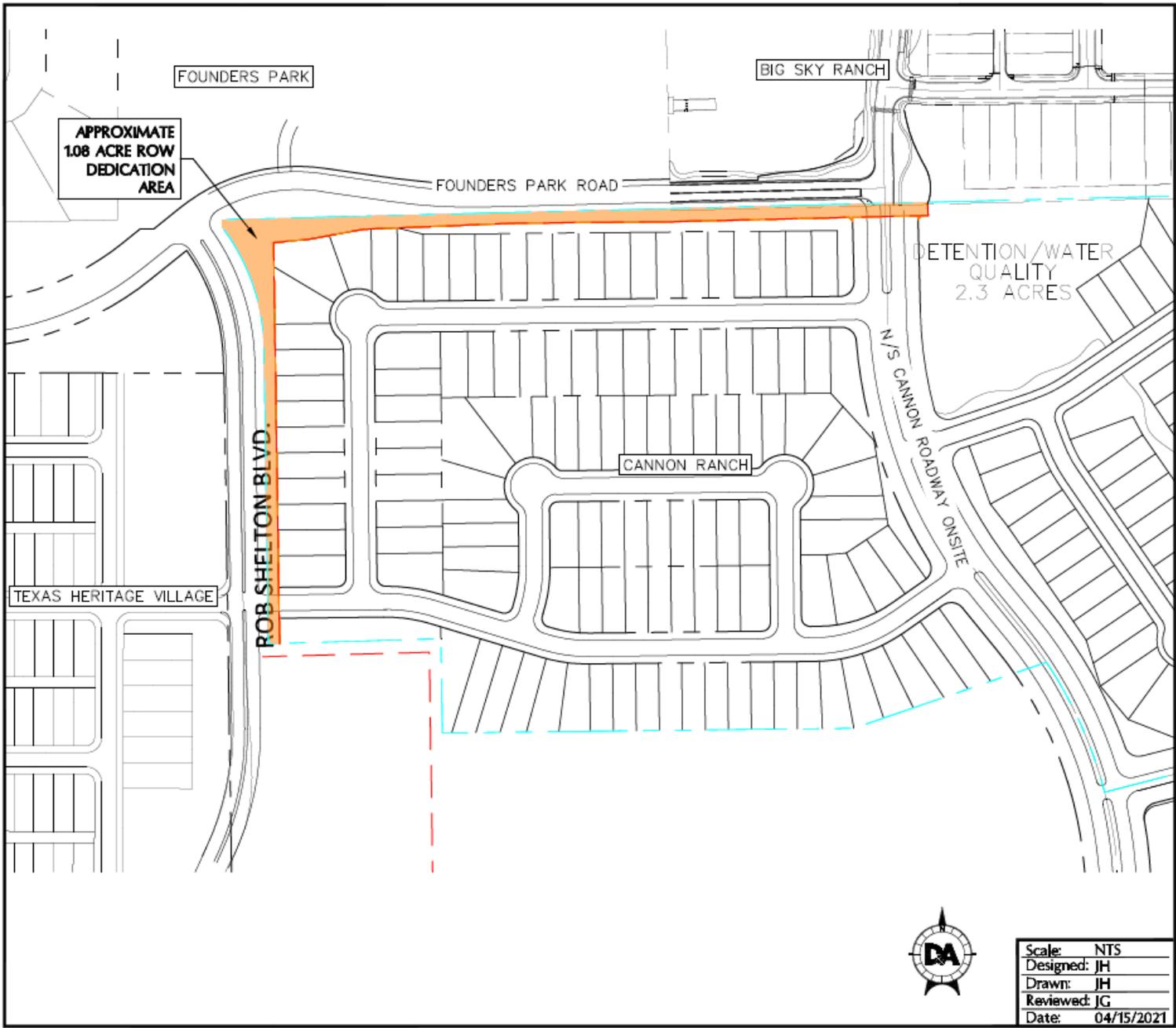
Date: April 22, 2021

SHEET FILE: 1118101613000\_Cannon\_PDD\_Planning\_Subsurface\_Sect...  
 Base mapping compiled from best available information. This land plan is conceptual in nature and should be considered as preliminary. In need of verification, this plan is subject to change. This land plan is conceptual in nature and does not represent any regulatory approval. Plan is subject to change.





**STREET (90' R.O.W.)**  
**E-W 2-LANE COMMERCIAL COLLECTOR**  
Scale: 1" = 20'



**DA DOUCET & ASSOCIATES**  
 Civil Engineering - Estimation - Surveying/Mapping  
 7401 B. Highway 71 W, Suite 160  
 Austin, Texas 78735, Phone: (512)-583-2600  
 www.doucetengineers.com  
 Firm Registration Number: 3937

OFFSITE ROADWAY  
 AGREEMENT  
 R.O.W.  
 DEDICATION EXHIBIT

CANNON RANCH  
 DRIPPING SPRINGS, TX

SHEET  
**EXHIBIT**  
 1 of 1  
 Project No:  
 1298-003

Scale: NTS  
 Designed: JH  
 Drawn: JH  
 Reviewed: JG  
 Date: 04/15/2021

# Road Improvement Cost Breakdown

## Ashton Woods Contribution:

Road Segment	Estimated Cost
24' East-West Collector - 90' ROW	\$927,290
48' North-South 4-Lane Minor Arterial Divided - 114' ROW [Onsite]	\$505,783
48' North-South 4-Lane Minor Arterial Divided - 114' ROW [Offsite]	\$457,939
22' Widening of Rob Shelton Blvd – 60' ROW*	\$465,990
Traffic Impact Analysis (TIA) Offsite Contribution for Hwy 290 Signalization**	\$307,500
<b>Total Estimated Cost</b>	<b>\$2,664,502</b>

## Notes:

- \* Rob Shelton improvements to be reimbursed to Ashton Woods through development fee credits. Road section to be built to match existing section south of Texas Heritage Village
- \*\* TIA pro-rata share amount of \$307,500 is a fixed contribution, with additional costs for signal construction to be reimbursed by future developments.

# Roadway Agreement Summary

- Proposed Cannon Ranch improvements are aligned with Dripping Springs Master Transportation Plan and road cross sections
- Total Ashton Woods Estimated Cost Share: **\$2,198,512**
  - Cost per Dwelling Unit: **\$5,862**
  - For comparison, Big Sky development included a total proposed improvements cost of \$1,427,464
    - Cost per Dwelling Unit: \$1,830
- Entire 4-Lane North-South arterial roadway and Rob Shelton expansion will be built with initial development phase
- ROW to be dedicated to City for future improvements along Founders Park Road
- Traffic signal at Hwy 290 will be built upon trip warrant (estimated timeline TBD)
- Improvements far exceed requirement of current city ordinance and improvements needed per Traffic Impact Analysis to offset the increase in traffic brought by the Cannon Ranch development

## **TRANSPORTATION COMMITTEE**

### **2021-2022 BUDGET REQUEST**

#### **1. Transportation Symposium - \$20,000**

The Transportation Committee will conduct a Transportation Symposium once in-person meeting resumes. The symposium will discuss key transportation issues in the City of Dripping Springs. These issues include the widening of US 290 and construction of alternate or bypass routes around the community. Key attendees include City, TxDOT, Hays County, CAMPO and political leaders. This fee assumes preparation time and conducting of two symposium dates along with additional one on one meetings, as required. This item was budgeted for in FY21 and was not used due to the lack of in-person meetings.

#### **2. Rob Shelton Sidewalk Project - \$160,000**

This estimated fee is the FY22 contribution to the City's portion of the TxDOT sidewalk grant for Rob Shelton. The fees included are for engineering, and construction administration.

#### **3. Roger Hanks Parkway - \$50,000**

This budget is to cover expenses related to design and construction of the improvements and extension of Roger Hanks Parkway. Design is anticipated to be started in FY21 and completed in FY22. Construction is anticipated to begin in FY22.

#### **4. Misc. HDR Consulting/Engineering - \$20,000**

This budget is to cover expenses incurred by the City's traffic consultant, HDR, on other matters that come to the attention of the Transportation Committee. Examples tasks include traffic engineering design, consultation on traffic-related issues and small studies. Review of Traffic Impact Analysis, which will be reimbursable by developers, for developments are included in this task. An additional \$10,000 was added for FY22 to cover anticipated costs for signal warrant studies.

#### **5. Middle School Sidewalk Design - \$140,000**

This estimated fee is the FY22 contribution to the City's portion of the TxDOT sidewalk grant for the Middle School sidewalks. This fee will cover surveying, environmental, PS&E, and TxDOT administrative fees.

#### **6. Founders Park Signal - \$30,000**

This fee is to cover preliminary engineering for the installation of a traffic signal at Founders Park Rd. and RR 12. This amount was budgeted for FY21 and not used.

**7. Rob Shelton Intersection Improvements - \$300,000**

This is the anticipated cost for design and construction of intersection improvements to Rob Shelton and 290. The improvements will add an additional left turn lane on Northbound Rob Shelton. This project is part of the improvements required by PDD 11 and is anticipated to be paid in full by the developer. At this time, the roadway agreement has not been executed so the City is budgeting to complete the improvements in the event that PDD 11 is not completed.

**Total Requested Budget = \$720,000**

Dripping Springs TxDOT Grants Estimated Fee Schedule

Fiscal Year	Rob Shelton Project		DSMS Project		Total Fees
	Task	Fee	Task	Fee	
2021 (Oct 1 2020 - Sep 30 2021)	Engineering	\$ 78,378			\$ 168,454
	Surveying	\$ 38,318			
	Environmental	\$ 23,949			
	PS&E Project Admin	\$ 14,369			
	TxDOT Admin Fees	\$ 13,440			
2022 (Oct 1 2021 - Sep 30 2022)	Engineering	\$ 65,315	Surveying	\$ 56,240	\$ 256,008
	Construction	\$ 53,760	Environmental	\$ 35,150	
			PS&E Project Admin	\$ 21,090	
			TxDOT Admin Fees	\$ 24,452	
2023 (Oct 1 2022 - Sep 30 2023)			Engineering	\$ 182,781	\$ 182,781
2024 (Oct 1 2023 - Sep 30 2024)			Construction	\$ 97,808	\$ 97,808
Total Local Participation		\$ 287,529		\$ 417,522	\$ 705,051

## 5.24.21 Transportation Committee Meeting

Meeting started 3:33pm

### TXDOT

- Highway 290 Study Update
  - No money right now to keep it going
- RR 12 Expansion
  - Making good progress when it is not wet/raining
  - Still in discussion with the 150 Roundabout
  - Guardrail being hit is a concern

### Hays County

- No appearance

### Developer Presentation

- Wild Ridge
  - Showed a map to show how one future road will become a major artery connecting to FM 150 and hopefully ease traffic
  - There will be roads that run east to west connecting Big Sky Ranch and Headwaters
  - How to make from a 2 to a 4-lane road?
    - Their traffic will only require 2 lane roads but when connected to other projects, the demand will require a 4-lane road
    - They already planned for it to be a 4-lane road ahead of time, the road will have a trail that is 10 feet
    - They gave extra space in the right of way

### City of Dripping Springs

- Transportation Grant
  - Building sidewalks connecting to
    - Triangle
    - DISD
    - Harrison Hills subdivision and RR12
  - Two Resolutions of support
  - Voting
    - Sharon – Yes

- John – Yes
  - Chad – Yes
  - James – Yes
- Mercer Street Connectivity Sidewalks
  - Connects all the project we have been awarded
    - Middle school project to the high school to Rob Shelton project
    - Gives connectivity to the triangle, the farmer’s market, homestead, commercial center, and McDonald’s
  - Voting
    - Sharon – Yes
    - John – Yes
    - Chad – Yes
    - James – Yes
    - 4-0

#### HDR

- Transportation Master Plan
  - Summary on public open house will be included
- TIA Reviews
  - Heritage
    - Additional design
  - Cannon – Ashton Woods Project
    - Needs to be cleaned up
    - Coordinated with TxDOT with the TIA
  - Anarene/Double L Project
    - Reviewed phase 1
    - Continuing discussion with Hays County
  - Wild Ridge

#### FY2022 Budget Workshop

- Rob Shelton Intersection was removed

#### No New Businesses

Meeting Adjourned 4:42pm

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**CITY OF DRIPPING SPRINGS  
TRANSPORTATION COMMITTEE  
AGENDA**

**MONDAY, JUNE 28, 2021  
3:30-5:00 PM—VIA ZOOM CONFERENCE**

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**COMMITTEE MEMBERS:**

\*Interim Chairman – P&Z Comm. Jim Martin  
City Council Rep.—VACANT  
\*Barrett Criswell  
\*Sharon Hamilton

\*Travis Crow—Non-Voting Member  
John Pettit - Absent  
Ben Sorrell – Non-Voting Member - Absent  
\*Chad Gilpin, P.E., City Engineer

**INVITED GUESTS:**

Hays Co. - Precinct 4 Comm. Walt Smith, County Engineer Jerry Borcharding, P.E., Adam Leach, EIT, Winton Porterfi

DSISD – Pam Swanks, Mike Garcia

TxDOT, Austin District, So. Area Office – William Semora, Jr. P.E., Michelle Romage-Chambers, P.E., Reed Smith, P.E.

CAMPO – Doise Miers

HDR (City Traffic Engineering Consultant) – Rashed Islam, P.E., Leslie Pollack, P.E., Isabella Albino

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Meeting started at 3:30 pm by Interim Chairman Jim Martin.

**AGENDA**

1. TXDOT
  - Project Updates
    - a. Highway 290 Study Update
      1. WSEMORA gives an update
        - a. CAMPO is continuing with the study
        - b. No deadline or dates yet
    - b. RR 12 Expansion Project

1. WSEMORA spoke with the team late last week. Weather pending, they are planning to finish paving towards the end of July and beginning of August and finally begin to add grass
  - New/Other Project(s) Update
    - a. Reed presents nothing new
    - b. Travis comments about the guardrail getting hit and hopefully find a solution
      1. WSEMORA responds about a 6-foot shoulder to give a buffer. Reed is looking into the drainage channel to open it up
    - c. WSEMORA comments about his meeting with Ms. Black and addressing her problems
    - d. Reed presents that there has been water west of town. Aaron notes that Dreamland points cause to TxDOT, causing a river to form and run-down Bunker Ranch.
2. Hays County
  - Project Updates
    - a. Hays County Transportation Plan Update
    - b. Winton presents that the plan is about done around July 13<sup>th</sup>.
    - c. Leslie comments about the Transportation Master Plan about seeing a more up to date version before its official release. Winton can send a copy.
  - New/Other Projects(s) Update
3. DEVELOPER PRESENTATIONS
  - Anarene Development (Double L Ranch)—Proposed Transportation Improvements
    - a. Laura introduces Seth Mearig to speak about Double L connectivity
    - b. Seth presents a map
      1. Blue color denotes within the Double L development
        - a. The north side road has 4 lanes
        - b. The one headed south is converting to a 4 lane
      2. He notes there will be a roadway to connect with Big Sky
      3. Created a roadway to connect with Cynosure
    - c. Conceptual Master Plan

1. Suggested that the density be taken from the west side to the south side of the development

d. Three Phases of the 4-lane roadway

1. Phase 1. Four lane roadways on red dotted lines with a traffic circle on south and north side of little Barton creek
  - a. Red (phase 1) is to start in October 2021
2. During the 2<sup>nd</sup> phase the southern roads will be completed and have established trigger dates
  - a. DA committed date December 2023
  - b. Expected start date January 2023
3. Last phase is expected to be starting in December 2024

e. Travis has a question about the density and when to start building. Seth answers that they are committed to those dates. They have dedicated 90 feet for TxDOT along RR12. Travis asks Seth to reach out to TxDOT so that the two are on the same page.

f. Sharon asks a question for Seth about the southern connection to RR12. Seth answers about existing conditions.

g. Pablo Martinez notes that in Phase 1 they have a 25-foot ROW in reserves.

h. Travis asks a question about moving the density from the west to the south. Seth says they are matching the densities throughout the masterplan and to promote certain roadways sooner.

4. HDR (Traffic Engineering Consultant)

- Update on Draft Transportation Master Plan
  - a. Should be good to go sometime in July and scheduling with Ginger.
- Status of Traffic Impact Analysis Reviews/Task Orders:
  - a. Finished the review of TIA and in the near future the Full TIA
  - b. Heritage Project
    1. Survey underway to tie into Roger Hanks
  - c. Cannon—Ashton Woods Project
  - d. Anarene/Double L Project
  - e. Wild Ridge (Cynosure Ranch) Project

1. Reviewed the 1<sup>st</sup> draft of the TIA, expecting redraft in a few weeks

f. Upcoming Reviews

1. Bunker Ranch

- a. Previously did not have to do a TIA but increased lots and now have to do a TIA
- b. Expecting to review a TIA
- c. Bunker ranch already have left turn lanes, deceleration lanes, and signals

2. Arrowhead

- a. This may need a signal

3. New Growth TIA

5. New Business

- Aaron and Chad have no new business to bring up.
- Ginger proposes for more comments, questions, or direction for the Anarene development team.
  - a. Sharon is comfortable with the development since Leslie is familiar with the project and its connectivity.
  - b. Travis notes his concerns about having a standard mechanism in place.
  - c. Vice Chair Jim notes his concerns about dates.
    1. Seth mentions that we all have the same goals in mind and will be looking more into dates

6. Adjourn

- 4:15pm is adjourned by Vice Chair Jim Martin



# Legislative UPDATE

<i>Subject Index for City-Related Bill Summaries</i>	
Property Tax .....	3
Public Safety .....	8
Sales Tax.....	24
Community and Economic Development .....	25
Elections .....	34
Emergency Management .....	37
Municipal Courts .....	40
Open Government.....	42
Other Finance and Administration .....	43
Personnel.....	58
Purchasing.....	62
Transportation.....	66
Utilities and Environment .....	68

June 11, 2021  
Number 22

## **Eighty-Seventh Legislature Adjourns:** **Cities Retain Their Voice**

A legislative session that got its start during two major disasters—the Coronavirus Pandemic and Winter Storm Uri—ended just as unusually, with House members leaving the building on the penultimate day to break a quorum on a bill they disliked.

In between, important legislation was passed, much of it beneficial for Texas cities. One bill that passed, H.B. 5, will speed the expansion of broadband to underserved communities by creating a new Broadband Development Office to be overseen by the comptroller. Assisting the expansion of broadband—as H.B. 5 does—was a TML priority.

Another TML priority was supporting legislation that hardens the electric grid in the wake of Uri. Several grid-related bills were passed, including S.B. 3, to try to prevent future electric disasters.

Good annexation legislation passed, as well. S.B. 374, corrects unintended consequences related to annexing roads that was caused by legislation passed in 2017 and 2019.

Many bills that would have harmed city authority either failed to pass or passed in negotiated form that cities can live with, including the following:

- A community censorship bill that would have prevented cities from hiring advocates or joining associations that advocate for their issues at the Capitol.
- A debt bill that, in its early form, would have prevented the issuance of most certificates of obligation for infrastructure projects by requiring they be paid from the maintenance and operations side of the property tax rate.
- A bill that would have harmfully expanded the application of calendar “shot clocks” in the building permitting and land development fields.
- A “super preemption” bill that would have prevented many city regulations from applying to any state license holder.
- Legislation requiring paid sick and injury leave for first responders that was duplicative of already existing workers compensation laws.
- A bill that would have prevented cities from regulating backyard agricultural practices.

There were many more harmful bills that ended up on the “cutting room floor”, as it were, or were negotiated by the League and its cities into an acceptable format.

Not all restrictive bills were defeated, however, and all of the ones that passed will be summarized in detail later in this edition of the Update. Included among those that passed are a bill preventing police “defunding” in certain large cities, legislation waiving governmental immunity for development agreements, and a bill limiting the scope of the disaster exception under last session’s revenue cap bill.

On balance, it was a positive session for Texas cities as they emerge from two unprecedented disasters. City leaders had a “seat at the table” on important legislation and constructive communication between city officials and legislators was critical in fighting back some of the most problematic legislation. There will be a special session later in 2021 to address legislative redistricting, in addition to other unfinished business from the regular session, during which any of the harmful ideas mentioned above could be revived. We will be ready.

## City-Related Bills

The following sections contain summaries of the 249 city-related bills passed by the Eighty-Seventh Legislature. The governor has until June 20 to sign bills, veto them, or let them become law without his signature. The effective date of each bill is noted in a parenthetical following each bill described below. Some of the bills will become effective as soon as they are signed (e.g., “effective immediately”), others (unless vetoed) will become effective on September 1, and a few have special effective dates.

Future issues of the *TML Legislative Update* or *Texas Town & City* magazine will provide additional details on some of the bills described here, may include summaries of “straggler” bills that for various reasons were not summarized at the time of printing, and will provide other updates as appropriate.

The link for each bill leads to its “landing page” on the Texas Legislature Online website. To read the final version, click on the “text” tab and click on the “enrolled” version on that screen.

### Property Tax

**[H.B. 988 \(Shine/Hancock\)](#)** – **Property Tax Appraisal**: this bill, among other things: (1) provides that a member of the governing body, officer, or employee of a taxing unit commits a Class A misdemeanor if the person directly or indirectly communicates with the chief appraiser or another employee of the appraisal district in which the taxing unit participates for the purpose of influencing the value at which property in the district is appraised, unless the person owns or leases the property that is the subject of the communication; (2) authorizes the governing body of a taxing unit, any part of which is located in an area designated a disaster area on or after January 1, 2020, to take official action to extend the date by which goods-in-transit must be transported to another location in the state or outside the state to a date not later than the 270th day after the date the person acquired the property in or imported the property into the state for the purposes of the goods-in-transit property tax exemption; and (3) provides that the authority described in (2), above, expires on December 31, 2025. (Summarized provisions are effective January 1, 2022, certain other provisions in the bill are effective immediately.)

**[H.B. 1090 \(Bailes/Nichols\)](#)** – **Property Tax Appraisal**: provides that, if the chief appraiser discovers that real property was omitted from an appraisal roll in one of the three preceding tax years, the chief appraiser shall appraise the property as of January 1 of each tax year that it was omitted and enter the property and its appraised value in the appraisal records. (Effective September 1, 2021.)

**[H.B. 1197 \(Metcalf/Campbell\)](#)** – **Property Tax Exemption**: extends from six years to ten years the amount of time that a tract of land that is contiguous to the tract of land on which a religious organization’s place of regular religious worship is located may be exempted from property taxes

when the religious organization is expanding or constructing a new place of religious worship. (Effective January 1, 2022.)

**H.B. 1869 (Burrows/Bettencourt)** – **Debt Financing:** modifies the definition of “debt” for purposes of the debt service property tax rate calculation to only include debt that meets one of the following requirements: (1) has been approved at an election; (2) includes self-supporting debt; (3) evidences a loan under a state or federal financial assistance program; (4) is issued for “designated infrastructure”, which means infrastructure, including a facility, equipment, rights-of-way, or land, for the following purposes: (a) streets, roads, highways, bridges, sidewalks, parks, landfills, parking structures, or airports; (b) telecommunications, wireless communications, information technology systems, applications, hardware, or software; (c) cybersecurity; (d) as part of any utility system, water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, wharf, dock, or flood control and drainage project; (e) police stations, fire stations, or other public safety facilities, jails, juvenile detention facilities, or judicial facilities, and any facilities that are physically attached to these facilities; (f) as part of any school district; or (g) as part of any hospital district that includes a teaching hospital; (5) is a refunding bond; (6) is issued in response to an emergency related to a hurricane or tropical storm; (7) is issued for renovating, improving, or equipping existing buildings or facilities; (8) is issued for vehicles or equipment; or (9) is issued for a tax increment reinvestment zone or a transportation reinvestment zone. (Effective September 1, 2021.)

**H.B. 2429 (Meyer/Bettencourt)** – **Property Tax Rate Notice:** this bill, for a city with a population of less than 30,000 that is not required to hold a tax rate election and for which the qualified voters may not petition to hold an election, establishes alternate provisions for notice of the property tax rate when the de minimis tax rate of the city exceeds the voter-approval tax rate. (Effective immediately.)

**H.B. 2535 (Sanford/Perry)** – **Property Tax Appraisal:** provides that, in determining the market value of real property, the chief appraiser shall analyze the effect on that value of, and exclude from that value the value of, any chicken coops or rabbit pens used for the noncommercial production of food for personal consumption. (Effective January 1, 2022.)

**H.B. 2723 (Meyer/Bettencourt)** – **Tax Rate Notice:** requires: (1) the Department of Information Resources to develop and maintain an easily accessible Internet website that lists each property tax database and includes a method to assist a property owner in identifying the appropriate property tax database for the owner’s property; and (2) certain existing property tax rate notices to contain a statement encouraging taxpayers to visit a website collecting property tax database information to read as follows: “Visit Texas.gov/PropertyTaxes to find a link to your local property tax database on which you can easily access information regarding your property taxes, including information about proposed tax rates and scheduled public hearings of each entity that taxes your property.” (Effective immediately, but changes made by the bill apply only to a notice required to be delivered for a property tax year beginning on or after January 1, 2021.)

**H.B. 3610 (Gervin-Hawkins/Springer)** – **Property Tax Exemption:** this bill, among other things: (1) exempts property owned by an open-enrollment charter school from property taxes; and (2) exempts the portion of real property that is leased to an independent school district, community

college district, or open-enrollment charter school from property taxes if the portion of the real property that is leased to the public school is: (a) used exclusively by the public school for the operation or administration of the school or the performance of other educational functions of the school; and (b) reasonably necessary for a purpose under (a) as found by the school's governing body. (Effective September 1, 2021.)

**H.B. 3629 (Bonnen/Taylor)** – **Property Tax Deferral:** this bill, among other things, provides that a taxing unit may not file suit to collect delinquent taxes on the residence homestead of an elderly or disabled person or disabled veteran, and the property may not be sold at a sale to foreclose the lien, until the 181st day after the date the collector for the taxing unit delivers a notice of delinquency of the taxes following the date the individual no longer owns and occupies the property as a residence homestead. (Effective September 1, 2021.)

**H.B. 3833 (P. King/Hancock)** – **Property Tax Appraisal:** this bill, among other things: (1) modifies the appraisal of certain nonexempt property used for low-income or moderate-income housing if the property in question is under construction or has not reached stabilized occupancy on January 1 of the tax year in which the property is appraised; (2) eliminates the requirement for a property owner to pay interest along with an additional tax imposed on certain agriculture land and timber land if a change in the use of the land occurs; and (3) provides that, if land appraised as recreational, park, scenic land, or public access airport property is diverted to another use, an additional tax is imposed on the land equal to the difference between the taxes imposed on the land for each of the previous three years and interest is eliminated. (Effective immediately.)

**H.B. 3971 (Meyer/West)** – **Appraisal of Property in Historic District:** provides that when determining the market value of residential real property located in an area that is zoned or otherwise designated as a historic district under city, state, or federal law, the chief appraiser shall consider the effect on the property's value of any restriction placed by the historic district on the property owner's ability to alter, improve, or repair the property. (Effective January 1, 2022.)

**S.B. 63 (Nelson/Meyer)** – **Appraisal Process:** makes several changes to the property tax appraisal process, including: (1) imposing term limits on appraisal district board of directors members for appraisal districts established in a county with a population of 120,000 or more; (2) prohibiting certain former employees of an appraisal district from later serving on an appraisal district board of directors; (3) prohibiting certain former members of the appraisal review board from serving as an employee of the appraisal district; (4) providing that a person is entitled to an exemption from property taxation of the appraised value of a solar or wind-powered energy device owned by the person that is installed or constructed on real property and is primarily for production and distribution of energy for on-site use, regardless of whether the person owns the real property on which the device is installed or constructed; (5) imposing a 90-day and 30-day time limit on various determinations that a chief appraiser can make on certain exemptions and other appraisal applications; and (6) limiting the ability of a chief appraiser to offer evidence at certain protest and appraisal hearings in support of modifying or denying an application. (Effective September 1, 2021.)

**S.B. 611 (Campbell/Lopez)** – **Property Tax Exemption:** this bill: (1) exempts from property taxes the residence homestead of the surviving spouse of a member of the armed services who is

fatally injured in the line of duty; (2) except as provided by (3), below, requires a chief appraiser to accept and approve or deny an application for a residence homestead exemption after the deadline for filing it has passed if it is filed not later than two years after the delinquency date for taxes on the homestead; and (3) requires a chief appraiser to accept and approve or deny an application for a homestead exemption for a partially or totally disabled veteran after the deadline for filing it has passed if it is filed not later than five years after the delinquency date for the taxes on the property. (Effective January 1, 2022, but only if **S.J.R. 35** is approved at the election on November 2, 2021.)

**S.B. 742 (Birdwell/Anderson)** – **Installment Payments in Disaster or Emergency Area:** provides that, for certain property owned or leased by a business entity in a disaster or emergency area that has not been damaged as a result of a disaster or emergency, the governing body of a taxing unit may authorize a person to pay the taxing unit’s property taxes in four equal installments without penalty or interest if the first installment is paid before the delinquency date and is accompanied by notice to the taxing unit that the person will pay the remaining taxes in three equal installments. (Effective immediately.)

**S.B. 794 (Campbell/Meyer)** – **Disabled Veteran Property Tax Exemption:** modifies the eligibility for a homestead property tax exemption for a totally disabled veteran to a disabled veteran who “has been awarded by” the United States Department of Veterans Affairs 100 percent disability compensation, instead of a disabled veteran who “receives from” the United States Department of Veterans Affairs 100 percent disability compensation. (Effective January 1, 2022.)

**S.B. 1257 (Birdwell/Murphy)** – **Property Tax Abatement:** requires a chief appraiser to include in a tax abatement report submitted to the comptroller a list of the kind, number, and location of all proposed improvements of the property in connection with each tax abatement agreement within the district in the year following the year in which or an agreement is executed. (Effective September 1, 2021.)

**S.B. 1421 (Bettencourt/Thierry)** – **Property Tax Appraisal:** this bill, among other things, authorizes the appraisal review board, on the motion of the chief appraiser or of a property owner, to direct by written order changes in the appraisal roll or related appraisal records under certain circumstances for the current tax year and for either of the two preceding tax years to correct an inaccuracy in the appraised value of the owner’s tangible personal property that is the result of an error or omission in a rendition statement or property report filed for the applicable tax year. (Effective September 1, 2021.)

**S.B. 1427 (Bettencourt/Shine)** – **Property Tax Exemption:** clarifies that the temporary property tax exemption for a portion of the appraised value of property damaged by a disaster only applies when there is physical damage to a property caused by a disaster. (Effective immediately.)

**S.B. 1438 (Bettencourt/Meyer)** – **Tax Rate Calculation in Disaster Area:** this bill, among other things:

1. repeals existing law relating to the calculation of a tax rate in a disaster area;

2. provides that the governing body of a taxing unit, other than a school district, may direct the designated officer or employee to calculate the voter-approval tax rate of the taxing unit in the manner provided for a special taxing unit (an eight percent voter-approval rate) if any part of the taxing unit is located in an area declared a disaster area during the current tax year by the governor or by the president of the United States and at least one person is granted a temporary property tax exemption for a portion of the appraised value of property damaged by a disaster;
3. requires the designated officer or employee to continue calculating the voter-approval tax rate in the manner provided by Number 2, above, until the earlier of: (a) the first tax year in which the total taxable value of property taxable by the taxing unit as shown on the appraisal roll for the taxing unit submitted by the assessor for the taxing unit to the governing body exceeds the total taxable value of property taxable by the taxing unit on January 1 of the tax year in which the disaster occurred; or (b) the third year after the tax year in which the disaster occurred;
4. provides that in the first tax year following the last tax year for which the designated officer or employee calculates the voter-approval tax rate under Number 2, above, the taxing unit's voter-approval tax rate is reduced by the taxing unit's emergency revenue rate;
5. provides that when increased expenditure of money by a taxing unit other than a school district is necessary to respond to a disaster, including a tornado, hurricane, flood, wildfire, or other calamity, but not including a drought, epidemic, or pandemic, that has impacted the taxing unit and the governor has declared any part of the area in which the taxing unit is located as a disaster area, an election is not required to approve a tax rate exceeding the voter-approval tax rate or de minimis tax rate, as applicable, for the year following the year in which the disaster occurs;
6. provides that, if a taxing unit adopts a tax rate under Number 5, above, the amount by which the rate exceeds the taxing unit's voter-approval tax rate for that tax year may not be considered when calculating the taxing unit's voter-approval tax rate for the tax year following the year in which the taxing unit adopts the rate;
7. requires a taxing unit that calculates the taxing unit's voter-approval tax rate under Number 2, above, or adopts a tax rate that exceeds the taxing unit's voter-approval tax rate for that tax year without holding an election under Number 5, above, to specify the disaster declaration that provides the basis for authorizing the taxing unit to calculate or adopt a tax rate under the applicable statute;
8. provides that a taxing unit that in a tax year specifies a disaster declaration under Number 7, above, may not in a subsequent tax year specify the same disaster declaration as providing the basis for authorizing the taxing unit to calculate or adopt a tax rate under the disaster authority if, in an intervening year, the taxing unit specifies a different disaster declaration as the basis for authorizing the taxing unit to calculate or adopt a tax rate; and
9. eliminates the ability of a local taxing unit to adopt the temporary exemption for qualified property damaged by a disaster following the date the taxing unit adopts a tax rate, making the property tax exemption mandatory regardless of when the disaster occurs.

(Effective immediately.)

**S.B. 1449 (Bettencourt/Murphy) – Property Tax Exemption:** provides that a person is entitled to a property tax exemption for tangible personal property with a taxable value of less than \$2,500 and that is held or used for the production of income. (Effective January 1, 2022.)

**S.J.R. 35 (Campbell/Lopez) – Property Tax Exemption:** amends the Texas Constitution to authorize the legislature to exempt from property taxes the residence homestead of the surviving spouse of a member of the armed services who is fatally injured in the line of duty. (Effective if approved at the election on November 2, 2021.)

### **Public Safety**

**H.B. 9 (Klick/Campbell) – Obstructing Highway:** provides that it is a state jail felony if, in committing the offense of obstructing a highway or other passageway, the actor knowingly: (1) prevents the passage of an authorized emergency vehicle that is operating the vehicle’s emergency audible or visual signals; or (2) obstructs access to a hospital or other health care facility that provides emergency medical care. (Effective September 1, 2021.)

**H.B. 54 (Talarico/Whitmire) – Police Reality TV Shows:** prohibits a law enforcement agency from authorizing a person to accompany and film a peace officer acting in the line of duty for the purpose of producing a reality television program. (Effective immediately.)

**H.B. 103 (Landgraf/Zaffirini) – Active Shooter Alert System:** requires the Texas Department of Public Safety to establish the Texas Active Shooter Alert System and allows local law enforcement agencies to request activation of the system when certain criteria are met. (Effective September 1, 2021.)

**H.B. 390 (S. Thompson/Huffman) – Human Trafficking:** imposes requirements for human trafficking awareness and prevention in commercial lodging establishments, and provides that: (1) a peace officer may enter the premises of a commercial lodging establishment between the hours of 9 a.m. and 5 p.m. Monday through Friday to ensure compliance with the requirements of the bill; (2) a city ordinance, rule, or other regulation related to human trafficking awareness and prevention in commercial lodging establishments, including training and certification requirements, is not preempted; and (3) in the case of a conflict between a city ordinance and this new law, the more stringent regulation controls. (Effective January 1, 2022, except that the requirement that the attorney general adopt related rules is effective September 1, 2021.)

**H.B. 402 (Hernandez/Alvarado) – Asset Forfeiture:** provides, among other things, that the head of a law enforcement agency may cover the costs of a contract with a city or county program to provide services to domestic victims of trafficking using any portion of the gross amount credited to the agency’s special asset forfeiture fund from the forfeiture of contraband that: (1) is used in the commission of, or used to facilitate or intended to be used to facilitate the commission of, an offense of human trafficking; or (2) consists of proceeds gained from the commission of, or property acquired with proceeds gained from the commission of, an offense of human trafficking. (Effective September 1, 2021.)

**H.B. 558 (White/Hall) – Blood and Breath Specimens:** this bill:

1. requires a peace officer to take a specimen of a person’s blood if:
  - a. the officer arrests the person for certain intoxication offenses involving the operation of a motor vehicle or a watercraft;
  - b. the person refuses the officer’s request to submit to the taking of a specimen voluntarily;
  - c. the person was the operator of a motor vehicle or a watercraft involved in an accident that the officer reasonably believes occurred as a result of the offense; and
  - d. at the time of the arrest, the officer reasonably believes that as a direct result of the accident any individual has died, will die, or has suffered serious bodily injury;
2. requires a peace officer to take the specimen of a person’s breath or blood under any of the following circumstances, if the officer arrests the person for an intoxication offense involving the operation of a motor vehicle or a watercraft and the person refuses the officer’s request to submit to the taking of a specimen voluntarily:
  - a. the person was the operator of a motor vehicle or a watercraft involved in an accident that the officer reasonably believes occurred as a result of the offense and, at the time of the arrest, the officer reasonably believes that as a direct result of the accident an individual other than the person has suffered bodily injury and been transported to a hospital or other medical facility for medical treatment;
  - b. the offense for which the officer arrests the person is an offense of driving while intoxicated with a child passenger; or
  - c. at the time of the arrest, the officer possesses or receives reliable information from a credible source that the person:
    - i. has been previously convicted of or placed on community supervision for the offense of driving while intoxicated with a child passenger, intoxication assault, or intoxication manslaughter, or an offense under the laws of another state containing elements substantially similar to the elements of such offenses; or
    - ii. on two or more occasions, has been previously convicted of or placed on community supervision for the offense of driving while intoxicated, flying while intoxicated, boating while intoxicated, or assembling or operating an amusement ride while intoxicated, or an offense under the laws of another state containing elements substantially similar to the elements of such offenses;
3. provides that the peace officer shall designate the type of specimen to be taken under the provisions of Number 2, above; and
4. provides that a peace officer may not require the taking of a specimen unless the officer:
  - a. obtains a warrant directing that the specimen be taken; or
  - b. has probable cause to believe that exigent circumstances exist.

(Effective September 1, 2021.)

**H.B. 763 (Toth/Zaffirini) – Seized Alcoholic Beverages:** provides that an alcoholic beverage, its container, and its package which has been seized by a peace officer shall be: (1) destroyed or disposed of by a peace officer; or (2) delivered to the Texas Alcoholic Beverage Commission

(TABC) for immediate public or private sale in the manner TABC considers best. (Effective September 1, 2021.)

**H.B. 929 (Sherman/West)** – **Body Worn Cameras**: provides that: (1) a body worn camera policy must: (a) include provisions related to the collection of a body worn camera, including the applicable video and audio recorded by the camera, as evidence; (b) require a peace officer who is equipped with a body worn camera and actively participating in an investigation to keep the camera activated for the entirety of the officer’s active participation in the investigation unless the camera has been deactivated in compliance with such policy; and (2) a peace officer equipped with a body worn camera may choose not to activate a camera or may choose to discontinue a recording currently in progress for any encounter with a person that is not related to an investigation. (Effective September 1, 2021.)

**H.B. 1024 (Geren/Hancock)** – **Alcohol To-Go**: this bill allows for the pickup and delivery of alcoholic beverages for off-premises consumption under certain circumstances. (Effective immediately.)

**H.B. 1069 (Harris/Birdwell)** – **First Responders Carrying Handguns**: this bill:

1. prohibits a city with a population of 30,000 or less that has not adopted collective bargaining from adopting or enforcing an ordinance, order, or other measure that generally prohibits a first responder who holds a license to carry a handgun, holds an unexpired certification of completion of a handgun training course for first responders, and has the required liability insurance from: (a) carrying a concealed or holstered handgun while on duty; or (b) storing a handgun on the premises of or in a vehicle owned or leased by the city if the handgun is secured with a device approved by the Texas Department of Public Safety (DPS);
2. provides that the prohibition in Number 1, above, does not prohibit a city from adopting an ordinance, order, or other measure that: (a) prohibits a first responder from carrying a handgun while on duty based on the conduct of the first responder; or (b) limits the carrying of a handgun only to the extent necessary to ensure that carrying the handgun doesn’t interfere with the first responder’s duties;
3. authorizes a city with a population of 30,000 or less that has not adopted collective bargaining to adopt a policy authorizing a first responder who holds a license to carry a handgun, holds an unexpired certification of completion of a handgun training course for first responders, and has the required liability insurance to: (a) carry a concealed or holstered handgun while on duty; or (b) store a handgun on the premises of or in a vehicle owned or leased by the city if the handgun is secured with a device approved by DPS;
4. provides that a first responder may not engage in the conduct described in Number 3(a)-(b), above, unless the city has adopted a policy authorizing the conduct;
5. provides that a first responder may discharge a handgun while on duty only in self-defense;
6. provides that a city that employs or supervises a first responder is not liable in a civil action arising from the discharge of a handgun by a first responder who is licensed to carry a handgun;
7. provides that the discharge of a handgun by a first responder who is licensed to carry a handgun is outside the course and scope of the first responder’s duties;

8. provides that one or more complaints received by a city with respect to a specific first responder constitute grounds for prohibiting or limiting that first responder's carrying a handgun while on duty;
9. defines "first responder" to mean a public safety employee whose duties include responding rapidly to an emergency, including fire protection personnel and emergency medical services personnel, but not including volunteer emergency services personnel, or a peace officer or reserve law enforcement officer who is performing law enforcement duties; and
10. requires the public safety director of DPS to establish a handgun training course for first responders.

(Effective September 1, 2021.)

**H.B. 1172 (Howard/Zaffirini)** – **Sexual Assault Victims**: this bill, among other things: (1) provides that a peace officer or an attorney representing the state may not request or take a polygraph examination of a person who, in a complaint, charges or seeks to charge the commission of certain sexual offenses; (2) provides that a law enforcement agency that receives a report of a sexual assault shall, within 120 hours of the assault and with the requisite consent, request a forensic medical examination of the victim for use in the investigation or prosecution of the offense; (3) repeals a provision that provides that a law enforcement officer may refuse to request a forensic medical examination of the victim of a sexual assault if: (a) the person reporting the sexual assault has made one or more false reports of sexual assault to any law enforcement agency; and (b) there is no other evidence to corroborate the current allegations of sexual assault; (4) provides that, before conducting an investigative interview with a sexual assault victim, the peace officer conducting the interview shall offer the victim the opportunity to have an advocate from a sexual assault program present with the victim during the interview, if the advocate is available at the time; (5) provides that, if the advocate described in (4), above, is not available at the time of the interview, the peace officer conducting the interview shall offer the victim the opportunity to have a crime victim liaison from the law enforcement agency, a peace officer who has completed a sexual assault training program, or a victim's assistance counselor from a state or local agency or other entity present with the victim during the interview; and (6) provides that a peace officer or law enforcement agency that provides an advocate, liaison, or counselor with access to a victim reporting a sexual assault is not subject to civil or criminal liability for providing that access. (Effective September 1, 2021.)

**H.B. 1407 (Schaefer/Hughes)** – **Handguns**: excepts a handgun that is visible, in a holster, and in a motor vehicle (along with the licensed holder of the gun) from the prohibition against displaying a handgun in plain view of another person in a public place. (Effective September 1, 2021.)

**H.B. 1419 (Hull/Alvarado)** – **Missing Persons**: provides, among other things, that: (1) a law enforcement agency shall: (a) on receiving a report of a missing child or person, immediately, but not later than two hours after receiving the report, report the name of the person to the Alzheimer's Association Safe Return emergency response center, if applicable; (b) not later than the 60th day after the date the agency receives the report described in (1)(a), above, enter the name of the missing child or person into the National Missing and Unidentified Persons System, with all available identifying features such as dental records, fingerprints, other physical characteristics,

and a description of the clothing worn when last seen, as well as all available information describing any person reasonably believed to have taken or retained the missing child or missing person; (c) inform the person who filed the report of the missing child or missing person that the information will be entered into the clearinghouse, the national crime information center missing person file, and the National Missing and Unidentified Persons System, and reported to the Alzheimer's Association Safe Return emergency response center, if applicable; and (d) as soon as possible, enter information not immediately available to the agency when the original entry is made into the clearinghouse, the national crime information center file, and the National Missing and Unidentified Persons System as a supplement to the original entry; and (2) immediately after the return of a missing person or the identification of an unidentified body, the local law enforcement agency having jurisdiction of the investigation shall: (a) clear the entry in the National Crime Information Center database; and (b) notify the National Missing and Unidentified Persons System. (Effective September 1, 2021.)

**H.B. 1545 (Cyrier/Hall) – Commission on Jail Standards:** continues the functions of the Commission on Jail Standards and, among other things, repeals the requirement that the chief jailer of each municipal lockup submit to the commission an annual report of persons under 17 years of age securely detained in the lockup. (Effective September 1, 2021.)

**H.B. 1694 (Raney/Schwertner) – 9-1-1 Good Samaritan:** this bill, known as the Jessica Sosa Act, provides: (1) a defense to prosecution for certain drug offenses if the actor: (a) was the first person to request emergency medical assistance in response to the possible overdose of another person and: (i) made the request for medical assistance during an ongoing medical emergency; (ii) remained on the scene until medical assistance arrived; and (iii) cooperated with medical assistance and law enforcement; or (b) was the victim of a possible overdose for which emergency medical assistance was requested by the actor or by another person during an ongoing medical emergency; (2) exceptions to the defense in (1), above, if: (a) at the time the request for emergency medical assistance was made: (i) a peace officer was in the process of arresting the actor or executing a search warrant describing the actor or the place from which the request for medical assistance was made, or (ii) the actor was committing certain other offenses other than one for which the defense is available; (b) the actor has previously been convicted or placed on deferred adjudication community supervision for certain offenses; (c) the actor was acquitted in a previous proceeding in which the actor successfully used the defense in (1), above; (d) at any time during the 18-month period preceding the date of the commission of the instant offense, the actor requested emergency medical assistance in response to the possible overdose of the actor or another person; and (3) that the defense in (1), above, does not preclude the admission of evidence obtained by law enforcement resulting from the request for emergency assistance if that evidence pertains to an offense for which the defense in (1), above, is not available. (Effective September 1, 2021.)

**H.B. 1755 (Metcalf/Hancock) – Alcohol To-Go:** provides that a mixed beverage permittee may not permit any person to take any alcoholic beverage purchased on the licensed premises from the premises where sold, except that a person who orders wine with food may remove the container of wine from the premises whether the container is opened or unopened. (Effective September 1, 2021.)

**H.B. 1758 (Krause/Birdwell) – Unmanned Aircraft**: this bill: (1) requires each law enforcement agency that uses or intends to use a drone for law enforcement purposes to: (a) adopt a written policy regarding the agency’s use of force by means of a drone, before the agency first uses a drone, and update the policy as necessary; and (b) not later than January 1 of each even-numbered year submit the policy to the Texas Commission on Law Enforcement (TCOLE) in the manner prescribed by TCOLE; and (2) provides that, notwithstanding any other law, the use of force, including deadly force, involving a drone is justified only if: (a) at the time the use of force occurred, the actor was employed by a law enforcement agency; and (b) the use of force: (i) would have been justified under certain other law; and (ii) did not involve the use of deadly force by means of an autonomous drone; and (c) before the use of force occurred, the law enforcement agency employing the actor adopted and submitted to TCOLE a policy on the agency’s use of force by means of a drone, as described in (1), above, and the use of force conformed to the requirements of that policy. (Effective September 1, 2021.)

**H.B. 1900 (Goldman/Huffman) – Law Enforcement Funding**: this bill:

1. characterizes a “defunding municipality” as a city with a population of more than 250,000: (a) that adopts a budget for a fiscal year that, in comparison to the city’s preceding fiscal year, reduces the appropriation to the city’s police department; and (b) for which the criminal justice division of the governor’s office issues a written determination finding that the city has made a reduction described by (a);
2. provides that, in making a determination of whether a city is a “defunding municipality” according to the budget adopted for the first fiscal year beginning on or after September 1, 2021, the criminal justice division of the governor’s office shall compare the appropriation to the city’s police department in that budget to the appropriation to the police department in the budget of the preceding fiscal year or the second preceding fiscal year, whichever is greater (this specific requirement expires on September 1, 2023);
3. provides that a city is not considered to be a defunding municipality under Number 1, above, if: (a) for a fiscal year in which the city adopts a budget that is less than the budget for the preceding fiscal year, the percentage reduction to the appropriation to the city’s police department does not exceed the percentage reduction to the total budget; or (b) before adoption of the budget, the city applies for and is granted approval from the criminal justice division of the governor’s office for a reduction to the appropriation to the city’s police department to account for: (i) capital expenditures related to law enforcement during the preceding fiscal year; (ii) the city’s response to a state of disaster; or (iii) another reason approved by the division;
4. provides that, for purposes of making a determination of whether a city is a defunding municipality, a city’s appropriation to the city’s police department does not include: (a) any grant money received by the city during any fiscal year; or (b) any sales and use tax revenue received by the city for the purpose of financing a crime control and prevention district;
5. provides that a city is considered a defunding municipality until the criminal justice division of the governor’s office issues a written determination finding that the city has reversed the inflation-adjusted reductions described in Number 1(a), above;
6. requires the criminal justice division of the governor’s office to: (a) compute the inflation rate used to make determinations under Number 5, above, each fiscal year using a price

- index that accurately reports changes in the purchasing power of the dollar for cities in this state; and (b) publish the inflation rate in the Texas Register;
7. provides that a defunding municipality may not annex an area during the period beginning on the date that the criminal justice division of the governor's office issues the written determination that the city is a defunding local government and ending on the 10th anniversary of the date on which the criminal justice division of the governor's office issues a written determination finding that the defunding municipality has reversed the reductions described in Number 1, above;
  8. provides: (a) that a defunding municipality, on the next available uniform date that occurs after the date on which the criminal justice division of the governor's office issues a written determination that a city is a defunding municipality, shall hold a separate election in each area annexed in the preceding 30 years by the city on the question of disannexing the area; (b) that the defunding municipality shall immediately disannex an area by ordinance for which a majority of votes received in the election favor disannexation; (c) that if an area is disannexed pursuant to an election under (a), the city may not attempt to annex the area before the 10th anniversary of the date on which the criminal justice division of the governor's office issues a written determination finding that the city has reversed the reductions described in Number 1, above; and (d) that a city holding a disannexation election under (a) may not use public funds on informational campaigns relating to the election;
  9. requires a defunding municipality to calculate a municipal public safety expenditure adjustment to the city's property tax rate;
  10. prohibits the governing body of a defunding municipality from adopting a property tax rate for the current tax year that exceeds the lesser of the city's no-new-revenue tax rate or voter-approval tax rate for that tax year;
  11. provides: (a) that the comptroller may not, before July 1 of each state fiscal year, send to a defunding municipality its share of city sales and use taxes collected by the comptroller during the state fiscal year; and (b) that before sending the defunding municipality its share of sales and use taxes, the comptroller shall deduct the amount reported to the comptroller for the defunding municipality under Number 12, below, and credit that deducted amount to the general revenue fund, which must be appropriated only to the Department of Public Safety;
  12. provides that not later than August 1 of each state fiscal year, the criminal justice division of the governor's office shall report to the comptroller for each defunding municipality the amount of money the state spent in that state fiscal year to provide law enforcement services in the defunding municipality;
  13. requires a defunding municipality to, for the purpose of funding retirement benefits, increase municipal contributions to a public retirement system in which its employees participate as members in a manner that ensures that the total amount the city and members contribute to the system for the fiscal year on which the determination is based is not less than the total amount the city and members of the system contributed to the system for the fiscal year immediately preceding the fiscal year on which the determination is based;
  14. prohibits the governing body of a municipally-owned electric utility that is located in a city that is a defunding local government from charging a customer: (a) at a rate higher than the rate the customer was charged or would have been charged on January 1 of the year that the city was determined to be a defunding local government; (b) any customer fees in

amounts higher than the customer fees the customer was charged or would have been charged on January 1 of the year that the city was determined to be a defunding local government; and (c) any types of customer fees that the customer was not charged or would not have been charged on January 1 of the year that the city was determined to be a defunding local government;

15. provides that if a municipally-owned utility has not transferred funds to the defunding municipality under Number 14, above, the municipally-owned utility may increase its rates to account for: (a) pass-through charges imposed by a state regulatory body or the Electric Reliability Council of Texas; (b) fuel, hedging, or wholesale power cost increases; or (c) to fulfill debt obligations; and
16. prohibits a municipally-owned utility that increases rates under Number 15, above, from transferring funds to the defunding municipality until the date the criminal justice division of the governor's office issues a written determination finding that the city has reversed the reduction.

(Effective September 1, 2021.)

**H.B. 1927 (Schaefer/Schwertner)** – **Unlicensed Handgun Carry**: this bill, known as the *Firearms Carry Act of 2021*:

1. leaves the current handgun licensing scheme in place, presumably for purposes of reciprocity with other states and ease of handgun purchases;
2. authorizes most Texans over 21 years of age to carry a handgun in a concealed manner or openly in a holster, without the requirement to obtain a handgun license;
3. modifies language in the Texas Penal Code to make it a crime to carry a handgun only by someone who is younger than 21 years of age or in the previous five years has been convicted of the following state crimes: (a) assault causing bodily injury, including to a spouse; (b) deadly conduct, including discharging a firearm at persons, a habitation, a vehicle or a building; (c) making a terroristic threat; or (d) disorderly conduct by: (i) discharging a firearm in a public place other than a public road or a sport shooting range; or (ii) displaying a firearm or other deadly weapon in a public place in a manner calculated to alarm;
4. prohibits a person who is a member of a criminal street gang or a person convicted of a felony or a family violence offense from possessing a firearm, with some limited exceptions (Note: The federal Gun Control Act makes it unlawful for certain additional categories of persons convicted of serious crimes to ship, transport, receive, or possess firearms or ammunition);
5. mandates that the Texas Department of Public Safety (DPS) develop free-of-charge and post online a course on firearms safety and handling, and that DPS prepare an annual report to the legislature related to handgun carry;
6. provides that a licensed or unlicensed carrier is prohibited from entering certain places listed in Penal Code Section 46.03, including, among many others and most relevant to cities: (a) the premises of a polling place on the day of an election or while early voting is in progress; and (b) the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court (it remains

- unclear whether this prohibition applies to the building or only the rooms housing the court or court offices);
7. provides that a licensed carrier is prohibited from entering the room or rooms where a meeting of a governmental entity is held, if the meeting is an open meeting subject to the Open Meetings Act, only if: (a) the entity provided notice as required by the Open Meetings Act, and (b) the entity provides notice that carry is prohibited in the meeting (e.g., by posting the existing 30.06 sign [licensed concealed carry prohibition] and/or 30.07 sign [licensed open carry prohibition] at the entrance to the meeting room);
  8. provides that an unlicensed carrier may not enter the room or rooms where an open meeting of a governmental entity is held (Note: the new 46.15(o) sign, described in Number 9, below, allows only a “person” to prohibit unlicensed carry, and a city is not a person under the Penal Code definition);
  9. provides that a person or business, but not a city, may provide notice under Penal Code Section 46.15(o) that firearms and other weapons are prohibited on the premises or other property by posting a sign at each entrance to the premises or other property that: (a) includes language that is identical to or substantially similar to the following: “Pursuant to Section 46.03 Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon on this property”; (b) includes the language described by (a) in both English and Spanish; (c) appears in contrasting colors with block letters at least one inch in height; and (d) is displayed in a conspicuous manner clearly visible to the public;
  10. provides that a person or a business, but not a city, may post a notice similar to that in Number 9, above, but under the authority of Penal Code Section 30.05, to prohibit unlicensed carry on their property;
  11. provides that the signage in Number 9, above, should be posted at each entrance to the property and: (a) include language that is identical to or substantially similar to the following: “Pursuant to Section 30.05, Penal Code (criminal trespass), a person may not enter this property with a firearm”; (b) include the language described by (a) in both English and Spanish; (c) appear in contrasting colors with block letters at least one inch in height; and (d) be displayed in a conspicuous manner clearly visible to the public;
  12. provides that a city may not prohibit a person who is authorized by law to carry a handgun from doing so: (a) in a public park (prior to this bill, a city could prohibit anyone other than a handgun license holder from carrying a firearm in a city park, but after this bill’s passage, a city can’t prohibit anyone who is lawfully carrying a firearm from bringing it into the park); (b) at a public meeting of a city, county, or other governmental body, unless the entity posts proper notice to prohibit that carry is prohibited; (c) at a political rally, parade, or official political meeting; or (d) at a nonfirearms-related school, college, or professional athletic event; and
  13. authorizes a peace officer who is acting in the lawful discharge of the officer’s official duties to temporarily disarm an unlicensed carrier when that person enters a nonpublic, secure portion of a law enforcement facility, if the law enforcement agency provides a gun locker where the peace officer can secure the person’s handgun, and if the peace officer returns the handgun to the person immediately after the person leaves the nonpublic, secure portion of the law enforcement facility.

(Effective September 1, 2021.)

**H.B. 1938 (Jetton/Kolkhorst) – Body Worn Camera Grants:** provides that a law enforcement agency that provides body worn cameras to its peace officers may apply to the office of the governor for a grant to defray the cost of data storage for recordings created with the body worn cameras. (Effective September 1, 2021.)

**H.B. 2106 (Perez/Zaffirini) – Credit Card Skimmers:** this bill, among other things: (1) transfers rulemaking authority regarding credit card skimmers at motor fuel dispensers from the attorney general to the Texas Department of Licensing and Regulation (TDLR), and redesignates the payment card fraud center as the financial crimes intelligence center at TDLR; (2) provides that a law enforcement agency or the financial crimes intelligence center may disclose certain information regarding the discovery of a credit card skimmer (which would otherwise be confidential) to the public if the law enforcement agency or the chief intelligence coordinator for the center determines that the disclosure of the information furthers a law enforcement purpose; (3) provides that TDLR may enter into agreements with law enforcement agencies or other governmental agencies for the operation of the financial crimes intelligence center; and (4) provides that the financial crimes intelligence center may, among other things, provide training and educational opportunities to law enforcement. (Effective September 1, 2021.)

**H.B. 2366 (Buckley/Hughes) - Penal Offenses:** provides, among other things, that: (1) the offense of directing a light from a laser pointer to a uniformed safety officer, including a peace officer, security guard, firefighter, emergency medical service worker, or other uniformed city, state, or federal officer is enhanced to: (a) a felony of the third degree if the conduct causes bodily injury to the officer; or (b) a felony of the first degree if the conduct causes serious bodily injury to the officer; and (2) a person commits an offense if the person explodes or ignites fireworks with the intent to: (a) interfere with the lawful performance of an official duty by a law enforcement officer; or (b) flee from a person the actor knows is a law enforcement officer attempting to lawfully arrest or detain the actor. (Effective September 1, 2021.)

**H.B. 2462 (Neave/Paxton) – Forensic Medical Examinations:** this bill, among other things,: (1) provides that a victim of a sexual assault is entitled to a forensic medical examination if, within 120 hours of the offense: (a) the offense is reported to a law enforcement agency; or (b) a forensic medical examination is otherwise conducted at a health care provider; (2) provides that, if a sexual assault is reported to a law enforcement agency within 120 hours after the assault, the law enforcement agency, with the consent of the victim of the reported assault, a person authorized to act on behalf of the victim, or an employee of the Department of Family and Protective Services, shall request a forensic medical examination of the victim for use in the investigation or prosecution of the offense; (3) provides that, if a sexual assault is not reported within the period described by (2), above, and the victim is a minor, on receiving the appropriate consent, a law enforcement agency shall request a forensic medical examination of the victim for use in the investigation or prosecution of the offense; (4) provides that, if a sexual assault is not reported within the period described by (2), above, and the victim is not a minor, on receiving the appropriate consent, a law enforcement agency may request a forensic medical examination of a victim of a reported sexual assault for use in the investigation or prosecution of the offense if: (a) based on the circumstances of the reported assault, the agency believes a forensic medical examination would further that investigation or prosecution; or (b) after a medical evaluation by a physician, sexual assault examiner, or sexual assault nurse examiner, the physician or examiner

notifies the agency that a forensic medical examination should be conducted; (5) provides that, if a sexual assault is reported to a law enforcement agency as described by (2), (3), or (4), above, the law enforcement agency shall document, in the form and manner required by the attorney general, whether the agency requested a forensic medical examination, and the law enforcement agency shall: (a) provide the documentation of the agency's decision regarding a request for a forensic medical examination to: (i) the health care provider and the physician, sexual assault examiner, or sexual assault nurse examiner, as applicable, who provides services to the victim that are related to the sexual assault; and (ii) the victim or the person who consented to the forensic medical examination on behalf of the victim; and (b) maintain the documentation of the agency's decision in accordance with the agency's record retention policies; (6) eliminates the provision in state law that requires a law enforcement agency that requests a forensic medical examination under (2), (3), and (4), above, to pay all costs of the examination and provides that a healthcare provider that provides such services shall be entitled to reimbursement by the attorney general; (7) provides that the statewide electronic tracking system for evidence collected in relation to a sexual assault or other sex offense that is implemented by the Texas Department of Safety (DPS) shall include the evidence collection kit and any other items collected during the forensic medical examination in relation to a sexual assault or other sex offense and submitted for a laboratory analysis that is necessary to identify the offender or offenders, regardless of whether the evidence is collected in relation to an individual who is alive or deceased; (8) provides that a law enforcement agency that fails to submit evidence of a sexual assault or other sex offense to a public accredited crime laboratory within 30 days after the date on which that evidence was received shall provide to DPS written documentation of the failure, including a detailed explanation for the failure, and shall submit such documentation on or before the 30th day after the date on which the agency discovers that the evidence was not submitted within the required period; and (9) provides that the failure of a law enforcement agency to comply with certain requirements related to collection, preservation, tracking, and submitting for analysis evidence of sexual assault or other sex offenses may be used to determine eligibility for receiving grant funds from DPS, the office of the governor, or another state agency. (Effective September 1, 2021.)

**H.B. 2677 (Bonnen/Taylor)** – **CLEAR Alert**: renames the statewide alert for missing adults between the ages of 18 to 65 to the Coordinated Law Enforcement Adult Rescue (CLEAR) Alert for Missing Adults. (Effective immediately.)

**H.B. 2706 (Howard/Nelson)** – **Forensic Medical Examinations**: this bill, among other things: (1) provides that evidence collected during a forensic medical examination may not be used to investigate or prosecute a misdemeanor offense, or an offense related to a controlled substance, alleged to have been committed by the victim from whom the evidence was collected; and (2) eliminates the provision in state law that requires a law enforcement agency that requests for a forensic medical examination for victims of sexual assault to pay all costs of the examination, and provides that a healthcare provider that provides such services shall be entitled to reimbursement by the attorney general. (Effective September 1, 2021.)

**H.B. 2911 (White/Hancock)** – **Next Generation 9-1-1 Service**: this bill, among other things: (1) provides that before September 1, 2025, all parts of the state must be covered by Next Generation 9-1-1 service; (2) creates the next generation 9-1-1 service fund as a fund in the state treasury outside the general revenue fund; (3) requires the comptroller to transfer to the credit of the next

generation 9-1-1 service fund any amount available from federal money provided to Texas from the Coronavirus State and Local Fiscal Recovery Funds of the American Rescue Plan Act of 2021 or from any other federal governmental source; (4) provides that money deposited to the credit of the next generation 9-1-1 service fund may be used only for the purpose of supporting the deployment and reliable operation of next generation 9-1-1 service, including the costs of equipment, operations, and administration and may be distributed to only the Commission on State Emergency Communications and emergency communication districts and must be used in a manner that complies with federal law; (5) provides that the comptroller may issue guidelines for use by the commission and emergency communication districts in implementing the bill; (6) requires all money in the next generation 9-1-1 service fund to be distributed in accordance with the requirements of the bill not later than December 31, 2022, and all money distributed under the bill be spent not later than December 31, 2024, for the deployment and reliable operation of next generation 9-1-1 service; and (7) repeals the provisions in state law: (a) that provide that on receipt of an invoice from a wireless service provider for reasonable expenses for network facilities, including equipment, installation, maintenance, and associated implementation costs, the Commission or an emergency services district of a home-rule city or an emergency communication district created under state law shall reimburse the wireless service provider in accordance with state law for all expenses related to 9-1-1 service; and (b) that provide that funds collected under the equalization surcharge are not precluded from being used to cover costs under (7)(a) as necessary and appropriate, including for rural areas that may need additional funds for wireless 9-1-1. (Effective September 1, 2021.)

**H.B. 3026 (Canales/Alvarado) – Automated Motor Vehicle:** this bill: (1) adopts the current definitions for: (a) “automated motor vehicle” as a motor vehicle on which an automated driving system is installed; and (b) “automated driving system” as hardware and software that, when installed on a motor vehicle and engaged, are collectively capable of performing, without any intervention or supervision by a human operator: (i) all aspects of the entire dynamic driving task for the vehicle on a sustained basis; and (ii) any fallback maneuvers necessary to respond to a failure of the system; and (2) exempts automated motor vehicles and driving systems from certain required vehicle equipment and inspection screenings. (Effective September 1, 2021.)

**H.B. 3363 (Harless/West) – Warrants:** provides, among other things, that: (1) for the purpose of requesting a judicial order for the installation and use of a mobile tracking device, a peace officer’s affidavit must provide facts and circumstances that show probable cause to believe (instead of reasonable suspicion under current law) that criminal activity has been, is, or will be committed and the installation and use of the mobile tracking device is likely to produce information that is material to an ongoing criminal investigation of that criminal activity; (2) unless a magistrate directs in the warrant a shorter period for the execution of any search warrant issued for the search of any property, for a wire intercept, or for the installation of tracking equipment, the period allowed for the execution of the warrant, exclusive of the day of its issuance and of the day of its execution, is: (a) 15 whole days if the warrant is issued solely to search for and seize specimens from a specific person for DNA analysis and comparison, including blood and saliva samples; (b) 10 whole days if the warrant is issued for certain customer data information held in electronic storage or certain location information held in electronic storage; or (c) three whole days if the warrant is issued for a purpose other than that described by (2)(a) or (2)(b); (3) only a prosecutor or a prosecutor’s assistant with jurisdiction in a county within a specific judicial district may file

an application for a warrant for certain location information held in electronic storage; (4) an authorized peace officer of a designated law enforcement office or agency or an authorized peace officer commissioned by the Texas Department of Public Safety (DPS) may, without a warrant, require the disclosure of certain location information held in electronic storage if: (a) the officer reasonably believes an immediate life-threatening situation exists that: (i) is within the officer's territorial jurisdiction; and (ii) requires the disclosure of the location information before a warrant can, with due diligence, be obtained; and (b) there are sufficient grounds on which to obtain a warrant requiring the disclosure of the location information; and (5) not later than 48 hours after requiring disclosure of location information without a warrant under (4), above, an authorized peace officer shall obtain a warrant for that purpose. (Effective September 1, 2021.)

**H.B. 3712 (E. Thompson/West) – Peace Officer Training:** provides that: (1) the basic peace officer training course required as part of the peace officer training program may not be less than 720 hours; (2) the basic peace officer training course must include training on: (a) the prohibition against the intentional use of a choke hold, carotid artery hold, or similar neck restraint by a peace officer in searching or arresting a person unless the officer reasonably believes the restraint is necessary to prevent serious bodily injury to or the death of the peace officer or another person; (b) the duty of the officer to intervene or stop or prevent another peace officer from using force against a person suspected of committing an offense in certain situations; and (c) the duty of a peace officer who encounters an injured person while discharging the officer's official duties to immediately and as necessary request emergency medical services personnel to provide the person with emergency medical services and, while waiting for emergency medical services personnel to arrive, provide first aid or treatment to the person to the extent of the officer's skills and training, unless the request for emergency medical services personnel or the provision of first aid or treatment would expose the officer or another person to a risk of bodily injury or the officer is injured and physically unable to make the request or provide the treatment; (3) the Texas Commission on Law Enforcement (TCOLE) shall develop and maintain a model training curriculum and model policies for law enforcement agencies and peace officers that must include the items described in (2), above; and (4) before the first day of each 24-month training unit during which peace officers are required to complete 40 hours of continuing education programs, TCOLE shall specify the mandated topics to be covered in up to 16 of the required hours. (Effective September 1, 2021.)

**S.B. 64 (Nelson/White) – Peer Support:** provides, among other things, that: (1) the Texas Commission on Law Enforcement (TCOLE) shall develop a peer support network for law enforcement officers that includes: (a) peer-to-peer support; (b) training for peer service coordinators and peers that includes suicide prevention training; (c) technical assistance for program development, peer service coordinators, licensed mental health professionals, and peers; and (d) identification, retention, and screening of licensed mental health professionals; (2) as part of the peer support network for law enforcement officers, TCOLE shall ensure law enforcement officers have support in both urban and rural jurisdictions; (3) information relating to a law enforcement officer's participation in peer-to-peer support and other peer-to-peer services under the network is confidential and may not be disclosed under the Public Information Act, by: (a) TCOLE; (b) a law enforcement agency that employs a law enforcement officer participant; or (c) any other state agency or political subdivision that employs a law enforcement officer participant; and (4) a law enforcement officer's participation in peer-to-peer support and other peer-to-peer

services under the network may not: (a) serve as the basis for a revocation, suspension, or denial of a license issued by TCOLE; or (b) be considered in any proceeding related to the officer's TCOLE licensure. (Effective immediately.)

**S.B. 69 (Miles/White)** – **Use of Force:** provides that: (1) a peace officer has a duty to intervene to stop or prevent another peace officer from using force against a person suspected of committing an offense if: (a) the amount of force exceeds that which is reasonable under the circumstances; and (b) the officer knows or should know that the other officer's use of force: (i) violates state or federal law; (ii) puts a person at risk of bodily injury, and is not immediately necessary to avoid imminent bodily injury to a peace officer or other person; and (iii) is not required to apprehend the person suspected of committing an offense; (2) a peace officer who witnesses the use of excessive force by another peace officer shall promptly make a detailed report of the incident and deliver the report to the supervisor of the peace officer making the report; and (3) the use of any force, by any person, including a peace officer or person acting in and at the direction of an officer, in connection with the arrest of another person, is not a justified use of force if such force is used in a manner that impedes the normal breathing or circulation of the blood of the person by applying pressure to the person's throat, neck, or torso or by blocking the person's nose or mouth. (Effective September 1, 2021.)

**S.B. 111 (West/Collier)** – **Duties of Law Enforcement Agency:** provides that: (1) a law enforcement agency filing a case with an attorney representing the state in a criminal case, excluding a city attorney or prosecutor appearing in a justice or municipal court, shall submit to the attorney a written statement by an employee of such agency with knowledge of the case acknowledging that all documents, items, and information in the possession of the agency that are required to be disclosed to the defendant as discovery have been transmitted to the attorney; and (2) at any time after a case is filed with the attorney representing the state a law enforcement agency discovers or acquires any additional document, item, or information required to be disclosed to a defendant, an employee of the agency shall promptly transmit such document to the attorney. (Effective September 1, 2021.)

**S.B. 112 (West/Sherman)** – **Warrants:** provides, among other things, that: (1) for the purpose of requesting a judicial order for the installation and use of a mobile tracking device, a peace officer's affidavit must provide facts and circumstances that show probable cause to believe (instead of reasonable suspicion under current law) that criminal activity has been, is, or will be committed and the installation and use of the mobile tracking device is likely to produce information that is material to an ongoing criminal investigation of that criminal activity; (2) unless a magistrate directs in the warrant a shorter period for the execution of any search warrant issued for the search of any property, for a wire intercept, or for the installation of tracking equipment, the period allowed for the execution of the warrant, exclusive of the day of its issuance and of the day of its execution, is: (a) 15 whole days if the warrant is issued solely to search for and seize specimens from a specific person for DNA analysis and comparison, including blood and saliva samples; (b) 10 whole days if the warrant is issued for certain customer data information held in electronic storage or certain location information held in electronic storage; or (c) three whole days if the warrant is issued for a purpose other than that described by (2)(a) or (2)(b); (3) only a prosecutor or a prosecutor's assistant with jurisdiction in a county within a specific judicial district may file an application for a warrant for certain location information held in electronic storage; (4) an

authorized peace officer of a designated law enforcement office or agency or an authorized peace officer commissioned by the Texas Department of Public Safety (DPS) may, without a warrant, require the disclosure of certain location information held in electronic storage if: (a) the officer reasonably believes an immediate life-threatening situation exists that: (i) is within the officer's territorial jurisdiction; and (ii) requires the disclosure of the location information before a warrant can, with due diligence, be obtained; and (b) there are sufficient grounds on which to obtain a warrant requiring the disclosure of the location information; and (5) not later than 48 hours after requiring disclosure of location information without a warrant under (4), above, the authorized peace officer shall obtain a warrant for that purpose. (Effective September 1, 2021.)

**S.B. 281 (J. Hinojosa/Lucio)** – **Hypnotically Induced Testimony**: provides that a statement made during or after a hypnotic session by a person who has undergone investigative hypnosis for the purposes of enhancing the person's recollection of an event at issue in a criminal investigation or case is not admissible against a defendant in a criminal trial, whether offered in the guilt or innocence phase or the punishment phase of the trial. (Effective September 1, 2021.)

**S.B. 315 (Huffman/Hunter)** – **Sexually Oriented Businesses**: this bill: (1) provides that an individual younger than 18 years may not be on the premises covered by a permit or license issued by the Texas Alcoholic Beverage Commission (TABC) if a sexually oriented business operates on the premises; (2) provides that the holder of a license or permit covering a premises described in (1), above, may not knowingly or recklessly allow an individual younger than 18 years to be on the premises; (3) provides that if a permit or license holder is found to violate (2), above, TABC shall suspend the permit or license for the first and second violation, and cancel the permit or license for the third violation; (4) prohibits a sexually oriented business from allowing an individual younger than 18 years to enter the premises of the business; (5) provides that a sexually oriented business commits an offense if it violates (4), above; (6) amends current law to provide that it is a common nuisance to: (i) employ or enter into a contract for the performance of work or the provision of services with an individual younger than 21 years for work or services performed at a sexually oriented business; or (ii) permit an individual younger than 18 years to enter the premises of a sexually oriented business; (7) amends current law to provide that a sexually oriented business may not hire or enter into a contract with an individual younger than 21 years for the performance of work or the provision of services other than a contract to perform repairs, maintenance, or construction services at the business; and (8) amends current law to provide that a child is a person younger than 21 years for purposes of the criminal offense of employing, authorizing, or inducing a child to work in a sexually oriented commercial activity or in any place of business permitting, requesting or requiring a child to work nude or topless. (Effective immediately.)

**S.B. 335 (Johnson/Wu)** – **Toxicological Evidence**: provides, among other things, that: (1) a governmental or public entity or an individual, including a law enforcement agency, prosecutor's office, or crime laboratory, that is charged with the collection, storage, preservation, analysis, or retrieval of toxicological evidence, shall ensure that toxicological evidence collected pursuant to an investigation or prosecution of an intoxication and alcoholic beverage offense, is retained and preserved for the greater of two years or the period of the statute of limitations for the offense if the indictment or information charging the defendant, or the petition in a juvenile proceeding, has not been presented or has been dismissed without prejudice; (2) a person from whom toxicology

evidence is collected and, if the person is a minor, the person's parent or guardian, shall be notified of the periods for which evidence may be retained and preserved, and such notice must be given by: (a) an entity or individual described by (1), above, that collects the evidence, if the entity or individual collected the evidence directly from the person or collected it from a third party; or (b) the court, if the records of the court show that the person was not given the notice described by (2)(a) and the toxicological evidence is subject to the certain retention periods; (3) the entity or individual charged with storing toxicological evidence may destroy the evidence on expiration of the applicable retention period, provided that: (a) notice is given in accordance with (2), above; and (b) if applicable, the prosecutor's office gives written approval for the destruction; (4) before requesting a person who is arrested for certain offenses related to operating a motor vehicle or a watercraft while intoxicated to submit to the taking a specimen of the person's blood or breath, a peace officer shall inform the person orally and in writing that if the person submits to the taking of a blood specimen, the specimen will be retained in accordance with applicable retention periods; and (5) if a person consents to the request of an officer to submit to the taking of a specimen described in (4), above, the officer shall request the person to sign a statement that: (a) the officer requested that the person submit to the taking of a specimen; (b) the person was informed of the consequences of not submitting to the taking of a specimen; and (c) the person voluntarily consented to the taking of a specimen. (Effective September 1, 2021.)

**S.B. 476 (Nelson/Stucky)** – **Sexual Assault**: provides for the establishment of a county adult sexual assault response team in each county that consists of, among others, the police chief, or the police chief's designee, of the police department with the largest population in the county, for the purpose of strengthening the collaborative response and enhancing health and judicial outcomes for sexual assault survivors who are adults. (Effective September 1, 2021.)

**S.B. 709 (Hall/Canales)** – **Texas Commission on Fire Protection**: this bill, among other things, (1) provides that the Texas Commission on Fire Protection (Commission) is continued until 2033; (2) provides that advisory members appointed by the Commission shall serve six-year staggered terms but may not be appointed to more than two consecutive terms; (3) provides that if a person holds more than one certificate issued by the Commission, the Commission may collect only one fee for the renewal of those certificates; (4) provides that a certificate issued by the Commission is valid for one or two years as determined by Commission rule; (5) provides that the Commission may: (a) waive any prerequisite to obtaining a certificate for an applicant who holds a license or certificate issued by another jurisdiction: (i) that has licensing or certification requirements substantially equivalent to those of Texas; or (ii) with which Texas has a reciprocity agreement; (6) makes an agreement with another state to allow for Commission certification by reciprocity; and (7) eliminates a provision in state law that provides that, in adopting or amending a rule under the Commission's authority or any other law, the Commission shall seek the input of the fire fighter advisory committee, and that the Commission shall permit the advisory committee to review and comment on any proposed rule, including a proposed amendment to a rule, before the rule is adopted. (Effective September 1, 2021.)

**S.B. 1056 (Huffman/Wu)** – **False Reports**: this bill, among other things: (1) creates a criminal offense for a person if: (a) the person makes a report of a criminal offense or an emergency or causes a report of a criminal offense or an emergency to be made to a peace officer, law enforcement agency, 9-1-1 service, official or volunteer agency organized to deal with

emergencies, or any other governmental employee or contractor who is authorized to receive reports of a criminal offense or emergency; (b) the person knows that the report is false; (c) the report causes an emergency response from a law enforcement agency or other emergency responder; and (d) in making the report or causing the report to be made, the person is reckless with regard to whether the emergency response by a law enforcement agency or other emergency responder may directly result in bodily injury to another person; and (2) provides that if a person is convicted of an offense under (1), above, the court may order the defendant to make restitution to an entity for the reasonable costs of the emergency response by that entity resulting from the false report. (Effective September 1, 2021.)

**S.B. 1550 (Nelson/Goldman)** – **Airport Police Force:** provides that: (1) the governing body of a joint board, or the governing body of a political subdivision, including a city, that operates an airport served by an air carrier certified by the Federal Aviation Administration or the United States Department of Transportation may: (1) establish an airport police force; and (2) commission and employ a peace officer, if the employee takes and files the oath required of peace officers. (Effective September 1, 2021.)

**S.B. 2212 (West/S. Thompson)** – **Duty to Render and Request Aid:** provides that a peace officer: (1) who encounters an injured person while discharging the officer’s official duties shall immediately and as necessary: (a) request emergency medical services personnel to provide the person with emergency medical services; and (b) while waiting for emergency medical services personnel to arrive, provide first aid or treatment to the person to the extent of the officer’s skill and training; and (2) is not required to request emergency medical services or provide first aid or treatment under (1), above, if: (a) making the request or providing the treatment would expose the officer or another person to a risk of bodily injury; or (b) the officer is injured and physically unable to make the request or provide the treatment. (Effective September 1, 2021.)

## **Sales Tax**

**H.B. 1445 (Oliverson/Nichols)** – **Sales Tax Exemption:** exempts from sales taxes a medical billing service performed before the original submission of: (1) a medical or dental insurance claim related to health or dental coverage; or (2) a claim related to health or dental coverage made to a medical assistance program funded by the federal government, a state government, or both. (Effective January 1, 2022.)

**H.B. 3799 (Metcalf/Nichols)** – **Sales Tax Exemption:** exempts items sold by a nonprofit organization at a county fair from sales taxes. (Effective October 1, 2021.)

**S.B. 153 (Perry/Sanford)** – **Sales Tax Exemption:** exempts from sales taxes data processing services designed to process payment made by credit card or debit card. (Effective October 1, 2021.)

**S.B. 197 (Nelson/Noble)** – **Sales Tax Exemption:** exempts the sale of an animal by a nonprofit animal welfare organization from sales and use taxes. (Effective October 1, 2021.)

**S.B. 313 (Huffman/Meyer)** – **Sales Tax Exemption:** exempts firearm safety equipment from sales taxes. (Effective September 1, 2021.)

**S.B. 1524 (Hughes/Guillen)** – **Sales Tax Refund Pilot Program:** establishes a sales tax refund pilot program for a person who employs at least one apprentice in a qualified apprenticeship position for at least seven months during a calendar year. (Effective January 1, 2022.)

### **Community and Economic Development**

**H.B. 5 (Ashby/Nichols)** – **Broadband Development Office:** this bill, among other things:

1. requires the governor’s broadband development council to: (a) research and monitor the progress of: (i) deployment of broadband statewide; (ii) purchase of broadband by residential and commercial customers; and (iii) patterns and discrepancies in access to broadband; and (b) study industry and technology trends in broadband and the detrimental impact of pornographic or other obscene materials on residents of this state and the feasibility of limiting access to those materials;
2. establishes a broadband development office within the comptroller’s office;
3. for purposes of the broadband development office, defines “broadband service” as internet service with the capability of providing: (a) a download speed of 25 megabits per second or faster; and (b) an upload speed of three megabits per second or faster;
4. authorizes the comptroller by rule to adjust the threshold speeds for broadband services defined in Number 3, above, if the Federal Communications Commission adopts upload or download threshold speeds for advanced telecommunications capability that are different from those listed in Number 3, above;
5. requires the broadband development office to: (a) serve as a resource for information regarding broadband service and digital connectivity in the state; (b) engage in outreach to communities regarding the expansion, adoption, affordability, and use of broadband service and the programs administered by the office; and (c) serve as an information clearinghouse in relation to federal programs providing assistance to local entities with respect to broadband service and addressing barriers to digital connectivity;
6. requires the broadband development office to create, update annually, and publish on the comptroller’s website a map classifying each designated area in the state as: (a) an eligible area, if fewer than 80 percent of the addresses in the designated area have access to broadband service and the federal government has not awarded funding under a competitive process to support the deployment of broadband service in the designated area; or (b) an ineligible area, if 80 percent or more of the addresses in the designated area have access to broadband service or the federal government has awarded funding under a competitive process to support the deployment of broadband service to addresses in the designated area;
7. requires the map described in Number 6, above, to display: (a) the number of broadband service providers that serve each designated area; (b) for each eligible area, an indication of whether the area has access to Internet service that is not broadband service, regardless of the technology used to provide the service; and (c) each public school in the state and an indication of whether the area has access to broadband service;

8. provides that if information available from the Federal Communications Commission is not sufficient for the broadband development office to create or update the map, the office may request the necessary information from a political subdivision or broadband service provider, and the subdivision or provider may report the information to the office;
9. establishes a petition process, under which a political subdivision or broadband service provider may petition the broadband development office to reclassify a designated area on the map as an eligible area or ineligible area;
10. requires the broadband development office to establish a program to award grants, low-interest loans, and other financial incentives to applicants for the purpose of expanding access to, and adoption of, broadband service in designated areas determined to be eligible areas;
11. requires the broadband development office to establish and publish eligibility criteria for award recipients under Number 10, above;
12. provides that the broadband development office may not award a grant, loan, or other financial incentive to a noncommercial provider of broadband service for an eligible area if a commercial provider of broadband service has submitted an application for the eligible area;
13. provides that an award granted under the broadband development program does not affect distributions received by a broadband provider from the state universal service fund;
14. requires the broadband development office to prepare, update, and publish on the comptroller's Internet website a state broadband plan that establishes long-term goals for greater access to and adoption, affordability, and use of broadband service in Texas;
15. requires the broadband development office, in developing the state broadband plan, to: (a) to the extent possible, collaborate with state agencies, political subdivisions, broadband industry stakeholders and representatives, and community organizations that focus on broadband services; (b) consider the policy recommendations of the governor's broadband development council; (c) favor policies that are technology-neutral and protect all members of the public; (d) explore state and regional approaches to broadband development; and (e) examine broadband service needs related to public safety, public education, and public health;
16. establishes the broadband development account in the state's general revenue fund consisting of: (a) appropriations of money to the account by the legislature; (b) gifts, donations, and grants, including federal grants; and (c) interest earned on the investment of the money in the account; and
17. establishes the broadband development office board of advisors to provide guidance to the broadband development office regarding the expansion, adoption, affordability, and use of broadband service and the programs administered by the office.

(Effective immediately.)

**H.B. 738 (Paul/Nichols)** – **Building Codes**: this bill: (1) provides that the 2012 version of the International Residential Code is the residential building code in this state, and the 2012 version of the International Building Code is the commercial building code in this state; (2) authorizes a city to establish procedures to adopt local amendments “that may add, modify, or remove requirements” set by the codes in (1), above, but only if the city: (a) holds a public hearing on the local amendment before adopting the amendment; and (b) adopts the local amendment by

ordinance; (3) prohibits a city from enacting an ordinance, bylaw, order, building code, or rule requiring the installation of a multipurpose residential fire protection sprinkler system or any other fire sprinkler protection system in a new or existing one- or two-family dwelling; and (4) excepts from the prohibition in (3), above, a city that has enacted an ordinance, bylaw, order, building code, or rule requiring the installation of a multipurpose residential fire protection sprinkler system or any other fire protection sprinkler system in a new or existing one- or two-family dwelling on or before January 1, 2009. (Effective January 1, 2022, except that a requirement that a city establish rules and take other necessary action to implement (1) and (2) before January 1, 2022, is effective September 1, 2021.)

**H.B. 871 (Morrison/Kolkhorst)** – **Contractor Registration Fees:** this bill: (1) prohibits a city from charging a licensed air conditioning and refrigeration contractor a registration fee for: (a) worked performed in the city; or (b) notice that an air conditioning and refrigeration license has been obtained; and (2) provides that the prohibition in (1), above, does not prohibit a city from charging a building permit fee. (Effective September 1, 2021.)

**H.B. 1475 (Cyrier/Buckingham)** – **Board of Adjustment:** provides that, in exercising its authority to grant or deny a variance, a board of adjustment may consider the following as grounds to determine whether compliance with the zoning ordinance as applied to a structure would result in an unnecessary hardship: (1) whether the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent certified appraisal roll; (2) whether compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur; (3) whether compliance would result in the structure not being in compliance with a requirement of a city ordinance, building code, or other requirement; (4) whether compliance would result in the unreasonable encroachment on an adjacent property or easement; or (5) whether the city considers the structure to be a nonconforming structure. (Effective September 1, 2021.)

**H.B. 1505 (Paddie/Hancock)** – **Broadband:** establishes: (1) state funding for the Texas Broadband Pole Replacement Program; and (2) a process by which a broadband provider may apply for and attach an affixture of cables, strands, wires, and associated equipment used in the provision of a broadband provider’s services to a pole owned and controlled by an electric cooperative. (Effective September 1, 2021.)

**H.B. 1543 (Parker/Creighton)** – **Public Improvement Districts:** this bill, among other things: (1) provides that the resolution adopted by a city council authorizing the creation of a public improvement district (PID), other than a tourism PID, takes effect on the date the resolution is adopted; (2) requires a city to file a copy of a PID-creation resolution under (1), above, with the county clerk of each county in which all or part of the PID is located not later than the seventh day after the date the city council adopts the resolution; (3) requires a city council to approve a PID service plan, or amend or update the plan, only by ordinance; (4) requires a city to file a copy of the initially-adopted or amended PID service plan with the county clerk of each county in which all or part of the PID is located not later than the seventh day after the date the city council approves the service plan; (5) revises the language of the mandatory notice of obligations related to a PID used in a real estate transaction to include, among other things, additional information about the PID assessment levied against the property; (6) authorizes the city or county that created the PID

to provide additional information regarding the district in the PID obligation notice described in (5), above, including whether an assessment has been levied, the amount of the assessment, and the payment schedule for assessments; (7) requires the PID obligation notice described in (5), above, to be given to a prospective purchaser before the execution of a binding contract of purchase and sale, either separately or as an addendum or paragraph of a purchase contract; (8) provides that in the event a contract of purchase and sale is entered into without the seller providing the required notice of PID obligations, the purchaser is entitled to terminate the contract; and (9) provides that it shall be conclusively presumed that the purchaser has waived all rights to terminate the contract under (8), above, or recover damages or other remedies or rights, if the seller furnishes the notice of PID obligations at or before closing the purchase and sale contract and the purchaser elects to close even though the notice was not timely furnished before execution of the contract. (Effective September 1, 2021.)

**H.B. 1554 (Rogers/ Buckingham)** – **Municipal Development Districts:** authorizes a municipal development district to use money in the development project fund to pay the costs of planning, acquiring, establishing, developing, constructing, or renovating one or more development projects located outside the district if: (1) the project is located in the extraterritorial jurisdiction of the city that created the district; (2) the board determines that the development project will provide an economic benefit to the district; and (3) the following entities, as applicable, approve the development project by resolution: (a) the city that created the district; and (b) each city in whose corporate limits or extraterritorial jurisdiction the project is located. (Effective Immediately.)

**H.B. 1929 (Wilson/Buckingham)** – **ETJ Development Agreements:** this bill: (1) defines the term “contract” to mean a contract for an ETJ development agreement and defines such a contract to be a program authorized by the legislature under Article III, Section 52-a of the Texas Constitution; (2) provides that: (a) a city that enters into a contract described in (1), above, waives immunity from suit for the purpose of adjudicating a claim for breach of contract; (b) actual damages (but not exemplary damages), specific performance, or injunctive relief may be granted in an adjudication brought against a city for breach of a contract, and that damages are limited to (i) the balance due and owed by the city under the contract, (ii) any amount owed by the landowner as a result of the city’s failure to perform under the contract, including compensation for the increased cost of infrastructure as a result of delays or accelerations caused by the city, (iii) reasonable attorney’s fees, and (iv) interest; (3) provides that a contract described in (1), above, that is entered into by a city and a landowner prior to the effective date of this bill is validated, enforceable, and may be adjudicated subject to the terms and conditions of this bill; and (4) annexation by a city of the land subject to a contract does not invalidate the enforceability of the contract. (Effective September 1, 2021.)

**H.B. 2127 (C. Turner/Hancock)** – **Public Entertainment Zones:** this bill: (1) defines the term “public entertainment zone” to mean an area of land that: (a) is owned by a city with a population of 175,000 or more; (b) is designated as a public entertainment zone by the governing body of a city in a formal meeting; and (c) contains a public safety facility; and (2) authorizes the concessionaire for a public entertainment zone to allow a patron who possess an alcoholic beverage to enter or leave a licensed or permitted premises within the zone if the alcoholic beverage: (a) is in an open container; (b) appears to be possessed for present consumption; (c) remains within the

confines of the zone, excluding a parking lot; and (d) was purchased legally at a licensed or permitted premises within the zone. (Effective September 1, 2021.)

**H.B. 2404 (Meyer/Zaffirini)** – **Chapter 380 Economic Development Agreements:** this bill, among other things:

1. requires the comptroller to create and make accessible on the Internet a database, to be known as the Chapter 380 and 381 Agreement Database, that contains information regarding all city and county economic development agreements under Chapters 380 and 381 of the Local Government Code, respectively;
2. provides that, for each local economic development agreement described in Number 1, above, the database must include: (a) the name of the local government that entered into the agreement; (b) a numerical code assigned to the local government by the comptroller; (c) the address of the local government's administrative offices and public contact information; (d) the name of the appropriate officer or other person representing the local government and that person's contact information; (e) the name of any entity that entered into the agreement with the local government; (f) the date on which the agreement went into effect and the date on which the agreement expires; (g) the focus or scope of the agreement; (h) an electronic copy of the agreement; and (i) the name and contact information of the individual reporting the information to the comptroller;
3. requires a city, not later than the fourteenth day after entering into, amending, or renewing an economic development agreement under Chapter 380 of the Local Government Code, to submit to the comptroller the information described by Number 2, above, in the form and manner prescribed by the comptroller in addition to providing a direct link on the city's website to the location of the agreement information published on the comptroller's website;
4. authorizes the comptroller to consult with the appropriate officer of, or other person representing, each local government that enters into a local economic development agreement to obtain the information necessary to operate and update the database;
5. requires the comptroller to enter the relevant information into the database not later than the 15th business day after the date the comptroller receives the information from the providing local government;
6. requires the information, including a copy of the agreement, to remain accessible to the public through the database during the period the agreement is in effect;
7. provides that if a local government that enters into a local economic development agreement described in Number 1, above, does not comply with the requirement to provide information to the comptroller, the comptroller shall send a written notice to the local government describing the information that must be submitted to the comptroller and inform the local government that if the information is not provided on or before the 30th day after the date the notice is provided, the local government will be subject to a civil penalty of \$1,000;
8. provides that, if a local government does not report the required information to the comptroller, the local government is liable to the state for a civil penalty of \$1,000 and the attorney general may sue to collect a civil penalty; and

9. creates a defense to an action brought under Number 8, above, that the local government provided the required information or documents to the extent the information or documents are not exempt from disclosure or confidential under the Public Information Act.

(Effective September 1, 2021.)

**H.B. 2667 (Smithee/Perry) – Broadband:** this bill: (1) provides that the statewide uniform charge in support of the universal service fund is payable by each provider of Voice over Internet Protocol Service; and (2) defines “high cost rural area” for purposes of the universal service fund as: (a) an area: (i) receiving support from the universal service fund to assist telecommunications providers in providing basic local telecommunications service at reasonable rates in high cost rural areas on December 31, 2020; and (ii) served by a telecommunications provider that is subject to rate regulation; and (b) any other exchange: (i) receiving support under the Texas High Cost Universal Service Plan or the Small and Rural Incumbent Local Exchange Company Universal Service Plan; and (ii) not excluded by PUC rule based on the number of telecommunications providers serving the exchange, the population density in the exchange, and the number of customers served per route mile of plant in service used to provide basic local telecommunications service served by a small provider. (Effective immediately.)

**H.B. 3215 (Geren/Hughes) – Energy Efficiency Building Standards:** provides that Standard 301 of the American National Standard for the Calculation and Labeling of the Energy Performance of Dwelling and Sleeping Units using an Energy Rating Index accredited energy efficiency program, commonly cited as ANSI/RESNET/ICC 301, is in compliance with certain state law provided that: (a) the building meets the mandatory requirements of Section R406.2 of the 2018 International Energy Conservation Code; (b) the building’s thermal envelope is at least equal to the levels of efficiency and solar heat gain coefficient in Table R402.1.2 or Table R402.1.4 of the 2018 International Energy Conservation Code; and (c) the standard used to measure compliance for single-family residential construction uses a certain energy rating index depending on climate zone. (Effective September 1, 2021.)

**H.B. 3853 (Anderson/Perry) – Middle Mile Broadband Service:** this bill, among other things: (1) defines “middle mile broadband service” as the provision of excess fiber capacity on an electric utility’s electric delivery system or other facilities to an Internet service provider to provide broadband service, and provides that the term does not include the provision of Internet service to end-use customers on a retail basis; (2) authorizes certain electric utilities, not including a municipally owned utility, to own, construct, maintain, and operate fiber optic cables and other facilities for providing middle mile broadband service in unserved and underserved areas; (3) provides that if a city is already collecting a charge or fee from the electric utility for the use of the public rights-of-way for the delivery of electricity to retail electric customers, the city may not require a franchise, an amendment to a franchise, or an additional charge, fee, or tax from the electric utility for the use of the public rights-of-way for middle mile broadband service; (4) provides that if a city or local government is not already collecting a charge or fee from the electric utility for the use of the public rights-of-way, the city may impose a charge on the provision of middle mile broadband service, but the charge may not be greater than the lowest charge that the city or local government imposes on other providers of broadband service for use of the public rights-of-way in its jurisdiction; and (5) establishes a system by which an electric utility that plans

a project to deploy middle mile broadband must submit a written plan to the Public Utility Commission (PUC) for PUC approval. (Effective immediately.)

**S.B. 4 (Buckingham/Burrows)** – **National Anthem:** this bill provides that: (1) a governmental entity, including a city, may not enter into an agreement with a professional sports team that requires a financial commitment by the state or any governmental entity unless the agreement includes a written verification that the professional sports team will play the United States national anthem at the beginning of each team sporting event held at the team’s home venue or other facility controlled by the team for the event; (2) a team’s failure to comply with the written verification requirement in (1), above, for any team sporting event at the team’s home venue or other facility: (a) constitutes a default of the agreement; (b) immediately subjects the team to any penalty the agreement authorizes for default; and (c) may subject the team to debarment from contracting with the state; and (3) the attorney general may intervene to enforce the provision in (1), above, if the governmental entity fails to timely adhere to the default provision. (Effective September 1, 2021.)

**S.B. 113 (West/Rodriguez)** – **Community Land Trusts:** this bill, among other things: (1) expands the type of nonprofit organizations that may constitute a community land trust; (2) provides that, once adopted by the governing body of a taxing unit, certain community land trust tax exemptions continue to apply to the property until the governing body rescinds the exemption in the manner provided by law; and (3) imposes certain requirements on a chief appraiser who is appraising land or a housing unit leased by a community land trust, including that the chief appraiser use the income method of appraisal. (Effective September 1, 2021.)

**S.B. 291 (Schwertner/Bucy)** – **Commercial Construction:** requires a developer, as soon as practicable after beginning construction of a commercial building project, to visibly post the following information at the entrance to the construction site: (1) the name and contact information of the developer; and, (2) a brief description of the project. (Effective September 1, 2021.)

**S.B. 374 (Seliger/Shine)** – **Annexation of Rights-of-Way:** this bill provides that: (1) a city annexing an area on request of the owners, an area with less than 200 population by petition, an area with at least 200 population by election, or certain special districts may also annex with the area the right-of-way of a street, highway, alley or other public way or of a railway line spur, or roadbed that is: (a) contiguous and runs parallel to the city’s boundaries; and (b) contiguous to the area being annexed; (2) a city may annex a right-of-way described under (1), above, only if: (a) the city provides written notice of the annexation to the owner of the right-of-way not later than the 61st day before the date of the proposed annexation; and (b) the owner of the right-of-way does not submit a written objection to the city before the date of the proposed annexation; and (3) certain width requirements do not apply to the annexation of a right-of-way under (1), above. (Effective immediately.)

**S.B. 500 (Miles/Rose)** – **Operating Boarding Home without License:** this bill: (1) creates a Class B misdemeanor offense for operating a boarding home facility without a permit; and (2) provides that (1), above, only applies in a county or city that requires a permit to operate a boarding home facility as authorized by certain state law. (Effective September 1, 2021.)

**S.B. 507 (Nichols/Anderson)** – **Broadband in State Rights-of-Way**: requires the Texas Transportation Commission to promulgate rules: (1) establishing an accommodation process that authorizes broadband-only providers to use state highway rights-of-way, subject to highway purposes, for: (a) new broadband facility installations; (b) additions to or maintenance of existing broadband facility installations; (c) adjustments or relocations of broadband facilities; and (d) existing broadband facilities retained within the rights-of-way; and (2) prescribing minimum requirements for the accommodation, method, materials, and location for the installation, adjustment, and maintenance of broadband facilities under the accommodation process. (Effective immediately.)

**S.B. 678 (Alvarado/Button)** – **Small Business Disaster Recovery Loans**: requires the governor’s Economic Development and Tourism Office by rule to establish a loan program to use money from the small business disaster recovery revolving fund to provide financial assistance to small businesses affected by a disaster. (Effective September 1, 2021.)

**S.B. 804 (Menéndez/Cortez)** – **Tourism Public Improvement Districts**: this bill: (1) authorizes a city council to include property in a tourism public improvement district after establishment of the district if: (a) the property is a hotel; and (b) a sufficient number of the record owners of the real property currently included and proposed to be included in the district have consented to be included in the district by signing the original petition to establish the district or by signing a petition or written consent to include property in the district; (2) provides that no newly constructed hotel property may be added to the district unless the record owner of the property consents to its inclusion; and (3) provides that for purposes of (1)(b), above, the number of consenting record owners is sufficient if the record owners own more than 60 percent of the appraised value of taxable real property liable for assessment in the district and: (a) constitute more than 60 percent of all record owners of taxable real property liable for assessment in the district; or (b) own, in aggregate, more than 60 percent of the area of all taxable real property liable for assessment in the district. (Effective immediately.)

**S.B. 877 (Hancock/Morrison)** – **Building Inspections**: this bill: (1) provides that, in an area of a city subject to a disaster declaration by the governor or a declaration of local disaster, a building inspection may be performed by a person: (a) other than the owner of the building, or a person whose work is the subject of the inspection; and (b) who is: (i) certified to inspect buildings by the International Code Council; (ii) employed as a building inspector by the city in which the building is located; (iii) employed as a building inspector by any political subdivision, if the city in which the building is located has approved the person to perform inspections during a disaster; or (iv) a licensed engineer; (2) prohibits a city from collecting an additional inspection fee related to the inspection of a building performed under (1), above; (3) provides that a person who performs an inspection under (1), above, must comply with the city’s building regulations and policies, and not later than the 30th day after the date of the inspection, provide notice to the city of the inspection; and (4) allows a city to prescribe a reasonable format for the notice required in (3), above. (Effective immediately.)

**S.B. 1090 (Buckingham/Murr)** – **Building Materials**: exempts the following from certain regulations regarding the use of building products, materials, or methods used in the construction or renovation of residential or commercial buildings: (1) a city, to the extent that the city regulates

outdoor lighting for the purpose of reducing light pollution, that has adopted a resolution stating the city's intent to become certified as a Dark Sky Community that does not regulate outdoor lighting in a manner that is more restrictive than the prohibitions or limitations required to become certified as a Dark Sky Community; (2) a standard for a plumbing product required by an ordinance or other regulation implementing certain water conservation plans or programs; (3) a standard for a plumbing product imposed by the Texas Water Development Board as a condition for applying for or receiving financial assistance under a program administered by the board; and (4) certain land use restrictions contained in plats and other instruments in certain cities. (Effective September 1, 2021.)

**S.B. 1168 (Campbell/C. Bell)** – **Extraterritorial Jurisdiction:** in an area in a city's extraterritorial jurisdiction that has been disannexed under certain law or for which the city has attempted and failed to obtain consent for annexation under certain law, this bill: (1) prohibits a city from imposing a fine or fee on a person on the basis of an activity that occurs wholly in the area, or the management or ownership of property located wholly in the area; and (2) provides that the prohibition in (1), above, does not apply to a fine or fee for water, sewer, drainage, or other related utility services. (Effective immediately.)

**S.B. 1210 (Johnson/Oliverson)** – **Refrigerants:** provides that a building code or other requirement applicable to commercial or residential buildings or construction may not prohibit the use of certain substitutes for hydrofluorocarbon refrigerants authorized under federal law. (Effective January 1, 2023.)

**S.B. 1269 (Whitmore/K. King)** – **Main Street:** would amend current state law allowing cities to participate in a main street program by modifying the program to include "communities" and their historic neighborhood commercial districts rather than cities. (Effective September 1, 2021.)

**S.B. 1338 (Zaffirini/Sanford)** – **Annexation/Development Agreements:** this bill: (1) requires that, at the time a city makes an offer to a landowner to enter into an agreement in which the landowner consents to annexation or makes an offer to enter into a development agreement, the city provide the landowner with a written disclosure: (a) that the landowner is not required to enter into the agreement; (b) of the authority under which the city may annex the land with references to relevant law; (c) with a plain-language description of the annexation procedures applicable to the land; (d) whether the procedures require the landowner's consent; and (e) with a statement regarding the city's waiver of immunity to suit; and (2) provides that a failure to provide the disclosure in (1), above, makes the agreement void. (Effective September 1, 2021.)

**S.B. 1465 (Hinojosa/Guillen)** – **Small and Rural Community Success Fund:** this bill, among other things, establishes the Texas small and rural community success fund to make loans to economic development corporations (EDCs) for eligible EDC projects. (Effective immediately.)

**S.B. 1585 (Hughes/Cyrier)** – **Historic Landmark:** provides that: (1) a city may not designate a property as a local historic landmark or include property within the boundaries of a local historic district unless: (a) the owner of the property consents; or (b) if the property owner does not consent, the governing body and the zoning, planning, or historical commission of the city approve the designation or inclusion by a three-fourths vote; (2) a city that has more than one

zoning, planning, or historical commission shall designate one of those commissions as the entity with the exclusive authority to approve the designations of properties as local historic landmarks; (3) property owned by a religious organization may be included in a local historic district only if the organization consents to the inclusion; and (4) a city must, not later than the 15th day before the date of the initial hearing in front of the zoning, planning, or historical commission, if any, or the governing body of the municipality, provide the property owner a statement that describes the impact that inclusion of the owner's property in a local historic district may have on the owner and the owner's property. (Effective September 1, 2021.)

## **Elections**

**H.B. 574 (Bonnen/Taylor)** – **Election Offenses**: provides that a person commits a felony of the second degree if the person knowingly or intentionally makes any effort to: (1) count votes the person knows are invalid or alter a report to include votes the person knows are invalid; or (2) refuse to count votes the person knows are valid or alter a report to exclude votes the person knows are valid. (Effective September 1, 2021.)

**H.B. 1128 (Jetton/Kolkhorst)** – **Election Bystanders**: this bill: (1) authorizes the following people to be lawfully present in a polling place during the time the presiding judge arrives there on election day until the precinct returns have been certified and the election records assembled for distribution following the election: (a) an election judge or clerk; (b) a watcher; (c) the secretary of state; (d) a staff member of the Elections Division of the Office of the Secretary of State performing an official duty; (e) an election official, a sheriff, or a staff member of an election official or sheriff delivering election supplies; (f) a state inspector; (g) a person admitted to vote; (h) a child under 18 years of age accompanying a parent who has been admitted to vote; (i) a person providing authorized assistance to a voter; (j) a person accompanying a voter who has a disability; (k) a special peace officer appointed by the presiding judge; (l) the county chair of a political party conducting a primary election; (m) an authorized voting system technician; (n) the county election officer as necessary to perform tasks related to the administration of the election; or (o) a person whose presence has been authorized by the presiding judge; (2) authorizes the following people to be lawfully present in the meeting place of an early voting ballot board during the time of the board's operation: (a) a presiding judge or member of the board; (b) a watcher; (c) a state inspector; (d) an authorized voting system technician; (e) the county election officer, as necessary to perform tasks related to the administration of the election; or (f) a person whose presence has been authorized by the presiding judge; and (3) authorizes the following people to be lawfully present in the central counting station while ballots are being counted: (a) a counting station manager, tabulation supervisor, assistant to the tabulation supervisor, presiding judge, or clerk; (b) a watcher; (c) a state inspector; (d) an authorized voting system technician; (e) the county election officer, as necessary to perform tasks related to the administration of the election; or (f) a person whose presence has been authorized by the counting station manager. (Effective September 1, 2021.)

**H.B. 1264 (K. Bell/Springer)** – **Deceased Resident Report**: the bill, among other things, requires the local registrar of deaths to file each abstract of a death certificate with the voter registrar of the decedent's county of residence and the secretary of state as soon as possible, but not later than the seventh day after the date the abstract is prepared. (Note: previous law required the local registrar

to file the abstract with the voter registrar not later than the 10th day of the month following the month in which the abstract was prepared.) (Effective September 1, 2021.)

**H.B. 1382 (Bucy/Hughes)** – **Mail Ballot Tracking:** requires the secretary of state to develop or otherwise provide an online tool to each early voting clerk that enables a person who submits an application for a ballot to be voted by mail to track the location and status of the person’s application and ballot on the secretary’s Internet website and on the county’s Internet website if the early voting clerk is the county clerk of a county that maintains an Internet website. (Effective September 1, 2021.)

**H.B. 1622 (Guillen/ Hughes)** – **Early Voting Reporting:** this bill: (1) allows a person registered to vote in the county where the early voting clerk is conducting early voting to submit a complaint to the secretary of state stating that an early voting clerk has not delivered to the local canvassing authority a report of the early voting votes cast not later than the time of the local canvass; (2) requires the secretary of state to create and maintain a system for receiving and recording complaints; and (3) requires the secretary of state to maintain a record indicating which counties and early voting clerks have failed to comply with the requirements of early voting reporting. (Effective September 1, 2021.)

**H.B. 3107 (Clardy/Zaffirini)** – **Election Practices and Procedures:** this bill, among many other things: (1) provides that in the case of an election in which any members of a political subdivision’s governing body are elected from territorial units such as single-member districts, the state laws governing the election of unopposed candidates apply if each candidate for an office that is to appear on the ballot in that territorial unit is unopposed and no opposed at-large race is to appear on the ballot; (2) requires the notice of a general or special election to state the internet website of the authority conducting the election; (3) provides that an election services contract may not change a political subdivision’s requirement to keep an election officer’s office open for election duties for at least three hours each day, during regular office hours, on regular business days during a specified period of time prior to election day and beginning not later than the 50th day before the date of each general election of the political subdivision or the third day after the date a special election is ordered by an authority of the political subdivision and ending not earlier than the 40th day after election day; (4) expands the methods of notice that an election authority conducting the drawing to order names of candidates on the ballot may use to notify candidates of the date, hour, and place of the drawing to include telephone, email, and personal written notice; (5) requires an election officer at the polling place to maintain a registration omissions list; (6) provides that if the name of a voter who is offering to vote is not on the precinct list of registered voters, an election officer may contact the voter registrar regarding the voter’s registration status; (7) provides that provisional voting records are not available for public inspection until the first business day after the date the early voting ballot board completes the verification and counting of provisional ballots and delivers the provisional ballots and other provisional voting records to the general custodian of election records; (8) provides that a voter’s defective ballot that is timely returned to the clerk as a marked ballot must be treated as a marked ballot not timely returned if the corrected ballot is timely returned as a marked ballot by the close of the polls on election day or as the voter’s ballot for the election if the corrected ballot is not timely returned by the close of the polls on election day; (9) requires the authority with whom an application for a place on the ballot must be filed to designate an email address in the notice of deadlines for filing an application for a place on the

ballot; (10) provides that for cities conducting recall elections, a vacancy in an officer's office occurs on the date of the final canvass of a successful recall election; (11) provides that for an election in which the territory served by the early voting clerk is situated in a county with a population of 100,000 or more, or in an election in which the territory served by the clerk is situated in more than one county and the sum of the populations of the counties is 100,000 or more, must conduct early voting by personal appearance at each temporary branch polling place on the days that voting is required to be conducted at the main early voting polling place and remain open for at least: (a) eight hours each day; or (b) three hours each day if the city or county clerk does not serve as the early voting clerk for the territory holding the election and the territory has fewer than 1,000 registered voters; and (12) provides that for an election in which the territory served by the early voting clerk is situated in a county with a population under 100,000, or in an election in which the territory served by the clerk is situated in more than one county and the sum of the populations of the counties is under 100,000, voting at a temporary branch may be on any days and during any hours of the period for early voting by personal appearance, as determined by the authority establishing the temporary voting branch, and may also order early voting to be conducted on a Saturday or Sunday at any one or more of the temporary branch polling places. (Effective September 1, 2021.)

**H.B. 4555 (Guillen/Hinojosa)** – **Eligibility for Public Office:** this bill: (1) requires a candidate's application for a place on the ballot to include an indication that the candidate has either not been finally convicted of a felony or, if so convicted, has been pardoned or otherwise released from the resulting disabilities; (2) requires a candidate who has been convicted of a felony to include in the candidate's application for a place on the ballot proof that the candidate is eligible for public office; and (3) creates a Class B misdemeanor offense for a person to knowingly provide false information in an application for a place on the ballot regarding whether the person has been finally convicted of a felony or has been pardoned or otherwise released from the resulting disabilities. (Effective September 1, 2021.)

**S.B. 598 (Kolkhorst/Jetton)** – **Auditable Voting Systems:** provides, among other things, that: (1) a voting system that consists of direct recording electronic voting machines may not be used in an election unless the system is considered an "auditable voting system" that uses, creates, or displays a paper record that may be read by the voter and is not capable of being connected to the Internet or any other computer network or electronic device; (2) an authority that purchased a voting system other than an auditable voting system after September 1, 2014, and before September 1, 2021, may use available federal funding, and if federal funding is not available, available state funding to convert the purchased voting system into an auditable voting system in accordance with a specific schedule; (3) the requirement to use an auditable voting system in (1), above, does not apply to an election held before September 1, 2026; (4) beginning September 1, 2026, a voting system may not be capable of being connected to any external or internal communications network, including the Internet; (5) beginning September 1, 2026, a voting system may not have the capability of permitting wireless communication; and (6) the secretary of state may not waive certain requirements in the bill. (Effective September 1, 2021.)

**S.B. 1111 (Bettencourt/Paul)** – **Residency:** this bill, among other things, modifies the definition of "residence" for purposes of elections to provide that: (1) a person may not establish residence for the purpose of influencing the outcome of a certain election; (2) a person may not establish a

residence at any place the person has not inhabited; and (3) a person may not designate a previous residence as a home and fixed place of habitation unless the person inhabits the place at the time of designation and intends to remain. (Effective September 1, 2021.)

**S.B. 1116 (Bettencourt/Bucy) – Posting Election Information:** requires, among other things, that: (1) a city that holds an election and maintains an Internet website shall post on its public website the following as soon as practicable after the election: (a) the results of each election; (b) the total number of votes cast; (c) the total number of votes cast for each candidate or for or against each measure; (d) the total number of votes cast by personal appearance on election day; (e) the total number of votes cast by personal appearance or mail during the early voting period; and (f) the total number of counted and uncounted provisional ballots cast; (2) information required to be posted under (1), above, must be accessible without having to make more than two selections or view more than two network locations after accessing the city’s Internet website home page; and (3) not later than the 21st day before election day, a city that holds an election and maintains an Internet website shall post on the public Internet website: (a) the date of the next election; (b) the location of each polling place; (c) each candidate for an elected office on the ballot; and (d) each measure on the ballot. (Effective September 1, 2021.)

**S.B. 1387 (Creighton/Clardy) – Voting System:** this bill provides that: (1) for a voting system or voting system equipment to be approved for use in an election, the voting system must have been manufactured, stored, and held in the United States and sold by a company whose: (a) headquarters are located in the United States; and (b) parent company’s headquarters, if applicable, are located in the United States; and (2) for a voting system or voting system equipment to be considered manufactured in the United States as required in (1), above, final assembly of the voting system or voting system equipment must have occurred in the United States and all firmware and software must have been installed and tested in the United States. (Effective September 1, 2021.)

**S.B. 1418 (Schwertner/Wilson) – Presiding Election Judge:** provides that the presiding election judge of the early voting ballot board may, at the discretion of the appropriate authority, be compensated at a higher rate than presiding election judges. (Effective September 1, 2021.)

### **Emergency Management**

**H.B. 2211 (Metcalf/Perry) – In Person Hospital Visits:** provides, among other things, that: (1) during a qualifying period of disaster, a hospital may not prohibit in-person visitation with a patient receiving care or treatment at the hospital unless federal law or a federal agency requires the hospital to prohibit in-person visitation during that period; (2) a hospital may not prohibit in-person visitation by a religious counselor with a patient who is receiving care or treatment at the hospital and who is seriously ill or dying for a reason other than the religious counselor’s failure to comply with a requirement by the hospital for the counselor to complete a health screening before entering the hospital and wear personal protective equipment at all times while visiting a patient at the hospital; and (3) in the event of a conflict between the provisions of the bill and any provision of a qualifying official disaster order, the provisions of the bill prevail. (Effective September 1, 2021.)

**S.B. 6 (Hancock/Leach) – Pandemic Liability:** this bill, among other things, provides that:

1. except in a case of reckless conduct or intentional, willful, or wanton misconduct, and subject to other limited exceptions, a physician, health care provider, or first responder is not liable for an injury, including economic and noneconomic damages, or death arising from care, treatment, or failure to provide care or treatment relating to or impacted by a pandemic disease or a disaster declaration issued by the president or governor related to a pandemic disease, if the physician, health care provider, or first responder proves by a preponderance of the evidence that:
  - a. a pandemic disease or disaster declaration related to a pandemic disease was a producing cause of the care, treatment, or failure to provide care or treatment that allegedly caused the injury or death; or
  - b. the individual who suffered injury or death was diagnosed or reasonably suspected to be infected with a pandemic disease at the time of the care, treatment, or failure to provide care or treatment;
2. the statutory provisions relating to liability of physicians, health care providers, and first responders during a pandemic described in Number 1, above, do not constitute a waiver of sovereign immunity of the state or governmental immunity of a political subdivision and do not create a civil cause of action;
3. a person (including a governmental entity) is not liable for injury or death caused by exposing an individual to a pandemic disease during a pandemic emergency unless the claimant establishes that:
  - a. the person who exposed the individual:
    - i. knowingly failed to warn the individual of or remediate a condition that the person knew was likely to result in the exposure of an individual to the disease, provided that the person:
      1. had control over the condition;
      2. knew that the individual was more likely than not to come into contact with the condition; and
      3. had a reasonable opportunity and ability to remediate the condition or warn the individual of the condition before the individual came into contact with the condition; or
    - ii. knowingly failed to implement or comply with government-promulgated standards, guidance, or protocols intended to lower the likelihood of exposure to the disease that were applicable to the person or the person's business, provided that:
      1. the person had a reasonable opportunity and ability to implement or comply with the standards, guidance, or protocols; and
      2. the person refused to implement or comply with or acted with flagrant disregard of the standards, guidance, or protocols; and
      3. the government-promulgated standards, guidance, or protocols that the person failed to implement or comply with did not, on the date that the individual was exposed to the disease, conflict with government-promulgated standards, guidance, or protocols that the person implemented or complied with; and
  - b. reliable scientific evidence shows that the failure to warn the individual of the condition, remediate the condition, or implement or comply with the government-

promulgated standards, guidance, or protocols was the cause in fact of the individual contracting the disease;

4. a claimant must serve on the defendant, not later than the 120th day after the date a defendant files an answer to a claim to which Number 3, above, applies:
  - a. a report authored by at least one qualified expert that provides a factual and scientific basis for the assertion that the defendant's failure to act caused the individual to contract a pandemic disease; and
  - b. a curriculum vitae for each expert whose opinion is included in the report.

(Effective immediately.)

**S.B. 239 (Powell/Collier) – Disaster Educational Materials:** the bill: (1) requires the Department of State Health Services (DSHS) to develop and implement a disease prevention information system for dissemination of immunization information during a declared state of disaster or local state of disaster; and (2) provides that during a declared state of disaster or local state of disaster, DSHS shall ensure that educational materials regarding immunizations are available to local health authorities for distribution to specified organizations. (Effective September 1, 2021.)

**S.B. 863 (Blanco/Hull) – Residential Child Care Facilities:** provides that, to the extent necessary to comply with a state or local order during a state of disaster, the Health and Human Services Commission may authorize a residential child-care facility to temporarily: (1) relocate to a new location that is not stated in the facility's license; or (2) provide care to one or more children at an additional location that is not stated in the facility's license. (Effective immediately.)

**S.B. 967 (Kolkhorst/Klick) – Expiration of Public Health Orders:** provides that a public health order issued by a health authority that is imposed on more than one individual, animal, place, or object expires on the fifteenth day following the date the order is issued unless, before the fifteenth day: (1) the governing body of a city or the commissioners court of a county that appointed the health authority by majority vote extends the order for a longer period; or (2) if the health authority is jointly appointed by a city and county, the commissioner's court of the county extends the order for a longer period. (Effective September 1, 2021.)

**S.B. 968 (Kolkhorst/Klick) – Public Health Disaster Preparedness:** this bill, among other things:

1. provides that the presiding officer of the governing body of a political subdivision may not issue an order during a declared state of disaster or local disaster to address a pandemic disaster that would limit or prohibit: (a) housing and commercial construction activities, including related activities involving the sale, transportation, and installation of manufactured homes; (b) the provision of governmental services for title searches, notary services, and recording services in support of mortgages and real estate services and transactions; (c) residential and commercial real estate services, including settlement services; or (d) essential maintenance, manufacturing, design, operation, inspection, security, and construction services for essential products, services, and supply chain relief efforts;

2. requires the Texas Department of Emergency Management (TDEM) to establish a process for designating individuals who are included in the emergency assistance registry as medically fragile, and collaborate with first responders, local governments, and local health departments to conduct wellness checks on those individuals during certain events (e.g., a disaster or power outage), as determined by TDEM;
3. provides that a wellness check under (2), above, must include an automated phone call, a personalized call and, if the person is unresponsive to calls, an in-person check, and requires each city to adopt procedures to conduct wellness checks in compliance with minimum standards adopted by TDEM;
4. makes various changes to the Communicable Disease Prevention and Control Act, including providing that: (a) the Department of State Health Services is the “preemptive authority” for purposes of the Act, and shall collaborate with local elected officials to prevent the spread of disease and protect the public health; and (b) a regional public health disaster declaration or order must be filed with the county clerk or city secretary in each area to which it applies, unless the circumstances prevent or impede the filing; and
5. provides that a governmental entity may not issue a vaccine passport, vaccine pass, or other standardized documentation to certify an individual’s COVID-19 vaccination status to a third party for a purpose other than health care or otherwise publish or share any individual’s COVID-19 immunization record or similar health information for a purpose other than health care.

(Effective immediately.)

### **Municipal Courts**

**H.B. 80 (J. Johnson/Whitmire)** – **Municipal Court:** provides, when fines and costs are being imposed on a defendant under the conservatorship of the Department of Family and Protective Services or in extended foster care, that a municipal judge: (1) may not require a defendant to pay any amount of fines and costs; and (2) may require the defendant to perform community services to discharge fines and costs if the fines and costs are not waived. (Effective September 1, 2021.)

**H.B. 569 (Sanford/West)** – **Misdemeanor Fines:** provides, among other things, that in imposing a fine and costs in a case involving a misdemeanor punishable by a fine only, the justice or judge shall credit the defendant for any time the defendant was confined in jail or prison while serving a sentence for another offense at a rate of \$150 for each day of confinement if that confinement occurred after the commission of the misdemeanor. (Effective September 1, 2021.)

**H.B. 788 (Geren/Zaffirini)** – **Court Program:** expands the definition of a public safety employee, for the purpose of participating in a public safety employee treatment court program, to include an emergency service dispatcher. (Effective September 1, 2021.)

**H.B. 1071 (Harris/Whitmire)** – **Animals in Court:** allows a qualified facility dog or qualified therapy animal in certain court proceedings. (Effective September 1, 2021.)

**H.B. 1693 (Shaheen/Miles)** – **Financial Responsibility:** this bill: (1) authorizes a justice or municipal court to access the financial responsibility verification program to verify financial responsibility for the purpose of court proceedings; and (2) requires the costs associated with accessing the verification program to be paid out of the county treasury by order of the commissioners’ court or the municipal treasury by order of the governing body of the municipality, as applicable. (Effective immediately.)

**H.B. 3774 (Leach/Huffman)** – **Municipal Court Pleas:** provides, among many other things, that: (1) a judge may not accept a plea of guilty or plea of nolo contendere from a defendant in open court unless it appears to the judge that the defendant is mentally competent and the plea is free and voluntary; (2) the Texas Forensic Science Commission (commission) must adopt a code of professional responsibility and rules establishing sanctions for code violations to regulate the conduct of persons, laboratories, facilities, and other entities regulated by the state; (3) the commission is authorized to initiate an investigation of a forensic analysis or a forensic examination or test not subject to accreditation without receiving a complaint (former state law allowed for educational purposes); (4) a “forensic analyst” or “forensic science expert” is a professional service subject to the Professional Services Procurement Act; and (5) a “protective order” is defined to include an order issued by a court in this state to prevent sexual assault or abuse, stalking, trafficking, or other harm to an applicant. (Effective September 1, 2021, except that certain provisions creating new judicial district or statutory county courts have special effective dates.)

**H.B. 4293 (Hinojosa/Zaffirini)** – **Court Reminder Program:** this bill: (1) authorizes the Office of Court Administration of the Texas Judicial System, or the judges of the county courts, statutory county courts, and district courts with jurisdiction over criminal cases in each county, to partner with cities and local law enforcement agencies to allow: (a) individuals to whom a peace officer issues a citation and releases to receive text message reminders of scheduled court appearances; and (b) criminal defendants in municipal court to receive text message reminders of scheduled court appearances; and (2) requires any city that partners with the Office of Court Administration of the Texas Judicial System to pay all costs of sending reminders to municipal criminal defendants, including the costs of linking the municipal court database with the state court administrator database. (Effective September 1, 2021.)

**S.B. 41 (Zaffirini/Leach)** – **Court Costs:** this bill consolidates, allocates and increases certain state civil court costs to be used for the following: (1) to support a statewide electronic filing technology project for courts in this state; (2) to provide grants to counties to implement components of the project; or (3) to support court technology projects that have a statewide impact as determined by the office of court administration. (Effective January 1, 2022.)

**S.B. 49 (Zaffirini/Murr)** – **Defendants with Mental Illness or Intellectual Disability:** provides revisions to criminal trial and sentencing procedures, including procedures for magistrates, relating to a defendant who may have a mental illness or who may be a person with an intellectual disability, makes revisions to competency restoration programs, and sets out provisions relating to outpatient treatment program participation for civilly committed individuals. (Effective September 1, 2021.)

**S.B. 1373 (Zaffirini/White)** – **Municipal Courts**: provides that: (1) any officer authorized to collect a fine, reimbursement or other fee, or item of cost may request the trial court in which a criminal action or proceeding was held to make a finding that a fine, reimbursement or other fee, or item of cost imposed in the action or proceeding is uncollectible if the officer believes: (a) the defendant is deceased; (b) the defendant is serving a sentence for imprisonment for life or life without parole; (c) the fine, reimbursement or other fee, or item of cost has been unpaid for at least 15 years; or (d) the fine, reimbursement or other fee, or item of cost is otherwise uncollectible; and (2) a court may order the officer described in (1), above, to designate a fine, reimbursement or other fee, or item of cost as uncollectible in the fee record. (Effective September 1, 2021.)

### **Open Government**

**H.B. 872 (Bernal/Menéndez)** – **Confidentiality of Government-Operated Utility Customer Information**: this bill provides that: (1) information is excepted from disclosure under the Public Information Act if it is information maintained by a government-operated utility that: (a) discloses whether services have been discontinued, or reveals whether an account is delinquent or eligible for disconnection by the government-operated utility; or (b) is collected as part of an advanced metering system for usage, services, and billing, including amounts billed or collected for utility usage, except that all such information is to be made available to that customer or their designated representative if the information directly relates to utility services provided to the customer and is not confidential under law; (2) a government-operated utility may not disclose personal and utility usage information for government operated utility customers unless the customer requests that the government-operated utility disclose such information on an appropriately marked form or other written request for disclosure (Note: former law made personal information and utility usage information confidential only if the customer elected to keep the information confidential on a form provided by the government-operated utility); and (3) a government-operated utility must provide notice of the customer’s right to request disclosure of personal and utility usage information, along with the form to elect for disclosure, in each customer’s utility bill or on the government-operated utility’s website. (Effective immediately.)

**H.B. 1082 (P. King/Zaffirini)** – **Public Information**: provides that: (1) with regard to information a city holds as an employer, the home address, home telephone number, emergency contact information, social security number, and personal family information of an elected public officer, is excepted from the Public Information Act, regardless of whether the elected officer complies with certain requirements to elect the information be kept confidential; (2) with regard to information contained in records maintained by the city in any capacity, an elected public officer’s home address, home telephone number, emergency contact information, date of birth, social security number, and family member information is excepted from the Public Information Act if the elected officer elects to keep the information confidential; and (3) elected public officers are added to the list of individuals who may choose to restrict public access to certain information in appraisal records. (Effective immediately.)

**S.B. 244 (Bettencourt/Campos)** – **Tax Increment Reinvestment Zone**: makes the board of directors of a tax reinvestment zone subject to the Open Meetings Act. (Effective September 1, 2021.)

**S.B. 841 (Hughes/Schaefer)** – **Public Information:** adds certain honorably retired law enforcement positions to the personal information exceptions of the Public Information Act and the confidentiality of home address section in the tax appraisal statute. (Effective immediately.)

**S.B. 858 (Johnson/Davis)** – **Public Information:** provides: (1) that the following personal identifying information collected by a metropolitan rapid transit authority, regional transportation authority, municipal transit department, or coordinated county transportation authority is confidential and not subject to public disclosure: (a) trip data, including the time, date, origin, and destination of a trip, and demographic information collected when the person purchases a ticket or schedules a trip; and (b) other personal information, including financial information; and (2) personal identifying information described in (1), above, may be disclosed to a governmental agency or institution of higher education if the requestor confirms in writing that the use of the information will be strictly limited to use in research or in producing statistical reports, but only if the information is not published, redisclosed, sold, or used to contact any individual. (Effective Immediately.)

**S.B. 1225 (Huffman/Paddie)** – **Temporary Suspension of TPIA:** this bill, among other things, provides that: (1) for purposes of suspending the requirements of the Texas Public Information Act (TPIA), during a catastrophe, the term “catastrophe” does not mean a period when staff is required to work remotely and can access information responsive to an application for information electronically, but the physical office of the governmental body is closed; (2) a governmental body may suspend the requirements of the TPIA only once for each catastrophe; (3) a governmental body may suspend the requirements of the TPIA if the governmental body is currently significantly impacted by a catastrophe such that the catastrophe directly causes the inability of a governmental body to comply with the TPIA; (4) a governmental body that initiates a suspension period may not initiate another suspension period related to the same catastrophe, except for a single extension period, and that the combined suspension period for a governmental body may not exceed a total of 14 consecutive calendar days with respect to any single catastrophe; (5) if a governmental body closes its physical offices, but requires staff to work, including remotely, then the governmental body shall make a good faith effort to continue responding to applications for public information, to the extent staff have access to public information responsive to an application, while its administrative offices are closed; and (6) failure to respond to requests in accordance with (5), above, may constitute a refusal to request an attorney general's decision or a refusal to supply public information or information that the attorney general has determined is public information that is not excepted from required disclosure. (Effective September 1, 2021.)

### **Other Finance and Administration Bills**

**H.B. 29 (Swanson/Hughes)** – **Temporary Weapon Storage:** this bill: (1) allows a political subdivision to provide a person temporary secure weapon storage when entering a building or portion of a building used by the political subdivision that is generally open to the public and in which carrying a firearm, knife, club or other weapon is prohibited by state law or the political subdivision; (2) allows weapon storage to be provided via self-service weapon lockers or other temporary secure weapon storage operated at all times by a designated employee of the political

subdivision; (3) allows a political subdivision to collect a fee of not more than \$5 for the use of a self-service weapon locker or other temporary secure weapon storage; and (4) addresses how a political subdivision must handle an unclaimed weapon. (Effective September 1, 2021.)

**H.B. 525 (Shaheen/Hall) – Religious Organizations:** this bill: (1) provides that a religious organization is an essential business at all times, including during a declared state of disaster, and the organization’s religious and other related activities are essential activities, even if the activities are not listed as essential in an order issued during the disaster; (2) provides that a governmental entity may not: (a) at any time, including during a declared state of disaster, prohibit a religious organization from engaging in religious and other related activities or continuing to operate in the discharge of the organization’s foundational faith-based mission and purpose; or (b) during a declared state of disaster order a religious organization to close or otherwise alter the organization’s purposes or activities; and (3) authorizes a person and the attorney general to seek certain relief for a violation of the prohibition in (2). (Effective immediately.)

**H.B. 604 (Noble/Zaffirini) – Animal Shelter:** requires that, as soon as practicable after an animal is placed in the custody of an animal shelter, the shelter scan the animal to determine whether a microchip is implanted in the animal. (Effective September 1, 2021.)

**H.B. 624 (Shine/Campbell) – Offense Against Public Servant:** increases the criminal penalty for certain offenses committed in retaliation for, or on account of, a person’s service or status as a public servant. (Effective September 1, 2021.)

**H.B. 636 (S. Thompson/Whitmire) – Texas State Board of Plumbing Examiners:** this is the Texas State Board of Plumbing Examiners sunset bill. The bill, among other things, continues the functions of the Texas State Board of Plumbing Examiners through September 1, 2027. (Effective immediately.)

**H.B. 957 (Oliverson/Springer) – Firearm Suppressors (Silencers):** this bill: (1) prohibits a city council or an officer, employee, or other body that is part of a city (including a police department) from: (a) adopting a rule, order, ordinance, or policy under which the city enforces, or by consistent action allows the enforcement of, a federal statute, order, rule, or regulation that purports to regulate a firearm suppressor if the statute, order, rule, or regulation imposes a prohibition, restriction, or other regulation that does not exist under Texas law; and (b) enforcing or attempting to enforce any federal statute, order, rule, or regulation described in (1)(a); (2) provides that a violation of the prohibition in (1) may be enforced by denying certain state grant funds to the city; (3) authorizes any citizen residing in the jurisdiction of a city to file a complaint with the attorney general if the citizen offers evidence to support an allegation that the city violated the prohibition in (1); (4) authorizes the attorney general, upon receipt of a valid citizen complaint, to file a writ of mandamus or seek other equitable relief to compel a city to comply with the requirements in the bill, and allows the attorney general to recover reasonable expenses in obtaining such relief; and (5) removes the prohibition in state law against possessing a firearm suppressor, and provides that any pending criminal action for that offense is dismissed on the effective date of the bill. (Effective September 1, 2021.)

**H.B. 1118 (Capriglione/Paxton) – Cybersecurity:** provides that: (1) a local government employee or official that uses a computer to complete at least 25 percent of the employee or official's required duties shall complete a cybersecurity training certified by the state cybersecurity coordinator and the state's cybersecurity council; (2) the governing body of a local government or the governing body's designee may deny access to the local government's computer system or database to an individual identified as one that is required to take cybersecurity training and is noncompliant with that requirement; (3) to apply for certain state grants (submitted on or after September 1, 2021), a local government must submit with its grant application proof of compliance with the cybersecurity training requirements; and (4) a local government that has not complied with the cybersecurity training requirements must repay the grant and will be ineligible for another grant for two years. (Effective immediately.)

**H.B. 1239 (Sanford/Paxton) – Religious Freedom:** this bill provides that: (1) for purposes of a disaster declared under Texas Disaster Act of 1975, the Texas Religious Freedom Restoration Act is not considered a regulatory statute and may not be suspended; and (2) a government agency or public official may not issue an order that closes or has the effect of closing places of worship. (Effective immediately.)

**H.B. 1256 (Ashby/Huffman) – Specialty Court Funding:** requires the comptroller to deposit one percent of both the mixed beverage gross receipts tax and the mixed beverage sales tax to the credit of the specialty court account. (Effective September 1, 2021.)

**H.B. 1276 (Parker/Springer) – Food Service Establishments:** this bill: (1) allows a food service establishment that holds a permit to sell food other than prepared food directly to consumers if the food: (a) is labeled with any information required by the Health and Human Services Commission; (b) is appropriately inspected and bears an official mark of USDA inspection, if the food is meat or poultry; and (c) is properly refrigerated, if applicable; and (2) prohibits a city or public health district from requiring a food service establishment that sells food directly to an individual consumer to obtain a food manufacturer license or permit if the establishment complies with the requirements in (1) and is not required to hold a food manufacturer license or permit under other state law. (Effective immediately.)

**H.B. 1322 (Shaheen/Zaffirini) – Proposed State Agency Rules:** requires that a state agency required to file notice of a proposed rule with the secretary of state must also publish on the agency's Internet website a summary of the proposed rule written in plain language, in both English and Spanish, that the general public, including individuals with limited English proficiency, can readily understand because the language is concise and well-organized. (Effective September 1, 2023.)

**H.B. 1410 (Murphy/Creighton) – Water Districts:** among other things, provides that: (1) when a city consents to the inclusion of land in a water district it may restrict the purposes for which a district may issue bonds to those purposes authorized by law for the district; and (2) the outstanding principal amount of debt obligations issued to finance a recreational facility in a water district may not exceed three percent of: (a) the value of the taxable property in the district; or (b) under certain circumstances, the value of the taxable property in the district making payments to a political subdivision under a contract. (Effective immediately.)

**H.B. 1493 (Herrero/Hinojosa) – Falsely Implying Governmental Affiliation:** provides: (1) that a governmental unit, including a city, is entitled to enjoin another person’s use of an entity name that falsely implies governmental affiliation with the governmental unit; (2) that in an action brought under (1), the governmental unit is entitled to injunctive relief throughout the state, and in the court’s discretion, reasonable attorney’s fees and court costs if a court finds that the person against whom injunctive relief is sought willfully intended to imply governmental affiliation with the governmental unit; and (3) procedures that the Secretary of State shall follow when a filing entity or foreign filing entity uses a name that falsely implies an affiliation with a governmental entity. (Effective September 1, 2021.)

**H.B. 1500 (Hefner/Creighton) – Firearm Regulation:** this bill: (1) provides that the Texas Disaster Act of 1975 does not authorize any person to prohibit or restrict the business or operations of a firearms or ammunition manufacturer, distributor, wholesaler, supplier, or retailer or a sport shooting range, in connection with a disaster; (2) provides that the governor may not, during a state of disaster, suspend or limit the sale, dispensing, or transportation of explosives or combustibles that are components of firearm ammunition; (3) provides that a directive issued during a state of emergency may not prohibit or restrict the business or operations of a firearms or ammunition manufacturer, distributor, wholesaler, supplier, or retailer or a sport shooting range; and (4) removes certain express statutory authority of a city to regulate the use of firearms, air guns, or knives in the case of an insurrection, riot, or natural disaster. (Effective September 1, 2021.)

**H.B. 1540 (S. Thompson/Huffman) – Offenses:** this bill: (1) adds drink solicitation to the list of acts or offenses that can trigger an automatic denial of certain alcoholic beverage permits or licenses if specific circumstances occurred and the application was made within a specified time period; (2) provides that if a law enforcement agency has reason to believe an activity related to prostitution or illegal massage services has occurred at property that is leased to a person operating a massage establishment, the law enforcement agency may provide written notice of the alleged activity, instead of an arrest, to each person maintaining the property; (3) provides that in an action brought to abate certain common nuisances, a court may award a prevailing party reasonable attorney’s fees in addition to costs incurred in bringing the action; (4) provides that proof in the form of an arrest or testimony from a law enforcement agent of activities relating to prostitution at a massage establishment taking place after the notice described in (2) is provided serves as prima facie evidence that a defendant did not make a reasonable attempt to abate activities relating to prostitution; (5) provides that proof that illegal massage services are committed at a place maintained by the defendant after notice described in (2) is provided to the defendant is prima facie evidence that the defendant knowingly tolerated the activity and did not make a reasonable attempt to abate the activity; (6) provides that, for purposes of (4) and (5), notice is considered to be provided to the defendant on the earlier of: (a) seven days after the postmark date of the notice; or (b) the date the defendant actually received notice; (7) provides that a person or enterprise commits racketeering if, for financial gain, the person or enterprise commits an offense related to trafficking of persons; (8) provides that a sex offender who is placed under community supervision may not go in, on, or within 1,000 feet, of certain child-care facilities operating as residential treatment centers; (9) provides that the penalty for certain offenses related to controlled substances is enhanced to a felony of the third degree if it shown that the offense was committed by any unauthorized person 18 years of age or older, in, on, or within 1,000 feet of premises owned,

rented, or leased by certain child-care facilities operating as residential treatment center; and (10) provides that the commissioners court of a county or governing body of a city may establish a first offender solicitation of prostitution prevention program for defendants charged with the offense of solicitation of prostitution. (Effective September 1, 2021.)

**H.B. 1560 (Goldman/Buckingham)** – **Texas Department of Licensing and Regulation:** provides for the continuation and functions of the Texas Department of Licensing and Regulation and, among other things: (1) deregulates (no longer licenses) polygraph examiners; and (2) eliminates certain court-ordered driver education programs. (Effective September 1, 2021, except as otherwise provided.)

**H.B. 1920 (Capriglione/Springer)** – **Weapons at Airport:** this bill: (1) provides that it is a defense to prosecution for the offense of carrying a weapon in a prohibited place that the actor was authorized by a federal agency or an airport operator to possess a firearm in a secured area; and (2) includes in the definition of “secured area” of an airport terminal building an aircraft parking area that is used by common carriers in air transportation, but not by general aviation, and to which access is controlled under federal law (the term does not include a baggage claim area, a motor vehicle parking area used by passengers, employees, or persons awaiting an arrival, or an area used by the public to pick up or drop off passengers or employees). (Effective September 1, 2021.)

**H.B. 1925 (Capriglione/Buckingham)** – **Camping in Public:** this bill:

1. creates a Class C misdemeanor criminal offense for a person who intentionally or knowingly camps in a public place without the effective consent of the officer or agency having the legal duty or authority to manage the public place;
2. provides that consent given by an officer or agency of a political subdivision is not effective for the purposes of (1), unless given to authorize the person to camp for certain recreational, homeless shelter, beach access, and emergency shelter purposes;
3. provides that an ordinance, order, rule, or other regulation adopted by a state agency or political subdivision relating to prohibiting camping in a public place or affecting the authority of a state agency or political subdivision to adopt or enforce an ordinance, order, rule, or other regulation relating to prohibiting camping in a public place is not preempted if the ordinance, order, rule, or other regulation: (a) is compatible with and equal to or more stringent than the offense in (1); or (b) relates to an issue not specifically addressed by the offense created in (1);
4. requires that, before or at the time a peace officer issues a camping in public citation, the peace officer make a reasonable effort to: (a) advise the person of an alternative place at which the person may lawfully camp; and (b) contact, if reasonable and appropriate, an appropriate official of the political subdivision in which the public place is located, or an appropriate nonprofit organization operating within that political subdivision, and request the official or organization to provide the person with: (i) information regarding the prevention of human trafficking; or (ii) any other services that would reduce the likelihood of the person suspected of committing the offense continuing to camp in the public place;
5. provides that the requirement in (4), above, does not apply when a peace officer determines there is an imminent threat to the health or safety of a person and compliance is impracticable;

6. provides that if a person is arrested or detained solely for a public camping offense, the peace officer must ensure that all of the person's personal property not designated as contraband under other law is preserved by: (a) permitting the person to remove all the property from the public place at the time of the person's departure; or (b) taking custody of the property and allowing the person to retrieve the property after the person is released from custody;
7. prohibits a political subdivision from designating a property to be used by homeless individuals to camp unless the Department of Housing and Community Affairs approves a plan to do so, and provides that the Department may not approve a plan if the property is a public park;
8. prohibits a local entity from adopting or enforcing a policy under which the entity prohibits or discourages the enforcement of any public camping ban;
9. provides that, in compliance with (8), a local entity may not prohibit or discourage a peace officer or prosecuting attorney who is employed by or otherwise under the direction or control of the entity from enforcing a public camping ban;
10. authorizes the attorney general to bring an action in a district court in Travis County or in a county in which the principal office of the entity is located to enjoin a violation of (8), and provides the attorney general may recover reasonable expenses, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs;
11. provides that a local entity may not receive state grant funds for the state fiscal year following the year in which a final judicial determination in an action brought under (10) is made that the entity has intentionally violated (8);  
and
12. provides that a local entity that has not violated (8) may not be denied state grant funds, regardless of whether the entity is a part of another entity that is in violation of (8).

(Effective September 1, 2021.)

**H.B. 2025 (Hunter/Huffman)** – **Federal Census**: this bill, among other things, provides that, until September 1, 2023, a statute that applies to a political subdivision having a certain population according to the most recent federal census: (1) continues to apply to the same political subdivisions to which the statute applied under the 2010 federal census, regardless of whether the political subdivisions continue to have the populations prescribed by the statute according to the 2020 federal census; and (2) does not apply to a political subdivision to which the statute did not apply under the 2010 federal census, regardless of whether the political subdivision has the population prescribed by the statute according to the 2020 federal census. (Effective immediately.)

**H.B. 2205 (Romero/Schwertner)** – **Swimming Pools**: this bill, among other things, provides that: (1) pool safety standards adopted by rule by the Department of State Health Services must comply with a version of the International Swimming Pool and Spa Code that is not older than the version in effect on May 1, 2019; (2) a person may use, maintain, and repair a pool or spa that was in compliance with the laws of this state on August 31, 2021, and related mechanical, electrical, and plumbing systems in accordance with the laws applicable to the pool or system on that date; (3) a municipality may adopt a more recent version of the International Swimming Pool and Spa Code than in (1) to apply in the municipality; and (3) to the extent a provision of a code adopted by a municipality under (2) conflicts with a law of this state or a regulation on pool operation and

management, water quality, safety standards unrelated to design and construction, signage, or enclosures, the law or regulation controls. (Effective September 1, 2021.)

**H.B. 2622 (Holland/Hall) – Firearm Regulation:** this bill provides that: (1) notwithstanding any other law, an agency of this state, a political subdivision of this state, or a law enforcement officer or other person employed by an agency of this state or a political subdivision of this state may not contract with or in any other manner provide assistance to a federal agency or official with respect to the enforcement of a federal statute, order, rule, or regulation that: (a) imposes a prohibition, restriction, or other regulation that does not exist under the laws of Texas; and (b) relates to: (i) a registry requirement for a firearm, a firearm accessory, or ammunition; (ii) a requirement that an owner of a firearm, a firearm accessory, or ammunition possess a license as a condition of owning, possessing, or carrying the firearm, firearm accessory, or ammunition; (iii) a requirement that a background check be conducted for the private sale or transfer of a firearm, a firearm accessory, or ammunition; (iv) a program for confiscating a firearm, a firearm accessory, or ammunition from a person who is not otherwise prohibited by the laws of Texas from possessing the firearm, firearm accessory, or ammunition; or (v) a program that requires an owner of a firearm, a firearm accessory, or ammunition to sell the firearm, firearm accessory, or ammunition; (2) the prohibition in (1) does not apply to a federal statute, order, rule or regulation in effect on January 19, 2021; and (3) a violation of the prohibition in (1) may be enforced: (a) by denying certain state grant funds to the political subdivision; and (b) through certain court action by the attorney general that is initiated by citizen complaint. (Effective September 1, 2021.)

**H.B. 2730 (Deshotel/Kolkhorst) – Eminent Domain:** makes several changes to the eminent domain process. Of primary importance to cities, the bill:

1. requires the attorney general, at least once every two years, to evaluate the landowner's bill of rights statement and make any change to the landowner's bill of rights statement that the attorney general determines necessary, including making a change to the writing style of the statement to ensure the statement is written in plain language designed to be easily understood by the average property owner;
2. provides that a person may not receive state certification to buy, sell, lease, or transfer an easement or right-of-way for another for compensation in connection with telecommunication, utility, railroad, or pipeline service unless the person successfully completes at least 16 classroom hours of coursework approved by the Texas Real Estate Commission in:
  - a. the law of eminent domain, including the rights of property owners;
  - b. appropriate standards of professionalism in contacting and conducting negotiations with property owners; and
  - c. ethical considerations in the performance of right-of-way acquisition services;
3. provides that an entity with eminent domain authority makes a bona fide offer when the entity's initial offer to a property owner is made in writing and includes:
  - a. a copy of the landowner's bill of rights statement;
  - b. a statement, in bold print and a larger font than the other portions of the offer, indicating whether the compensation being offered includes:
    - i. damages to the remainder, if any, of the property owner's remaining property; or

- ii. an appraisal of the property, including damages to the remainder, if any, prepared by a certified appraiser;
  - c. an instrument of conveyance; and
  - d. the name and telephone number of a representative of the entity who is:
    - i. an employee of the entity;
    - ii. an employee of an affiliate providing services on behalf of the entity;
    - iii. a legal representative of the entity; or
    - iv. if the entity does not have employees, an individual designated to represent the day-to-day operations of the entity;
- 4. requires that an entity that files a condemnation petition must concurrently provide a copy of the petition to the property owner by certified mail, return receipt requested, and first class mail;
- 5. provides that if an entity has received written notice that the property owner is represented by counsel, the entity must also concurrently provide a copy of the condemnation petition to the property owner's attorney by first class mail, commercial delivery service, fax, or email;
- 6. requires the judge of a court in which a condemnation petition is filed or to which an eminent domain case is assigned to, not later than the 30th calendar day after the date the petition is filed, appoint three disinterested real property owners who reside in the county as special commissioners, and appoint two disinterested real property owners who reside in the county as alternate special commissioners;
- 7. provides that each party shall have until the later of ten calendar days after the date of the order appointing the special commissioners, or 20 days after the date the petition was filed to strike one of the three special commissioners, in which case an alternate special commissioner shall serve as a replacement for the special commissioner based on the order that the alternate special commissioners are listed in the initial order of appointment;
- 8. provides that if a party exercises a strike under Number 7, above, the other party may, by the later of the third day after the date of filing the initial strike or the date of the initial strike deadline, strike a special commissioner from the resulting panel, provided the other party has not earlier exercised a strike;
- 9. entitles each party in an eminent domain proceeding to a copy of the court's order appointing special commissioners; and
- 10. requires the court to promptly provide the signed order appointing special commissioners to the party initiating the condemnation proceeding, and that party must: (a) provide a copy of the signed order to the property owner and each other party by certified mail, return receipt requested; and (b) if the entity has received written notice that the property owner is represented by counsel, concurrently provide a copy of the signed order to the property owner's attorney by first class mail, commercial delivery service, fax, or email.

(Effective January 1, 2022.)

**H.B. 3069 (Holland/Hughes) – Statute of Limitations on Claims:** this bill: (1) requires a governmental entity to bring suit for damages for certain claims against: (a) a registered or licensed architect, engineer, interior designer, or landscape architect in this state, who designs, plans, or inspects the construction of an improvement to real property or equipment attached to real property, not later than eight years after the substantial completion of the improvement or the

beginning of operation of the equipment in an action arising out of a defective or unsafe condition of the real property, the improvement, or the equipment; and (b) a person who constructs or repairs an improvement to real property not later than eight years after the substantial completion of the improvement in an action arising out of a defective or unsafe condition of the real property or a deficiency in the construction or repair of the improvement; and (2) excepts from (1): (a) a contract entered into by the Texas Department of Transportation; (b) a project that receives money from the state highway fund or a federal fund designated for highway and mass transit spending; and (c) a civil works project. (Effective immediately.)

**H.B. 3340 (Swanson/Bettencourt)** – **Dangerous Dogs**: this bill provides that: (1) any order to destroy a dog is stayed for a period of ten calendar days from the date the order is issued, during which period the dog’s owner may file a notice of appeal; and (2) a court, including a justice court, may not order the destruction of a dog during the pendency of an appeal related to a dangerous dog, including an order to destroy a dangerous dog and an order determining that a dog is a dangerous dog. (Effective September 1, 2021.)

**H.B. 3583 (Paddie/Hinojosa)** – **Energy Savings Performance Contracts**: this bill: (1) limits the scope of an energy savings performance contract by, among other things, excluding from the term “energy savings performance contract” the design or new construction of a water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, or drainage project; (2) prohibits modifying the scope of an energy savings performance contract for a water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, or drainage project through a change order, contract addendum, or other method: (a) to perform work that is not related to, connected with, or otherwise ancillary to the measures identified in the original scope of an energy savings performance contract; or (b) in a way that increases the price of the original awarded contract by more than 25 percent of the original contract value; and (3) provides that a contract entered into or an arrangement made in violation of certain state law governing energy savings performance contracts is voidable as against public policy, and that the state law may be enforced through an action for declaratory or injunctive relief filed not later than the 10th day after the date the contract is awarded. (Effective immediately.)

**H.B. 3584 (Murr/Buckingham)** – **Historical Monuments**: provides: (1) notwithstanding any other law, a monument, marker, or medallion installed by the Texas Historical Commission is state property solely under the commission’s custody and control and may not be altered, removed, relocated, covered, obscured, or concealed without the express written permission of the commission; (2) that the attorney general may file suit in district court to seek civil penalties in of not less than \$50 nor more than \$1,000 for each day of violation and equitable relief in accordance with current state law against a person who violates this amendment; (3) a presumption that if a person commits a violation on more than one day, that the person committed a violation on each intervening day between the days of violation; and (4) a waiver of governmental immunity for any county, city, or other political subdivision to the extent liability is created under (1). (Effective September 1, 2021.)

**H.B. 3786 (Holland/Nelson)** – **Electronic Submission to Comptroller**: among other things, this bill authorizes the comptroller, after providing notice, to require a document, payment, notice,

report, or other item required to be submitted to the comptroller to be submitted electronically. (Effective September 1, 2021.)

**H.B. 3807 (Hunter/Hinojosa) – Lifeguards:** among other things, provides that as part of the duty to clean and maintain the condition of public beaches, a city shall: (1) during reasonable daylight hours from Memorial Day to Labor Day, provide: (a) occupied lifeguard towers or mobile lifeguard units on each side of each pier, jetty, or other structure that protrudes into the Gulf of Mexico that is located within the corporate boundaries; or (b) a single occupied lifeguard tower or mobile lifeguard unity at each pier, jetty, or other structure that protrudes into the Gulf of Mexico that tis located within the corporate boundaries if the single tower provides and unobstructed view of both sides of the structure;(2) post within 100 yards of each side of each structure described by (1) signs clearly describing the dangerous water conditions that may occur near the structure; and (3) the city may suspend or alter these duties during dangerous weather conditions or emergency operations. (Effective September 1, 2021.)

**H.B. 3897 (S. Thompson/Birdwell) – Local Alcohol Permit Fees:** provides that the fee that a city may levy and collect for a brewer’s license or a brewer’s self-distribution license may not exceed 50 percent of the fee set by rule for the license. (Effective September 1, 2021.)

**H.B. 3898 (Anchia/Huffman) – Public Retirement Systems Funding:** provides, among other things, that: (1) an evaluation of the appropriateness, adequacy, and effectiveness of a public retirement system’s investment practices and performance that is required to be conducted by an independent firm must include: (a) a summary of the firm’s experience in evaluating institutional investment practices and performance and a statement that the firm’s experience meets the required experience; (b) a statement indicating the nature of any existing relationship between the independent firm and the public retirement system and confirming that the firm and any related entity are not involved in directly or indirectly managing the investments of the system; (c) a list of the types of remuneration received by the independent firm from sources other than the public retirement system for services provided to the system; (d) a statement identifying any potential conflict of interest or any appearance of a conflict of interest that could impact the analysis included in the evaluation due to an existing relationship between the independent firm and: (i) the public retirement system; or (ii) any current or former member of the governing body of the system; and (e) an explanation of the firm’s determination regarding whether to include a recommendation for specific evaluation matters; (2) a public retirement system shall conduct the evaluation described by (1): (a) once every three years, if the total assets of the retirement system as of the last day of the preceding fiscal year were at least \$100 million; or (b) once every six years, if the total assets of the retirement system as of the last day of the preceding fiscal year were at least \$30 million and less than \$100 million; (3) a public retirement system is not required to conduct the evaluation described by (1) if the total assets of the retirement system as of the last day of the preceding fiscal year were less than \$30 million; (4) a governmental entity that is the employer of active members of a public retirement system evaluated under (1) may pay all or part of the costs of the evaluation, and the public retirement system shall pay any remaining unpaid costs of the evaluation; (5) the governing body of a public retirement system and, if the system is not a statewide retirement system, its associated governmental entity shall: (a) jointly, if applicable: (i) develop and adopt a written funding policy that details a plan for achieving a funded ratio of the system that is equal to or greater than 100 percent; and (ii) timely revise the policy to

reflect any significant changes to the policy, including changes required as a result of formulating and implementing a funding soundness restoration plan; (b) post a copy of the most recent edition of the policy on a publicly available Internet website; (6) a public retirement system shall notify the associated governmental entity in writing if the system receives an actuarial valuation indicating that the system's actual contributions are not sufficient to amortize the unfunded actuarial accrued liability within 30 years; and (7) instances in which the governing body of a public retirement system and the governing body of the associated governmental entity shall jointly formulate a funding soundness restoration plan, including a revised funding soundness restoration plan. (Effective September 1, 2021.)

**H.B. 4107 (Burrows/Kolkhorst)** – **Eminent Domain by a Common Carrier Pipeline**: this bill: (1) requires a common carrier or its employees, contractors, agents, or assigns to, before entering property for the purpose of making a preliminary survey to be used in the exercise of the power of eminent domain, provide the property owner with: (a) written notice of the carrier's intent to enter the property; and (b) an indemnification provision in favor of the property owner with respect to damages, if any, resulting from the survey; (2) provides that notice and indemnification provided under (1), above: (a) must be provided to the property owner not later than the second day before the date of entry to the property; (b) must include the phone number of a person whom the property owner may contact regarding any questions or objections the property owner has relating to the survey, and (c) may be provided by first class mail, e-mail, personal delivery to an adult living on the property, or by any other method of service authorized by the Texas Rules of Civil Procedure; and (3) imposes various restrictions on access to the property for which notice is required under (1), above. (Effective September 1, 2021.)

**H.B. 4346 (Leman/Springer)** – **Firearm Regulation**: this bill: (1) prohibits an instrument granting an access easement from restricting or prohibiting an easement holder or an easement holder's guest from possessing, carrying, or transporting a firearm or an alcoholic beverage over the servient estate while using the easement for the easement's purpose; (2) prohibits the owner of a servient estate from enforcing a restrictive covenant in an instrument granting an access easement over the servient estate that restricts or prohibits the easement holder or the easement holder's guest from possessing, carrying, or transporting a firearm or an alcoholic beverage over the servient estate while using the easement for the easement's purpose; and (3) provides that the prohibitions in (1) and (2) do not apply to a right-of-way easement for a pipeline, electric transmission line, or other utility. (Effective September 1, 2021.)

**S.B. 73 (Miles/Klick)** – **Local Health Departments**: this bill: (1) defines a local public health entity as including a local health unit, a local health department, and a public health district; and (2) requires the executive commissioner of Health and Human Services Commission to establish a separate provider type for a local public health entity for purposes of enrollment as a provider for and reimbursement under the medical assistance program. (Effective September 1, 2021.)

**S.B. 149 (Powell/Goldman)** – **Unmanned Aircraft**: in relation to the prosecution of the offense of operating an unmanned aircraft over certain facilities, this bill adds to the definition of the term "critical infrastructure facility" a: (1) public or private airport depicted in a current aeronautical chart published by the Federal Aviation Administration; and (2) military installation owned or

operated by the federal government, the state, or another governmental entity. (Effective September 1, 2021.)

**S.B. 157 (Perry/Craddick) – Eminent Domain Reporting Requirements:** this bill: (1) exempts a city with a population of less than 25,000 from eminent domain reporting requirements if the city’s eminent domain authority information has not changed from the information reported in the city’s most recently filed report; and (2) provides that for a city described by (1), above, if the city’s eminent domain authority information is the same as the information in the eminent domain database from the previous reporting period, the city, not later than February 1 of the current reporting period, shall confirm the accuracy of the information by electronically updating the city’s previously filed report with the comptroller. (Effective September 1, 2021.)

**S.B. 454 (Kolkhorst/Lambert) – Local Mental Health Authority:** this bill, among other things, requires the Health and Human Services Commission to require each local mental health authority group to meet at least quarterly to collaborate on planning and implementing regional strategies to reduce: (1) costs to local governments of providing services to persons experiencing a mental health crisis; (2) transportation to mental health facilities of persons served by an authority that is a member of the group; (3) incarceration of persons with mental illness in county jails that are located in an area served by an authority that is a member of the group; and (4) visits by persons with mental illness at hospital emergency rooms located in an area served by an authority that is a member of the group. (Effective immediately.)

**S.B. 474 (Lucio/Collier) – Unlawful Restraint of Dog:** this bill: (1) prohibits and creates a criminal offense for the unlawful restraint of a dog; and (2) provides that the prohibition in (1) does not preempt a local regulation relating to the restraint of a dog or affect the authority of a political subdivision to adopt or enforce an ordinance or requirement relating to the restraint of a dog if the regulation, ordinance, or requirement: (a) is compatible with and equal to, or more stringent than, the prohibition; or (b) relates to an issue not specifically addressed by the prohibition. (Effective September 1, 2021.)

**S.B. 475 (Nelson/Capriglione) – Cybersecurity:** this bill, among other things: (1) requires the Department of Information Resources (DIR) to establish a framework for regional cybersecurity working groups to execute mutual aid agreements that allow state agencies, local governments, and others to assist with responding to a cybersecurity event in the state; (2) requires DIR to establish the Texas volunteer incident response team to provide rapid response assistance to any participating entity (which could include a city) under DIR’s direction during a cybersecurity event; (3) authorizes DIR to establish a regional network security center to assist in providing cybersecurity support and network security to certain entities (including cities) that elect to participate in and contract for services through such a center; (4) makes confidential and excepted from disclosure under the Public Information Act information written, produced, collected, assembled, or maintained by DIR, a participating entity, the cybersecurity council, or a volunteer relating to the response team if the information: (a) contains the contact information of a volunteer; (b) identifies or provides a means of identifying a person who may, as a result of disclosure of the information, become a victim of a cybersecurity event; (c) consists of a participating entity’s cybersecurity plans or cybersecurity-related practices; or (d) is obtained from a participating entity or from a participating entity’s computer system in the course of providing assistance through the

team; and (5) includes robotic process automation among the next generation technologies a local government must consider using in the administration of the government. (Effective September 1, 2021.)

**S.B. 617 (Kolkhorst/Wilson)** – **Farmers’ Markets**: this bill: (1) provides that a permit issued to a farmer or food producer for the sale of food directly to consumers: (a) must be valid for a term of not less than one year; (b) may impose an annual fee in an amount not to exceed \$100 for the issuance or renewal; and (c) must cover sales at all locations the holder is authorized to sell food, including farmers’ markets, farm stands, and farms; and (2) creates a cause of action for a farmer or food producer whose permit does not comply with (1) to recover: (a) the amount the farmer or food producer was charged in excess of the annual fee; and (b) reasonable and necessary attorney’s fees. (Effective September 1, 2021.)

**S.B. 700 (Buckingham/Cyrier)** – **Texas Parks and Wildlife Department**: this is the Texas Parks and Wildlife Department sunset bill. The bill, among other things, continues the functions of the Texas Parks and Wildlife Department until September 1, 2033. (Effective September 1, 2021.)

**S.B. 703 (Buckingham/Canales)** – **Texas Department of Agriculture**: this is the Texas Department of Agriculture sunset bill. The bill, among other things: (1) continues the department until 2033; and (2) repeals: (a) the Rural Foundation; (b) the Rural Health & Economic Development Advisory Council; and (c) the Early Childhood Health and Nutrition Interagency Council. (Effective September 1, 2021.)

**S.B. 705 (Lucio/Cyrier)** – **Animal Health Commission**: this is the Texas Animal Health Commission sunset bill. The bill continues the commission until 2033. (Effective September 1, 2021.)

**S.B. 721 (Schwertner/Leman)** – **Eminent Domain**: provides that an entity seeking to acquire property through the use of eminent domain shall, not later than the third business day before the date of a special commissioner’s hearing, disclose to the property owner any and all current and existing appraisal reports produced or acquired by the entity relating specifically to the owner’s property and used in determining the entity’s opinion of value, if an appraisal report is to be used at the hearing. (Effective September 1, 2021.)

**S.B. 725 (Schwertner/Leman)** – **Eminent Domain**: provides that: (1) land qualifies for appraisal for property tax purposes as agricultural land if a portion or parcel of the land is subject to a right of way that is less than 200 feet wide and that was taken by condemnation if the remainder of the parcel of land qualifies for appraisal as agricultural land; and (2) if additional taxes are due because the land is diverted to a nonagricultural use as a result of a condemnation, the additional taxes and interest are the personal obligation of the condemning entity and not the property owner from whom the property was taken. (Effective September 1, 2021.)

**S.B. 726 (Schwertner/Leman)** – **Eminent Domain**: this bill, among other things, in relation to a property owner’s right to repurchase property from a condemning entity: (1) eliminates as available elements to establish “actual progress” on a project: (a) the acquisition of a tract or parcel of real property adjacent to the property for the same public use project for which the owner’s

property was acquired; and (b) for a governmental entity, the adoption by a majority of the entity's governing body at a public hearing of a development plan for a public use project that indicates that the entity will not complete more than one tolling action before the tenth anniversary of the date of acquisition of the property; and (2) requires three of five remaining elements to be met to establish actual progress. (Effective September 1, 2021.)

**S.B. 780 (Hinojosa/Raymond)** – **Intergovernmental Agreements:** allows a local government to enter into an intergovernmental support agreement with a branch of the armed forces of the United States under the National Defense Authorization Act to provide installation-support services to a military installation located in Texas. (Effective immediately.)

**S.B. 790 (Zaffirini/Howard)** – **Ambulance Balance Billing:** provides that: (1) a county or city may elect to consider a health benefit plan payment towards a claim for air or ground ambulance services provided by the county or city as payment in full for those services regardless of the amount the county or city charged for those services; (2) a county or city may not practice balance billing for a claim for which the county or city makes an election described in (1); and (3) the Texas Department of Insurance shall conduct a study on the balance billing practices of ground ambulance service providers, the variations in prices for ground ambulance services, the proportion of ground ambulances that are in-network, trends in network inclusion, and factors contributing to the network status of ground ambulances. (Effective September 1, 2021.)

**S.B. 798 (Nelson/Neave)** – **Family Violence:** this bill, among other things, allows a victim of dating violence, a victim of family violence, or a child of a victim of dating or family violence, to request, without payment of a fee, a certified copy of the individual's birth record. (Effective September 1, 2021.)

**S.B. 911 (Hancock/Burrows)** – **Third-Party Food Delivery Service:** this bill, among other things: (1) defines "third-party food delivery service" as a website, mobile application, or other service that acts as an intermediary between consumers and multiple restaurants not owned or operated by the service to arrange for the delivery or pickup of food or beverages from those restaurants; (2) preempts a city or county from adopting or enforcing an ordinance or regulation that affects the terms of an agreement that meets the requirements of (3) between a third-party food delivery service and a restaurant; and (3) provides that an agreement between a third-party food delivery service and a restaurant must: (a) be in writing; (b) expressly authorize the service to arrange for the delivery or pickup of food or beverages from that restaurant; and (c) clearly state each fee, including a commission or other charge, that the restaurant will be required to pay to the service or absorb in connection with an order arranged through the service. (Effective January 1, 2022.)

**S.B. 1122 (Zaffirini/Holland)** – **Comptroller Contracts for Travel Services:** this bill, among other things, prohibits the comptroller from charging a city a fee if a city officer or employee who is engaged in official city business participates in the comptroller's contract for travel services for the purpose of obtaining reduced airline fares and reduced travel agent fees. (Effective immediately.)

**S.B. 1642 (Creighton/Canales)** – **Navigation Districts:** this bill, among other things, authorizes a navigation district to respond to and fight a fire or explosion or hazardous material incident that occurs on, or adjacent to, a waterway, channel, or turning basin that is located in the district’s territory, regardless of whether the waterway, channel, or turning basin is located in the corporate limits of a city. (Effective immediately.)

**S.B. 1827 (Huffman/Holland)** – **Opioid Abatement Account:** this bill, among other things: (1) defines “statewide opioid settlement agreement” as all settlement agreements and related documents entered into by Texas through the attorney general, political subdivisions that have brought a civil action for an opioid-related harm claim against an opioid manufacturer, distributor, or retailer, and opioid manufacturers, distributors, or retailers relating to illegal conduct in the marketing, promotion, sale, distribution, and dispensation of opioids that provide relief for Texas and political subdivisions of Texas; (2) requires the attorney general and comptroller to maintain a copy of a statewide opioid settlement agreement, including any amendments to the agreement, and make the copy available on the attorney general’s and comptroller’s Internet websites; (3) establishes the Texas Opioid Abatement Fund Council to ensure that money recovered by Texas through a statewide opioid settlement agreement is allocated fairly and spent to remediate the opioid crisis in Texas by using efficient and cost-effective methods that are directed to regions of Texas experiencing opioid-related harms; (4) provides that the executive commissioner of the Health and Human Services Commission shall appoint the regional members for the council in (3) from a list of two qualified candidates provided by the governing bodies of counties and cities that: (a) brought a civil action for an opioid-related harm against a released entity; (b) released an opioid-related harm claim in a statewide opioid settlement agreement; and (c) are located within the regions for which the member is being appointed; (5) creates the opioid abatement account as a dedicated account in the general revenue fund administered by the comptroller, which may be appropriated only to a state agency for the abatement of opioid-related harms; and (6) establishes the opioid abatement trust fund as a trust fund established outside of the state treasury that is administered by the Texas Treasury Safekeeping Trust Company. (Effective immediately.)

**S.B. 1955 (Taylor/Burrows)** – **Learning Pods:** this bill, among other things: (1) exempts any “learning pod” (defined as group of children who, based on the voluntary association of the children’s parents, meet together at various times and places to participate in or enhance the children’s primary or secondary academic studies, including participation in an activity or service provided to the children in exchange for payment) from any ordinance, rule, regulation, policy, or guideline adopted by a local governmental entity that applies to a school district campus or child-care facility, including any requirements regarding staff-to-child ratios, staff certification, background checks, physical accommodations, or building or fire codes; (2) exempts any group, building, or facility associated with or used by a learning pod from any ordinance, rule, regulation, policy, or guideline adopted by a local governmental entity that would not apply to the group, building, or facility if it was not associated with or used by a learning pod; (3) provides that an employee, contractor, or agent of a school district or other local governmental entity may not initiate or conduct a site inspection of, investigation of, or visit to a location in which a learning pod meets if the district or entity would not have initiated or conducted the inspection, investigation, or visit if the learning pod did not meet at that location; and (4) prohibits a school district or other local governmental entity from requiring: (a) a learning pod to be registered with

the district or entity; or (b) a person participating in a learning pod to report to the district or entity information regarding the learning pod 's existence or operation. (Effective immediately.)

**S.J.R. 27 (Hancock/Leach)** – **Religious Services:** amends the Texas Constitution to prohibit the state or a political subdivision of the state from enacting, adopting, or issuing a statute, order, proclamation, decision, or rule that prohibits or limits religious services by a religious organization established to support and serve the propagation of a sincerely held religious belief. (Effective if approved at the election on November 2, 2021.)

## **Personnel**

**H.B. 7 (Button/Nelson)** – **Unemployment Compensation:** provides that for purposes of calculating the replenishment ratio, the amount of benefits charged or paid shall not include the amount of benefits paid and not effectively charged to an employer's account as a result of an order or proclamation by the governor declaring at least 50 percent of the counties in this state to be in a state of disaster or emergency. (Effective immediately.)

**H.B. 786 (Oliverson/Perry)** – **CPR Training:** provides that a city that employs or appoints a telecommunicator shall provide training to the telecommunicator of not less than 20 hours during each 24-month period of employment that includes: (1) telecommunicator cardiopulmonary resuscitation training; and (2) other topics selected by the Texas Commission on Law Enforcement or the employing city. (Effective September 1, 2021.)

**H.B. 792 (Burns/Birdwell)** – **Police Dispatchers:** provides that: (1) a city with a population of more than 10,000 may adopt an alternate work schedule for the police department dispatchers if a majority of the dispatchers vote in favor of the alternate work schedule; and (2) a dispatcher working under an alternate work schedule described in (1) is entitled to overtime pay if the dispatcher works more hours during a calendar month than the number of hours in the normal work month of the majority of the employees of the city other than fire fighters and police officers. (Effective September 1, 2021.)

**H.B. 1589 (Davis/Menéndez)** – **Paid Military Leave:** provides that: (1) a person who is an officer or employee of the state, a city, a county, or another political subdivision and who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team is entitled to paid leave of absence for each day the person is called to state active duty by the governor or another appropriate authority in response to a disaster, not to exceed seven workdays in a fiscal year; and (2) during the leave of absence described in (1), the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time. (Effective September 1, 2021.)

**H.B. 2073 (Burrows/Springer)** – **Paid Quarantine Leave:** provides that: (1) the governing body of a political subdivision, including a city, shall develop and implement a paid quarantine leave policy for fire fighters, peace officers, detention officers, and emergency medical technicians who are employed by, appointed by, or elected for the political subdivision and ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty; (2) a paid

quarantine leave policy must: (a) provide that a fire fighter, peace officer, detention officer, or emergency medical technician on paid quarantine leave receives: (i) all employment benefits and compensation, including leave accrual, pension benefits, and health benefit plan benefits for the duration of the leave; and (ii) reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation; and (b) require that the leave be ordered by the person's supervisor or the political subdivision's health authority; and (3) a political subdivision may not reduce a fire fighter's, peace officer's, detention officer's, or emergency medical technician's sick leave balance, vacation leave balance, holiday leave balance, or other paid leave balance in connection with paid quarantine leave taken in accordance with a policy adopted (1). (Effective immediately.)

**S.B. 22 (Springer/Patterson) – Disease Presumption:** provides, among other things, that:

1. a detention officer, custodial officer, firefighter, peace officer, or emergency medical technician who suffers from severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) or coronavirus disease 2019 (COVID-19) that results in death or total or partial disability is presumed to have contracted the virus or disease during the course and scope of employment as a detention officer, custodial officer, firefighter, peace officer, or emergency medical technician if the detention officer, custodial officer, firefighter, peace officer, or emergency medical technician:
  - a. is employed in the area designated in a disaster declaration by the governor or another law and the disaster is related to severe acute respiratory syndrome SARS-CoV-2 or COVID-19; and
  - b. contracts the disease during the disaster declared by the governor;
2. the presumption under (1) applies only to a person who:
  - a. is employed as a detention officer, custodial officer, firefighter, peace officer, or emergency medical technician on a full-time basis;
  - b. is diagnosed with SARS-CoV-2 or COVID-19:
    - i. using a test authorized, approved, or licensed by the United States Food and Drug Administration; or
    - ii. if the person is deceased, using a test described by (2)(b)(i) or by another means, including by a physician;
  - c. was last on duty:
    - i. not more than 15 days before the date the person is diagnosed with SARS-CoV-2 or COVID-19; or
    - ii. if the person is deceased, not more than 15 days before the date the person: (A) was diagnosed with SARS-CoV-2 or COVID-19; (B) began to show symptoms of SARS-CoV-2 or COVID-19 as determined by a licensed physician; (C) was hospitalized for symptoms related to SARS-CoV-2 or COVID-19; or (D) died if SARS-CoV-2 or COVID-19 was a contributing factor in the person's death;
3. a rebuttal to a presumption described in (1) may not be based solely on evidence relating to the risk of exposure to SARS-CoV-2 or COVID-19 of a person with whom a detention officer, custodial officer, firefighter, peace officer, or emergency medical technician resides;
4. an injured employee who is subject to the presumption described in (1) and whose claim for benefits is determined to be compensable by an insurance carrier or division of the

workers' compensation of the Texas Department of Insurance, may request reimbursement for health care paid by the employee, including copayments and partial payments, by submitting to the carrier a legible written request and documentation showing the amounts paid to the health care provider;

5. the provisions of (1)-(4) expire on September 1, 2023;
6. a person subject to the presumption described in (1) who on or after the date the governor declared a disaster relating to SARS-CoV-2 or COVID-19, but before the effective date of this bill, contracted SARS-CoV-2 or COVID-19, may file a claim for benefits related to SARS-CoV-2 or COVID-19, on or after the effective date of the bill, regardless of whether that claim is otherwise considered untimely and the provisions of the bill apply to that claim; and
7. a person who is subject to the presumption described in (1) who on or after the date the governor declared a disaster relating to SARS-CoV-2 or COVID-19, but before the effective date of this bill, filed a claim for benefits related to SARS-CoV-2 or COVID-19, and whose claim was subsequently denied may, on or after the effective date of this bill, request in writing that the insurance carrier reprocess the claim and the changes in law made by this bill shall apply to that claim, and such request to reprocess a claim shall be filed not later than one year after the effective date of this bill.

(Effective immediately.)

**S.B. 24 (Huffman/Bonnen) – Police Pre-Employment Procedures:** provides that:

1. a law enforcement agency hiring a police officer is entitled to view the contents of the officer's departmental civil service personnel file (commonly referred to as the "g" file);
2. before a law enforcement agency may hire a person licensed by the Texas Commission on Law Enforcement (TCOLE), the agency must, on a form and in the manner prescribed by TCOLE:
  - a. obtain the person's written consent for the agency to review the information required to be reviewed;
  - b. request from TCOLE and any other applicable person information required to be reviewed; and
  - c. submit to TCOLE confirmation that the agency, to the best of the agency's ability before hiring the person:
    - i. contacted each entity or individual necessary to obtain the information required to be reviewed under; and
    - ii. obtained and reviewed as related to the person, as applicable:
      - A. personnel files and other employee
      - B. records from each previous law enforcement agency employer, including the employment application submitted to the previous employer;
      - C. employment termination reports maintained by TCOLE;
      - D. service records maintained by TCOLE;
      - E. proof that the person meets the minimum qualifications for enrollment in a TCOLE training program;

- F. a military veteran's United States Department of Defense Form DD-214 or other military discharge record;
  - G. criminal history record information;
  - H. information on pending warrants as available through the Texas Crime Information Center and National Crime Information Center;
  - I. evidence of financial responsibility required to operate a vehicle;
  - J. driving record from the Department of Public Safety;
  - K. proof of United States citizenship; and
  - L. information on the person's background from at least three personal references and at least two professional references;
3. if an entity or individual contacted for information required to be reviewed refused to provide the information or did not respond to the request for information, the confirmation submitted to TCOLE must document the manner of the request and the refusal or lack of response;
  4. if TCOLE or a law enforcement agency receives from a law enforcement agency a request for information and the person's consent on the forms and in the manner prescribed by TCOLE, TCOLE or the agency shall provide the information to the requesting agency;
  5. the confirmation form submitted to TCOLE under (2)(c) is not confidential and is subject to disclosure under the Public Information Act;
  6. TCOLE shall:
    - a. by rule establish the required forms and procedures for making a person's employment records available;
    - b. post the forms and procedures on TCOLE's internet website; and
    - c. retain a record of each submitted confirmation form;
  7. the head of a law enforcement agency or the agency head's designee shall review and sign each required confirmation form before submission to TCOLE, and the failure of an agency head or the agency head's designee to comply shall be grounds for suspension of the agency head's TCOLE license; and
  8. a law enforcement agency, agency head, or other law enforcement official is not liable for civil damages for:
    - a. a report made by that agency or person if the report is made in good faith; or
    - b. making a person's information available to a hiring law enforcement agency under the provisions of this bill.

(Effective September 1, 2021.)

**S.B. 45 (Zaffirini/Zwiener) – Sexual Harassment:** provides that an employer commits an unlawful employment practice if sexual harassment of an employee occurs and the employer or the employer's agents or supervisors: (1) know or should have known that the conduct constituting sexual harassment was occurring; and (2) fail to take immediate and appropriate corrective action. (Effective September 1, 2021.)

**S.B. 818 (Powell/C. Turner) - Unemployment Compensation:** provides that: (1) benefits computed on benefit wage credits of an employee or former employee may not be charged to the account of an employer if the employee's last separation from the employer's employment before the employee's benefit year was caused by the employee being called to provide service in the

uniformed services or in the Texas military forces, provided that the employer has not been found to be in violation of federal or state reemployment provisions with respect to the employee; and (2) an individual is not disqualified for unemployment benefits if the individual's separation from employment was caused by the individual being called to provide services in the uniformed services or the Texas military forces. (Effective September 1, 2021.)

**S.B. 1105 (Hughes/Anchia)** – **TMRS Return To Work:** provides, among other things, that: (1) the retirement annuity of a person who is reemployed by a city in which the employee most recently performed creditable service before the person's retirement shall not be suspended, provided that the person does not become an employee of the person's reemploying city at any time during the 12 consecutive months after the effective date of the person's last retirement from the reemploying city; and (2) if the annuity payments of a person who resumed employment with the person's reemploying city before September 1, 2021, were discontinued and suspended and the person has not terminated their employment with the city, on the filing of a written application with the Texas Municipal Retirement System (TMRS), TMRS shall resume making the annuity payments to the person, provided: (a) the person's retirement that preceded the resumption of employment was based on a bona fide termination of employment; and (b) the person did not become an employee of the person's reemploying city at any time during the 12 consecutive months after the effective date of the person's retirement from the reemploying city. (Effective September 1, 2021.)

**S.B. 1359 (Hughes/White)** – **Mental Health Leave Policy:** provides among other things, that: (1) each law enforcement agency shall develop and adopt a policy allowing the use of mental health leave by peace officers employed by the agency who experience a traumatic event in the scope of that employment; and (2) the policy adopted under (1) must: (a) provide clear and objective guidelines establishing the circumstances under which a peace officer is granted mental health leave and may use mental health leave; (b) entitle a peace officer to mental health leave without a deduction in salary or other compensation; (c) enumerate the number of mental health leave days available to a peace officer; and (d) detail the level of anonymity for a peace officer who takes mental health leave. (Effective September 1, 2021.)

## **Purchasing**

**H.B. 692 (Shine/Creighton)** – **Public Works Contracts Retainage:** this bill provides that:

1. "warranty period" means the period of time specified in a contract during which certain terms applicable to the warranting of work performed under the contract are in effect;
2. a governmental entity shall: (a) include in each public works contract a provision that establishes the circumstances under which: (i) a public works project is considered substantially complete; (ii) the governmental entity may release the retainage for substantially completed portions of the project, or fully completed and accepted portions of the project; (b) maintain an accurate record of accounting for the retainage withheld on periodic contracts payments, and the retainage released to the prime contractor for a public works contract; and (c) for certain public works contracts with a value of \$10 million or

- more, pay any remaining retainage on periodic contract payments, and the interest earned on the retainage, to the prime contractor on completion of the contract;
3. if the total value of a public works contract is less than \$5 million, a governmental entity may not withhold retainage in an amount that exceeds 10 percent of the contract price and the rate of retainage may not exceed 10 percent for any item in a bid schedule or schedule of values for the project, including materials and equipment delivered on site to be installed;
  4. if the total value of a public works contract is \$5 million or more, a governmental entity may not withhold retainage in an amount that exceeds five percent of the contract price and the rate of retainage may not exceed five percent for any item in a bid schedule or schedule of values for the project, including materials and equipment delivered on site to be installed;
  5. if a public works contract relates to the construction or maintenance of a dam, regardless of the total value of the contract, a governmental entity may not withhold retainage in an amount that exceeds 10 percent of the contract price and the rate of retainage may not exceed 10 percent for any item in a bid schedule or schedule of values for the project, including materials and equipment delivered on site to be installed;
  6. the limitations described in (3)-(5), above, do not apply to certain water contracts;
  7. for a competitively awarded contract with a value of \$10 million or more, and for a contract that was awarded using a method other than competitive bidding, a governmental entity and prime contractor may agree to deposit in an interest-bearing account the retainage withheld on periodic contract payments;
  8. a governmental entity may not withhold retainage: (a) after completion of the contract by the prime contractor, including during the warranty period; or (b) for the purpose of requiring the prime contractor, after completion of the contract, to perform work on manufactured goods or systems that were specified by the designer of record and properly installed by the contractor;
  9. on application to a governmental entity for final payment and release of retainage, the governmental entity may withhold retainage if the governmental entity provides written notice and there is a bona fide dispute between the governmental entity and the prime contractor and the reason for the dispute is that labor, services, or materials provided by the prime contractor, or by a person under the direction or control of the prime contractor, failed to comply with the express terms of the contract or if the surety on any outstanding surety bond executed for the contract does not agree to the release of retainage; and
  10. if there is no bona fide dispute as described (9), above, and neither party is in default, a prime contractor is entitled to: (a) cure any noncompliant labor, services, or materials; or (b) offer the governmental entity a reasonable amount of money as compensation for any noncompliant labor, services, or materials that cannot be promptly cured.

(Effective immediately.)

**H.B. 1428 (Huberty/Huffman)** – **Contingent Fee Contracts:** excepts the following types of contingent fee contracts for legal services from certain requirements: (1) a contract entered into by a political subdivision for the collection of certain delinquent obligations; and (2) a contract entered into by a political subdivision for certain public security services. (Effective September 1, 2021.)

**H.B. 1476 (K. Bell/Nichols)** – **Goods and Services Payments:** this bill: (1) requires a governmental entity to notify a vendor of an error or disputed amount in an invoice submitted for payment by the vendor not later than the 21st day after the date the entity receives the invoice, and include in the notice a detailed statement of the amount of the invoice which is disputed; and (2) provides that a governmental entity may withhold from payments required no more than 110 percent of the disputed amount. (Effective September 1, 2021.)

**H.B. 1477 (K. Bell/Nichols)** – **Public Work Contracts:** this bill: (1) defines, for purposes of certain state laws regarding public work performance and payment bonds: (a) a “prime contractor” to include a person who leases any public property, other than a person who leases property from certain river authorities; and (b) a “public work contract” to include work performed on public property owned by a governmental entity or on property leased by a governmental entity to a nongovernmental entity, but does not include certain river authority contracts; and (2) provides that a governmental entity that makes a public work contract with a prime contractor or authorizes a nongovernmental entity leasing public property from the governmental entity to enter into a public work contract with a prime contractor to require the contractor, before beginning the work, to execute to the governmental entity in certain circumstances, a performance bond and a payment bond. (Effective September 1, 2021.)

**H.B. 2116 (Krause/Powell)** – **Architects and Engineers:** this bill provides that: (1) with certain exceptions, a covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services related to an improvement to real property is void and unenforceable if the covenant or promise provides that a licensed engineer or registered architect must defend a party, including a third party against a claim based wholly or partly on the negligence of, fault of, or breach of contract by the owner, the owner’s agent, the owner’s employee, or another entity over which the owner exercises control; (2) a covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services related to an improvement to real property may provide for the reimbursement of an owner’s reasonable attorney’s fees in proportion to the engineer’s or architect’s liability; (3) notwithstanding (1), an owner that is a party to a contract for engineering or architectural services related to an improvement to real property may require in the contract that the engineer or architect name the owner as an additional insured under any of the engineer’s or architect’s insurance coverage to the extent additional insureds are allowed under the policy and provide any defense to the owner provided by the policy to a named insured; and (4) a construction contract for engineering or architectural services related to the construction or repair of an improvement to real property must require that the architectural or engineering services be performed with the professional skill and care ordinarily provided by competent architects or engineers under the same or similar circumstances and professional license, and a provision in a contract establishing a different standard is void and unenforceable. (Effective September 1, 2021.)

**H.B. 2581 (Kacal/Hancock)** – **Construction and Civil Works Projects:** this bill: (1) requires a the governing body of a governmental entity that considers a construction contract using a method other than competitive bidding to, among other things, publish in the request for qualifications a detailed methodology for scoring each criterion; (2) provides that: (a) an offeror who submits a bid, proposal, or response to a request for qualifications for a construction contract under certain

law may, after the contract is awarded, make a request in writing to the governmental entity to provide documents related to the evaluation of the offeror's submission; and (b) not later than the 30th day after the date a request is made, the governmental entity shall deliver to the offeror the documents relating to the evaluation of the submission including, if applicable, its ranking of the submission; (3) provides that for civil works projects, the weighted value assigned to price must be at least 50 percent of the total weighted value of all selection criteria; however, if the governing body of a governmental entity determines that assigning a lower weighted value to price is in the public interest, the governmental entity may assign to price a weighted value of not less than 36.9 percent of the total weighted value of all selection criteria; and (4) provides that when the competitive sealed proposal procurement method is used, the governmental entity shall make the evaluations, including any scores, public and provide them to all offerors not later than the seventh business day after the date the contract is awarded. (Effective September 1, 2021.)

**S.B. 13 (Birdwell/P. King)** – **Energy Boycott**: among other things, prohibits a city from entering into a contract with a value of \$100,000 or more that is to be paid from public funds with a company with more than 10 full-time employees for goods or services unless the contract contains a written verification from the company that it: (1) does not boycott energy companies; and (2) will not boycott energy companies during the term of the contract. (Effective September 1, 2021.)

**S.B. 19 (Schwertner/Capriglione)** – **Firearms**: among other things, (1) prohibits a governmental entity from entering into a contract with a value of \$100,000 or more that is to be paid from public funds with a company with more than 10 full-time employees for the purchase of goods or services unless the contract contains a written verification from the company that it: (a) does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (b) will not discriminate during the term of the contract against a firearm entity or firearm trade association; and (2) provides that the prohibition in (1) does not apply to a city that (a) contracts with a sole-source provider, or (b) the city does not receive any bids from a company that is able to provide the required verification required by (1). (Effective September 1, 2021.)

**S.B. 58 (Zaffirini/J. Turner)** – **Cloud Computing Services**: adds cloud computing services to the definition of the term “personal property” for purposes of the Public Property Finance Act. (Effective September 1, 2021.)

**S.B. 59 (Zaffirini/Geren)** – **Comptroller Purchasing Program**: authorizes the Texas Comptroller's office to advertise its state purchasing program for local governments in any available media or otherwise promote the purchasing program. (Effective immediately.)

**S.B. 219 (Hughes/Leach)** – **Real Property Construction and Repair**: this bill: (1) provides that, in regard to a contract for the construction or repair of improvement to real property, a contractor is not responsible for the consequences of design defects in and may not warranty the accuracy, adequacy, sufficiency, or suitability of plans, specifications, or other design documents provided to the contractor by a person other than the contractor's agents, contractors, fabricators, or suppliers, or its consultants, of any tier; (2) requires a contractor, within a reasonable time of learning of a defect, inaccuracy, inadequacy, or insufficiency in the plans, specifications, or other design documents, disclose in writing to the person with whom the contractor enters into a contract the existence of any known defect in the plans, specifications, or other design documents that is

discovered by the contractor, or that reasonably should have been discovered by the contractor using ordinary diligence, before or during construction; (3) excepts certain contracts from the new provisions regarding responsibility for defects in plans and specifications described in (1) and (2); (4) requires a construction contract for architectural or engineering services or a contract related to the construction or repair of an improvement to real property that contains architectural or engineering services as a component to require that the architectural or engineering services be performed with the professional skill and care ordinarily provided by competent architects or engineers practicing under the same or similar circumstances and professional license, and a provision in a contract with a different standard of care is void and unenforceable; and (5) provides that certain limitations on a contractor's responsibility for certain defects do not apply to a design-build contract. (Effective September 1, 2021, except for (5) which clarifies existing law and applies to a contract entered into before, on, or after September 1, 2021.)

**S.B. 538 (Blanco/Longoria)** – **Technology Purchases:** expands the Department of Information Resources' cooperative contracts purchasing program for information technology commodity items to include items in demand by political subdivisions and governmental entities of another state. (Effective September 1, 2021.)

**S.B. 1821 (Huffman/Canales)** – **Contingent Fee Contracts for Legal Services:** amends the definition of the term "contingent fee contract" to include an amendment to a contingent fee contract if the amendment: (1) changes the scope of representation; or (2) may result in the filing of an action or the amending of a petition in an existing action. (Effective immediately.)

**S.B. 2116 (Campbell/Parker)** – **Critical Infrastructure:** among other things, prohibits a city from entering into a contract or other agreement relating to "critical infrastructure" (defined to mean a communication infrastructure system, cybersecurity system, electric grid, hazardous waste treatment system, or water treatment facility) in this state with a company if the city knows that the company is: (1) owned by or the majority of stock or other ownership interest of the company is held or controlled by: (a) individuals who are citizens of China, Iran, North Korea, Russia, or other designated countries; or (b) a company or other entity, including a governmental entity, that is owned or controlled by citizens of or is directly controlled by the government of China, Iran, North Korea, Russia, or other designated countries; or (2) headquartered in China, Iran, North Korea, Russia, or other designated countries. (Effective September 1, 2021.)

## **Transportation**

**H.B. 914 (Hernandez/Huffman)** – **Parking:** allows: (1) a city to authorize a city employee to request the removal and storage of a vehicle in an area where on-street parking is regulated by an ordinance and that: (a) is parked illegally; or (b) is parked legally, but has been unattended for more than 48 hours and is reasonably believed to be abandoned; and (2) a parking facility owner or towing company to remove a vehicle from a public roadway under the direction of a city employee authorized to make a request under (1). (Effective September 1, 2021.)

**H.B. 1257 (Ashby/Nichols)** – **Property in Right-of-Way:** authorizes a law enforcement agency to remove an unattended manufactured home from a roadway or right-of-way without consent of

the owner if the agency determines that the home blocks the roadway or endangers public safety. (Effective September 1, 2021.)

**H.B. 1281 (Wilson/Schwertner)** – **Golf Carts**: this bill: (1) allows a golf cart to be operated in a master planned community: (a) that is a residential subdivision or has in place a uniform set of restrictive covenants; and (b) for which a county or city has approved one or more plats; (2) provides that a person may operate a golf cart in a master planned community described in (1) without a golf cart license plate on a highway for which the posted speed limit is not more than 35 miles per hour, including through an intersection of a highway for which the posted speed limit is more than 35 miles per hour; (3) allows a golf cart to be operated on a highway for which the posted speed limit is not more than 35 miles per hour, if the golf cart is operated during the daytime and not more than five miles from the location where the golf cart is usually parked and for transportation to or from a golf course; (4) allows a city to prohibit the operation of a golf cart on a highway in the following areas if the city council determines the prohibition is necessary in the interest of safety: (a) in a master planned community described in (1), above; (b) on a public or private beach that is open to vehicular traffic; or (c) on a highway for which the posted speed limit is not more than 35 miles per hour as described in (2), above. (Effective immediately.)

**H.B. 1759 (Krause/Hancock)** – **Railroad Grade Crossings**: includes “on-track equipment,” defined as any car, rolling stock, equipment, or other device that, alone or coupled to another device, is operated on a railroad track, among the equipment and devices that trigger special operational restrictions on vehicles (e.g., stop and speed restrictions). (Effective September 1, 2021.)

**S.B. 763 (Powell/Cook)** – **Urban Air Mobility**: requires the Texas Transportation Commission to appoint an advisory committee to assess current state law and any potential changes to state law that are needed to facilitate the development of urban air mobility operations and infrastructure in this state. (Effective September 1, 2021.)

**S.B. 941 (Buckingham/E. Morales)** – **Scenic Byways Program**: this bill: (1) directs the Texas Department of Transportation to establish a State Scenic Byways Program, under which a political subdivision or other community group may apply for grants for federal funding; and (2) provides that only a highway designated under certain state law as prohibited from having commercial signs may be designated as a State Scenic Byway. (Effective September 1, 2021.)

**S.B. 1055 (Huffman/Reynolds)** – **Crosswalk**: this bill: (1) provides that it is a criminal offense for a person, with criminal negligence, to operate a motor vehicle within the area of a crosswalk and cause bodily injury to a pedestrian or a person operating a bicycle, scooter, electronic personal assistive mobility device, neighborhood electric vehicle, or golf cart; and (2) imposes certain requirements for the operator of a vehicle to yield the right-of-way to a pedestrian. (Effective September 1, 2021.)

**S.B. 1064 (Alvarado/Schofield)** – **City-Owned Vehicles**: this bill: (1) allows a city that owns and operates a motor vehicle, trailer, or semitrailer that is exempt from the payment of a registration fee to apply to register the vehicle, trailer, or semitrailer for an extended registration period of not less than one year or more than eight years; and (2) provides that a vehicle registered for an

extended period under (1) is subject to inspection requirements as if the motor vehicle, trailer, or semitrailer were registered without an extended registration period. (Effective September 1, 2021.)

**S.B. 1334 (Hinojosa/Canales)** – **Toll Bridges**: allows a city within 15 miles of a section of the Rio Grande that forms the border between this state and the United Mexican States to donate to the United States property or a building, structure, or other facility acquired, constructed, improved, enlarged, or equipped in whole or in part with proceeds from the sale of certain toll bridge-related bonds. (Effective immediately.)

### **Utilities and Environment**

**H.B. 17 (Deshotel/Birdwell)** – **Restriction on Regulation of Utility Services**: this bill: (1) prohibits a regulatory authority, planning authority, or political subdivision of this state from adopting or enforcing an ordinance, resolution, regulation, code, order, policy, or other measure that has the purpose, intent, or effect of directly or indirectly banning, limiting, restricting, discriminating against, or prohibiting the connection or reconnection of a utility service or the construction, maintenance, or installation of residential, commercial, or other public or private infrastructure for a utility service based on the type or source of energy to be delivered to the end-use customer; (2) prohibits an entity, including a regulatory authority, planning authority, political subdivision, or utility, from imposing any additional charge or pricing difference on a development or building permit applicant for utility infrastructure that: (a) encourages those constructing homes, buildings, or other structural improvements to connect to a utility service based on the type or source of energy to be delivered to the end-use customer; or (b) discourages the installation of facilities for the delivery of or use of a utility service based on the type or source of energy to be delivered to the end-use customer; and (3) provides that the law does not limit the ability of a regulatory authority or political subdivision to choose utility services for properties owned by the regulatory authority or political subdivision. (Effective immediately.)

**H.B. 837 (Lucio III/Zaffirini)** – **Certificates of Convenience and Necessity**: provides that the Public Utility Commission by rule shall require a city or franchised utility to submit a report to the PUC verifying that the city or franchised utility has paid all required adequate and just compensation to a retail public utility for obtaining the certificate of convenience and necessity for an annexed area previously served by the retail public utility. (Effective September 1, 2021.)

**H.B. 963 (Lozano/Zaffirini)** – **Natural Gas Vehicle Grant Program**: this bill: (1) adds a used natural gas vehicle as a qualifying vehicle that may be considered for a grant under the Texas natural gas vehicle grant program; and (2) provides that a used natural gas vehicle that is proposed to replace an on-road heavy-duty or medium-duty motor vehicle must be of model year 2017 or later, provided that the model year may not be more than six years older than the current model year at the time of the submission of the grant application. (Effective September 1, 2021.)

**H.B. 1284 (Paddie/Hancock)** – **Railroad Commission**: provides that the Railroad Commission of Texas has jurisdiction over the injection and geologic storage of carbon dioxide. (Effective immediately.)

**H.B. 1510 (Metcalf/Creighton)** – **Response and Resilience of Certain Electric Utilities:** this bill, among other things: (1) expands the definition of “system restoration costs” to also include: (a) reasonable and necessary weatherization and storm-hardening costs incurred; and (b) reasonable estimates of costs to be incurred, by the electric utility, but such estimates shall be subject to true-up and reconciliation after the actual costs are known; (2) creates the Texas Electric Utility System Restoration Corporation (Corporation) as a nonprofit special purpose public corporation and instrumentality of Texas for the essential public purpose of providing a lower cost financing mechanism available to the Public Utility Commission and an electric utility operating outside of ERCOT to attract low-cost capital to finance system restoration costs; (3) requires that, in approving securitization, the PUC ensure that customers are not harmed as a result of any financing through the Corporation and that any financial savings or other benefits are appropriately reflected in customer rates; (4) provides that “qualified costs” also includes all costs of establishing, maintaining, and operating the Corporation and all costs of the Corporation and an issuer in connection with the issuance and servicing of the system restoration bonds, as approved in the financing order issued by the PUC under the law; (5) provides that the Corporation shall be self-funded and the state shall not budget for or provide any general fund appropriations for the Corporation; (6) expands the definition of “other factors” the PUC may consider in issuing a certificate of convenience and necessity for an electric utility to include any potential economic or reliability benefits associated with dual fuel and fuel storage capabilities in areas outside the ERCOT power region; and (7) provides that an electric utility operating solely outside of the ERCOT power region may, but shall not be required to, obtain a certificate to install, own, or operate a generation facility with a capacity of 10 megawatts or less. (Effective immediately.)

**H.B. 1520 (Paddie/Hancock)** – **Gas Utilities:** this bill, among other things: (1) provides that the Texas Public Finance Authority may create an issuing financing entity for the purpose of issuing customer rate relief bonds approved by the Railroad Commission of Texas (RRC) in a financing order; (2) provides that the RRC, on application of a gas utility to recover a regulatory asset, shall determine the regulatory asset amount to be recovered by the gas utility and a gas utility may request recovery of a regulatory asset under the bill only if the regulatory asset is related to Winter Storm Uri; (3) provides that if the RRC determines that customer rate relief bond financing for extraordinary costs is the most cost-effective method of funding regulatory asset reimbursements to be made to gas utilities, the RRC, after the final resolution of all applications filed by a gas utility to recover a regulatory asset, may request the authority to direct an issuing financing entity to issue customer rate relief bonds; (4) requires the RRC, in making the determination in (3), to find that the proposed structuring, expected pricing, and proposed financing costs of the customer rate relief bonds are reasonably expected to provide benefits to customers by: (a) considering customer affordability; and (b) comparing: (i) the estimated monthly costs to customers resulting from the issuance of customer rate relief bonds; and (ii) the estimated monthly costs to customers that would result from the application of conventional recovery methods; (5) provides that customer rate relief bonds are the limited obligation solely of the issuing financing entity and are not a debt of a gas utility or a debt or a pledge of the faith and credit of Texas or any political subdivision of Texas; (6) provides that, so long as any customer rate relief bonds or related financing costs remain outstanding, uniform monthly volumetric customer rate relief charges must be paid by all current and future customers that receive service from a gas utility for which a regulatory asset determination has been made under (2); (7) exempts the sale or purchase of or revenue derived from services performed in the issuance or transfer of customer rate relief bonds

issued from taxation by Texas or a political subdivision; (8) exempts a gas utility's receipt of customer rate relief charges from state and local sales and use taxes, utility gross receipts taxes and assessments, and from revenue for purposes of franchise tax; and (9) requires the RRC to conduct a study on measures to mitigate catastrophic weather events and provide a report of the findings to the governor, lieutenant governor, and speaker of the House of Representatives. (Effective immediately.)

**H.B. 1572 (Craddick/Springer)** – **Lease of Electric Generation Equipment:** this bill: (1) defines “electric generation equipment lessor or operator” as a person who rents to or operates for compensation on behalf of a third party electric generation equipment that: (a) is used on a site of the third party until the third party is able to obtain sufficient electricity service; (b) produces electricity on site to be consumed by the third party and not resold; and (c) does not interconnect with the electric transmission or distribution system; (2) exempts an electric generation equipment lessor or operator from the definition of an “electric utility”; and (3) provides that a person who is an electric generation equipment lessor or operator is not for that reason considered to be a retail electric utility. (Effective September 1, 2021.)

**H.B. 1905 (Harris/Taylor)** – **Regional Water Planning Groups:** this bill: (1) repeals the requirement for regional water planning groups to prioritize projects in their respective regional water plans for the purposes of bond enhancement agreements under the State Water Implementation Fund for Texas; and (2) repeals the requirement for each regional planning group to examine the financing needed to implement the water management strategies and projects identified in the group's most recent approved regional plan and report to the Texas Water Development Board: (a) how local governments, regional authorities, and other political subdivisions in the region propose to pay for water infrastructure projects identified in the plan; and (b) what role the regional planning group proposes for the state in financing projects identified in the plan, giving particular attention to proposed increases in the level of state participation in funding for regional projects to meet needs beyond the reasonable financing capability of local governments, regional authorities, and other political subdivisions involved in building water infrastructure. (Effective September 1, 2021.)

**H.B. 2483 (P. King/Hancock)** – **Utility Facilities for Restoring Service:** this bill, among other things: (1) provides that a transmission and distribution utility may: (a) lease and operate facilities that provide temporary emergency electric energy to aid in restoring power to the utility's distribution customers during a widespread power outage in which: (i) the independent system operator has ordered the utility to shed load; or (ii) the utility's distribution facilities are not being fully served by the bulk power system under normal operations; and (b) procure, own, and operate, or enter into a cooperative agreement with other transmission and distribution utilities to procure, own, and operate jointly, transmission and distribution facilities that have a lead time of at least six months and would aid in restoring power to the utility's distribution customers following a widespread power outage; (2) provides that a transmission and distribution utility that leases and operates facilities under (1)(a): (a) may not sell electric energy or ancillary services from those facilities; (b) must be operated in isolation from the bulk power system; and (c) may not be included in independent system operator: (i) locational marginal pricing calculations; (ii) pricing; or (iii) reliability models; (3) requires the Public Utility Commission (PUC) to permit: (a) a transmission and distribution utility that leases and operates facilities under (1)(a) to recover the

reasonable and necessary costs of leasing and operating the facilities, including the present value of future payments required under the lease, using the rate of return on investment established in the PUC's final order in the utility's most recent base rate proceeding; and (b) a transmission and distribution utility that procures, owns, and operates facilities under (1)(b) to recover the reasonable and necessary costs of procuring, owning, and operating the facilities, using the rate of return on investment established in the PUC's final order in the utility's most recent base rate proceeding; (4) provides that a transmission and distribution utility may request recovery of the reasonable and necessary costs of leasing or procuring, owning, and operating facilities under the bill, including any deferred expenses, through a periodic rate adjustment proceeding or in another ratemaking proceeding; and (5) provides that the bill expires on September 1, 2029. (Effective September 1, 2021.)

**H.B. 2586 (Thierry/Hall)** – **ERCOT Audit**: requires the Public Utility Commission to have an independent audit of each independent organization certified for the ERCOT power region. (Effective September 1, 2021.)

**H.B. 3476 (Schofield/Bettencourt)** – **Certificates of Convenience and Necessity**: this bill applies only to a city with a population of 500,000 or more and : (1) prohibits a city from requiring, as a condition of consent to grant a retail public utility a certificate of public convenience and necessity for a service area within the boundaries of the extraterritorial jurisdiction of a municipality, that all water and sewer facilities be designed and constructed in accordance with the municipality's standards for facilities; (2) requires that the Public Utility Commission (PUC) must include, as a condition of a certificate of public convenience and necessity granted in certain circumstances for a service area within the boundaries of a municipality, that all water and sewer facilities be designed and constructed in accordance with the municipality's standards for water and sewer facilities; and (3) provides, with certain exceptions, that the PUC must include, as a condition of a certificate of public convenience and necessity granted for a service area within the extraterritorial jurisdiction of a city, that all water and sewer facilities be designed and constructed in accordance with: (a) the Texas Commission on Environmental Quality's standards for water and sewer facilities applicable to water systems that serve greater than 250 connections; or (b) TCEQ's standards for water and sewer facilities applicable to water systems that serve 250 or fewer connections, if the PUC determines that: (i) standards for water and sewer facilities applicable to water systems that serve 250 or fewer connections are appropriate for the service area; and (ii) regionalization of the retail public utility or consolidation of the retail public utility with another retail public utility is not economically feasible. (Effective September 1, 2021.)

**H.B. 3615 (P. King/Buckingham)** – **District Cooling Systems**: this bill: (1) defines "chilled water program" as: (a) a program to produce chilled water at a central plant and pipe that water to buildings for air conditioning, including a district cooling system or chilled water service; or (b) any other program designed to used chilled water to provide air conditioning, reduce peak electric demand, or shift electric load; (2) defines "municipally owned utility" as, among other things, any chilled water program operated by the utility; (3) provides that information related to a chilled water program is not confidential as a public power utility competitive matter under the Public Information Act; and (4) provides that information or records of a municipally owned utility or municipality that operates a chilled water program are subject to disclosure under the Public Information Act if the information or records are reasonably related to: (a) a municipally owned

utility's rate review process; (b) the method a municipality or municipally owned utility uses to set rates for retail electric service; or (c) the method a municipality or municipally owned utility uses to set rates for a chilled water program described by (3). (Effective September 1, 2021.)

**H.B. 3648 (Geren/Hancock) – Natural Gas:** this bill requires: (1) the Railroad Commission (RRC) to coordinate with the Public Utility Commission (PUC) to adopt rules to establish a process to designate certain natural gas facilities and entities associated with providing natural gas in this state as critical customers or critical gas suppliers during energy emergencies; (2) the rules in (1) to: (a) establish criteria for designating persons who own or operate a facility under the jurisdiction of the RRC or engage in an activity under the jurisdiction of the RRC who must provide critical customer and critical gas supply information, as defined by the RRC, to the entities described by (4)(a); and (b) consider essential operational elements when defining critical customer designations and critical gas supply information for the purposes of (2)(a), including natural gas production, processing, and transportation, related produced water handling and disposal facilities, and the delivery of natural gas to generators of electric energy; (3) the PUC to collaborate with the RRC to adopt rules to establish a process to designate certain natural gas facilities and entities associated with providing natural gas in this state as critical during energy emergencies; (4) the rules in (3) to: (a) ensure that the independent organization certified for the ERCOT power region and each electric utility, municipally owned utility, and electric cooperative providing service in the ERCOT power region is provided with the information required by (1) and (2); (b) provide for prioritizing for load-shed purposes during an energy emergency the facilities and entities designated under (4)(a); and (c) provide discretion to an electric utility, municipally owned utility, or electric cooperative providing service in the ERCOT power region to prioritize power delivery and power restoration among the facilities and entities designated under (3) on the utility's or cooperative's systems, as circumstances require; and (5) the PUC to provide a report to the legislature regarding the implementation by the PUC of the designation and prioritization requirements in the bill by January 1, 2022. (Effective immediately.)

**H.B. 3689 (Cortez/Gutierrez) – Water Rate Appeals:** provides that the Public Utility Commission shall ensure that every appealed water rate is just and reasonable, including a municipally-owned utility's rates that are appealed by ratepayers who reside outside the corporate limits of the city. (Effective September 1, 2021.)

**H.B. 3717 (Burns/Lucio) – Sale of Utility System:** provides that a city is not required to hold an election to authorize the sale of a municipal retail water or sewer utility system if the Texas Commission on Environmental Quality has issued a notice of violation to the utility system and the city council finds, by official action, that the city is either financially or technically unable to restore the system to compliance with the applicable law or regulations. (Effective September 1, 2021.)

**H.B. 4492 (Paddie/Hancock) – Financing for Electric Market:** this bill, among other things:

1. provides that the comptroller shall invest not more than \$800 million of the economic stabilization fund balance to finance the default balance to be repaid by ERCOT market participants through default charges established by the Public Utility Commission (PUC) and that the interest rate charged in connection with the debt obligations must be calculated

by adding the rate determined by the Municipal Market Data Municipal Electric Index, as published by Refinitiv TM3, based on the credit rating of the independent organization plus 2.5 percent for a term not to exceed 30 years;

2. subjects electric municipally owned utilities to state law governing essential organizations and state law relating to Winter Storm Uri default balance financing and uplift financing.
3. requires the PUC to require that all market participants fully and promptly pay to the independent organization certified for the ERCOT power region all amounts owed to the independent organization, or provide for the full and prompt payment of those amounts owed, which must be calculated solely according to the protocols of the independent organization in effect during the period of emergency and subject to the jurisdiction of the commission, to qualify, or to continue to qualify, as a market participant in the ERCOT power region;
4. requires the independent organization certified for the ERCOT power region to report to the PUC that a market participant is in default for the failure to pay, or provide for the full and prompt payment of, all amounts owed to the independent organization and provides that the PUC may not allow the defaulting market participant to continue to be a market participant in the ERCOT power region for any purpose or allow the independent organization to accept the defaulting market participant's loads or generation for scheduling in the ERCOT power region until all amounts owed to the independent organization by the market participant are fully paid;
5. requires the PUC and the independent organization certified for the ERCOT power region to pursue collection in full of amounts owed to the independent organization by any market participant to reduce the costs that would otherwise be borne by other market participants or their customers;
6. provides that on application by the independent organization certified for the ERCOT power region, the PUC by order may authorize the independent organization to establish a debt financing mechanism to finance the default balance if the PUC finds that the debt obligations are needed to preserve the integrity of the wholesale market and the public interest, after considering: (a) the need to timely replenish financial revenue auction receipts used by the independent organization to reduce amounts short-paid to wholesale market participants; (b) the interests of wholesale market participants that are owed balances; and (c) the potential effects of uplifting those balances to the wholesale market without a financing vehicle;
7. provides that the financing order in (6) must include an adjustment mechanism requiring the independent organization to adjust default charges to refund, over the remaining period of the default charges, any payments made by a market participant toward unpaid obligations from the period of emergency that were included in the financed default balance;
8. provides that the PUC may contract with another state agency with expertise in public financing to establish a debt financing mechanism for the payment of the default balance under an order;
9. provides that a financing order must: (a) include terms ensuring that the imposition and collection of default charges authorized in the order shall be nonbypassable by wholesale market participants; and (b) authorize the independent organization to establish appropriate fees and other methods for pursuing amounts owed from entities exiting the wholesale market;

10. provides that the transfer and receipt of default charges are exempt from state and local sales and use, franchise, and gross receipts taxes;
11. requires the independent organization to file an application with the PUC to establish a debt financing mechanism for the payment of the uplift balance if the PUC finds that such financing will support the financial integrity of the wholesale market and is necessary to protect the public interest, considering the impacts on both wholesale market participants and retail customers;
12. requires that an order issued under (11) must: (a) state the uplift balance to be financed; (b) state the period over which the uplift charges must be assessed to repay the debt obligations, which may not exceed 30 years; and (c) provide the process for remitting the proceeds of the financing to load-serving entities who were exposed to the costs included in the uplift balance, including a requirement for the load-serving entities to submit documentation of their exposure;
13. requires the PUC to develop a one-time process that allows municipally owned utilities, electric cooperatives, river authorities, a retail electric provider that has the same corporate parent as each of the provider's customers, a retail electric provider that is an affiliate of each of the provider's customers, and transmission-voltage customers served by a retail electric provider to opt out of the uplift charges by paying in full all invoices owed for usage during the period of emergency;
14. provides that the PUC may contract with another state agency with expertise in public financing to establish a debt financing mechanism to finance the payment of the uplift balance under an order;
15. provides that transactions involving the transfer and ownership of uplift property and the receipt of uplift charges are exempt from state and local income, sales, franchise, gross receipts, and other taxes or similar charges; and
16. requires all load-serving entities that receive offsets to specific uplift charges from the independent organization to adjust customer invoices to reflect the offsets for any charges that were or would otherwise be passed through to customers under the terms of service with the load-serving entity, including by providing a refund for any offset charges that were previously paid.

(Effective immediately.)

**S.B. 2 (Hancock/Paddie)** – **ERCOT Board**: this bill, among other things, amends the qualifications of the board members of the independent organization certified for the ERCOT power region to require that every member be a resident of Texas. (Effective immediately.)

**S.B. 3 (Schwertner/Paddie)** – **Utility Preparedness**: this bill, among other things:

1. provides that with the cooperation of the Texas Department of Transportation, the Texas Division of Emergency Management (TDEM), the office of the governor, and the Public Utility Commission of Texas (PUC), the Texas Department of Public Safety shall develop and implement a statewide alert to be activated when the power supply in Texas may be inadequate to meet demand;

2. requires TDEM to create a list of suggested actions for state agencies and the public to take to prepare for winter storms and to develop disaster preparedness educational materials and post both on its internet website and distribute them to local governments;
3. establishes the Texas Energy Reliability Council to: (a) ensure that the energy and electric industries in Texas meet high priority human needs and address critical infrastructure concerns; and (b) enhance coordination and communication in the energy and electric industries in Texas;
4. requires the Texas Energy Reliability Council to submit a report including to the legislature on the reliability and stability of the electricity supply chain in Texas;
5. requires the Railroad Commission (RRC) to collaborate with the PUC to adopt rules to establish a process to designate certain natural gas facilities and entities associated with providing natural gas in this state as critical customers or critical gas suppliers during energy emergencies;
6. requires the RRC to adopt rules to require a gas supply chain facility operator to implement measures to prepare the well to operate during a weather emergency;
7. requires a municipally owned utility to regularly provide with bills sent to retail customers of the utility information about: (a) the utility's procedure for implementing involuntary load shedding; (b) the types of customers who may be considered critical care residential customers, critical load industrial customers, or critical load according to PUC rules; (c) the procedure for a customer to apply to be considered a critical care residential customer, a critical load industrial customer, or critical load according to PUC; and (d) reducing electricity use at times when involuntary load shedding events may be implemented;
8. requires the PUC to adopt rules to require each municipally owned utility, electric cooperative, qualifying facility, power generation company, or exempt wholesale generator, that provides generation service to implement measures to prepare the provider's generation assets to provide adequate electric generation service during a weather emergency according to reliability standards adopted by the PUC;
9. requires the independent organization for the ERCOT power region to: (a) inspect generation assets in the ERCOT power region for compliance with the reliability standards; (b) provide the owner of a generation asset with a reasonable period of time in which to remedy any violation the independent organization discovers in an inspection; and (c) report to the PUC any violation;
10. requires the PUC to adopt rules that require each electric cooperative, municipally owned utility, and transmission and distribution utility providing transmission service in the ERCOT power region to implement measures to prepare the cooperative's or utility's facilities to maintain service quality and reliability during a weather emergency according to standards adopted by the PUC;
11. requires the independent organization for the ERCOT power region to: (a) inspect the facilities of each electric cooperative, municipally owned utility, and transmission and distribution utility providing transmission service in the ERCOT power region for compliance with the reliability standards; (b) provide the owner of facility described by (a) with a reasonable period of time in which to remedy any violation the independent organization discovers in an inspection; and (c) report to the PUC any violation that is not remedied in a reasonable period of time;
12. requires the PUC to impose an administrative penalty on an entity, including a municipally owned utility or an electric cooperative, that violates a rule adopted under (10) in an amount

- not to exceed \$1,000,000 for a violation and each day a violation continues or occurs is a separate violation for purposes of imposing a penalty;
13. requires the PUC to adopt a system to allocate load shedding among electric cooperatives, municipally owned utilities, and transmission and distribution utilities providing transmission service in the ERCOT power region during an involuntary load shedding event initiated by an independent organization for the region during an energy emergency;
  14. requires the PUC to adopt rules to require electric cooperatives and municipally owned utilities providing transmission service in the ERCOT power region to: (a) maintain lists of customers willing to voluntarily participate in voluntary load reduction; and (b) coordinate with municipalities, businesses, and customers that consume large amounts of electricity to encourage voluntary load reduction;
  15. requires the PUC and the independent organization certified for the ERCOT power region to conduct simulated or tabletop load shedding exercises with providers of electric generation service and transmission and distribution service in the ERCOT power region;
  16. establishes the Texas Electricity Supply Chain Security and Mapping Committee to: (a) map Texas's electricity supply chain; (b) identify critical infrastructure sources in the electricity supply chain; (c) establish best practices to prepare facilities that provide electric service and natural gas service in the electricity supply chain to maintain service in an extreme weather event and recommend oversight and compliance standards for those facilities; and (d) designate priority service needs to prepare for, respond to, and recover from an extreme weather event;
  17. requires the PUC to adopt rules that: (a) establish an emergency pricing program for the wholesale market to take effect if the high system-wide offer cap has been in effect for 12 hours in a 24-hour period after initially reaching the high system-wide offer cap; and (b) establish an ancillary services cap to be in effect during the period an emergency pricing program is in effect;
  18. provides that a civil penalty for a gas utility provider who disconnects natural gas service to a residential customer during an extreme weather emergency shall be in an amount of not less than \$1,000 and not more than \$1,000,000 and the RRC shall adopt rules to establish a classification system to be used by a court for violations;
  19. requires the RRC to adopt rules regarding measures gas pipeline facility operators must implement to prepare gas pipeline facilities to maintain service quality and reliability during extreme weather conditions if the gas pipeline facility: (a) directly serves a natural gas electric generation facility operating solely to provide power to the electric grid for the ERCOT power region or for the ERCOT power region and an adjacent power region; and (b) is included on the electricity supply chain map created by the Texas Electricity Supply Chain Security and Mapping Committee under (16);
  20. defines "affected utility" as a retail public utility (including a municipally owned utility), exempt utility, or provider or conveyor of potable or raw water service that: (a) furnishes water service to more than one customer; and (b) is not in a county with a population of 3.3 million or more; or in a county with a population of 550,000 or more adjacent to a county with a population of 3.3 million or more;
  21. defines "emergency operations" as the operation of a water system during an extended power outage that impacts the operating affected utility;
  22. defines "extended power outage" as a power outage lasting for more than 24 hours;

23. requires an affected utility to: (a) ensure the emergency operation of its water system during an extended power outage at a minimum water pressure of 20 pounds per square inch, or at a water pressure level approved by TCEQ, as soon as safe and practicable following the occurrence of a natural disaster; and (b) adopt and submit to TCEQ for its approval: (i) an emergency preparedness plan that demonstrates the utility's ability to provide the emergency operations described by-(a); and (ii) a timeline for implementing the plan;
24. provides that not later than March 1, 2022, each affected utility shall submit to TCEQ the emergency preparedness plan described by (23)(b)(i);
25. provides that in accordance with TCEQ rules, an emergency preparedness plan under (23)(b)(i) for a provider of potable water shall provide for one or more of the following: (a) the maintenance of automatically starting auxiliary generators; (b) the sharing of auxiliary generator capacity with one or more affected utilities, including through participation in a statewide mutual aid program; (c) the negotiation of leasing and contracting agreements, including emergency mutual aid agreements with other retail public utilities, exempt utilities, or providers or conveyors of potable or raw water service, if the agreements provide for coordination with the division of emergency management in the governor's office; (d) the use of portable generators capable of serving multiple facilities equipped with quick-connect systems; (e) the use of on-site electrical generation or distributed generation facilities; (f) hardening the electric transmission and distribution system serving the water system; (g) for existing facilities, the maintenance of direct engine or right angle drives; (h) designation of the water system as a critical load facility or redundant, isolated, or dedicated electrical feeds; (i) water storage capabilities; (j) water supplies delivered from outside the service area of the affected utility; (k) the ability to provide water through artesian flows; (l) redundant interconnectivity between pressure zones; (m) emergency water demand rules to maintain emergency operations; or (n) any other alternative determined by TCEQ to be acceptable;
26. provides that each affected utility that supplies, provides, or conveys raw surface water shall include in its emergency preparedness plan under (23)(b)(i) provisions for demonstrating the capability of each raw water intake pump station, pump station, and pressure facility to provide raw water service to its wholesale customers during emergencies and provides that this provision does not apply to raw water services that are unnecessary or otherwise subject to interruption or curtailment during emergencies under a contract;
27. requires TCEQ to provide an affected utility with access to TCEQ's financial, managerial, and technical contractors to assist the utility in complying with the applicable emergency preparedness plan submission deadline and to create an emergency preparedness plan template for use by an affected utility when submitting a plan;
28. provides that an affected utility may adopt and enforce limitations on water use while the utility is providing emergency operations;
29. provides that except as specifically required by law, information provided by an affected utility is confidential and is not subject to disclosure under the Public Information Act;
30. provides that for the purposes of (31)-(33), "affected utility" means any retail public utility (including a municipally owned utility), exempt utility, or provider or conveyor of potable or raw water service that furnishes water service to more than one customer;
31. requires each affected utility to: (a) submit to the office of emergency management of each county in which the utility has more than one customer, the PUC, and the office of

- emergency management of the governor a copy of: (i) the affected utility's emergency preparedness plan; and (ii) TCEQ's notification to the affected utility that the plan is accepted; (b) submit to the PUC, each electric utility that provides transmission and distribution service to the affected utility, each retail electric provider that sells electric power to the affected utility, the office of emergency management of each county in which the utility has water and wastewater facilities that qualify for critical load status under rules adopted by the PUC, and the division of emergency management of the governor: (i) information identifying the location and providing a general description of all water and wastewater facilities that qualify for critical load status; and (ii) emergency contact information for the affected utility, including the person who will serve as a point of contact and the person's telephone number, the person who will serve as an alternative point of contact and the person's telephone number, and the affected utility's mailing address; (c) annually submit the information required by (b) to each electric utility that provides transmission and distribution service to the affected utility and to each retail electric provider that sells electric power to the affected utility; and (d) immediately update the information provided under (b) as changes to the information occur; (e) submit annually to each electric utility that provides transmission and distribution service to the affected utility and to each retail electric provider that sells electric power to the affected utility any forms reasonably required by an electric utility or retail electric provider for determining critical load status, including a critical care eligibility determination form or similar form;
32. provides that not later than May 1 of each year, each electric utility and each retail electric provider shall determine whether the facilities of the affected utility under (31) qualify for critical load status under rules adopted by the PUC;
  33. provides that if an electric utility determines that an affected utility's facilities under (31) do not qualify for critical load status, the electric utility and the retail electric provider, not later than the 30th day after the date the electric utility or retail electric provider receives the information required by (31)(b), (c), and (d), shall provide a detailed explanation of the electric utility's determination to the affected utility and the office of emergency management of each county in which the affected utility's facilities are located;
  34. provides that a retail public utility that is required to possess a certificate of public convenience and necessity or a district or affected county that furnishes retail water or sewer utility service shall not impose late fees or disconnect service for nonpayment of bills that are due during an extreme weather emergency until after the emergency is over and shall work with customers that request to establish a payment schedule for unpaid bills that are due during the extreme weather emergency;
  35. provides that a retail public utility or affiliated interest that violates (34) is subject to a civil penalty of not less than \$100 nor more than \$50,000 for each violation; and
  36. creates the State Energy Plan Advisory Committee to prepare a comprehensive state energy plan to be submitted to the legislature not later than September 1, 2022.

(Effective immediately.)

**S.B. 211 (Zaffirini/Landgraf)** – **TCEQ Judicial Review**: this bill, among other things, creates a uniform deadline of 30 days to appeal an order, decision, or other act of the Texas Commission on Environmental Quality for both water and solid waste orders. (Effective September 1, 2021.)

**S.B. 387 (Schwertner/Wilson) – Appeal of Water Service Rates in ETJ:** this bill: (1) expands the circumstances where ratepayers for water or sewer service who reside outside the corporate limits of a city may appeal the rates for that service to the Public Utility Commission (PUC) to include an increase in rates when the municipally-owned utility takes over the provision of service to ratepayers previously served by another retail public utility; (2) provides that (1) does not apply to a MOU that takes over the provision of service to ratepayers previously served by another retail public utility if the MOU: (a) takes over the service at the request of the ratepayer; (b) takes over the due to a sale or merger under state law; or (c) is required to take over the service by state law, an order of the Texas Commission on Environmental Quality, or an order of the PUC; and (3) provides that a ratepayer may use the appeals process in (1) to appeal increased rates charged to the ratepayer by a MOU by filing a petition for review with the PUC and the MOU not later than December 1, 2021, if the MOU began providing service to the ratepayer on or after September 1, 2016 only if the MOU has not changed rates since the MOU began providing service to the ratepayer. (Effective September 1, 2021.)

**S.B. 398 (Menéndez/Deshotel) – Distributed Renewal Generation Resources:** this bill, among other things:

1. preempts a city from prohibiting or restricting the installation of a solar energy device by a residential or small commercial customer except to the extent: (a) a property owner's association may prohibit the installation; or (b) the interconnection guidelines and interconnection agreement of a municipally owned utility serving the customer's service area, the rules of the Public Utility Commission of Texas, or the protocols of an independent organization, limit the installation of solar energy devices due to reliability, power quality, or safety of the distribution system;
2. provides that the preemption in (1) does not apply to: (a) transaction involving the sale or transfer of the real property on which a distributed renewable generation resource is located; (b) a person, including a person acting through the person's officers, employees, brokers, or agents, who markets, sells, solicits, negotiates, or enters into an agreement for the sale or financing of a distributed renewable generation resource as part of a transaction involving the sale or transfer of the real property on which the distributed renewable generation resource is or will be affixed; or (c) a third party that enters into an agreement for the financing of a distributed renewable generation resource;
3. provides that a person who owns or operates a distributed generation facility served by a municipally owned utility or electric cooperative in the ERCOT power region may sell electric power generated by the distributed generation facility at wholesale, including the provision of ancillary services;
4. provides that a person who owns or operates a distributed generation facility may sell electric power generated by the distributed generation facility at wholesale to a municipally owned utility or electric cooperative certificated for retail service to the area where the distributed generation facility is located or to a related generation and transmission electric cooperative;
5. requires the municipally owned utility or electric cooperative to purchase at wholesale the quantity of electric power generated by the distributed generation facility needed to satisfy the full electric requirements of the customer on whose side of the meter the distributed generation facility is installed and operated at a wholesale price agreed to by the customer and to resell that quantity of power at retail to the customer at the rate applicable to the

customer for retail service, which must at minimum include all amounts paid for the wholesale electric power, during: (a) an emergency declared by the independent organization certified for the ERCOT power region that creates the potential for interruption of service to the customer; (b) any service interruption at the customer's premises; (c) construction on the customer's premises that creates the potential for interruption of service to the customer; (d) maintenance and testing of the distributed generation facility; and (e) additional times mutually agreed on by the owner or operator of the distributed generation facility and the municipally owned utility or electric cooperative;

6. provides that in addition to a sale authorized under (9), on request by an owner or operator of a distributed generation facility, the municipally owned utility or electric cooperative shall provide wholesale transmission service to the distributed generation facility owner in the same manner as to other power generation companies for the sale of power from the distributed generation facility at wholesale, including for the provision of ancillary services, in the ERCOT market;
7. requires a municipally owned utility or electric cooperative to allow interconnection of a distributed generation facility and provide to a distributed generation facility on a nondiscriminatory basis wholesale transmission service, including at distribution voltage, in the same manner as for other power generation companies to transmit to the ERCOT power grid the electric power generated by the distributed generation facility; and
8. provides that a municipally owned utility or electric cooperative is not required to interconnect a distributed generation facility under the bill if, on the date the utility or cooperative receives an application for interconnection of the facility, the municipally owned utility or electric cooperative has interconnected distributed generation facilities with an aggregate capacity that equals the lesser amount of: (a) five percent of the municipally owned utility's or electric cooperative's average of the 15-minute summer peak load coincident with the independent system operator's 15-minute summer peak load in each of the months of June, July, August, and September; or (b) 300 megawatts, adjusted annually by the percentage of total system load growth in the ERCOT power region beginning in 2022. (Effective September 1, 2021.)

**S.B. 415 (Hancock/Holland) – Electric Energy Storage Facilities:** this bill, among other things, provides: (1) that a transmission and distribution utility, with prior approval of the Public Utility Commission, may contract with a power generation company to provide electric energy from an electric energy storage facility to ensure reliable service to distribution customers; and (2) in establishing the rates of a transmission and distribution utility, a regulatory authority—including a city—shall review a contract between the utility and a power generation company under (1) and the regulatory authority may authorize a transmission and distribution utility to include a reasonable return on the payments required under the contract only if the contract terms satisfy the relevant accounting standards for a capital lease or finance lease. (Effective September 1, 2021.)

**S.B. 669 (Springer/Lucio III) – Texas Water Development Board Reports:** this bill: (1) requires the Texas Water Development Board (TWDB) to make publicly available the most recent data relating to: (a) statewide water usage in the residential, industrial, agricultural, commercial, and institutional sectors; and (b) the data collection and reporting program for municipalities and water utilities with more than 3,300 connections; and (2) repeals the law that requires the TWDB,

in coordination with the Texas Commission on Environmental Quality, to prepare a report of the repair and maintenance needs of all dams that: (a) are not licensed by the Federal Energy Regulatory Commission; (b) do not have flood storage; (c) are required to pass floodwaters; and (d) have failed. (Effective September 1, 2021.)

**S.B. 900 (Alvarado/Paddie) – Aboveground Storage Tanks:** this bill, among other things: (1) requires the Texas Commission on Environmental Quality to establish a Performance Standards for Safety at Storage Vessels Program to provide for the protection of groundwater and surface water resources from a release of substances from a storage vessel in the event of an accident or natural disaster; (2) provides that a “storage vessel”: (a) is made of nonearthen materials; (b) is located on or above the surface of the ground; (c) has a capacity of 21,000 gallons or more of a regulated substance; and (d) is located at or is part of a petrochemical plant, a petroleum refinery, or a bulk storage terminal; (3) exempts certain tanks or pipes connected to certain tanks from the definition in (2) of “storage vessel”; and (4) establishes a fee. (Effective September 1, 2021.)

**S.B. 905 (Perry/Frank) – Potable Reuse of Wastewater:** this bill: (1) defines “direct potable reuse” as the introduction of treated reclaimed water either directly into a potable water system or into the raw water supply entering a drinking water treatment plant; and (2) requires the Texas Commission on Environmental Quality (TCEQ) to develop and make available to the public a regulatory guidance manual to explain TCEQ rules that apply to direct potable reuse. (Effective September 1, 2021.)

**S.B. 952 (Hinojosa/Walle) – Concrete Batch Plants:** requires that an application for a standard permit for a concrete batch plant issued by the Texas Commission on Environmental Quality include a plot plan that clearly shows: (1) a distance scale; (2) a north arrow; (3) all property lines, emission points, buildings, tanks, and process vessels and other process equipment in the area in which the facility will be located; (4) at least two benchmark locations in the area in which the facility will be located; and (5) if the permit requires a distance, setback, or buffer from other property or structures as a condition of the permit, whether the required distance or setback will be met. (Effective September 1, 2021.)

**S.B. 997 (Nichols/Harris) – Water and Sewer Rates:** this bill, among other things, provides: (1) that in an appeal on the amount paid for water or sewer service under a written contract for the rates a municipally-owned utility charges if it furnishes wholesale water or sewer service to another political subdivision, the Public Utility Commission (PUC) may not hold a hearing on or otherwise prescribe just and reasonable amounts to be charged under the contract unless the PUC determines that the amount charged under the contract harms the public interest; and (2) a judicial review process to challenge a PUC decision in (1). (Effective September 1, 2021.)

**S.B. 1281 (Hancock/P. King) – Electric Certificates of Convenience and Necessity:** this bill, among other things, requires the independent organization certified for the ERCOT power region to conduct a biennial assessment of the ERCOT power grid to assess the grid’s reliability in extreme weather scenarios, which must: (1) consider the impact of different levels of thermal and renewable generation availability; and (2) recommend transmission projects that may increase the grid’s reliability in extreme weather scenarios. (Effective September 1, 2021.)

**S.B. 1580 (Hancock/Paddie)** – **Electric Certificates of Convenience and Necessity:** this bill, among other things: (1) provides that no default or uplift charge or repayment may be allocated to or collected from a market participant, including a municipally owned utility, that: (a) otherwise would be subject to an uplift charge solely as a result of acting as a central counterparty clearinghouse in wholesale market transactions in the ERCOT power region; and (b) is regulated as a derivatives clearing organization, as defined by the Commodity Exchange Act; (2) requires the Public Utility Commission (PUC) to require that all market participants, including a municipally owned utility, pay or make provision for the full and prompt payment of amounts owed calculated solely according to the protocols in effect during the period of emergency (defined as the period beginning 12:00 a.m., February 12, 2021, and ending 11:59 p.m., February 20, 2021) to the independent organization for the ERCOT power region to qualify, or to continue to qualify, as a market participant in the ERCOT power region; (3) provides that if a market participant, including a municipally owned utility, has failed to fully repay all amounts calculated solely under the protocols in effect during the period of emergency of the independent organization certified for the ERCOT power region, the independent organization shall report the market participant as in default to the PUC and the PUC may not allow the independent organization to accept the defaulting market participant’s loads or generation for scheduling in the ERCOT power region, or allow the defaulting market participant to be a market participant in the ERCOT power region for any purpose, until all amounts owed to the independent organization by the market participant as calculated under the protocols are paid in full; and (4) provides that transactions involving the transfer and ownership of securitized property and the receipt of securitized charges for financing for electric cooperatives are exempt from state and local income, sales, franchise, gross receipts, and other taxes or similar charges. (Effective immediately.)

**S.B. 1890 (Creighton/Walle)** – **Texas Water Development Board Grants:** provides that the law regarding uniform grant and contract management does not apply to a contract for: (1) the flood infrastructure fund; (2) the Texas infrastructure resiliency fund; and, (3) the agriculture water conservation bond program. (Effective September 1, 2021.)

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