

AGENDA
SNYDER CITY COUNCIL SPECIAL MEETING
AUGUST 8, 2016
CITY COUNCIL CHAMBERS
1925 24th STREET
SNYDER, TEXAS
5:30 P.M.

If the Council should determine that a closed or executive meeting or session as authorized by the Open Meetings Act, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, should be held, the Council may convene into a closed or executive meeting or session concerning any and all subjects and for any and all purposes permitted by Section 551.071 through 551.088 including:

Section 551.071 consultation with attorney, 551.072 deliberation regarding real property, 551.073 deliberation regarding prospective gift, 551.074 personnel matters, 551.075 conference with employees, 551.076 deliberation regarding security devices, 551.084 exclusion of witness from hearing, 551.086 certain public power competitive matters, 551.087 economic development negotiations, and 551.088 certain licensing or certifications test items.

WELCOME VISITORS

All visitors are encouraged and welcome to speak at City Council Meetings during the visitors forum for up to five minutes. At all other times, visitors must be recognized by the chair to speak.

Thank you,

Mayor Tony Wofford

I. INVOCATION:

II. RECOGNIZE VISITORS:

III. VISITORS/CITZENS FORUM:

IV. MINUTES:

1. Consider And Act On Approval Of The Minutes Of The Regular Council Meeting, August 1, 2016.(Pages 1-6)

Documents:

[MIN160801.PDF](#)

2. Consider And Act On Approval Of The Minutes Of The Building Standards Commission Meeting, August 1, 2016.(Page 7)

Documents:

V. OLD BUSINESS:

1. Consider And Act On Adoption On Second Reading Ordinance No. 2036 Amending Chapter 5 Of The City Of Snyder, Texas Code Of Ordinances, Repealing Ordinance No. 944 And Adopting The 2015 Edition Of The International Fire Code.(Pages 8-9)

AN ORDINANCE AMENDING CHAPTER 5 OF THE CITY OF SNYDER, TEXAS CODE OF ORDINANCES, REPEALING ORDINANCE NO. 994 AND ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE, SETTING FORTH RULES AND REGULATIONS TO IMPROVE PUBLIC SAFETY BY PROMOTING THE CONTROL OF FIRE HAZARDS, REGULATING THE INSTALLATION, USE AND MAINTENANCE OF EQUIPMENT; REGULATING THE USE OF STRUCTURES , PREMISES AND OPEN AREAS IN THE CITY OF SNYDER; PROVIDING FOR THE ABATEMENT OF FIRE HAZARDS; ESTABLISHING THE RESPONSIBILITIES AND PROCEDURES FOR ENFORCEMENT; SETTING STANDARDS FOR COMPLIANCE; PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Documents:

[ORD2036.PDF](#)

2. Consider And Act On Adoption On Second Reading Ordinance No. 2037 Regarding Zone Case #365 Changing Lots 5 & 6 Block 1 Of The Bootheland Addition, Located At 1903 Gilmore From An M-2 Heavy Manufacturing Zone To An R-3 General Residential Zone.(Page 10)

Documents:

[ORD2037.PDF](#)

VI. NEW BUSINESS:

1. Consider And Act On Approval On First Reading An Ordinance Regarding The 2016 – 2017 Budget As Captioned Below:(Pages 11-12)

AN ORDINANCE MAKING APPROPRIATION FOR THE SUPPORT TO THE CITY GOVERNMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017.

Documents:

[BUDGET 1ST READING.PDF](#)

2. Consider And Act On Approval On First Reading An Ordinance Regarding The 2016-2017 Utility Rates And Repealing Ordinance No. 2028 As Captioned Below:(Pages 13-31)

AN ORDINANCE REPLACING ORDINANCE NO. 2028 ESTABLISHING WATER RATES, WASTEWATER RATES, SANITATION RATES, LANDFILL FEES, SEPTIC WASTE FEES, DEPOSITS, SERVICE CHARGES, FINES, POLICIES AND PROCEDURES FOR THE CITY OF SNYDER, TEXAS: REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

Documents:

[UTILITY RATE 1ST READING.PDF](#)

3. Consider And Act On Approval On First Reading An Ordinance Regarding The 2016-2017 Tax Rate As Captioned Below:(Page 32)

AN ORDINANCE SETTING THE TAX RATE AND LEVYING A TAX UPON ALL PROPERTY SUBJECT TO TAXATION WITHIN THE CITY OF SNYDER, TEXAS, FOR THE YEAR 2016, APPORTIONING SAID LEVY AMONG THE VARIOUS FUNDS AND ITEMS FOR WHICH REVENUE MUST BE RAISED; AND ASSESSING PENALTY AND INTEREST FOR THE NON-PAYMENT OF SUCH TAXES WITHIN THE TIME SET THEREFORE.

Documents:

[TAX RATE 1ST READING .PDF](#)

4. Consider And Act On Approval Of Resolution R160808 Adopting The Revised Guidelines And Criteria For Tax Abatements As Captioned Below:(Pages 33-42)

A RESOLUTION OF THE SNYDER CITY COUNCIL REPEALING THE PREVIOUSLY ADOPTED GUIDELINES AND CRITERIA FOR TAX ABATEMENTS.

Documents:

[R160808.PDF](#)

5. Consider And Act On Approval Of The Chapter 380 Economic Development Agreement Between The City Of Snyder, DCOS And Power Sky Capital LLC.(H/O)

VII. INFORMATION:

1. Special Council Meeting Is August 15, 5:30 P.m. Public Hearing On Budget, Second Reading On Budget, Utility Rates And Taxes.
2. Next Regular Council Meeting, September 12, 5:30 P.m.; Building Standards Commission Meeting Is September 12, 4:30 P.m.

VIII. ADJOURNMENT:

1. Consider Motion To Adjourn.

MINUTES OF THE REGULAR COUNCIL MEETING

CITY OF SNYDER

AUGUST 1, 2016

A Regular Meeting of the City Council of the City of Snyder, Texas was called to order at 5:30 p.m. by Mayor Pro-Tem Steve Highfield with the following members present:

Councilmember Rodney Dupree
Councilmember Steve Rich
Councilmember Luann Burleson
Attorney for the City, Bryan Guymon

And the following absent:

Mayor Tony Wofford
Councilmember Vernon Clay
Councilmember Tom Strayhorn

ITEM I. INVOCATION:

The invocation was given by Nathan Hines.

ITEM II. PUBLIC HEARING: MASTER COMPREHENSIVE PLAN FOR THE CITY OF SNYDER.

1. Open. Time: 5:32 p.m.
2. Discussion: Jim Carrillo with Halff & Associates presented the Council with some of the changes added to the plan that include improvements to the college and hospital. Several members of the public addressed concerns questioning the public's access to the plan before it was approved. Bill Crist, Snyder Daily News, expressed the city did not give the public enough information on how to access the plan before the hearing. Ron Shaw, Snyder resident, stated it would be nice if the senior citizens and other members of the public could receive a paper copy. He stated the City needs to promote avenues where the public can see it, have input on it, prioritize and find ways to fund it. Bill Robertson, Snyder Resident, addressed the Council stating the plan needs to focus on bringing something new to Snyder. He encouraged the council to prioritize action items that will diversify the local economy and to take advantage of new opportunities while expanding what the City already has. It was suggested the City take necessary steps to inform the public of the plan, how the public can receive the plan, and present the plan at several civic clubs to receive input on the final draft before it is adopted.
3. Close. Time: 6:05 p.m.

ITEM III. RECOGNIZE EMPLOYEE OF THE MONTH:

Mayor Pro-Tem Steve Highfield recognized Whitney Merket, Osbaldo Lopez, and Mitchell Cole as employee of the month.

ITEM IV. RECOGNIZE VISITORS:

Mayor Pro-Tem Steve Highfield recognized the following visitors:

Bill Crist, Snyder Daily News; Linda Molina, Snyder Chamber of Commerce; Terry Martin, Snyder; Barry Martin, Snyder; Melissa Petty, Hackfeld Real Estate; Keith Hackfeld, Hackfeld Real Estate; Joe Coronado, Development Corporation of Snyder; Shawn Ragland, Development Corporation of Snyder; Bill Lavers, Development Corporation of Snyder; Jim Carrillo, Halff & Associates; Richard Powell, Big Country Electric; Richard Reed,

Southern Electric; Daniel Schlegel, Scurry County Museum; Keith Pitner, Snyder; Troy Lilly, Snyder; Roy Wright, Jacob & Martin; Bill Robertson, Snyder; Bob McCarter, Snyder; Ron Shaw; Snyder.

ITEM V. VISITORS/CITIZENS FORUM:

Barry Martin, Snyder resident, asked the Council why the increase in the base rate for water and sewer were necessary. He stated the increase of \$5.00 for each is a large increase at one time. City Manager Merle Taylor stated the increases were necessary because the enterprise fund does not have a reserve balance and because of the upgrades and maintenance projects on the City's two water plants.

Bob McCarter, Snyder resident, also questioned the increases stating it would put a burden on people working at many local businesses, as well as those on fixed incomes. He suggested cutting back on capital expenses in the coming year and eliminating the increases.

ITEM VI. MINUTES:

1. Councilmember Rodney Dupree made the motion to approve the minutes of the Regular Council Meeting, July 11, 2016.

The motion was seconded by Councilmember Steve Rich and passed with the following vote:

Ayes: All members present voted yes.
Noes: None.

2. Councilmember Steve Rich made the motion to approve the minutes of the Planning and Zoning Commission Meeting July 12, 2016.

The motion was seconded by Councilmember Rodney Dupree and passed with the following vote:

Ayes: All members present voted yes.
Noes: None.

ITEM VII. BIDS:

1. Councilmember Steve Rich made the motion to approve the purchase of a Dump Truck for Dept. 25 from Austin Freighliner through Buy Board for \$137,578.

The motion was seconded by Councilmember Rodney Dupree and passed with the following vote:

Ayes: All members present voted yes.
Noes: None.

2. Councilmember Rodney Dupree made the motion to award the bid for a 2400 square foot Awning for Dept. 31 to Goertzen Construction for \$46,000.

The motion was seconded by Councilmember Steve Rich and passed with the following vote:

Ayes: All members present voted yes.
Noes: None.

3. Councilmember Steve Rich made the motion to award the bid for a 1500 square foot Wash Bay for Dept. 80 for \$64,000.

The motion was seconded by Councilmember Rodney Dupree and passed with the following vote:

Ayes: All members present voted yes.
Noes: None.

ITEM VIII. OLD BUSINESS:

1. Councilmember Rodney Dupree made the motion to adopt on second reading Ordinance No. 2034 repealing Ordinance No. 944 "The Building Code" as captioned below:

AN ORDINANCE OF THE CITY OF SNYDER, TEXAS; PROVIDING THAT ITS CODE OF ORDINANCES BE AMENDED, REPEALING ORDINANCE NO. 944 "THE BUILDING CODE" TO UPDATE VARIOUS SECTIONS OF CHAPTER 3, CODE OF ORDINANCES, TO ADOPT THE 2015 EDITION OF THE INTERNATIONAL BUILDING CODES BY PROVIDING THE MINIMUM ACCEPTABLE STANDARDS AND CONDITIONS ESSENTIAL TO THE SAFETY OF STRUCTURES ARE SAFE SANITARY AND FIT FOR HUMAN OCCUPANCY AND USE IN THE CITY; PROVIDING FOR THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES; REPEALING THE 2003 INTERNATIONAL BUILDING CODE AND ALL OTHER ORDINANCES AND SECTIONS OF THE ORDINANCES IN CONFLICT THEREWITH.

The motion was seconded by Councilmember Steve Rich and passed with the following vote:

Ayes: All members present voted yes.
Noes: None.

2. Councilmember Steve Rich made the motion to adopt on second reading Ordinance No. 2035 regarding Zone Case #364 changing Lot 5, Block 16 of the Bootheland-West Addition, located at 211 N. Avenue T from a C-1 Commercial Zone to an R-3 Residential Zone.

The motion was seconded by Councilmember Rodney Dupree and passed with the following vote:

Ayes: All members present voted yes.
Noes: None.

ITEM IX. NEW BUSINESS:

1. Discussion of 2016-2017 budget. – The proposed general fund budget includes \$7.175 million in revenue and \$7.678 million in expenses which leave a \$502,440 deficit. The City will have to pull from reserves to cover the deficit. If the proposed tax rate of .4410 is adopted, it will generate approximately \$47,099 more in ad valorem revenue than last year. A \$2.50 increase in the base rate for water and a \$2.50 increase in the base rate for sewer was suggested totaling \$5 per month. The increase in base fees would generate approximately \$259,140 in additional revenue. No action was taken.
2. Councilmember Luann Burleson made the motion to approve the Development Corporation of Snyder's 2016-2017 budget as presented by Joe Coronado.

The motion was seconded by Councilmember Steve Rich and passed with the following vote:

Ayes: All members present voted yes.
Noes:None.

Shawn Ragland, DCOS Board President, presented the Council a worksheet that showed what DCOS has done in the last five years since Executive Director Bill Lavers was hired. He presented a worksheet that showed how many employees worked at businesses in the SnTx Industrial park before 2011 and how many currently work there and at the DCOS Rail Park, as well as property values and taxes paid by those businesses. He stated the increase in taxable value created at both parks since 2011 was more than \$7.69 million.

3. Councilmember Rodney Dupree made the motion to approve the annual report from the Development Corporation of Snyder as presented by Bill Lavers.

The motion was seconded by Councilmember Steve Rich and passed with the following vote:

Ayes: All members present voted yes.
Noes: None.

4. Councilmember Rodney Dupree made the motion to approve the proposed ad valorem tax rate of .4410.

The motion was seconded by Councilmember Steve Rich with the following vote:

Ayes: All members present voted yes.
Noes: None.

5. No action was taken on scheduling the first public hearing on a tax increase for Monday, August 8, 5:30 p.m. and the second public hearing on Monday, August 15, 5:30 p.m. The City Council proposed an ad valorem tax rate of .4410 which is the lower of the rollback tax rate or the effective tax rate so a public hearing is not required.
6. Councilmember Steve Rich made the motion to approve on first reading Ordinance No. 2036 amending Chapter 5 of the City of Snyder, Texas Code of Ordinances, repealing Ordinance No. 944 and adopting the 2015 edition of the International Fire code as captioned below:

AN ORDINANCE AMENDING CHAPTER 5 OF THE CITY OF SNYDER, TEXAS CODE OF ORDINANCES, REPEALING ORDINANCE NO. 994 AND ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE, SETTING FORTH RULES AND REGULATIONS TO IMPROVE PUBLIC SAFETY BY PROMOTING THE CONTROL OF FIRE HAZARDS, REGULATING THE INSTALLATION, USE AND MAINTENANCE OF EQUIPMENT; REGULATING THE USE OF STRUCTURES, PREMISES AND OPEN AREAS IN THE CITY OF SNYDER; PROVIDING FOR THE ABATEMENT OF FIRE HAZARDS; ESTABLISHING THE RESPONSIBILITIES AND PROCEDURES FOR ENFORCEMENT; SETTING STANDARDS FOR COMPLIANCE; PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

The motion was seconded by Councilmember Rodney Dupree and passed with the following vote:

Ayes: All members present voted yes.

Noes: None.

7. Councilmember Steve Rich made the motion to approve on first reading Ordinance No. 2037 regarding Zone Case #365 changing Lots 5 & 6 Block 1 of the Boothland Addition, located at 1903 Gilmore from an M-2 Heavy Manufacturing Zone to an R-3 General Residential Zone.

The motion was seconded by Councilmember Rodney Dupree and passed with the following vote:

Ayes: All members present voted yes.

Noes: None.

8. Councilmember Rodney Dupree made the motion to approve the revisions to the City of Snyder Tax Abatement Guidelines and Criteria. The revisions include allowing restaurants and retail sales establishments to receive abatement incentives which were previously prohibited and lowering improvement requirements from \$500,000 to \$50,000.

The motion was seconded by Councilmember Steve Rich and passed with the following vote:

Ayes: All members present voted yes.

Noes: None.

ITEM X. EXECUTIVE SESSION: Time – 7:54 p.m.

Council may act in Open Session on the following item:

1. Economic development negotiations. (Section 551.087 Texas Government Code.) Power Sky Capital, LLC

ITEM XI. RECONVENE IN OPEN SESSION: Time – 8:51 p.m.

1. Councilmember Luann Burlison made the motion to allow City Manager Merle Taylor and City Attorney Bryan Guymon to continue negotiations with Power Sky Capital, LLC.

The motion was seconded by Councilmember Steve Rich and passed with the following vote:

Ayes: All members present voted yes.

Noes: None.

ITEM XII. INFORMATION:

1. Monthly personnel report.
2. Next Special Council Meeting is August 8, 5:30 p.m. for public hearing on taxes (if necessary) and first reading on budget, utility rates and taxes.
3. Special Council Meeting is August 15, 5:30 p.m. for second public hearing on taxes. (If necessary)
4. Special Council Meeting is August 22, 5:30 p.m. public hearing on budget, second reading on budget, utility rates and taxes.

ITEM XIII. ADJOURNMENT:

1. Councilmember Rodney Dupree made the motion to adjourn.

The motion was seconded by Councilmember Steve Rich and passed with the following vote:

Snyder City Council
Regular Council Meeting
August 1, 2016

Ayes: All members present voted yes.
Noes: None.

The meeting was adjourned at 8:55 p.m.

Mayor

ATTEST:

City Secretary

Approved: August 8, 2016.

Minutes for the Snyder Building Standards Commission Meeting
August 1, 2016

Members attending: Luann Burleson, Steve Highfield, Steve Rich, and Rodney Dupree.
Also in attendance: Attorney Bryan Guymon and City Manager Merle Taylor.
Members absent: Tom Strayhorn, Mayor Tony Wofford, and Vernon Clay.

Chairperson Steve Rich called the meeting to order at 5:00 p.m.

ITEM I. OLD BUSINESS:

1. Discussion and action related to 1305 24th Street. – Zoning Administrator Vick Chambers gave an update stating the property owners were to have all electrical work and sheetrock work done during the last 90 days which has not been completed. Very little progress has been made from the property owners due to financial circumstances. The property owners did apply for a low-interest USDA Loan but was declined. The reason for being declined was because of the home's condition, the property owners live at a different location, and even after repairs to the home it would still have major hazards and taxes are owed on the property.

Luann Burleson made the motion to give the property owners an additional 30 days to continue work and the committee will review again at the September 12, 2016 meeting.

The motion was seconded by Steve Highfield.

Committee Members voting for the motion: Luann Burleson, Steve Highfield, Steve Rich, and Rodney Dupree.

ITEM II. ADJOURNMENT:

1. Rodney Dupree made the motion to adjourn.

The motion was seconded by Luann Burleson.

All members present voted yes.

The meeting was adjourned at 5:22 p.m.

Chairperson

Secretary

ORDINANCE NO. 2036

AN ORDINANCE AMENDING CHAPTER 5 OF THE CITY OF SNYDER, TEXAS CODE OF ORDINANCES, REPEALING ORDINANCE NO. 994 AND ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE, SETTING FORTH RULES AND REGULATIONS TO IMPROVE PUBLIC SAFETY BY PROMOTING THE CONTROL OF FIRE HAZARDS, REGULATING THE INSTALLATION, USE AND MAINTENANCE OF EQUIPMENT; REGULATING THE USE OF STRUCTURES, PREMISES AND OPEN AREAS IN THE CITY OF SNYDER; PROVIDING FOR THE ABATEMENT OF FIRE HAZARDS; ESTABLISHING THE RESPONSIBILITIES AND PROCEDURES FOR ENFORCEMENT; SETTING STANDARDS FOR COMPLIANCE; PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Snyder, Texas that certain sections of Chapter 5 of the Snyder Code of Ordinance, shall be revised and Ordinance No. 994 is repealed to incorporate the following changes in this Ordinance

Section 1: Recognized Code of Authority

There is hereby adopted the 2015 Edition of the International Fire Code save and except such portions as hereinafter deleted, modified or amended as identified under Section 4.

Section 2: Inconsistent Ordinances or Parts of Ordinances Repealed

Any ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance or the Code hereby adopted are hereby repealed. All other terms and provisions of the Snyder Code of Ordinances not in conflict herewith and not hereby amended shall remain in full force and effect. The passage of this Ordinance shall repeal any wording of any existing ordinance that is in conflict with the wording of this Ordinance.

Section 3: Saving Clauses

Should any part, section, sentence, paragraph, clause or phrase contained in this ordinance or the code be held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portion of the Ordinance or Code, but in all respect shall remain in full force and effect; and the City Council hereby declares that it would not have passed the unconstitutional or invalid part had it known it was invalid and that it would have passed the remaining part that is not invalid.

Section 4: Amendments and Deletions to the 2015 Edition of the International Fire Code

Section 5: Penalties

Any person, either by himself or his agent and /or any firm, corporation or their entity who violates the provisions of the code shall be deemed guilty of a misdemeanor and, upon conviction of any such violation, shall be fined in any sum not to exceed \$2,000.00, and each day such violation continues shall constitute a separate and distinct offence. In any case of violation of any of the terms of the provisions of this ordinance by any corporation, the officers and agents actively in charge of the businesses of such corporation shall be subject to the penalty herein provided. Any offense defined herein which has been defined by laws of the State of Texas as an offense and for which penalty has been prescribed shall be punished as provided in said state law, and nothing herein shall be held as fixing any penalty contrary to a penalty provided by the laws of the State of Texas.

This Ordinance grants the authority to enforce the regulations contained herein to police officers, code enforcement officers, building officials, state licensed plumbing inspectors, fire chief and fire marshals of the City and each shall have the authority to issue citations for any violation of this Ordinance.

Section 6: Open Meetings: It is hereby officially found and determined that the meeting at which this Ordinance is 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, Gov't. Code*.

Section 7: Effective Date: This Ordinance shall take effect immediately upon its adoption by the City Council and publication as may be required by governing law.

PASSED AND APPROVED on first reading this 1st day of August, 2016.

Mayor

ATTEST:

City Secretary

PASSED AND ADOPTED on second reading this 8th day of August, 2016.

Mayor

ATTEST:

City Secretary

ORDINANCE NO. 2037

WHEREAS, by comprehensive Zoning Ordinance No. 979, and subsequent amendments passed by the City of Snyder, Lots 5 & 6 Block 1 of the Bootheland Addition, located at 1903 Gilmore was placed in an M-2 Heavy Manufacturing Zone; and

WHEREAS, the owner of the property did make application to the City Planning and Zoning Commission for a zone change to change the property from the M-2 Heavy Manufacturing Zone to an R-3 General Residential Zone; and

WHEREAS, the Planning and Zoning Commission reviewed and considered Zone Case #365 and recommended the City of Snyder grant the request; and

WHEREAS, the procedures under the City of Snyder Zoning Ordinance that are required before a zone change can be considered have been complied with by the owners of said property, the Planning and Zoning Commission, and the City Council of the City of Snyder;

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

THAT, the Lots 5 & 6 Block 1 of the Bootheland Addition, located at 1903 Gilmore be subject and controlled as an R-3 General Residential District.

PASSED AND APPROVED on first reading this 1st day of August, 2016.

Mayor

ATTEST:

City Secretary

PASSED AND ADOPTED on second reading this 8th day of August, 2016.

Mayor

ATTEST:

City Secretary

ORDINANCE NO. _____

AN ORDINANCE MAKING
APPROPRIATION FOR THE SUPPORT TO
THE CITY GOVERNMENT FOR THE
FISCAL YEAR BEGINNING OCTOBER 1,
2016 AND ENDING SEPTEMBER 30, 2017.

WHEREAS, The City Manager has prepared and submitted to the City Council a budget estimate of expenditures and revenues of all city departments for the fiscal year beginning October 1, 2016 and ending September 30, 2017, which has been approved.

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

SECTION 1: THAT the sum of \$7,678,410 is hereby appropriated out of the General Fund for the payment of expenses of the city government hereinafter itemized, to wit:

<u>FUND</u>	<u>APPROPRIATION</u>
General Fund	\$ 7,678,410

SECTION 2: THAT the sum of \$440,800 is hereby appropriated out of the Special Revenue Fund as hereinafter itemized, to wit:

<u>FUND</u>	<u>APPROPRIATION</u>
Motel Tax Fund	\$ 375,000
TIF	65,800
	<u>\$ 440,800</u>

SECTION 3: THAT the sum of \$10,531,465 is hereby appropriated out of the Enterprise Fund as hereinafter itemized, to wit:

<u>FUND</u>	<u>APPROPRIATION</u>
Water and Sewer Sanitation	\$ 7,247,350 3,284,115
Total Enterprise Fund	<u>\$ 10,531,465</u>

SECTION 4: THAT the sum of \$373,100 is hereby appropriated out of the Internal Service Fund as hereinafter itemized, to wit:

<u>FUND</u>	<u>APPROPRIATION</u>
Self Insurance Fund	\$ -0-
Central Garage Fund	373,100
Total Internal Service Fund	<u>\$ 373,100</u>

TOTAL BUDGET (Memo Only)

\$ 19,023,775

PASSED AND APPROVED by the City Council on first reading this 8th day of August, 2016.

Mayor

ATTEST:

City Secretary

PASSED AND ADOPTED by the City Council on second reading this 15th day of August, 2016.

Mayor

ATTEST:

City Secretary

ORDINANCE NO. ____

AN ORDINANCE REPLACING ORDINANCE NO. 2028 ESTABLISHING WATER RATES, WASTEWATER RATES, SANITATION RATES, LANDFILL FEES, SEPTIC WASTE FEES, ROLL-OFF FEES, DEPOSITS, SERVICE CHARGES, FINES, POLICIES AND PROCEDURES FOR THE CITY OF SNYDER, TEXAS; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Legislature has found that the control of solid waste collection and disposal is the responsibility of local governments; and,

WHEREAS, State law mandates that each municipality shall assure that solid waste management services are provided to all persons within its jurisdiction either by a public agency or a private person {TEX. HEALTH & SAFETY CODE ANN SS363.11 (Vernon Supp. 1991)}; and,

WHEREAS, State law also authorizes a municipality to develop a local solid waste management plan for collection, handling, transportation, storage, processing and disposal for solid waste {TEX. HEALTH & SAFETY CODE ANN SS363.063 (Vernon Supp. 1991)}; and,

WHEREAS, the City Council finds that making the City of Snyder the exclusive provider for all solid waste services in the City except for certain commercial customers would be the most effective and efficient manner of providing those services and would serve the public health, safety and welfare; **NOW, THEREFORE;**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SNYDER, TEXAS:

SECTION 1: That from and after the passage of this Ordinance and as hereinafter provided for, the City of Snyder through its Utility Office, shall charge and collect from each consumer of water, sewer system user and sanitation service user for utilities and services provided by the City of Snyder to said consumer, the amounts and services calculated by application of the following rates and service charges for water consumption and services provided.

A. WATER RATES WITHIN THE CORPORATE LIMITS FOR THE CITY OF SNYDER FOR ALL MONTHS BEGINNING WITH THE MONTH FOLLOWING THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE AS FOLLOWS:

- (1) Minimum charge per month inside city limits for 2,000 gallons or less shall be \$33.66.
- (2) Minimum charge for apartments, multiple family unit dwellings and multiple business unit occupancy when supplied through a single meter shall be as follows:
 - (a) Two family unit or two business unit occupancy:

4,000 gal.	\$47.74
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 - (b) Three family unit or three business unit occupancy:

6,000 gal.	\$63.32
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 - (c) Four family unit or four business unit occupancy:

8,000 gal.	\$78.90
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 - (d) Five family unit or five business unit occupancy:

10,000 gal.	\$94.48
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- (3) For multiple family dwellings, apartments or multiple business accounts having more than five (5) family or business units, the minimum charge shall be \$33.66 for the first family or business unit plus \$16.83 or (50% of \$33.66) times the remaining number of family or business units for the first 2,000 gallons each unit.

Example: Family dwelling with 30 units/2,000 gallon minimum each unit:

$$1 @ \$33.66 + 29 @ \$16.83 = \$521.73/\text{month}$$

- (4) Excess over 2,000 gallons per month inside city limits shall be:

Monthly Consumption Tier	Rate per Thousand Gallons
2,001 to 10,000	\$5.34
10,001 to 25,000	\$6.49
25,001 to 40,000	\$7.07
Over 40,001	\$7.65

- (5) In connection with the operation, maintenance, repair and extension of the City's water system inside or outside the city limits; the water supply may be cut off without notice, when necessary or desirable; and each customer must be prepared for such emergencies. The City shall not be held liable for any damages due to such interruption of service or for damages from the resumption of service without notice, after such interruption, nor shall the City be liable for any damages resulting from the rupture or breaking of any line in the City's water system.

B. WATER RATES OUTSIDE THE CORPORATE LIMITS OF THE CITY OF SNYDER SHALL BE 1.5 X THE RATES SET INSIDE THE CITY LIMITS FOR ALL MONTHS BEGINNING WITH THE MONTH FOLLOWING THE EFFECTIVE DATE OF THIS ORDINANCE BILLING SHALL BE AS FOLLOWS:

- (1) Minimum charge per month outside city limits for 2,000 gallons or less shall be \$50.49.
- (2) For multiple family dwellings or multiple business units supplied by a single meter, the minimum charge shall be \$50.49 times the total number of family or business units for the first 2,000 gallons each unit.
- (3) Excess over 2,000 gallons per month outside city limits shall be:

Monthly Consumption Tier	Rate per Thousand Gallons
2,001 to 10,000	\$8.01
10,001 to 25,000	\$9.74
25,001 to 40,000	\$10.60
Over 40,001	\$11.47

C. WATER RATES FOR TEXAS DEPARTMENT OF CRIMINAL JUSTICE FOR ALL MONTHS BEGINNING WITH THE MONTH FOLLOWING THE EFFECTIVE DATE OF THIS ORDINANCE BILLING SHALL BE AS FOLLOWS:

- (1) Minimum charge per month for TDCJ for 2,000 gallons or less shall be \$33.66.
- (2) Excess over 2,000 gallons per month for TDCJ shall be \$5.75 per 1,000 gallons.

D. WATER RATES FOR WATER PURCHASED DIRECT FROM CITY FACILITIES:

- (1) Fire Hydrant with City meter; the charge shall be a monthly service charge of \$33.66 plus a usage rate at \$7.19 per 1,000 gallons
- (2) Fire Hydrant with meter other than City's shall be a monthly service charge of \$31.16 plus a usage rate at \$5.19 per 1,000 gallons. It will be the customers responsibility to report meter reading or consumption used each month prior to billing date; if the customer does not report meter reading or consumption they will be billed \$500.00
- (3) Deposit required City Fire Hydrant Meters: \$1000.00
- (4) Deposit required on Fire Hydrant Meters other than the City's: \$300.00.
- (5) **The Purpose of the Bulk Water Dispenser is for High Volume Users:** Pre-paid Cards may be purchased at the Utility Department in City Hall. The minimum amount that may be put on a card is \$75.00.

The rate shall be \$10.38 per thousand for 1,000 gallons or less;
excess over 1,000 gallons shall be \$15.54 per thousand gallons.
Replacement Card Fee shall be \$10.00

SECTION 2: From and after the final reading and passage of this Ordinance, the City of Snyder shall charge and collect the following fees for wastewater service provided by the City of Snyder, Texas.

A. WASTEWATER RATES WITHIN THE CORPORATE LIMITS FOR THE CITY OF SNYDER FOR ALL MONTHS BEGINNING WITH THE MONTH FOLLOWING THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE AS FOLLOWS:

- (1) For all wastewater accounts including residential, commercial, multi-family dwelling (two-plex or larger), mobile home parks, motels, hotels, churches, apartment complexes, hospitals, schools, government entities and industrial, there shall be a 'base rate' of \$12.98 per service account that is connected to the wastewater system.
- (2) In addition to the 'base rate', each RESIDENTIAL single family wastewater account shall be assessed at a rate of \$2.69 per 1,000 gallons of water usage. In determining how many 1,000 gallon units of water usage will be assessed at \$2.69, the City Utility Department shall use 90% of the customer's average actual monthly usage, as shown by City water records for the months of December, January and February immediately preceding the year in question, or 2,000 gallons per month, whichever is greater.
- (3) In addition to the 'base rate' each COMMERCIAL account shall be assessed at \$2.69 per 1,000 gallons of water usage. In determining how many 1,000 gallon units of water usage will be assessed at \$2.69, the City Utility Department shall use 90% of the unit's average water consumption based on one of the following options:
 - Option 1 Average actual monthly usage as shown by the City water records for the months of December, January and February immediately preceding the year in question, or 2,000 gallons per month, whichever is greater.
 - Option 2 Actual 12-month usage average as shown by City water records for the months immediately preceding the month and year in question or 2,000 gallons per month, whichever is greater.
- (4) Options 1 or 2 of Section 2, (A), (3) above must be selected by the customer within the first three months of service. Once an option has been selected it may not be changed again.

- (5) Commercial shall include Multi-family Dwellings (two-plex or larger) Mobile Home Parks, Motels, Hotels, Churches, Apartment Complexes, Hospitals, Schools, Government Entities, Industrial, Restaurants, Retail or other Businesses.
- (6) WHERE THERE IS NO HISTORY of water consumption to establish the customer's average actual monthly water usage for the months of December, January and February as stated in (A) (2) above, a wastewater account for single family RESIDENTIAL customer shall be billed in addition to the 'base rate' charge at the following computation option to be selected by the customer at the time of application for service.
 - Option 1 75 gallons of wastewater per day per person in the household times the number of days in the billing period (30 days).
 - Option 2 History of previous water usage at that service for the months of December, January and February as stated in (A) (2) above.
 - Option 3 Ninety percent (90%) of actual water used by the customer during each month as shown by City water records, or 2,000 gallons per month, whichever is greater.
- (7) Options 1, 2 or 3 of Section 2, (A), (6) above must be selected by the customer within the first three months of service. Once an option has been selected it may not be changed again.
- (8) WHERE THERE is no history of water consumption to establish the customer's average actual monthly water usage for the months of December, January and February as stated in (A) (3) above, all wastewater accounts for COMMERCIAL shall be billed in addition to the 'base rate' charge at the following computation option, to be selected by the customer at the time of application for service.
 - Option 1 Ninety percent (90%) of actual water used by the customer during each month as shown by City water records or 2,000 gallons per month, whichever is greater.
 - Option 2 History of previous water usage at that service as stated in (A) (3) above.
- (9) Options 1 or 2 of Section 2, (A), (6) above must be selected by the customer within the first three months of service. Once an option has been selected it may not be changed again.
- (10) Either option for RESIDENTIAL or COMMERCIAL, where there is no prior history of water consumption, shall be effective for a maximum of twelve (12) months or until a history of consumption is established, whichever occurs first.
- (11) Wastewater accounts that have no water service shall be charged a minimum of \$28.31 per service account, per month.
- (12) In connection with the operation, maintenance, repair, and extensions of the City's sewer system, sewer backups in the City's sewer line system or the customer's sewer line, inside or outside the city limits, the City shall not be held liable for any damages resulting.

B. COMMERCIAL INDUSTRIAL WASTE RATES WITHIN THE CORPORATE LIMITS FOR THE CITY OF SNYDER FOR ALL MONTHS BEGINNING WITH THE MONTH FOLLOWING THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE AS FOLLOWS:

- (1) In the event the City agrees to accept and treat industrial wastewater of unusual strength, for all industrial accounts discharging industrial wastes into the City's sewerage system with Biochemical Oxygen Demand (BOD) in excess of 250 mg/l and Total Suspended Solids (TSS) in excess of 200 mg/l, there shall be a 'base rate' charge of \$9.98 per service connected to the City's wastewater system.
- (2) In addition to the 'base rate' assessed pursuant to (B) (1) of this section and water usage charge assessed pursuant to (A) (2) of this section, industrial waste charges per 1,000 gallons will be based on classifications determined by the strength of the waste (i.e. BOD in mg/l and TSS in mg/l) according to the following schedule:

Industrial Waste Classification	BOD/TSS (mg/l)	Additional Charge (\$1000/gls)	Total Charge* Over Base Rate (\$1000/gls)
A	200 – 250	0.48	3.17
B	250 – 300	0.74	3.43
C	300 – 350	0.98	3.67
D	350 – 400	1.28	3.97
E	400 – 500	1.79	4.48
F	500 – 800	3.32	6.01
G	800 – 1100	4.85	7.54
H	1100 – 1500	6.80	9.49

For example: If an industry is discharging waste with a BOD concentration of 275 mg/l and a TSS concentration of 185 mg/l the classification would be Class B industry. The monthly charge for 5000 gallons of industrial waste discharged would be:

$$\$9.98 + 5 \times \$2.69 + 5 \times 0.74 = \$27.13$$

If the industry were discharging waste with a BOD concentration of 175 mg/l and a TSS concentration of 385 mg/l, the classification would be Class D. The monthly charge for 7,000 gallons. of industrial waste would be:

$$\$9.98 + 7 \times \$2.69 + 7 \times \$1.28 = \$37.77$$

- (3) Industrial waste discharged to the system at levels greater than 1,500 mg/l in BOD or TSS, not addressed in (B) (2) of this Ordinance, require special written agreement with the City.
- (4) Costs attributed to examination and testing analysis, as required by Ordinance No. 489 and utilized in this Rate Ordinance, and any fines or penalties levied by controlling governmental agencies on discharged industrial waste shall be paid by the industrial waste discharge.
- (5) No statement contained in this article shall be construed as preventing any agreement or arrangement between the City and any industrial concern whereby an industrial waste limited to conventional pollutants of unusual strength or character may be accepted by the City for treatment subject to payment therefore by the industrial concern for any portion of the excess cost to the City for handling and treating such industrial waste.

SECTION 3: From and after the final reading and passage of this Ordinance, the City of Snyder shall charge and collect the following fees for sanitation service provided by the City of Snyder, Texas.

A. MINIMUM SANITATION RATES WITHIN THE CORPORATE LIMITS FOR THE CITY OF SNYDER FOR ALL MONTHS BEGINNING WITH THE MONTH FOLLOWING THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE AS FOLLOWS:

(1) RESIDENTIAL – Single Family Dwelling

Home Business that does not create a waste stream over and above the normal residential disposal rate.

(a) Minimum monthly rate shall be: \$24.15

(b) Minimum rates shall be calculated upon a maximum of two (2) pickups per week for a 3 yd. dumpster shared by two (2) to four (4) households.

(2) COMMERCIAL – Shall include Motels, Hotels, Nursing Homes, Mobile Home Parks, Industrial, Schools, Multi-family Dwellings (two-plex or larger), Government Entities, Churches, Apartments, Hospitals, Restaurants, Retail, Home Businesses (that create any waste stream above normal residential quantities), warehousing operations, commercial storage facilities, self storage facilities; or any other Businesses.

(a) Minimum monthly rate shall be: \$46.71

(b) Minimum rates shall be calculated upon a maximum of two (2) pickups per week for a 3 yd. dumpster shared by two (2) to four (4) businesses.

(c) ALL commercial accounts shall be assessed a monthly sanitation charge at each physical location that is utilized for commercial purposes, except as stated in Section 3. (G) of this Ordinance.

B. INDIVIDUAL DUMPSTERS PROVIDED COMMERCIAL OR SINGLE FAMILY RESIDENTIAL ACCOUNTS RECEIVING MULTIPLE COLLECTIONS PER WEEK WITHIN THE CORPORATE LIMITS FOR THE CITY BEGINNING WITH THE MONTH FOLLOWING THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE CHARGED AT THE FOLLOWING RATES:

Container Size	No. of Collections	Rates	Container Size	No. of Collections	Rates
3	2	\$ 89.36	4	2	\$104.26
3	3	\$134.04	4	3	\$156.39
3	4	\$178.72	4	4	\$208.52
3	5	\$223.40	4	5	\$260.65
3	6	\$268.08	4	6	\$312.78
3	7	\$312.76	4	7	\$364.91
3	8	\$357.44	4	8	\$417.04
3	9	\$402.12	4	9	\$469.17
3	10	\$446.80	4	10	\$521.30

Example: Two (2), 3 yd. containers picked up four (4) times a week - $\$178.72 \times 2 = \357.44 per month

(1) Individual dumpsters may be shared by a maximum of two (2) customers only. The billing shall be made to one (1) customer only.

C. INDIVIDUAL DUMPSTERS PROVIDED COMMERCIAL OR SINGLE FAMILY RESIDENTIAL ACCOUNTS OUTSIDE THE CORPORATE LIMITS OF THE CITY RECEIVING ONE OR MORE COLLECTIONS PER WEEK, BEGINNING WITH THE MONTH FOLLOWING THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE CHARGED AT THE FOLLOWING RATES:

Container Size	No. of Miles	No. of Collections	Rate
3	0 – 3.0	1	\$121.00
3	3.0 – 7.0	1	\$169.00
3	7.0 – 12.0	1	\$229.00
3	12.0 – 16.0	1	\$277.00
3	16.0 – 20.0	1	\$325.00

- (1) \$ 85.00 (3yd Container)
- +
- (2) \$ 6.00 x roundtrip mileage
- (3) Total of (1) and (2) = Individual Container charge

Additional Containers: \$16.00 per Trip x Number of Additional Containers.

Example: One (1) pickup per week, one (1) 3 yd. Container located 16.0 miles
 Outside city limits –
 $\$85.00 + 32\text{mi} \times \$6.00 = \$277.00$
 Total = \$ 277.00 per month

Container Size	No. of Miles	No. of Collections	Rate
4	0 – 3.0	1	\$136.00
4	3.0 – 7.0	1	\$184.00
4	7.0 – 12.0	1	\$244.00
4	12.0 – 16.0	1	\$292.00
4	16.0 – 20.0	1	\$340.00

- (1) \$100.00 (4 yd Container)
- +
- (2) \$6.00 x roundtrip mileage
- (3) Total of (1) and (2) = Individual Container charge

Additional Containers: \$16.00 per Trip x Number of Additional Containers.

Example: One (1) pickup per week, one (1), 4 yd. Containers located 16.0 miles
 Outside city limits –
 $\$100.00 + 32\text{mi} \times \$6.00 = \$292.00$
 Total= \$ 292.00 per month.

(1) Individual rural dumpsters may be shared by a maximum of two (2) customers only. The billing shall be made to one (1) customer only.

D. RESIDENTIAL/COMMERCIAL 30YD ROLL-OFF RATES:
(Restricted to inside City Limits/Extra Territorial Jurisdiction)

Delivery	\$115.00
Haul Fee (Exchange RO/Empty)	\$230.00
Final Pickup (Empty/Return to Yard)	\$115.00
Landfill Fee/Ton (\$33.00/Ton)	
(Minimum = 3 Tons @ \$33.00)	\$99.00
Monthly Rental	\$100.00
Daily Rate (If less than 20 days) \$5.00/day	
Plus- Delivery	\$115.00
Haul Fee (Exchange RO/Empty)	\$230.00
Final Pickup (Empty/Return)	\$115.00
Landfill Fee/Ton (\$33.00/Ton)	
(Minimum -3 Tons @ \$33.00)	\$99.00

Each Additional Pick Up - \$329.00 + Landfill Fee/Tons over minimum

E. SOLID WASTE DISPOSAL BY INDIVIDUAL LOADS AT THE LANDFILL BEGINNING WITH THE MONTH FOLLOWING THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE CHARGED AT THE FOLLOWING RATES:

- (1) Disposal of rock, bricks, construction materials, demolition materials, roofing materials, trees, limbs, lumber and any allowable type materials shall be charged at the following rates plus sales tax:

Snyder Residents
(Inside City Limits) \$ 28.50/ton

Minimum Charge: 0 – 1000 lbs. \$ 15.75

- (a) Commercial shall include motels, hotels, nursing homes, mobile home parks, industrial, schools, multi-family dwellings (two-plex or larger), government entities, churches, apartments, hospitals, restaurants, retail or other businesses.

Non-Snyder Residents (Outside City Limits)
or
Solid Waste Disposal Service Provider: \$ 33.00/ton

Minimum Charge: 0 – 1600 lbs. \$ 26.05

- (a) Non-Scurry County Resident – for purposes of this subsection, shall mean any individual, business or association not residing in or having its principal place of business in Scurry County.
- (b) Solid Waste Disposal Service Provider – for purposes of this subsection, shall mean any individual, business or association (other than the City of Snyder) that provides either exclusively or in connection with any other service, delivery of solid waste

to the landfill and said "service provider" collects a fee for any service that involves delivery of waste to the landfill.

Any "Solid Waste Service Provider", whose primary business consists of providing solid waste disposal services, shall be required to submit to the City an estimate of the proposed tonnage to be deposited and shall enter into a contract with the City defining the solid waste disposal plan prior to any deposits in the landfill.

- (2) Disposal of contaminated waste dirt and concrete shall be charged at the following rates:

\$73.87/ton

Minimum Charge: 0 – 1600 lbs. \$59.70

Notification to the City of Snyder from TCEQ that contaminated dirt or concrete in question can be accepted at the Snyder Landfill must be received by the City of Snyder prior to disposal. TPH level not to exceed 600.

- (3) Disposal of regulated asbestos-containing material (RACM) shall be charged the following rates:

\$50.00/ton

Minimum Charge: \$50.00

- (4) As allowed by TCEQ Regulations for all tires disposed of in the landfill, the following charges will be assessed:

Passenger car tire	Gate fees will be based on what the Transporter is charging the City to dispose of tires.
Light truck tire	
Heavy truck tire	
Off-road machinery tire	
Tubes and liners	

(a) All tires must be quartered or shredded prior to disposal in the landfill and acceptance into the landfill may be rejected at the discretion of the City.

(b) All tubes and liners must be removed from tire prior to disposal in landfill.

- (5) Disposal of animal carcasses shall be charged at the following rates:

100 lbs. or less	\$ 2.16 per carcass
101 to 700 lbs.	\$18.36 per carcass
701 lbs. and over	\$32.40 per carcass

(a) Must advise landfill personnel of animal carcasses in vehicle prior to disposal.

(b) All carcasses must be contained and secured within vehicle.

- (6) Receipt of payment must be presented at dumping site prior to disposal.

- (7) ALL landfill charges are to be paid prior to disposal of any solid waste in landfill.

- (8) Landfill fees assessed on tires may be waived on any allowed tires that are placed by the customer in the trailer made available at the landfill and as long as the City has the use of that trailer for the disposal of tires.

- (9) Landfill fees assessed on recyclable metals or scrap iron may be waived as long as the material is placed in the designated area by the customer and as long as that service is provided.
- (10) Landfill fees assessed on recyclable trees, limbs, brush and shrubs may be waived as long as the material is placed in the designated area by the customer and as long as that service is provided.
- (11) "Pull Offs" – A service provided by landfill personnel and equipment to provide an anchor to allow the patron to affix the waste load to the anchor and driving from under the waste. This service will only be provided after the patron has signed a waiver indemnifying the City of Snyder for any damages and paying a fee of \$40.00

F. THE CITY SHALL BE THE SOLE PROVIDER OF SANITATION

The City's sanitation division shall be the exclusive provider of residential and commercial garbage, rubbish, and refuse collection and disposal services for all premises within the City and it shall be unlawful for any other person to provide residential or commercial garbage, rubbish, or refuse collection or disposal services to any person within the City, or to make use of public streets for that purpose, except as provided for in this Ordinance.

G. COLLECTION OF RECYCLABLE REFUSE SHALL BE PERMITTED UNDER THE FOLLOWING CONDITIONS:

The City shall not prohibit a person from collecting, gathering or transporting recyclable refuse for the sole purpose of recycling. "Recyclable Refuse" means tin, aluminum, paper, newspaper, plastic, glass or corrugated cardboard that has been separated from other garbage, trash and rubbish at the point of collection for delivery to another location for processing. All material to be retained for recycling shall be kept in a approved containment vessel and out of the view of the general public. Any items not stored as directed by the city policy will be regarded as a policy violation and subject to the abatement procedures stated in item I of this Section.

H. SELF-CONTAINED COMPACTOR/CONTAINER ROLL-OFF SHALL BE PERMITTED UNDER THE FOLLOWING CONDITIONS:

The City shall be sole provider of all sanitation services within the city limits with the sole exception of certain commercial customers who require a self-contained compaction/container roll-off unit (combined unit) for the purpose of managing an abundance of wet or liquid waste. The compaction/container unit shall be supplied by the commercial customer requiring said unit and shall have a capacity of at least 34 cubic yards for collection and compaction of solid waste with no leaking or spillage. The unit must be liquid tight and be a system that produces clean, dry waste. A commercial customer requiring this type of compaction/container unit will be exempt only from City of Snyder sanitation collection service and a minimum monthly sanitation charge. All waste collected in this type of compaction/container unit must be disposed of in the City of Snyder's landfill. The commercial customer who utilizes such compaction/container unit and the private company or individual providing pick up and transportation of the said compaction/container unit to the City of Snyder's landfill must abide by all local, state, federal and Texas Natural Resource Commission regulations and rules at all times.

All commercial customers requiring this type of compaction/container unit shall contact the City of Snyder's Utility Office prior to contracting with a private company or individual for pick up and transportation of said compaction/container unit to request exemption from receiving the City of Snyder sanitation services. Said commercial customer shall provide, in writing, the location of the compaction/container unit, verification that the specifications of the compaction/container meet the

above stated requirements. The City of Snyder's Utility Department must approve the request for exemption prior to the commercial customer's use of the compaction/container unit.

All private companies or individuals providing pick up and transportation of said compaction/container units shall be required to provide the City of Snyder Utility Department the following information, in writing, prior to their pick up or transportation of said compaction/container units of forms approved by the City of Snyder Utility Department.

- (1) The name of the company or individual providing service.
- (2) The physical address of the company or individual providing service.
- (3) The mailing address of the company or individual providing service.
- (4) The phone number of the company or individual providing service.
- (5) The name of a contact person employed by the company or individual providing service.
- (6) The location of the compaction/container unit and the commercial customer's name and address.
- (7) An executed release of liability relieving the City of Snyder of liability for and agreeing to indemnify the City of Snyder for the damages suffered by persons or property as a result of the company's or individual's activities in the City of Snyder. Said release must be approved by the City of Snyder Utility Department.
- (8) An executed agreement between the City of Snyder and the company or individual providing that disposal of waste collected in said compaction/container units will be exclusively in the City of Snyder's landfill.

I. CITY OF SNYDER LANDFILL USE SHALL BE PERMITTED FOR THE FOLLOWING ONLY:

City of Snyder and Scurry County residents and the City of Snyder Sanitation trucks and vehicles. Any City, County or Hauler that has a properly executed and signed contract with the City of Snyder for disposal in the City of Snyder Landfill.

J. CITY POLICY REGARDING PROPER USE OF THE SANITATION COLLECTION AND DISPOSAL SERVICE:

It shall be the responsibility of the account holder to insure that the City policy regarding proper disposal and utilization of the sanitation services is maintained.

In the event any of the following conditions are evident, or the city utility department receives a valid complaint where any of the following conditions exist in or on the premises where the collection receptacle is located, the utility department may, without notice, dispatch city crews to bring the account back in to compliance. The account will be charged a minimum of \$ 100.00 on the next billing cycle. If any of the above conditions require additional equipment, or personnel to correct violations, additional charges will be incurred at the posted rates.

- (1) Allowing waste material to accumulate, directly placing, discarding, or causing to be placed or discarded; garbage, trash, rubbish, refuse, brush, yard waste, or loose waste of any kind, on public right of way, public or private property, and any items discarded that are not completely enclosed within the receptacle.
- (2) Loading the receptacle to the point where the weight exceeds the lifting capacity of the collection vehicle.

- (3) Loading the receptacle to the point where debris protrudes past the limits of the receptacle or where the lids cannot be completely closed.
- (4) Relocating the receptacle or positioning the receptacle that prevents the collection vehicle from traveling its normal route to collect the waste.
- (5) Failing to bag all loose garbage, recyclable materials, wet material, food waste, that results in materials being blown or scattered during the collection process.

The items listed above are some of the most common situations that cause problems but other situations not specifically noted above but are deemed violations by the utility supervisor, may be assessed policy violation charges at the discretion of the utility supervisor.

DEFINITIONS:

Garbage shall be held to mean all animal and vegetable matter, such as waste material and refuse from kitchens, residences, grocery stores, drugstores, butcher shops, restaurants, cafes, hotels, rooming and boarding houses, commercial, retail, warehouse and other deleterious substances.

Refuse shall mean all substances included in the terms 'garbage', 'trash', and 'rubbish'.

Rubbish shall mean waste and refuse material such as tin cans, bottles, glass, rags, rubber, pieces of wood, scraps of iron, tin, wire or other metals.

Recyclable Refuse shall mean tin, aluminum, paper, newspaper, plastic, glass or corrugated cardboard, that has been separated from other garbage, trash and rubbish at the point of collection or delivery to another location for processing.

Trash shall mean waste and refuse material such as feathers, coffee grounds, paper of all kinds, boxes, barrels, crates, grass clippings, leaves, tree trimmings and sweepings from sidewalks.

Sanitation shall mean all substances included in the terms 'garbage', 'trash', 'refuse' and 'rubbish'.

Yard Waste for the purpose of this ordinance, shall mean any dead vegetation, seasonal plants, brush, tree, shrub or hedge leaves, grass clippings, tree limbs, branches and any blown trash or rubbish generated by routine yard maintenance.

K. UNLAWFUL DEPOSIT AND DISPOSAL OF GARBAGE:

Repeated violations of the policies regarding the disposal, of waste material as well as the following acts, among others, are declared to be unlawful and in violation of this Ordinance and are declared to be trespasses and subject to penalties not to exceed \$2,000 per day or per individual occurrence, whichever applies to the violation, but such enumeration shall not be deemed to be exclusive. Notice of violation will be served and fine assessed if violation is not corrected within time specified.

- (1) It shall be unlawful for any person to place, deposit or throw or permit or cause to be placed, deposited or thrown, any garbage, trash, rubbish, refuse, brush, or loose waste of any kind, on public or private property outside of any house, building, flat or tenement, vacant or occupied lot, driveway, gutter, street, sidewalk, parkway, curb, alley or any other public property of the City, unless the same has been deposited in accordance with this Ordinance.
- (2) It shall be unlawful to cause or permit to be or remain in or upon any premises, private or public, any garbage, trash, rubbish, refuse or mineral matter, or any composition of residue thereof, which is in an unsanitary condition or which is injurious to public health.

- (3) Meddling with garbage, containers, trash or rubbish receptacles in any way, or pilfering, scattering contents and junking in any alley or street within the City shall be unlawful.
- (4) It shall be unlawful to haul refuse, trash, garbage or rubbish in such a manner as to allow same to blow about or scatter over the streets or other premises. All loads must be tarped or secured.
- (5) It shall be unlawful for any person to burn trash, garbage, refuse, rubbish or yard waste within the City.
- (6) It shall be unlawful for any person to separate and collect, carry off or dispose of same, any garbage, trash, refuse, rubbish or junk within the landfill, except under the authority and direction of the City Sanitation Superintendent.

L. SANITATION RECEPTACLES:

The City shall provide containers for the disposal of garbage. All garbage shall be placed in a bag and secured prior to disposal in the container provided for collection, so that the contents cannot blow out and scatter garbage over the streets, alleys, public or private premises of the City.

The customer shall not overfill the container to the point that the collection vehicles can not lift or empty the receptacle. In the event a receptacle cannot be emptied during the general collection route because of excess weight, material protruding from the receptacle, debris piled against the receptacle, or any other situation that causes special handling, the customer will be charged for an extra pick up at the next billing cycle.

M. LIDS AND COVERS:

The lids or covers of all garbage containers shall at all times be closed so that cats, dogs, rodents, flies, and other insects may not have access to the contents thereof.

N. HEAVY ACCUMULATIONS:

- (1) Places of wholesale accumulations, killing and dressing plants, wholesale fruit and vegetable houses and storage, businesses, houses and other places where the daily accumulation of garbage, trash and rubbish is more than the ordinary quantities, are not included in the collection service furnished by the City Sanitation Department, unless provided for with additional containers through the City Utility Department, and require notification to the Sanitation Superintendent of the City, who shall direct the disposal of such accumulation in a satisfactory manner within TCEQ regulations.
- (2) Heavy accumulation of brick, broken concrete, rock, stone, ashes, lumber, clinkers, cinders, dirt, plaster, sand, gravel, automobile frames, dead trees, dead animal carcasses and other bulky, heavy material shall be disposed of at the expense of the owner or person controlling the same within TCEQ regulations under the direction of the Sanitation Superintendent of the City or as provided by City Ordinance.
- (3) Manure from animal lots, horse stables, poultry yards and pigeon lofts shall be disposed of at the expense of the party responsible for the same within TCEQ regulations under the direction of the Sanitation Superintendent of the City.
- (4) Tree limbs, shrubs and hedge cuttings shall not be placed in garbage containers provided for collection and shall be prepared for disposal as directed by the Sanitation Superintendent of the City or as provided by City Ordinance.

O. WET GARBAGE:

All wet or liquid garbage, including grease trap waste, shall be disposed of in the City's solidification processing area at the current rate.

P. BILLING:

To avoid duplication in billing and as a convenience to the public, charges for sanitation collection service and landfill gate fee charges shall be billed on the monthly water bills, and shall be promptly remitted to the City.

Q. PLACEMENT OF CONTAINERS:

- (1) In residential areas, City sanitation containers shall be placed inside of the property line at the edge of the alley where there is no alley fence, and where there is an alley fence the container or containers must be placed against the outside of the fence. Where there is no alley, the container or containers must be placed in front of such property between the sidewalk and curb at a place most accessible to the collectors. Under no conditions will City vehicles or employees be allowed to enter private property for the purpose of picking up garbage.
- (2) Business establishments are required to use the same type of container as residences. Where there is an alley, such containers shall be placed in the alleys. Where there is no alley, containers must be placed on or near the curb line of such place of business.
- (3) If customer requests the placement of containers at any other location than stated above, the City or it's employees are not responsible for any damages incurred.
- (4) It is the responsibility of the property owner to keep the area around the container or containers, in the alley, on private property or on the street, free from trash, rubbish, garbage or refuse.

R. OVERNIGHT SPECIAL CIRCUMSTANCE RESIDENTIAL COLLECTION (16YD ROLL OFF CONTAINER SERVICE)

In circumstances where a residential water customer is disposing of great amounts of debris or waste material that exceeds the capacity limits of regular dumpster containers or other special request as approved by the utility department, the City offers a roll off container to assist in special handling of waste. This service will be available free of charge on a first come first served basis. The container shall be reserved through the Utility office, after all required information is provided the customer will be allowed the service on any available open date.

- (1) The container will be placed on the designated site with the agreement of city personnel and the customer. The City will not be responsible for any damages to private property caused by the delivery or retrieval of the container. The container will be deposited after 8:00 a.m. and collected after 8:00 a.m. the morning of the following business day.
- (2) ALL rules, regulations, policies and Ordinances relating to what materials are allowed, loading requirements and transporting requirements of solid waste materials must be observed by the customer when utilizing and loading the container.
- (3) The customer shall be assessed a fee equal to correcting any violations or repairs to the container in the event any policies regarding the loading, disposal violations, or there are negligent damages to the container, any additional violations of the use of the container are evident or the customer fails to dispose an unjustifiable quantity of waste into the container during the period that it is at the requested location. The fee shall be assessed during the billing cycle that the service was utilized.

S. CITY LANDFILL:

The City of Snyder's Landfill is operated under Texas Commission on Environmental Quality (TCEQ) regulations and requirements, and is not permitted to accept 'hazardous waste', as defined by TCEQ.

SECTION 4: From and after final reading and passage of this Ordinance, the City shall charge and collect the following fees for the disposal of Vacuum Truck Waste and 'Wet Waste'.

A. DISPOSAL OF VACUUM TRUCK WASTE OR 'WET WASTE' BY INDIVIDUAL LOADS, EXCEPT SEPTIC WASTE, BEGINNING WITH THE MONTH FOLLOWING THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE CHARGED AT THE FOLLOWING RATE:

Disposal of Grease	\$ 47.66 Ton
Disposal of Grit	\$ 40.56 Ton
Minimum 0 - 1,000 lbs.	
Grease	\$24.83
Grit	\$21.28

All such waste shall be deposited for solidification processing prior to disposal in the landfill and shall be generated by one source.

B. DISPOSAL OF SEPTIC WASTE BEGINNING WITH THE MONTH FOLLOWING THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE CHARGED AT THE FOLLOWING RATE:

BUSINESS – PHYSICAL ADDRESS INSIDE CITY LIMITS

0 to 1,000 gallons generated by one source and each 0 to 1,000 gallons thereafter: \$40.00

BUSINESS – PHYSICAL ADDRESS OUTSIDE CITY LIMITS

0 to 1,000 gallons generated by one source and each 0 to 1,000 gallons thereafter: \$50.00

- (1) Prior to disposal of septic waste through the City's wastewater system, each load must be tested by authorized City personnel for temperature, dissolved oxygen and pH.
- (2) Prior to disposal of grease trap or grit trap waste in the City's landfill, each load must be visually inspected by authorized City personnel.
- (3) Each load must have a separate manifest; each manifest must be signed by the generator and each load must be tested or inspected, as required.
- (4) Each load must consist of contents from one generator only, loads may not be mixed.
- (5) Each vacuum truck must be equipped with a hatch on top, minimum 6" i.d., to allow inspection or testing by City personnel.
- (6) Upon acceptable test results of septic waste and visual inspection of grease trap and grit trap waste, payment must be made for the load and the load dumped under the direction and requirements of authorized City personnel.
- (7) Dumping of domestic septic waste is through the City's wastewater system and is PROHIBITED AT THE CITY'S LANDFILL.

- (8) Dumping of grease trap waste and grit trap waste is accepted at the City's landfill and is PROHIBITED THROUGH THE CITY'S WASTEWATER SYSTEM.
- (9) Each transporter is responsible for the clean-up of materials dumped that do not meet acceptable standards and requirements.

SECTION 5: From and after final reading and passage of this Ordinance, the City shall compute, charge and collect for billings less than a full month for new turn-ons, transfers and finals based on the following schedule:

(1) WATER:

1 through 8 calendar days + over 2,000 gallons consumption	¼ of min. base \$3.37/th gallons
9 through 15 calendar days + over 2,000 gallons consumption	½ of min. base \$3.37/th gallons
16 through 22 calendar days + over 2,000 gallons consumption	¾ of min. base \$3.37/th gallons
23 through 31 calendar days + over 2,000 gallons consumption	ALL of min. base \$3.37/th gallons

(2) WASTEWATER:

1 through 8 calendar days + 90% 2,000 gallons and over	¼ of min. base \$2.69/th gallons
9 through 15 calendar days + 90% 2,000 gallons and over	½ of min. base \$2.69/th gallons
16 through 22 calendar days + 90 % 2,000 gallons and over	¾ of min. base \$2.69/th gallons
23 through 31 calendar days + 90% 2,000 gallons and over	ALL of min. base \$2.69/th gallons

(3) SANITATION:

1 through 8 calendar days	¼ of charge
9 through 15 calendar days	½ of charge
16 through 22 calendar days	¾ of charge
23 through 31 calendar days	ALL of charge

SECTION 6: From and after final reading and passage of this Ordinance, the City shall charge and collect the following fees on Transfers, Returned Checks and Delinquent accounts for all services provided by the City of Snyder:

A. CHARGES AND FEES FOR DELINQUENT ACCOUNTS AND OTHER MISCELLANEOUS FEES SHALL BE AS FOLLOWS:

- (1) All charges for services furnished or rendered by the City Utility Department shall be due and payable on the date stated on the bill. Any amount due that is not paid by the date stated on the bill is considered to be delinquent.
- (2) Notice of delinquency will be mailed to the customer within 20 days of the due date. The City shall give the customer a minimum of seven (7) days written notice of its intent to discontinue service for non-payment. A customer may appeal to the City's authorized representative the proposed discontinuance of service by serving upon the City's authorized representative within six (6) days from the date of the City's notice of discontinuance of service, a written request to appeal, in the instance of a disputed bill, BUT NOT WHERE THE SOLE COMPLAINT IS THAT THE CUSTOMER IS FINANCIALLY UNABLE TO PAY THE BILLING. Said appeal shall be heard by the City's authorized representative and the service of the customer shall not be discontinued until the City's authorized representative has made a determination that the service is subject to discontinuance under the provisions of this Ordinance.
- (3) Where service has been discontinued for failure to pay for service rendered, a disconnect charge of \$25.00 shall be made for each meter disconnected or service discontinued before said service shall be restored. In the event the customer requests reconnection at hours other than 8:00 a.m. until 4:30 p.m. on weekdays, said reconnect charge shall be \$30.00.
- (4) All checks returned as insufficient must be redeemed in cash or money order by date stated on notice plus a returned check charge as required in the City's Fee Ordinance. If the check is not redeemed by the date stated on the notice, the service will be discontinued and an additional disconnect charge of \$25.00 will be added.
- (5) There shall be a Transfer Fee in the amount of \$20.00 assessed on all request to transfer the customer's account to another service address. Transfers require the customer to sign an agreement, pay the fee and any bill owed prior to the transfer being made.
- (6) Before ANY services can be provided, deposits must be made; permits obtained and inspections completed as required by City Ordinance.
- (7) It is unlawful for a customer to connect or reconnect service themselves or tamper with the City meter or meter box in any way. To do so may incur a \$200.00 fine.

SECTION 7: From and after final reading and passage of this Ordinance, the City shall charge and collect the following deposits for each water, sewer and sanitation service provided by the City.

A. DEPOSITS FOR EACH SERVICE PROVIDED BY THE CITY SHALL BE:

(1) Water/Sewer/Sanitation

Residential	¾" meter	\$ 195.00 Deposit
Commercial	¾" meter	\$ 225.00 Deposit
Apartments and Motels/Hotels		Deposit will be equal to 2 mths. billing.
Residential	1" meter	\$ 210.00 Deposit
Commercial	1" meter	\$ 240.00 Deposit
Residential	2" meter	\$ 390.00 Deposit
Commercial	2" meter	\$ 465.00 Deposit

Fire Hydrant	City's meter	\$ 300.00 Deposit
Fire Hydrant	Customer's meter	\$ 1000.00 Deposit

(2) Sewer/Sanitation Only

Residential		\$ 250.00 Deposit
Commercial		\$ 300.00 Deposit
Apartments and Motels/Hotels		Deposit will be equal to 2 mths billing.

(3) Sanitation Service Only

Residential		\$ 195.00 Deposit
Commercial		\$ 225.00 Deposit
Apartments and Motels/Hotels		Deposit will be equal to 2 mths billing.
Outside of City Limits		\$200.00 Deposit

(4) Vacuum Truck \$300.00 Deposit

(5) Landfill Service

Any account billed for landfill fees only – no contract in affect with the City and not shown below. \$ 200.00 Deposit

Construction, Demolition, Roofers \$ 500.00 Deposit

(6) Roll-Off Only

Residential \$250.00 Deposit
Commercial \$500.00 Deposit

Outside of City Limits – Contractors Deposit will be based on estimated tonnage of the projected project

SECTION 8: Any person either by himself or his agent and/or any firm, corporation or their entity who violates the provisions of the code shall be deemed guilty of a misdemeanor and, upon conviction of any such violation, shall be fined in any sum not to exceed \$2,000.00, and each day during which such violation continues shall constitute a separate and distinct offense. In any case of violation of any of the terms of the provisions of this ordinance by any corporation, the officers and agents actively in charge of the business of such corporation shall be subject to the penalty herein provided. Any offense defined herein which has been defined by laws of the State of Texas as an offense and for which penalty has been prescribed shall be punished as provided in said state law, and nothing herein shall be held as fixing any penalty contrary to a penalty provided by the laws of the State of Texas.

This Ordinance grants the authority to enforce the regulations contained herein to police officers, code enforcement officers, building officials, state licensed plumbing inspectors, fire chief and fire marshals of the City and each shall have the authority to issue citations for any violation of this Ordinance.

This Ordinance shall become effective immediately upon adoption by the City Council on second reading.

PASSED AND APPROVED by the City Council on first reading this 8th day of August, 2016.

Mayor

ATTEST:

City Secretary

PASSED AND ADOPTED by the City Council on second reading this 15th day of August, 2016.

Mayor

ATTEST:

City Secretary

ORDINANCE NO. _____

AN ORDINANCE SETTING THE TAX RATE AND LEVYING A TAX UPON ALL PROPERTY SUBJECT TO TAXATION WITHIN THE CITY OF SNYDER, TEXAS, FOR THE YEAR 2016, APPORTIONING SAID LEVY AMONG THE VARIOUS FUNDS AND ITEMS FOR WHICH REVENUE MUST BE RAISED; AND ASSESSING PENALTY AND INTEREST FOR THE NON-PAYMENT OF SUCH TAXES WITHIN THE TIME SET THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SNYDER, TEXAS:

SECTION 1. THAT there shall be levied and assessed upon property subject to taxation within the City of Snyder, Texas, for the year 2016 the sum of \$.4410 per One Hundred Dollars (\$100.00) valuation thereof, and the same shall be applied to the General Fund.

SECTION 2. THAT all ad valorem taxes shall be paid before the 1st day of February, 2017, and taxes not paid by that date shall be delinquent, and all persons or property owners failing to pay any taxes owing on or before its delinquent date shall be charged interest at the rate of one-half of one percent (1/2 of 1%) for each month or fraction thereof, and, in addition, shall be charged a penalty of one percent (1%) of the principal amount due for the first month or part of month, or such delinquency, and thereafter, in addition to interest a penalty of one percent (1%) of the principal amount due for each additional month or fraction thereof, provided that the aggregate penalties to be charged shall never exceed ten percent (10%) on the original principal amount and such penalties shall not bear interest.

This tax rate will raise more taxes for maintenance and operations than last year's tax rate. The tax rate will effectively be raised by 0 percent over the effective tax rate and will raise taxes for maintenance and operations on a \$100,000 home by approximately \$2.30

PASSED AND APPROVED on first reading by the City Council on first reading this 8th day of August, 2016.

Mayor

ATTEST:

City Secretary

PASSED AND ADOPTED on second reading by the City Council on second reading this 15th day of August, 2016.

Mayor

ATTEST:

City Secretary

RESOLUTION R160808

A RESOLUTION OF THE SNYDER CITY COUNCIL APPROVING THE AMENDMENTS TO THE CITY OF SNYDER TAX ABATEMENT GUIDELINES AND CRITERIA.

WHEREAS, the City Council last approved commercial Tax Abatement guidelines and criteria on August 3, 2015, and those guidelines and criteria have since been amended to reduce the minimum amounts of addition to the tax roll and net economic benefit to the City, as well as amending the definition of eligible facilities; and

WHEREAS, the City Council of the City of Snyder desire to continue to promote the development/redevelopment of certain contiguous geographic areas within its jurisdiction; and

WHEREAS, The City of Snyder is authorized to enter into Tax Abatement Agreements as authorized in Chapter 312 of the Texas Tax Code, "Property Redevelopment and Tax Abatement Act" (The Act); and

WHEREAS, The Act requires the City of Snyder to establish guidelines and create criteria for the designation for reinvestment zones and the entering into Tax Abatement Agreements.

NOW, THEREFORE, BE IT RESOLVED that the City of Snyder declares it is eligible for and intends to participate in a Tax Abatement Program.

FURTHER, BE IT RESOLVED that the City of Snyder hereby approves the Amendments to the City of Snyder Tax Abatement Guidelines and Criteria and adopts the attached City of Snyder Tax Abatement Guidelines and Criteria for use in its commercial Tax Abatement Programs.

PASSED, APPROVED, AND ADOPTED this 8th day of August, 2016.

CITY OF SNYDER

Mayor

ATTEST:

City Secretary

STATE OF TEXAS

CITY OF SNYDER

TAX ABATEMENT GUIDELINES AND CRITERIA

(Texas Tax Code Chapter 312)

City of Snyder (the "City") is committed to the promotion of quality development in all parts of City of Snyder and to improving the quality of life for its citizens. In order to help meet these goals, the City will consider providing Tax Abatements (as defined below) to stimulate economic development. It is the policy of the City that such an incentive will be provided in accord with the guidelines and criteria outlined in this document. All applicants for Tax Abatements shall be considered on an individual basis.

In order to be eligible for designation as a Reinvestment Zone and receive Tax Abatement, and unless otherwise approved by the City, the planned improvement:

1. must be an Eligible Facility (as defined below);
2. must add at least Fifty Thousand Dollars (\$50,000.00) to the tax roll of eligible property;
3. must be reasonably expected to have an increase in positive net economic benefit to City of Snyder of at least One Hundred Thousand Dollars (\$100,000.00) over the life of the Abatement, computed to include (but not limited to) new sustaining payroll and/or capital improvement; and
4. must not be expected to solely or primarily have the effect of transferring employment from one part of the City of Snyder to another.

In addition to the criteria set forth above, the City reserves the right to negotiate a Tax Abatement Agreement in order to compete favorably with other communities.

Only that increase in the fair market value of the property that is a direct result of the development, redevelopment, and improvement specified in the Agreement will be eligible for Abatement and then only to the extent that such increase exceeds any reduction in the fair market value of the other property of the applicant located within the jurisdiction creating the reinvestment zone.

All Tax Abatement Agreements will remain in effect no longer than allowed by law.

It is the goal of the City to grant Tax Abatements on the same terms and conditions as the other taxing units having jurisdiction of the property. However, nothing herein shall limit the discretion of the City to consider, adopt, modify, or decline any Tax Abatement request.

This policy is effective as of the 3rd day of August, 2015, and shall at all times be kept

current with regard to the needs of City of Snyder and reflective of the official views of the City, and shall be reviewed every two (2) years.

The adoption of these guidelines and criteria by the City Council does not:

1. limit the discretion of the governing body to decide whether to enter into a specific Tax Abatement Agreement;
2. limit the discretion of the governing body to delegate to its employees the authority to determine whether or not the governing body should consider a particular application or request for Tax Abatement; or
3. create any property, contract, or other legal right in any person to have the governing body consider or grant a specific application or request for Tax Abatement.

SECTION I. DEFINITIONS

A. **"Abatement" or "Tax Abatement"** means the full or partial exemption from ad valorem taxes of certain property in a reinvestment zone designated for economic development purposes.

B. **"Agreement" or "Abatement Agreement"** means a contractual Agreement between a property owner and/or lessee and the City.

C. **"Base Year Value"** means the assessed value on the eligible property as of January 1 preceding the execution of the Agreement.

D. **"Deferred Maintenance"** means improvements necessary for continued operation which do not improve productivity or alter the process technology.

E. **"Eligible Facilities"** means new, expanded, or modernized buildings and structures, including fixed machinery and equipment, which is reasonably likely as a result of granting the Abatement to contribute to the retention or expansion of primary employment or to attract major investment in the reinvestment zone that would be a benefit to the property and that would contribute to the economic development of City of Snyder. Eligible facilities may include, but shall not be limited to a(n):

- aquaculture/agriculture facility;
- distribution center facility;
- manufacturing facility;
- office building;
- commercial residential property (multi-family);
- regional entertainment/tourism facility;
- research service facility;
- regional service facility;

historic building in a designated area;
restaurant/retail sales establishments;
wind energy facility; or
other basic industrial facility.

F. **"Expansion"** means the addition of building structures, machinery, equipment, or payroll for purposes of increasing production capacity.

G. **"Facility"** means property improvement(s) completed or in the process of construction which together comprise an interregional whole.

H. **"Modernization"** means a complete or partial demolition of facilities and the complete or partial reconstruction or installation of a facility of similar or expanded production capacity. Modernization may result from the construction, alteration, or installation of buildings, structures, machinery, or equipment.

I. **"New Facility"** means a property previously undeveloped which is placed into service by means other than or in conjunction with Expansion or Modernization.

J. **"Productive Life"** means the number of years property improvement(s) is/are expected to be in service in a facility.

SECTION II. ABATEMENT AUTHORIZED

A. **Eligible Facilities.** Upon application, Eligible Facilities shall be considered for Tax Abatement as hereinafter provided.

B. **Creation of New Values.** Abatement may only be granted for the additional value of eligible property improvement(s) made subsequent to and specified in an Abatement Agreement between the City and the property owner or lessee, subject to such limitations as the City may require.

C. **New and Existing Facilities.** Abatement may be granted for the additional value of eligible property improvement(s) made subsequent to and specified in an Abatement Agreement between the City and the property owner or lessee, subject to such limitations as the City may require.

D. **Eligible Property.** Abatement may be extended to the value of new, expanded, or modernized buildings, structures, fixed machinery and equipment, site improvements, and related fixed improvements necessary to the operation and administration of the facility, and all other real and tangible personal property permitted by Chapter 312 of the Texas Tax Code.

E. **Ineligible Property.** The following types of property shall be fully taxable and ineligible for Tax Abatement: land; animals; inventories, supplies; tools; furnishings; vehicles; vessels; aircraft; single family owner occupied housing or residential property; single family housing or residential property to be rented or leased; deferred maintenance investments;

hotels/motels; property to be rented or leased, except as provided in Section II(F); property owned or used by the State of Texas.

F. Owned/Leased Facilities. If a leased facility is granted Abatement, the Agreement shall be executed with the lessor and the lessee. If the land is leased, but the facility constructed or installed thereon is owned by the lessee, the lessee shall execute the Agreement.

G. Economic Qualifications. In order to be eligible for designation as a reinvestment zone and receive Tax Abatement, the planned improvement:

- (1) must be an Eligible Facility;
- (2) must add at least Five Hundred Thousand Dollars (\$500,000.00) to the tax roll of eligible property;
- (3) must be reasonably expected to have an increase in positive net economic benefit to City of Snyder of at least One Million Dollars (\$1,000,000.00) over the life of the Abatement, computed to include (but not be limited to) new sustaining payroll and/or capital improvement. The creation of new jobs will also factor into the decision to grant an Abatement; and
- (4) must not be expected to solely or primarily have the effect of transferring employment from one part of City of Snyder to another.

H. Standards for Tax Abatement. The following factors, among others, will be considered in determining whether to grant Tax Abatement:

- (1) value of existing improvements, if any;
- (2) type and value of proposed improvements;
- (3) productive life of proposed improvements;
- (4) number of existing jobs to be retained by proposed improvements;
- (5) number and type of new jobs to be created by proposed improvements;
- (6) amount of local payroll to be created;
- (7) whether the new jobs to be created will be filled by persons residing or projected to reside within the affected taxing jurisdiction;
- (8) amount by which property tax base valuation will be increased during the term of Abatement and after Abatement, which shall include a definitive commitment that such valuation shall not, in any case, be less than Five Hundred Thousand Dollars (\$500,000.00);

(9) expenses to be incurred in providing facilities directly resulting from the new improvements;

(10) the amount of ad valorem taxes to be paid to the City during the Abatement period considering (a) the existing values, (b) the percentage of new value abated, (c) the Abatement period, and (d) the value after expiration of the Abatement period;

(11) the population growth of City of Snyder that occurs directly as a result of new improvements;

(12) the types and values of public improvements, if any, to be made by applicant seeking Abatement;

(13) whether the proposed improvements compete with existing businesses to the detriment of the local economy;

(14) the impact on the business opportunities of existing business;

(15) the attraction of other new businesses to the area;

(16) the overall compatibility with the zoning ordinances and comprehensive plan for the area; and

(17) whether the project obtains all necessary permits from the applicable environmental agencies.

Each Eligible Facility shall be reviewed on its merits utilizing the factors provided above. After such review, Abatement may be denied entirely or may be granted to the extent deemed appropriate after full evaluation.

I. Denial of Abatement. An Abatement Agreement shall not be authorized if it is determined that:

(1) there would be substantial adverse effect on the provision of government services or tax base;

(2) the applicant has insufficient financial capacity;

(3) applicant activities would violate applicable codes or laws; or

(4) any other reason deemed appropriate by the City.

J. Taxability. From the execution of the Abatement to the end of the Agreement period, taxes shall be payable as follows:

- (1) the value of ineligible property as provided in Section II(E) shall be fully taxable;
- (2) the base year value of existing eligible property as determined each year shall be fully taxable; and
- (3) the additional value of new eligible property shall be fully taxable at the end of the Abatement period.

SECTION III. APPLICATION

A. Any present or potential owner of taxable property in the City may request Tax Abatement by filing a written application with the City Council.

B. The application shall consist of a business plan of the applicant; applicant's projections on the employment impact and fiscal impact of the project; a general description of the new improvements to be undertaken; a descriptive list of the improvements for which an Abatement is requested; a list of the kind, number and location of all proposed improvements of a property; a map and property description; and a time schedule for undertaking and completing the proposed improvements. In the case of modernization, a statement of the assessed value of the facility, separately stated for real and personal property, shall be given for the tax year immediately preceding the application. The City Council may require such financial and other information as deemed appropriate for evaluating the financial capacity and other factors pertaining to the applicant to be attached to the application.

C. The City shall give notice as provided by the Property Tax Code, including written notice to the presiding officer of the governing body of each taxing unit in which the property to be subject to the Agreement is located, not later than seven (7) days before acting upon the application.

D. The application process described in this Section III shall be followed regardless of whether a particular reinvestment zone is created by City of Snyder or a taxing entity within Scurry County. No other notice or hearing shall be required except compliance with the open meetings act, unless the City Council deem them necessary in a particular case.

SECTION IV. AGREEMENT

A. After approval, the City Council shall formally pass a resolution and execute an Agreement with the owner of the facility and lessee, as required, which shall:

- (1) include a list of the kind, number and location of all proposed improvements to the property;
- (2) provide access to and authorize inspection of the property by the taxing unit to insure compliance with the Agreement;

- (3) limit the use of the property consistent with the taxing unit's development goals;
- (4) provide for recapturing property tax revenues that are lost if the owner fails to make improvements as provided by the Agreement;
- (5) include each term that was agreed upon with the property owner and require the owner to annually certify compliance with the terms of the Agreement to each taxing unit; and
- (6) allow the taxing unit to cancel or modify the Agreement at any time if the property owner fails to comply with the terms of the Agreement.

SECTION V. RECAPTURE

A. In the event that the applicant or its assignee (1) allows its ad valorem taxes owed to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or content; or (2) violates any of the terms and conditions of the Abatement Agreement and fails to cure during the cure period, the Agreement may be terminated and all taxes previously abated by virtue of the Agreement will be recaptured and paid within thirty (30) days of the termination.

B. Should the City determine that the applicant or its assignee is in default according to the terms and conditions of its Agreement, the City shall notify the applicant in writing at the address stated in the Agreement, and if such is not cured within the time set forth in such notice (the "Cure Period"), then the Agreement may be terminated.

SECTION VI. ADMINISTRATION

A. The Chief Appraiser of the Scurry County Appraisal District will annually determine an assessment of the real and personal property comprising the reinvestment zone. Each year, the company or individual receiving Abatement shall furnish the appraiser with such information as may be necessary for the Abatement. Once value has been established, the Chief Appraiser will notify the City Council of the amount of the assessment.

B. The City may execute a contract with any other jurisdiction(s) to inspect the facility to determine if the terms and conditions of the Abatement Agreement are being met. The Abatement Agreement shall stipulate that employees and/or designated representatives of the City will have access to the reinvestment zone during the term of the Abatement to inspect the facility to determine if the terms and conditions of the Agreement are being met. All inspections will be made only after giving twenty-four (24) hours prior notice and will only be conducted in such a manner as to not unreasonably interfere with the construction and/or operation of the facility. All inspections will be made with one or more representatives of the applicant present and in accordance with its safety standards.

C. Upon completion of construction, a designated representative of the City shall annually evaluate each facility receiving Abatement to insure compliance with the Agreement and shall formally report such evaluations to the City Council.

SECTION VII. ASSIGNMENT

The Abatement Agreement may be transferred and assigned by the holder to a new owner or lessee of the same facility either upon the approval by resolution of the City Council or in accordance with the terms of an existing Tax Abatement Agreement. No assignment or transfer shall be approved if the parties to the existing Agreement, the new owner, or new lessee are liable to any jurisdiction for outstanding taxes or other obligations. Approval shall not be unreasonably delayed or withheld. Notice shall be given to the City Council at least twenty (20) days in advance of any transfer or assignment.

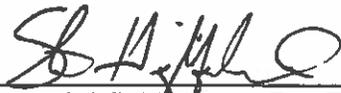
SECTION VIII. SUNSET PROVISION

These Guidelines and Criteria are effective upon the date of their adoption, and shall supersede and replace any and all prior guidelines and criteria for Tax Abatement in the City. These Guidelines and Criteria shall remain in force for two (2) years, unless amended by a three-quarters (3/4) vote of the City Council, at which time all reinvestment zones and Tax Abatement Agreements created pursuant to these provisions will be reviewed to determine whether the goals have been achieved. Based on such review, the Guidelines and Criteria will be modified, renewed or eliminated; provided, however, no modification or elimination of the Guidelines and Criteria shall affect Tax Abatement Agreements that have been previously approved until the parties thereto shall agree to amend such Agreements.

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PASSED, APPROVED AND ADOPTED on this the 1st day of August, 2016.

CITY OF SNYDER, TEXAS



Steve Highfield Mayor Pro-Tem

ATTEST:



Shai Green, City Secretary