



LAKEWOOD VILLAGE TOWN HALL
100 HIGHRIDGE DRIVE
LAKEWOOD VILLAGE, TEXAS

TOWN COUNCIL MEETING
MAY 9, 2019 7:00 P.M.

REGULAR SESSION – AGENDA

Call to Order and Announce a Quorum is Present

- A. **PRESENTATION OF COLORS & PLEDGE TO THE FLAG:** Boy Scout Troup 45
- B. **PRESENTATIONS:** Resolution of Appreciation to Chris and Aileen Cox. Certificates of Election and Administration of Oaths of Office to Newly Elected and Re-Elected Council Members.
- C. **CONSENT AGENDA:** All the items on the Consent Agenda are considered to be self-explanatory and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member requests an item be removed from the Consent Agenda.
1. Resolution Naming the Denton Record Chronicle as the Official Newspaper (Asbell)
 2. Minutes of March 14, 2019 Council Meeting (Asbell)
 3. Minutes of March 25, 2019 Council Meeting (Asbell)
 4. Renewal of “380” Interlocal Agreement between Town of Lakewood Village and the Lakewood Village Municipal Development District (Asbell)
 5. Approval of the Municipal Development District Fiscal Year 2018-2019 Budget Amendment (Asbell)
- D. **REGULAR AGENDA:**
1. Consideration of Election of Mayor Pro-Tem (Asbell)
 2. Consideration of Designation of Authorized Signers on Bank Accounts (Asbell)
 3. Update on Concrete Road Project; Boring Results & Road Design – Town Engineer (Vargus)
 4. Consideration of Water Use Policy (Vargus)
 5. Discussion of Municipal Development District Financial Controls Ordinance (Bissonnette & Vargus)
 6. Discussion of Rocky Point Emergency Water Management Ordinance (Farage & Asbell)
 7. Discussion of Municipal Court of Record Ordinance (Asbell)
- E. **EXECUTIVE SESSION:** (1) § 551.071(2), Texas Government Code to wit: consultation with Town Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter to receive legal advice. (2) § 551.072 Texas Government Code to wit: deliberations about real property; (3) § 551.087 Texas Government Code to wit: Economic Development Negotiations; and (4) § 551.076 Texas Government Code to wit: deliberations about Security Devices.
- F. **RECONVENE:** Reconvene into regular session and consideration of action, if any, on items discussed in executive session
- G. **VISITOR/CITIZENS FORUM:** At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. The council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.
- H. **REPORTS:** Reports about items of community interest. No formal action may be taken on these items at this meeting.
- I. **ADJOURNMENT**

I do hereby certify that the above notice of meeting was posted on the designated place for official notice at 5:00 p.m. on Friday, March 3, 2019.

Linda Asbell, TRMC, CMC, Town Secretary



The Town Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development), 418.183 (Homeland Security)

This facility is wheelchair accessible and accessible parking spaces are available. Please contact the Town Secretary's office at 972-294-5555 or FAX 972-292-0812 for further information.

One or more board members of the LAKEWOOD VILLAGE MUNICIPAL DEVELOPMENT DISTRICT may attend this meeting. No action will be taken by the MDD board.

Proclamation

Of The Town of Lakewood Village

WHEREAS: following the wind and severe hail storms the Spring of 2017, Chris Cox provided a vital service to the citizens of Lakewood Village during a time of urgent need; and

WHEREAS: within six months Chris and his family bought a home and moved to Lakewood Village; and

WHEREAS: Chris and Aileen Cox immediately are actively involved in many community events, donating their time and resources; and

WHEREAS: In the spring of 2018 Chris and Aileen Cox organized and sponsored the 1st Annual Lakewood Village Crawfish Boil; and

WHEREAS: Following the initial success, Chris and Aileen organized our recent 2019 Crawfish Boil for 2019 which now includes a classic car show, and has become an annual event our citizens enjoy and look forward to each year;

NOW, THEREFORE I, Dr. Mark E. Vargus, Mayor of the Town of Lakewood Village in the State of Texas do hereby proclaim the Town of Lakewood Village's appreciation for

Chris & Aileen Cox

and call upon all our citizens to join me in congratulating Mr. and Mrs. Cox for their outstanding commitment and friendship to the Town of Lakewood Village.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Town to be affixed this 9th day of May of the year 2019..

SIGNED:

Mark E. Vargus
Dr. Mark E. Vargus
Mayor



ATTEST:

Linda Asbell
Linda Asbell, TRMC, CMC
Town Secretary



In the name and by the authority of The State of Texas

*Pursuant to Lakewood Village Ordinance 19-04 declaring the
unopposed candidates to be winners of the election that was scheduled to be held
on May 4, 2019*

Eric Farage

was duly elected

Councilman, Place 1

of The Town of Lakewood Village



*In testimony whereof, I have set my hand and
caused the Seal of the Town to be affixed this
9th day of May 2019.*

Mark E. Vargis

Dr. Mark E. Vargis, Mayor



In the name and by the authority of The State of Texas

*Pursuant to Lakewood Village Ordinance 19-04 declaring the
unopposed candidates to be winners of the election that was scheduled to be held
on May 4, 2019*

Matt Bissonnette

was duly elected

Councilman, Place 3

of The Town of Lakewood Village



*In testimony whereof, I have set my hand and
caused the Seal of the Town to be affixed this
9th day of May 2019.*

Mark E. Vargas

Dr. Mark E. Vargas, Mayor



In the name and by the authority of The State of Texas

*Pursuant to Lakewood Village Ordinance 19-04 declaring the
unopposed candidates to be winners of the election that was scheduled to be held
on May 4, 2019*

Clint Bushong

was duly elected

Councilman, Place 5

of The Town of Lakewood Village



*In testimony whereof, I have set my hand and
caused the Seal of the Town to be affixed this
9th day of May 2019.*

Mark E. Vargas

Dr. Mark E. Vargas, Mayor

THE TOWN OF LAKEWOOD VILLAGE, TEXAS

RESOLUTION NO. 19-XX

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
LAKEWOOD VILLAGE, TEXAS, DESIGNATING THE DENTON
RECORD CHRONICLE AS THE OFFICIAL TOWN NEWSPAPER.**

WHEREAS, Local Government Code § 52.004 requires that a municipality shall contract with and name an official newspaper; and,

WHEREAS, The Denton Record Chronicle meets the statutory requirements of eligibility for designation as an official newspaper.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE
TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT THE DENTON RECORD
CHRONICLE IS DESIGNATED THE OFFICIAL NEWSPAPER OF THE TOWN OF
LAKEWOOD VILLAGE.**

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PASSED, APPROVED, AND RESOLVED this 9th day of May 2019.

APPROVED:

Dr. Mark E. Vargus,
Mayor

ATTEST:

Linda Asbell, TRMC, CMC
Town Secretary

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

MARCH 14, 2019

Council Members:

Dr. Mark Vargus, Mayor - ABSENT
Ed Reed – Mayor Pro-Tem
Clint Bushong
Elizabeth Shields - ABSENT
Darrell West
Serena Lepley

Town Staff:

Linda Asbell, TRMC, CMC – Town Secretary

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, Mayor Pro-Tem Reed called the Regular Meeting of the Town Council to order at 7:04 p.m. on Thursday, March 14, 2019, in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas.

PLEDGE TO THE FLAG:

(Agenda Item A)

Mayor Pro-Tem Reed led the Pledge of Allegiance

VISITOR/CITIZENS FORUM:

(Agenda Item B)

No one requested to speak

CONSENT AGENDA:

(Agenda Item C)

1. Minutes of February 14, 2019 Council Meeting (Asbell)
2. Matt Bissonnette Resignation from Municipal Development District Board (Asbell)
3. Ordinance Cancelling General Election for May 4, 2019 (Asbell)

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman West, council voted four (4) “ayes”, no (0) “nays” to approve the consent agenda items as presented. *The motion carried.*

REGULAR AGENDA:

(Agenda Item D)

**Discussion of Dark Sky Application
Submittal Status (Reed)**

(Agenda Item D.1)

Mayor Pro-Tem Reed reported that he is working with Town Secretary Linda Asbell, and Dark Sky Committee President Sheryl France to complete the application. The application will be between 50 and 100 pages and will be submitted for review by the end of March. The final determination will be made by the International Dark Sky Association and announced by August 2019.

**Consideration of Resolution Supporting
Application for Dark Sky Community
Designation (Reed)**

(Agenda Item D.2)

Mayor Pro-Tem Reed reported this resolution is an official show of support by the council for the dark sky application.

MOTION: Upon a motion made by Councilman West and seconded by Councilwoman Lepley, council voted four (4) “ayes”, no (0) “nays” to approve the resolution supporting application for International Dark Sky Community Designation. *The motion carried.*

**Consideration of Repeal of Ordinance 14-08
(Reed)**

(Agenda Item D.3)

Mayor Pro-Tem Reed reported ordinance 14-08 designated road repair funds to be used for asphalt road repairs. Due to the concrete road project, the road maintenance fund is no longer required. Councilman West asked how additional repairs would be made in the time between now and when the concrete roads are constructed. Mayor Pro-Tem Reed reported the town would still maintain the roads through the general funds. The cold weather has prevented patching of the road near the entrance, but it is expected to be warm enough to make those repairs soon.

MOTION: Upon a motion made by Councilwoman Lepley and seconded by Councilman West, council voted four (4) “ayes”, no (0) “nays” to approve the ordinance repealing ordinance 14-08. *The motion carried.*

Discussion of Concrete Roads (Reed)

(Agenda Item D.4)

Mayor Pro-Tem Reed reported the Town Engineer has provided sixteen locations for boring to determine the soil conditions and the type of construction requirements necessary for the concrete roads.

**Consideration of Additional Task Order for
Concrete Road Project (Reed)**

(Agenda Item D.5)

Mayor Pro-Tem Reed reported a task order for \$5,000 has been provided by the Town Engineer to review the locations of and safety of the geometric and sight distances, evaluate the right turn safety, and consider the possibility of a future signal. There was some discussion about receiving more information from the Town Engineer before taking action.

MOTION: *No motion made.*

Discussion of Water Well Status (Reed)

(Agenda Item D.6)

Mayor Pro-Tem Reed reported the materials have been delivered and the contractor will perform the work next week. Mayor Pro-Tem Reed reported the contractor was delayed due to the rain.

EXECUTIVE SESSION:

(Agenda Item E)

No executive session was held

RECONVENE:

(Agenda Item F)

REPORTS

(Agenda Item G)

Town Secretary Asbell reported that the Town Easter Egg Hunt will be from 10am to noon on April 20th at Town Hall.

Town Secretary Asbell reported that the Spring Crawfish Boil will be on April 27th and will feature a car and motorcycle show for residents.

**LAKEWOOD VILLAGE TOWN COUNCIL
REGULAR SESSION
MARCH 14, 2019**

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ADJOURNMENT

(Agenda Item H)

MOTION: Upon a motion made by Councilman West and seconded by Councilwoman Lepley council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular Meeting of the Lakewood Village Town Council at 7:21 p.m. on Thursday, March 14, 2019. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 9th day of May 2019.

APPROVED

Ed Reed
MAYOR PRO-TEM

ATTEST:

Linda Asbell, TRMC, CMC
TOWN SECRETARY

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

MARCH 25, 2019

Council Members:

Dr. Mark Vargus, Mayor
Ed Reed – Mayor Pro-Tem
Clint Bushong
Elizabeth Shields - ABSENT
Darrell West
Serena Lepley

Town Staff:

Linda Asbell, TRMC, CMC – Town Secretary

SPECIAL SESSION - 5:30 P.M.

With a quorum of the Council Members present, Mayor Vargus called the Special Meeting of the Town Council to order at 5:31 p.m. on Monday, March 25, 2019, in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas.

PLEDGE TO THE FLAG:

(Agenda Item A)

Mayor Vargus led the Pledge of Allegiance

REGULAR AGENDA:

(Agenda Item B)

Consideration of Additional Task Order for Concrete Road Project (Vargus)

(Agenda Item B.1)

Mayor Vargus reviewed the task order to make a recommendation to amend the thoroughfare plan, consider leaving the entrance to town at in the current location or move it to either the east or the west. The Town Engineer will review traffic standards and make a recommendation on the safest location for citizens to exit and enter onto Eldorado.

MOTION: Upon a motion made by Councilman West and seconded by Councilwoman Lepley, council voted four (4) “ayes”, no (0) “nays” to authorize Mayor Vargus to execute the task order for a thoroughfare plan amendment. *The motion carried.*

**LAKEWOOD VILLAGE TOWN COUNCIL
SPECIAL SESSION
MARCH 25, 2019**

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**Consideration of Road Closure for Special
Events (Vargus)**

(Agenda Item B.2)

Mayor Vargus reported that the 300 block of Lakecrest will be closed during the Lakewood Village Annual Crawfish Boil on April 27th. There was some discussion on closing roads during previous events.

EXECUTIVE SESSION:

(Agenda Item C)

No executive session was held

RECONVENE:

(Agenda Item D)

REPORTS:

(Agenda Item E)

Mayor Vargus reported that Madewell Well service was unable to lower the well pump and another rig will be brought in that has the ability to handle the weight of the well motor.

Mayor Pro-Tem Reed reported the Dark Sky application is close to complete and he would like to send it to anyone who wants to review the submittal.

ADJOURNMENT

(Agenda Item F)

MOTION: Upon a motion made by Councilman West and seconded by Councilwoman Lepley council voted four (4) “ayes” and no (0) “nays” to adjourn the Special Meeting of the Lakewood Village Town Council at 5:49 p.m. on Monday, March 14, 2019. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 9th day of May 2019.

APPROVED

Dr. Mark E. Vargus
MAYOR

ATTEST:

Linda Asbell, TRMC, CMC
TOWN SECRETARY



Economic Development Agreement

WHEREAS, Article III, Chapter 52-a of the Texas Constitution and Chapter 380 of the Texas Local Government Code authorize the Town to make loans of public funds for promoting local economic development; and

WHEREAS, Section 380.001-(2) of the Texas Local Government Code permits the Town to enter into agreements that promote economic development in the Town's extraterritorial jurisdiction; and

WHEREAS, the creation of the Lakewood Village Municipal Development District (MDD) and the imposition of a ½ percent sales and use tax was approved by a majority of the qualified voters residing in the District on May 9, 2009; and

WHEREAS, Section 377.071 of the Texas Local Government Code permits a Municipal Development District to accept loans from a political subdivision of the state to fund a development project; and

WHEREAS, Section 377.001(3) and Section 505.154 of the Texas Local Government Code provides that the MDD's authorized projects include the improvement of water supply facilities; and

WHEREAS, The Town Council of Lakewood Village believe that improvements in the water infrastructure in the ETJ will promote economic development and improve public health and safety,

NOW, THEREFORE, THE TOWN OF LAKEWOOD VILLAGE AND THE LAKEWOOD VILLAGE MUNICIPAL DEVELOPMENT DISTRICT ENTER INTO THE FOLLOWING LOAN AGREEMENT:

Sunset Provision - Loan shall terminate and all outstanding balances shall be repaid within 90 days following the third anniversary of the effective date of this agreement unless the agreement is extended.

Interest Rate and Calculation - The interest shall be calculated and accrue on the last day of each month. The interest rate shall be 0.5 percent per month. The accrued interest shall be calculated as: loan balance on last day of the month net of payments * 0.005. The rate is inclusive of all commitment, standby line of credit, and loan administration fees.

Maximum Borrowing:

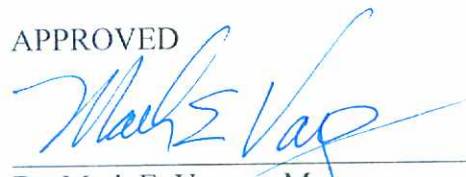
The maximum amount of indebtedness, including accrued interest shall not exceed \$50,000.

Financial Reporting

The MDD shall report to the Town Council, at least semi-annually, details of the financial condition of the MDD.

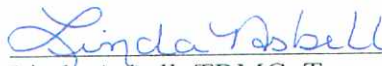
PASSED AND APPROVED by the Town Council of the Town of Lakewood Village on this 14th day of April, 2016

APPROVED

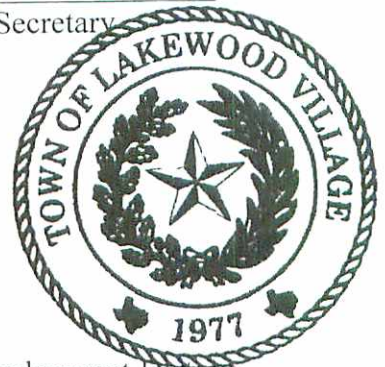


Dr. Mark E. Vargus, Mayor
Town of Lakewood Village

ATTEST



Linda Asbell, TRMC, Town Secretary
Town of Lakewood Village



PASSED AND APPROVED by the Lakewood Village Municipal Development District on this 28 day of April, 2016

APPROVED



Dan Tantalio, President
Lakewood Village MDD

ATTEST



Ed Reed, Vice President
Lakewood Village MDD

Rocky Point Water System Budget

	2018		2019	2019
	BUDGET		BUDGET	AMENDED
Operating Revenues				
Interest	\$10		\$30	\$30
Water Revenue	\$18,200		\$17,300	\$17,300
Late Fees	\$300		\$400	\$400
Disconnections				
Water Tap Fee				
Meter Set Fee				
Misc. Income				
Transfers In				
Total Revenues	\$18,510		\$17,730	\$17,730
Operating Expenses				
Operator	\$3,000		\$3,000	\$3,000
Admin Fee	\$4,250		\$4,250	\$4,250
Scheduled Maintenance	\$300		\$300	\$300
TCEQ Licensing Fee	\$175		\$175	\$175
Electricity	\$1,200		\$1,000	\$1,000
Repairs	\$1,500		\$1,500	\$1,500
Water Tap Installation				
Meter Installation				
Equipment				
Chemicals	\$350		\$250	\$250
Laboratory	\$760		\$1,200	\$1,200
Laboratory - USACE				
Postage	\$0		\$0	\$0
Supplies	\$0		\$0	\$0
Contingency	\$0		\$0	\$0
Interest Expense	\$550		\$0	\$0
Capital Improvements				\$10,000
Depreciation - Water System				
Depreciation - Buildings				
Total Expenses	\$12,085		\$11,675	\$21,675
Operating Income	\$6,425		\$6,055	(\$3,945)

Municipal Development District Budget

	2018		2019	2019
	BUDGET		BUDGET	AMENDED
Revenues				
Sales Tax	\$17,766		\$18,500	\$18,500
Interest				
Donations				
Asset Sale				
Total Revenue	\$17,766		\$18,500	\$18,500
Expenditures				
Debt Servicing				
MDD Projects				\$14,000
MDD Legal Fees				
Transfers Out				
Total Expenditures	\$0		\$0	\$14,000
Net Income	\$17,766		\$18,500	\$4,500



MEMORANDUM

TO: Town Council
CC: Linda Asbell
FROM: Dr. Mark E. Vargus, Mayor
DATE: May 2, 2019
RE: Water Use Policy

As a preventative measure, I am proposing a new **Water Use Policy**, which would require voluntary limits on irrigation. The goal would be to educate citizens on starting the summer using an appropriate amount of water so that we can maintain our safety margins.

Residents with in-ground irrigation systems would be limited to three days a week of watering (even/odd), as these are the largest users of water. **There would be no restrictions on watering by hoses, sprinklers attached to hoses, hand-watering, washing cars and boats, filling pools, watering foundations, etc.** The policy would run from Memorial Day to Labor Day. There would be no time-of-day restrictions initially until we evaluate the effects. The goal is for us to reach a steady-state equilibrium where everyone achieves their goals and we have sufficient water available during the peak usage periods of the day.

It does not replace our drought contingency ordinance. The goal is to minimize the likelihood we will need to declare a water emergency and implement and enforce more serious restrictions. Three days a week for the lawn irrigation is more than enough. Consistency will help us manage the system more efficiently.

I look forward to your comments;

**TOWN OF LAKEWOOD VILLAGE
ORDINANCE 19-XX**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, AUTHORIZING THE MDD PRESIDENT TO ENTER INTO AGREEMENTS AND EXECUTE DOCUMENTS, AGREEMENTS, AND CONTRACTS NOT EXCEEDING \$10,000 ON BEHALF OF THE TOWN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Lakewood Village, Texas is a Type A General Law Municipality located in Denton County, Texas created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the state of Texas; and

WHEREAS, Chapter 101.002 of the Local Government Code authorizes the governing body of the municipality to manage and control the finances of the municipality; and

WHEREAS, Chapter 22.072 of the Local Government Code authorizes the governing body of the municipality to delegate powers and responsibilities to municipal officers; and

WHEREAS, Chapter 51.012 of the Local Government Code authorizes municipalities to adopt ordinances that are necessary for the good order of the municipality and the Town Council has determined that it would be advantageous and beneficial to the citizens of Lakewood Village, Texas to authorize the Mayor as provided herein; and

WHEREAS, the Town Council desires the MDD President to execute documents without necessitating a Resolution or other authorization, subject to the Town Council's sole discretion to designate the President to execute such documents; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS:

Section 1: Findings

The findings attached hereto as Exhibit A is hereby adopted as the Comprehensive Financials Control Ordinance for the Town.

Section 2: Severability

A. Unconstitutional or Invalid Section

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

B. Independent Sections

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

Section 4: Estoppel / Waiver

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

Section 5: Effective Date

PASSED AND APPROVED by the Town Council of the Town of Lakewood Village, Texas
this the 8th day of November, 2018

Dr. Mark E. Vargus
MAYOR

ATTESTED:

Linda Asbell, TRMC, CMC
Town Secretary

Exhibit A



MDD FINANCIAL CONTROLS

Adopted:

SECTION 1: FINANCIAL CONTROLS

1.1. MDD PRESIDENT

1.1.1. CONTRACTS

The President is hereby authorized, without further requirements or authorization, to execute any and all documents, agreements, and contracts that:

- 1) Have been approved by the Town Council; or
- 2) Are related to expenditures not exceeding \$5,000, which have been approved by the MDD and Town Council through the adoption of the annual budget, or
- 3) Are related to a capital expenditure exceeding \$10,000 that has been approved by the MDD and Town Council on an individual, project specific vote, or

The preceding provisions do not authorize the President to execute contracts that may have no monetary value unless approved by Council (e.g. developer agreements, inter-local agreements, legal settlements).

1.2. PERSONNEL

In order to maintain the operations of the Town and preserve public health and safety, the President shall have the authority to hire temporary workers and contract laborers.

Temporary workers can be employed without council approval under the following conditions:

- 1) The period of employment is less than 30 days; and
- 2) The related personnel expense is less than \$2,000; and
- 3) There are sufficient funds in the budget (e.g., contingency, contract labor).

1.3. BANKING

1.3.1. BANK ACCOUNTS AND AUTHORIZED SIGNATORIES

With Council approval The MDD President shall be an authorized signer for all MDD checking accounts. The President is not authorized to sign checks for any town accounts.

LIMITATIONS OF CHECK-WRITING

All checks and Electronic Fund Transfers are subject to the following conditions:

- 1) All checks and Electronic Fund Transfers require two signatures;
- 2) A person cannot sign a check payable to themselves or a family member;
- 3) Checks in the amount of \$10,000 or greater shall not be signed unless
 - a. The payment relates to a contractual obligation approved by the Town Council; or
 - b. Has been specifically authorized by the Town Council.

1.3.2. FUND TRANSFERS

~~The Town's banking and financial accounting system physically segregates funds into operating and reserve accounts. Operating accounts are maintained at the minimum level sufficient for current expenditures, while the bulk of the Town's funds are in reserve accounts. To limit access and minimize potential at risk funds, reserve accounts have no check writing privileges, are not eligible for direct deposit/debit, or electronic bill pay. The Funds are only accessible through electronic transfers to existing accounts.~~

~~To ensure adequate liquidity and efficient investment allocations, all fund transfers in excess of \$5,000 must be approved by the Chief Investment Officer.~~

1.3.3. CASH MANAGEMENT

~~It is the policy of the Town that cash on hand shall be minimized. The petty cash drawer shall be maintained at \$200 or less and be reconciled as needed. It is the goal of the Town to deposit all cash receipts within 48 hours. Cash payments of expenditures exceeding \$200 are prohibited.~~

1.4. REIMBURSEMENTS AND COMPENSATION

1.4.1. REIMBURSEMENTS

~~Reimbursements for personal expenditures that are directly related to Town business shall be promptly paid subject to:~~

- ~~1) Submittal of receipts or official documentation of the expense;~~
- ~~2) Reimbursement maximum of \$1,000, unless pre authorized by the Mayor;~~
- ~~3) Travel less than 100 miles round trip is not eligible for mileage reimbursement;~~
- ~~4) Expenses for spouses or traveling companions are ineligible.~~

~~Subject to the aforementioned, reimbursements for personal automobile travel shall be at the current Internal Revenue Service standard mileage rate. Actual lodging expenses shall be reimbursed with receipts. Meals and Incidentals shall be reimbursed according to the official U.S. General Services Administration M&I rate. No receipts for meals and incidentals are required.~~

1.4.2. COMPENSATION

~~Councilmembers shall not receive any compensation for their service. Councilmembers shall not receive any financial allowances or emolument of any kind.~~

Section 2: INVESTMENT POLICY

~~It is the policy of the Town of Lakewood Village ("Town") to invest public funds in a manner which will provide the highest investment return with maximum security while meeting the daily cash flow demands of the Town of Lakewood Village and conforming to the "Public Funds Investment Act". The receipt of a market rate of return will be secondary to the requirement for safety and liquidity.~~

2.1. SCOPE

~~This Investment Policy applies to all financial assets of the Town. The Town commingles its funds into one pooled investment fund for efficiency and maximum investment opportunity. These funds are defined in the Town's Comprehensive Annual Financial Report and include the general fund and the water/wastewater enterprise fund as well as any new funds created by the Town unless specifically exempted from this policy by the Town Council.~~

2.2. STRATEGY

~~The Town employs an overall investment strategy which provides for the safety of principle and liquidity, while segregating funds to allow for better monitoring and oversight, as well as control. The strategy has the following attributes:~~

- ~~a) The use of local financial institutions for demand deposits and operating accounts. These accounts generate the highest transaction volumes and are the source of the Town's daily working capital needs. Liquidity and fund availability are the primary requirements, while the relatively low balances minimize the effect on lower yields.~~
- ~~b) The use of regulated investment pools to invest reserve funds and capital improvement funds which by their nature have longer investment cycles and less frequent transactions. Because these funds are not needed on a daily basis, the use of pools allows the Town to gain higher yields by lengthening the portfolio's maturity.~~
- ~~c) The strategy does not allow for the Town to hold individual securities except for CD's which must be fully insured by the FDIC.~~

2.3. PRUDENCE

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

~~The standard of prudence to be used by the Investment Officer shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investment Officers acting in accordance with written procedures of the Investment Policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.~~

2.4. OBJECTIVE

~~It is the policy of the Town that all funds shall be managed and invested with three primary objectives, listed in the order of their priority: safety, liquidity, and yield (return). These objectives encompass:~~

2.4.1. SAFETY OF PRINCIPAL

~~Safety of Principal is the foremost objective of the Town. Investments of the Town shall be undertaken in a manner that seeks to insure the preservation of capital in the overall~~

~~portfolio. A diversification strategy is a key element of the Town's investment policy in that it reduces the likelihood of large capital losses attributable to individual securities leading to an overall reduction in the Town's assets. Diversification will be accomplished through the investment in eligible mutual funds which hold a portfolio of individual securities backed by numerous issuers. All mutual fund investments must be insured by the Securities Investor Protection Corporation (SIPC), a nonprofit corporation established by the U.S. Congress.~~

2.4.2. LIQUIDITY

~~The Town's investment portfolio must remain sufficiently liquid to enable the Town to meet all operating requirements which might be reasonably anticipated. Mutual fund investments must allow for electronic transfer of funds on a next business day basis and be accessible via the internet.~~

2.4.3. RETURN ON INVESTMENT

~~The Town's investment portfolio shall be designed with the objective of attaining a rate of return throughout the budgeting and economic cycles, commensurate with the Town's investment risk constraints and the cash flow characteristics of the portfolio.~~

2.5. CONTROLS AND DELEGATION OF AUTHORITY

~~The Town Council, shall designate by resolution or ordinance the Investment Officer of the Town who is responsible for investment management decisions and activities. The Investment Officer shall develop and maintain written administrative procedures for the operation of the investment program which are consistent with this Investment Policy. The Investment Officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials and staff.~~

~~Controls:~~

- ~~a) The Town Council shall adopt maximum investment limits (either in dollar terms or as a percentage of the towns cash) on the value of each investment type (pool, cd, money-market mutual fund).~~
- ~~b) Any new investment transaction exceeding \$10,000, either to a new investment or to an existing investment one shall be reported to the council at the next subsequent meeting.~~

2.6. ETHICS AND CONFLICTS OF INTEREST

~~Officers and employees involved in the investment process shall refrain from personal business activities that could conflict with proper execution of the investment program or which could impair their ability to make impartial investment decisions. Employees and Investment Officials shall disclose to the Town Council any material financial interest in financial institutions that conduct business within this jurisdiction and they shall further disclose any large personal financial/investment positions that could be related to the performance of the Town, particularly with regards to the time of purchases and sales.~~

2.7. AUTHORIZED FINANCIAL DEALERS AND BROKERS

~~The Town will not hold individual securities; therefore, it is anticipated that there will not be a~~

~~need for broker / dealers to execute buy and sell orders.~~

2.8. ACCEPTABLE INVESTMENT INSTRUMENTS

~~The Town of Lakewood Village is permitted to invest only in the following subset of eligible investments empowered under The Public Funds Investment Act:~~

- ~~a) Mutual funds or investment pools consisting of Obligations of the United States Government or its agencies and instrumentalities;~~
- ~~b) Mutual funds or investment pools holding direct obligations of the State of Texas or its agencies;~~
- ~~c) Mutual funds or investment pools holding other obligations, the principal of and interest on which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the State of Texas or the United States or their respective agencies and instrumentalities;~~
- ~~d) Certificate deposits issued by State and National banks domiciled in the State of Texas fully insured by FDIC;~~
- ~~e) SEC registered, no-load money market mutual funds with a dollar weighted average portfolio maturity of 90 days or less whose assets consist exclusively of the US Government securities and whose investment objectives include seeking to maintain a stable net asset value of \$1 per share.~~
- ~~f) Texas Local Government investment pools as defined by the Public Funds Investment Act.~~

~~The following investments are specifically not authorized: (1) individual securities (CD's excepted), (2) any investment with either a weighted average maturity of 3 years or a duration greater than three years~~

~~If additional types of securities are approved for investment under the PFIA, they will not be eligible for investment by the Town until this policy has been amended and approved by the Town Council.~~

2.9. INVESTMENTS IN REAL PROPERTY

~~Nothing in this policy is to be construed as limiting the Town's rights to acquire real property as authorized under the Local Government Code, Section 271 or through eminent domain or other authorized methods.~~

2.10. INVESTMENT REPORTING

~~Each quarter, the Investment Officer and any employees designated by the Investment Officer shall prepare and submit to the Town Council a written report of all investment transactions, balances, and changes in position.~~

~~The report must~~

- ~~1. Describe in full detail the investment position of the town on the date of the report; in addition, for non-money market accounts where applicable the report shall include:~~

~~the beginning market value ending market value and fully accrued interest for the reporting period,~~

~~the book value and market values of each asset~~

~~the maturity date of each asset~~

- ~~2. Clearly state the town account or fund in which the individual investment was acquired and state the compliance of the investment's portfolio to the Town's investment strategy~~

~~If the Town invests in other than money market mutual funds, investment pools or accounts offered by its depository bank in the form of certificates of deposit, or money market accounts or similar accounts, the reports prepared by the investment officers under this section shall be formally reviewed annually by an independent auditor, and the result of the review shall be reported to the governing body and then posted on the town website for at least 7 years.~~

2.11. INVESTMENTS IN REAL PROPERTY

~~Nothing in this policy is to be construed as limiting the Town's rights to acquire real property as authorized under the Local Government Code, Section 271 or through eminent domain or other authorized methods.~~

Section 3: FUND BALANCE POLICY

3.1. PURPOSE AND OVERVIEW

~~The purpose of this policy is to establish guidelines for the governmental (general) fund balance levels. It is essential that the Town maintain adequate levels of fund balance to mitigate financial risk that can occur from unforeseen revenue fluctuations, unanticipated expenditures, or adverse circumstances. The fund balance level is also designed to provide an appropriate amount of working capital for the town's general operations. It is expected that the Town will operate with a balanced budget with operating expenditures fully funded by current revenues. In cases where the fund balance will be drawn down for projects, the budget approval process should identify the time and financial trajectory to re-establish the appropriate fund balance.~~

3.2. DEFINITIONS AND CATEGORIES

~~*Fund Balance*—Defined as the difference between a governmental fund's assets and liabilities. According to the **Governmental Accounting Standards Board (GASB) Statement 54**, fund balance must be allocated into one the following five categories:~~

- ~~1. *Non-spendable Fund Balance*—includes amounts that are not in a spendable form or are legally or contractually required to be maintained intact. Examples include inventory or endowments.~~
- ~~2. *Restricted Fund Balance*—includes amounts that can be spent only for the specific purposes stipulated by external resource providers either constitutionally or through enabling legislation. Examples include grants and hotel occupancy taxes.~~
- ~~3. *Committed Fund Balance*—includes amounts that can be used only for the specific purposes determined by a formal action of the government's highest level of decision making authority. Commitments may be changed or lifted only by the government taking the~~

~~same formal action that imposed the constraint originally.~~

~~4. *Assigned Fund Balance* — comprises amounts intended to be used by the government for specific purposes. Intent can be expressed by the governing body or by an official or body to which the governing body delegates the authority. In governmental funds other than the general fund, assigned fund balance represents the amount that is not restricted or committed. This indicates that resources in other governmental funds are, at a minimum, intended to be used for the purpose of that fund.~~

~~5. *Unassigned Fund Balance* — includes all amounts not contained in the other classifications. Unassigned amounts are available for any purpose.~~

~~3.3. FUND BALANCE POLICY~~

~~Minimum Unassigned Fund Balance~~

~~Given the primary revenue source is residential property taxes, it is the goal of the Town to achieve and maintain an unassigned fund balance in the general fund equal to 33% of budgeted expenditures for unanticipated expenditures, unforeseen revenue fluctuations, or other adverse circumstances.~~

~~If the fund balance drops below 25%, the Town will implement necessary corrective action within a two-year plan to restore the unassigned fund balance to 33 percent of budgeted expenditures. These corrective actions may include the following: reducing conference travel expenditures; reducing discretionary expenditures for parks and recreation; deferring town maintenance; limiting merit raises to COLA.~~

~~Non-governmental fund balances~~

~~The fund balance categories discussed above do not apply to proprietary funds according to GASB 54; therefore, the Town will not implement a fund balance policy for non-governmental fund balances.~~

Section 4: FINANCIAL DISCLOSURES

~~4.1. PURPOSE~~

~~This ordinance sets forth disclosure requirements for financial transactions that the Town consummates, including disclosure frequency, manner of disclosure, and assigns compliance responsibility to the Town Financial Officer. This ordinance also requires public disclosure of State-mandated vendor conflict-of-interest questionnaires (Form CIQ) upon receipt by the Town.~~

~~4.2. REQUIRED FINANCIAL DISCLOSURES~~

- ~~a) Concurrent with the agenda-posting of the regularly scheduled monthly Council meeting, the Town shall post in a public manner a monthly financial report containing the following information:~~
 - ~~i. The Check register for the General Fund and Utility Fund from the Town's accounting system. The aggregate cash balances in the Town depository and checking accounts.~~

- b) ~~Decisions relating to the report style, formatting, additional content, and manner of posting shall be determined by the Mayor or his designate.~~

~~4.3. POSTING OF FORM CIQ~~

~~Chapter 176 of the Texas Local Government Code requires certain vendors and parties doing business with municipalities to file conflict of interest Form CIQ annually. The law also requires vendors to file updated forms when necessary and mandates that respondents to bid and proposal requests also file form CIQ. Upon receipt of a Form CIQ, the Town shall:~~

- a) ~~in a timely manner, publicly post the notice online for a period of at least 5 business days.~~

~~4.4. RESPONSIBILITY~~

~~Compliance with this ordinance shall be the responsibility of the Town's Chief Financial Officer~~

Section 5: DEFINITIONS

~~5.1. GENERAL~~

~~Terms which are used in this Ordinance and are not specifically defined shall be given their ordinary meaning, unless the context requires or suggests otherwise. In the case of ambiguity or uncertainty concerning the meaning of a particular term, whether or not defined, the town staff shall have the authority to assign an interpretation which is consistent with the intent and purpose of this Ordinance, or an interpretation which is consistent with previous usage or interpretation.~~

~~5.2. WORDS OR TERMS DEFINED~~

~~Mayor: shall include those persons designated Acting Mayor if the mayor position is vacant.~~

~~Transaction: shall mean any bank draft or electronic funds transfer from any Town financial account to a third party or person.~~



TOWN OF LAKEWOOD VILLAGE , TEXAS

ORDINANCE NO. ~~XX13-13~~

AN ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS ADOPTING A DROUGHT CONTINGENCY AND WATER MANAGEMENT PLAN; ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES, ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town of Lakewood Village recognizes that the amount of water available to ~~Rocky Point~~~~the Town~~ and its water utility customers is limited and subject to depletion during periods of extended drought or other water supply limitations; and

WHEREAS, the ~~Town~~~~City~~ recognizes the natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes; and

WHEREAS, Section 11.1272 of the Texas Water Code (TWC) and Title 30, Rule 288.2 of the Texas Commission on Environmental Quality (TCEQ) require all public supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, as authorized under law, and in the best interests of the citizens of the Town of Lakewood Village, Texas, the Town Council deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT:

Section 1: PURPOSE AND SCOPE

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the Town of Lakewood Village hereby adopts the following regulations and restrictions on the delivery and consumption of water through an ordinance.

Water uses regulated or prohibited under this Drought Contingency and Emergency Water Management Plan (“the Plan”) are considered to be non-essential and continuation of such uses

during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section 7 of the Plan.

Section 2: PUBLIC EDUCATION & NOTIFICATION

- A) The Town of Lakewood Village will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and water management measures to be implemented in each stage. This information will be provided by means of the Town's website, the marquee located at Town Hall, and signs posted in public places and utility bill inserts.
- B) At any time, this plan is initiated or terminated, the Mayor/MDD Board President or his/her designee shall notify the public by means of the Town's website, ~~the marquee located at Town Hall~~ and signs posted in public places and shall be effective immediately. Members of Town Council and MDD Board shall be notified directly.
- C) At any time Stages 4 or 5 of the plan are initiated or terminated, the Mayor or his/her designee shall notify the Little Elm Fire Department.

Section 3: EXEMPTIONS

- A) Governmental use of water determined to be necessary for the public health, safety, and welfare, or for essential services such as fire, police, and emergency services, are exempt from any and all restrictions or mandates herein.
- B) All persons who are permitted by the Town of Dallas to pump out of Lake Lewisville Lake for the purpose of irrigation.
- C) ~~All persons who are permitted by the Town of Lakewood Village to irrigate with reclaimed water.~~

Section 4: DEFINITIONS

For the purposes of this Plan, the following definitions shall apply:

Aesthetic Water Use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and Institutional Water Use: water use, which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water,

reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by the Town of Lakewood Village.

Domestic Water Use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Drip Irrigation: Also known as, *trickle irrigation* or *micro-irrigation* is an irrigation method, which minimizes the use of water and fertilizer by allowing water to drip slowly to the roots of plants through a network of valves, pipes, tubing and emitters.

Even Number Address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

General Emergency: a condition in which the existing or projected water supply available to the Town is not anticipated to meet the ordinary water requirements of the metered water users. This condition may be the result of factors including, but not limited to, natural emergency conditions and/or a failure of the Town's water distribution system.

Hose-end Sprinkler: designed to screw into a standard hose and rest on the ground wherever you drag it and set it down, it then delivers water in a spray pattern in the immediate area.

Landscape: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-Essential Water Use: water uses that are not essential or required for the protection of public, health, safety, and welfare, including:

- a) irrigation of landscape areas and parks, except otherwise provided under this Plan;
- b) use of water to wash any motor vehicle, motorbike, watercraft, trailer, airplane or other vehicle;
- c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- e) use of water to fill indoor or outdoor swimming pools or Jacuzzi-type pools;
- f) use of water from hydrants for construction purposes or any other purposes other than firefighting;
- g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- h) failure to repair a controllable leak(s) within a reasonable period after having been given

notice directing the repair of such leak(s).

Odd Numbered Address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

Person: owner, occupant, or person in control of the premises or a person authorized by the owner, occupant, or person in control of the premises.

Total Production Capability: the total net aggregate amount of water that can be produced from all water wells capable of supplying water to the system in any given 24-hour period.

Trigger: a threshold level to be used as an initiation or termination point for actions based on certain criteria.

Utility Operations Company: the entity with which the Town maintains its current water maintenance contract.

Section 5: CRITERIA FOR INITIATION AND TERMINATION OF WATER MANAGEMENT RESPONSE STAGES

The Mayor/MDD Board President or his/her designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified “triggers” are reached.

Criteria triggering the implementation of various levels of the Plan include, but are not limited to, the following:

- a) General Emergency;
- b) Water demand equals or exceeds water production.

Section 6: WATER MANAGEMENT STAGES

Stage 1: MILD - Water Awareness

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section 4, when

Requirements for Initiation – Triggering Criteria

- a) Annually, beginning on the final Monday of May (Memorial Day) and ending on October 31st (Halloween) or;
- b) Demand exceeds 90% of deliverable capacity for three (3) consecutive days or;

- c) Water demand approaches a reduced delivery capacity for all or part of the system due to supply or production capacity limitations.

Water Use Reduction

- a) Water customers are requested to voluntarily reduce water use by 2%, to practice water conservation and to minimize water use for non-essential purposes.

Actions Available

- a) Water customers are requested to voluntarily conserve water and adhere to prescribed restrictions for non-essential water use as defined in Section 4:
 - 1) Sub section C, use of water to wash down hard surfaces;
 - 2) Sub section D, use of water to wash the outside of homes or buildings;
- b) Water customers are required limit irrigation of landscaped areas to the hours between 6:00 p.m. to 4:00 a.m. daily;
- c) The use of drip irrigation or soaker hoses for landscaped areas or foundations are permitted at any time during the day.

Requirements for Termination

Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days and would be unlikely to recur upon termination, or until such time as determined by the Mayor or his/her designee.

Stage 2: MODERATE – Water Warning

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses, defined in Section 4, when

Requirements for Initiation – Triggering Criteria

- a) Demand exceeds 90% of deliverable capacity for six (6) consecutive days or;
- b) Demand equals or exceeds 100% of delivery capacity for one (1) day or;
- c) Water demand approaches a reduced delivery capacity for all or part of the system due to supply or production capacity limitations.

Water Use Reduction

- a) Water customers are required to reduce water use by 10%, to practice water conservation and to minimize water use for non-essential purposes.

Actions Available

- a) Water customers are required to conserve water and adhere to prescribed restrictions for non-essential water use defined in Section 4:
 - 1) Sub section C, use of water to wash down hard surfaces;
 - 2) Sub section D, use of water to wash the outside of homes or buildings;
 - 3) Sub section F, use of water from hydrants for construction purposes.
- b) Water customers are required to limit irrigation of landscaped areas to the hours between 6:00 p.m. to 4:00 a.m. daily.
- c) The use of drip irrigation or soaker hoses for landscaped areas or foundations are permitted at any time during the day.

Requirements for Termination

Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of six (6) consecutive days and would be unlikely to recur upon termination, or until such time as determined by the Mayor or his/her designee.

Stage 3: SEVERE – Water Watch

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses, defined in Section 4, when

Requirements for Initiation – Triggering Criteria

- a) Demand exceeds 90% of deliverable capacity for nine (9) consecutive days or;
- b) Demand equals or exceeds 100% of delivery capacity for three (3) consecutive days or;
- c) Water demand approaches a reduced delivery capacity for all or part of the system due to supply or production capacity limitations.

Water Use Reduction

- a) Water customers are required to reduce water use by 20%, to practice water conservation and to minimize water use for non-essential purposes.

Actions Available

- a) Water customers are required to conserve water and adhere to prescribed restrictions for non-essential water use defined in Section 4:
 - 1) Sub section B, use of water to wash vehicles or watercraft;
 - 2) Sub section C, use of water to wash down hard surfaces;
 - 3) Sub section D, use of water to wash the outside of homes or buildings;
 - 4) Sub section E, use of water to fill a pool;
 - 5) Sub section F, use of water from hydrants for construction purposes.
- b) Water customers are required to limit irrigation of landscaped areas and adhere to the prescribed restrictions:

- 1) To the hours between 6:00 p.m. and 4:00 a.m.;
- 2) Water customers with even addresses water only on even numbered days;
- 3) Water customers with odd address water only on odd numbered days;
- c) Water customers are required to limit the top off of a pool to the hours between 6:00 p.m. and 4:00 a.m.
- d) Water customers are required to limit the use of drip irrigation and soaker hoses for landscaped areas or foundations to the hours between 6:00 p.m. and 4:00 a.m.

Requirements for Termination

Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of nine (9) consecutive days and would be unlikely to recur upon termination, or until such time as determined by the Mayor or his/her designee.

Stage 4: CRITICAL – Water Crisis

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses, defined in Section 4, when

Requirements for Initiation – Triggering Criteria

- a) Demand exceeds 90% of deliverable capacity for twelve (12) consecutive days or;
- b) Demand equals or exceeds 100% of delivery capacity for six (6) consecutive days or;
- c) Water demand approaches a reduced delivery capacity for all or part of the system due to supply or production capacity limitations.

Water Use Reduction

- a) Water customers are required to reduce water use by 30%, to practice water conservation and to minimize water use for non-essential purposes.

Actions Available

- a) Water customers are required to conserve water and adhere to prescribed restrictions for non-essential water use defined in Section 4:
 - 1) Sub section B, use of water to wash vehicles or watercraft;
 - 2) Sub section C, use of water to wash down hard surfaces;
 - 3) Sub section D, use of water to wash the outside of homes or buildings;
 - 4) Sub section E, use of water to fill a pool;
 - 5) Sub section F, use of water from hydrants for construction purposes.
- b) Water customers are required to limit irrigation of landscaped areas and adhere

to the prescribed restrictions:

- 1) To the hours between 6:00 p.m. and 4:00 a.m.;
- 2) Water customers with even addresses water only on Sundays and Thursdays;
- 3) Water customers with odd addresses water only on Saturdays and Wednesdays;
- c) Water customers are required to limit the top off of a pool to the hours between 6:00 p.m. and 4:00 a.m.
- d) Water customers are required to limit the use of drip irrigation and soaker hoses for landscaped areas or foundations to the hours between 6:00 p.m. and 4:00 a.m.

Requirements for Termination

Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of twelve (12) consecutive days and would be unlikely to recur upon termination, or until such time as determined by the Mayor or his/her designee.

Stage 5: EMERGENCY

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses, defined in Section 4, when

Requirements for Initiation – Triggering Criteria

- a) General emergency.

Water Use Reduction

- a) Water customers are required to reduce water use by 50%, to practice water conservation and to minimize water use for non-essential purposes.

Actions Available

- a) Water customers are required to conserve water and adhere to prescribed restrictions for non-essential water use defined in Section 4:
 - 1) Sub section A; use of water for irrigation, including drip or soaker hoses;
 - 2) Sub section B, use of water to wash vehicles or watercraft;
 - 3) Sub section C, use of water to wash down hard surfaces;
 - 4) Sub section D, use of water to wash the outside of homes or buildings;
 - 5) Sub section E, use of water to fill a pool including top off;
 - 6) Sub section F, use of water from hydrants for construction purposes.
- b) Water customers are requested to voluntarily conserve essential water use.

Requirements for Termination

Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of one (1) day and would be unlikely to recur upon termination, or until such time as determined by the Mayor or his/her designee.

Summary Non-Essential Water Use and Water Stages

	Stage 1 Mild	Stage 2 Moderate	Stage 3 Severe	Stage 4 Critical	Stage 5 Emergency
Reduction Target	Voluntary - 2%	10%	20%	30%	50%
Irrigation - Sprinklers (Section 4a)	Seasonal - Between 6:00 p.m. & 4:00 a.m.	Between 6:00 p.m. & 4:00 a.m.	Between 6:00 p.m. & 4:00 a.m. & Alternating Even / Odd Addresses	Between 6:00 p.m. & 4:00 a.m. & Twice a Week	No non-essential water use. Voluntary conservation of essential water use.
Irrigation – Drip or Soaker Hose (Section 4a)	No restrictions		Between 6:00 p.m. & 4:00 a.m.		
Vehicles (Section 4b)	No restrictions		Not allowed		
Hard Surfaces (Section 4c)	No restrictions	Not allowed			
Buildings (Section 4d)					
Pools (Section 4e)	No restrictions	No restrictions	Top Off Only Between 6:00 p.m. and 4:00 a.m.		
Hydrants (Section 4f)		Not allowed			

Section 7: ENFORCEMENT

- A) No person shall knowingly or intentionally allow the use of water from the Town of Lakewood Village [Rocky Point Water System](#) for residential, governmental or any other purpose in a manner contrary to any provision of the Plan, or in an amount in excess of that permitted by the response stage in effect at the time pursuant to action taken by the Mayor, or his/her designee, in accordance with the provisions of the Plan.
- B) Any person who violates the Plan is guilty of a misdemeanor and, upon receiving one warning in writing and, upon conviction shall be punished by a fine of not less two-hundred dollars (\$200) and not more than two-thousand dollars (\$2,000). Each day that one or more of the provisions in the Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of the Plan, the Mayor/[MDD Board President](#) shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. In addition, suitable assurance must be given to the Town of Lakewood Village [Municipal Development District](#) that the same action shall not be repeated while the Plan is in effect. Compliance with the plan may also be sought through injunctive relief in the district court.

Section 8: VARIANCE

The Mayor/[MDD Board President](#), or his/her designee, may, in writing, grant a *temporary* variance for existing water uses otherwise prohibited under the Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance or if the following conditions are met:

- a) Compliance with the Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect; and
- b) Alternative methods can be implemented which will achieve the same level of reduction in water use; or
- c) Literal enforcement of the ordinance would create an undue and extreme hardship.

The temporary variance shall automatically expire on the date of the next Council meeting, at which time the person may request a variance from the Town Council. An approved variance shall specify the termination date and shall otherwise expire when the Plan is no longer in effect.

No variance shall be retroactive or otherwise justify any violation of the Plan occurring prior to the issuance of the variance.

~~Section 9: — REPEALER / SAVINGS~~

~~Ordinance 11-20 is hereby repealed in its entirety.~~

Section ~~9~~10: SEVERABILITY

The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the Town Council hereby declares that it would have passed such remaining portions of this Ordinance, despite such invalidity, which remaining portions shall remain in full force and effect.

Section ~~11~~10: EFFECTIVE DATE

The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the Town Council of the Town of Lakewood Village, Texas this the ~~X~~14th day of Month, Year~~-October, 2013~~.

~~Mike Schnittker~~Dr. Mark E. Vargus
Mayor, Town of Lakewood Village

ATTEST:

Linda Asbell, TRMC, CMC
Town Secretary, Town of Lakewood Village

TOWN OF LAKEWOOD VILLAGE

**MUNICIPAL COURT OF RECORD
ORDINANCE 19-xx**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, ESTABLISHING A MUNICIPAL COURT OF RECORD IN THE TOWN OF LAKEWOOD VILLAGE; PROVIDING FOR JURISDICTION; PROVIDING FOR THE APPOINTMENT OF A MUNICIPAL JUDGE AND ALTERNATE JUDGES; PROVIDING FOR THE APPOINTMENT OF A COURT CLERK, ESTABLISHING POWERS AND DUTIES OF THE COURT AND ITS PERSONNEL; PROVIDING A REPEALER; PROVIDING A SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE.

WHEREAS, Texas Government Code Section 30.0003 authorizes the governing body of a municipality to create a municipal court of record; and,

WHEREAS, The Town Council of the Town of Lakewood Village seeks to provide for the enforcement of its municipal ordinances through a Municipal Court of Record; and,

WHEREAS, the Town Council hereby determines that the creation of a municipal court of record is necessary to provide a more efficient disposition of cases arising in the Town of Lakewood Village; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT:

Section 1: Findings

The findings set forth above and established in Exhibit A are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2: Repeal

Ordinance 02-01 is hereby repealed in its entirety. All ordinances, and resolutions, in conflict herewith are repealed to the extent of such conflict. Such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance.

Section 3: Severability

A. Unconstitutional or Invalid Section

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

B. Independent Sections

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

Section 4: Estoppel / Waiver

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

Section 5: Effective Date

The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the Town Council of the Town of Lakewood Village, Texas
this the XX day of _____, 2019

Dr. Mark E. Vargus
MAYOR

ATTESTED:

Linda Asbell, TRMC, CMC
Town Secretary





**MUNICIPAL COURT
OF RECORD**

Adopted: _____ xxth, 2019

SECTIONS:

1. MUNICIPAL COURT ABOLISHED

The municipal court established pursuant to the general law is abolished in the manner prescribed thereby and all pending cases transferred to said Lakewood Village Municipal Court of Record which shall assume jurisdiction thereof. The abolishment shall not abate any pending prosecution, nor shall the abolishment prevent a prosecution from being commenced for any violation if occurring prior to the abolishment of the ordinance.

The abolishment of the court does not abolish or abate any previous judgment, order, writ, or document issued or created by the abolished court. All judgments, orders, writs, and documents issued or created by the abolished court shall be acknowledged as if they were issued by the Municipal Court of Record in the Town of Lakewood Village, Texas.

2. MUNICIPAL COURT OF RECORD ESTABLISHED:

There is created a unified court of record ("court") which shall be known as the Municipal Court of Record in the Town of Lakewood Village, Texas and is hereby established pursuant to Texas Government Code Chapter 30, Subchapter A, and the terms set forth therein are hereby adopted governing the operation of the court.

3. JURISDICTION

- 3.1. All cases pending in the municipal court of and from the effective date of this ordinance shall be processed and adjudicated by the municipal court of record, regardless of the date of offense.
- 3.2. The court has concurrent jurisdiction with a justice court in any precinct in which the municipality is located in criminal cases that arise within the territorial limits of the town and are punishable only by fine.
- 3.3. The Municipal Court shall have exclusive original jurisdiction in all criminal cases arising under any ordinances of the Town in which the punishment is by fine only, and where the maximum fine for the offense charged does not exceed \$2000, and where the offense charged arose within the corporate limits of the town (or outside of the corporate limits but within an area over which the town has jurisdiction and control under the laws of the state).
- 3.4. The municipal court of record shall have civil jurisdiction for the purpose of enforcing the town's ordinances enacted under Subchapter A, Chapter 214, Local Government Code; Subchapter E, Chapter 683, Transportation Code; concurrent jurisdiction with a district court or a county court at law under Subchapter B, Chapter 54, Local Government Code, within the town's territorial limits and property owned by the town located in the town's

extraterritorial jurisdiction for the purpose of enforcing health and safety or nuisance abatement ordinances; and authority to issue (a) search warrants for the purpose of investigating health and safety or nuisance abatement ordinance violations, and (b) seizure warrants for the purpose of securing, removing, or demolishing the offending property and removing the debris from the premises.

4. MUNICIPAL JUDGE

- 4.1. The municipal judge shall have all the powers and authority granted by state law, and the ordinances of Lakewood Village and shall perform all the duties as prescribed by the laws of the State of Texas, and the ordinances of Lakewood Village.
- 4.2. The office of the judge of the municipal court shall be filled by appointment by the town council. The person appointed to the office of the judge of the municipal court shall be the presiding judge of the municipal court of record of the Town of Lakewood Village.
 - 4.2.1. be a resident of the State of Texas;
 - 4.2.2. be a citizen of the United States;
 - 4.2.3. be a licensed attorney in good standing with the State Bar of Texas; and
 - 4.2.4. have two or more years of experience in the practice of law in the State of Texas.
- 4.3. Compensation for the office of municipal judge shall be set from time to time by the Town Council. The salary will not be based directly or indirectly on fines, fees, or costs collected by the court.
- 4.4. Appointment of Assistant or Additional Judges: The Town Council may appoint such assistant judges as may be necessary to perform the duties of the Judge of the Municipal Court; or a temporary judge to act for the Judge in the case of his temporary absence or disability; and such assistant, additional or temporary judges shall receive such compensation as may be set by the Council.
- 4.5. The municipal court judge or judges shall serve for a two-year term that coincides with the mayor's term of office. The first appointed judge shall serve until the expiration of the mayor's term. In the event of a vacancy, the council may appoint a judge to serve for the remainder of the un-expired term of office. A judge who is not reappointed by the 91st day following the expiration of a term of office shall, absent action by the council, continue to serve for another term of office beginning on the date the previous term of office expired.
- 4.6. If more than one municipal judge is appointed to serve, the town council shall appoint one of the judges as the presiding judge. The presiding judge shall:

- 4.6.1. maintain a central docket for cases filed within the territorial limits of Lakewood Village over which the municipal court of record has jurisdiction;
 - 4.6.2. provide for the distribution of cases from the central docket to the individual municipal judges to equalize the distribution of business in the court;
 - 4.6.3. request the jurors needed for cases that are set for trial by jury;
 - 4.6.4. temporarily assign judges or substitute judges to exchange benches and to act for each other in a proceeding pending in a court if necessary for the expeditious disposition of business in the court; and
 - 4.6.5. supervise and control the operation and clerical functions of the administrative department of each court, including the court's personnel, during the proceedings of the court.
- 4.7. The municipal court judge or judges are each hereby appointed as municipal officers. A municipal court judge may be removed from office in the same manner that municipal officers may be removed from office.

5. CLERK OF THE COURT, OTHER COURT PERSONNEL;

- 5.1. The Town Secretary shall serve as the clerk of the municipal court of record. The clerk shall perform duties in accordance with state law and town ordinances.
- 5.2. During proceedings of the court, the clerk and other court personnel shall serve at the direction of the judge of the municipal court. At all other times, other court personnel shall serve at the direction of the town secretary.
- 5.3. The court clerk shall acquire and maintain a seal in conformance with state law for the Lakewood Village Municipal Court of Record.
- 5.4. The court clerk shall supervise the selection of persons for jury service in the municipal court of record.
- 5.5. The court clerk may appoint one or more deputy clerks who; when acting in such capacity, shall have the same authority as the clerk of the municipal court.

6. COURT REPORTER

- 6.1. The Municipal Court Clerk may appoint a court reporter who must meet the qualifications provided by law for official court reporters. The court reporter may use written notes, transcribing equipment, video or audio recording equipment, or a combination of those methods to record the proceedings of the Court. The court reporter is not required to record testimony in any case unless the Judge or one of the parties requests a record in writing, and files the request with the Court before trial.

- 6.2. The court reporter is not required to be present during the proceedings of the municipal court of record provided that the proceedings that are required to be recorded are recorded by a good quality electronic recording device. The recording shall be kept and stored for a 20 day period beginning the day after the last day of the proceeding, trial or denial of motion for a new trial, whichever occurs last. If the case is appealed, the court reporter shall prepare the reporter's record.

7. MUNICIPAL PROSECUTOR

The duly appointed Town Attorney, or deputy Town Attorney, shall serve as prosecutor in the Municipal Court.

8. COURT COSTS AND FEES

- 8.1. Court costs shall be assessed pursuant to and in compliance with the state statutes.
- 8.2. All costs and fines imposed by the Municipal Court shall be paid into the treasury for the use and benefit of the town.
- 8.3. In cases where a defendant requests a jury trial and is subsequently found guilty, the judgment, at the discretion of the Judge, may include the costs of the jury fees not in excess of that provided by statute.
- 8.4. In the event a case is appealed from the Municipal Court, the defendant shall pay the following costs in an amount established in the Lakewood Village Fee Ordinance:
 - 8.4.1. preparation of the Clerk's record; the preparation fee does not include the fee for an actual transcription of the proceedings.
 - 8.4.2. preparation of the Reporter's record, and the fee for an actual transcription of the proceedings.

9. APPEALS

- 9.1. A defendant has the right of appeal from a judgment or conviction in the Lakewood Village Municipal Court of Record. The State has the right to an appeal as provided by Article 44.01, Texas Code of Criminal Procedure, as amended. The County Courts at Law of Denton County, Texas have jurisdiction of appeals from the Lakewood Village municipal court of record.
- 9.2. The appellate court shall determine each appeal from the court on the basis of the errors that are set forth in the appellant's motion and that are presented in the clerk's record and reporter's record, if any, prepared from the proceedings leading to the appeal. An appeal from the court shall not be by trial de novo.

- 9.3. To perfect an appeal, the defendant must file a motion for new trial not later than ten (10) days after the date on which the judgment and sentence are rendered. The motion must be in writing and must be filed with the clerk of the court. The motion constitutes the assignment of error on appeal. A ground or an error not set forth in the motion is waived. If the court does not act on the motion before the expiration of thirty (30) days after it is filed with the clerk, the motion is overruled by operation of law.
- 9.4. After an order overruling a motion for new trial, the defendant shall give written notice of appeal and pay a \$25.00 fee for the preparation of the clerk's record not later than ten (10) days after the date on which the motion is overruled. The court shall note the payment of the fee on the docket of the court. If the case is reversed on appeal, the fee shall be refunded to the defendant. This fee does not include the cost for the actual transcription of the record.
- 9.5. The appellant shall pay for any reporter's record containing a transcription of the proceedings unless the court finds, after a hearing in response to an affidavit by the defendant, that the defendant is unable to pay or provide security for the reporter's record. If the court so finds, the court shall order the reporter to prepare the record without charge to the defendant. Before the recorded proceedings are transcribed, the defendant shall, unless found by the court to be unable to pay for the reporter's record, post a cash deposit with the municipal court for the estimated cost of the record. The cash deposit shall be based on an estimate provided by the court reporter or the length of proceedings as indicated by the electronic record the proceedings, if any, the cost of the court reporter, typing, and other incidental services. If the cash deposit exceeds the actual cost of the reporter's record, the court reporter shall refund the difference to the defendant. If the cash deposit is insufficient to cover the actual cost of the transcription, the defendant must pay the additional amount before the transcription may be submitted. If a case is reversed on appeal, the court will refund to the defendant any amounts paid for the reporter's record.
- 9.6. The record on appeal must substantially conform to the provisions relating to the preparation of a record on appeal in the Texas Rules of Appellate Procedure and the Texas Code of Criminal Procedure, as amended.

End of Exhibit A

Adoption and Summary of Amendments

Ordinance Number	Date	Summary
19-05	XXXXXX XX, 2019	<ul style="list-style-type: none">• Original Adoption• Repealed 02-01