

AGENDA

Notice is hereby given that the City Council of the City of La Marque, Texas will conduct a Regular Meeting on Monday, September 10, 2012 at 6:00 p.m. at 1109-B Bayou Road for purpose of considering the following agenda:

(1) CALL MEETING TO ORDER

(2) ROLL CALL

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

(4) MINUTES (3-6)

- a. Public Hearing/Regular City Council Meeting, August 27, 2012

(5) CITIZEN'S PARTICIPATION

Comments from the Public (At this time, any person with city-related business who has signed up may speak to Council (limited to three (3) minutes). In compliance with Texas Open Meeting Act the City Council may not deliberate on comments. Personal attacks will not be allowed, and personnel matters should be addressed to the City Manager during normal business hours.

(6) PRESENTATION (7-8)

- a. Proclamation –National POW/MIA Recognition Day

(7) NEW BUSINESS (9-82)

- a. Discussion/possible action-proposed re-plat of 10 acres part of the Steven F Austin League No. 4. Abstract 297 in Galveston County, Texas and being out of the tract of land described in a deed to George Bofysil, Jr. recorded in volume 3195, Page 634 in the Office of the County Clerk of Galveston County, Texas

- b. Discussion/possible action – appointments Federal Emergency Management Agency (FEMA) Task Force Committee

- c. Discussion/possible action - Resolution No. **R-2012-1184** authorizing city officials as signatories for City of La Marque transactions

- d. Discussion/possible action – Resolution No. **R-2012-1185** amending authorized City of La Marque representatives to delegate to a public funds investment pool (TexPool) and the authority to invest funds and act as a custodian of investments

- e. Discussion/possible action – Resolution No. **R-2012-1186** adopting an investment policy and authorizing the Director of Finance to engage in certain financial transactions on behalf of the City of La Marque

- f. Discussion/possible action – accept Quarterly Investment Report ending June 30, 2012

- g. Discussion/possible action – authorizing the City Manager to enter into an agreement with Belt, Harris, Pechacek, LLLP for auditing the City of La Marque financial statements for fiscal years ending 2012, 2013 and 2014

- h. Discussion/possible action – Ordinance No. **O-2012-1064** making appropriations for the support of the City of La Marque for the fiscal year beginning October 1, 2012 and ending September 30, 2013 appropriating money to a sinking fund to pay interest and principal due on the city's indebtedness; and adopting the annual enterprise and general fund budgets for the City of La Marque for 2012-2013 fiscal year. This is the first reading.

- i. Discussion/possible action – Ordinance No. **O-2012-1065** levying ad valorem taxes for use and operation of the municipal government of the City of La Marque, Texas for the 2012 Tax Fiscal Year; providing for apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid. This is the first reading.

- j. Discussion/possible action – Ordinance No. **O-2012-1066** adding "Open-Air Markets" to Section

71-4 of the City of La Marque Ordinances Definitions and Section 71-13 Paragraph (C)(1) General Commercial subparagraph (64) of the City of La Marque Code of Ordinances. This is first reading.

k. Discussion/possible action – Resolution **R-2012-1187** of the City Council of the City of La Marque, Texas, approving a legal services agreement with Hodge Law Firm, P.L.L.C., and Tylka Law Center, P.C and Law Offices of A. Craig Eiland P.C.; providing for incorporation of premises and pending an effective date, seeking compensation and other relief arising from windstorm damage caused by Hurricane Ike. Possible Executive Session pursuant to Texas Government Code, Section 551.071 –Consultation with Attorney regarding pending or contemplated litigation or a matter

l. City Manager Review – Possible Executive Session pursuant to Texas Government Code Section, 551.074, Personnel Matters

(8) CITY MANAGER REPORT – No Council Action Necessary (83-115)

(9) REQUESTS AND ANNOUNCEMENTS

- a. Requests by Mayor and Council Members for items to be placed on future City Council agendas and announcements on city events/community interests

(10) ADJOURNMENT

CERTIFICATION:

I hereby certify that the above notice of meeting was posted at 1109-B Bayou Road, La Marque, Texas before 8:00 p.m. on this 6th day of September 2012

The City Council for the City of La Marque, Texas reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized the 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 551.086 (Economic Development)

Zina Tedford, City Clerk

This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Clerk's office at (409) 938-9203, or Fax (409) 935-0401, or e-mail cityclerk@ci.la-marque.tx.us for further information.

Monday, August 27, 2012

**MINUTES
PUBLIC HEARING/REGULAR MEETING
AUGUST 27, 2012**

(1) CALL MEETING TO ORDER

Mayor Hocking called the meeting to order at 6:00 p.m.

(2) ROLL CALL

PRESENT:

Councilmember Brown

Councilmember Trube

Councilmember Osteen

Mayor Pro-Tem Bell

Mayor Hocking

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Hocking led the Invocation and followed with the Pledge of Allegiance to the Flag.

(4) MINUTES

a. Public Hearing/Regular City Council Meeting, August 13, 2012

b. Workshop Meeting, August 23, 2012

Councilmember Osteen made a motion to approve the minutes as written. Councilmember Trube seconded the motion and asked that minutes reflect Council discussion.

(5) CITIZEN'S PARTICIPATION

Comments from the Public (At this time, any person with city-related business who has signed up may speak to Council (limited to three (3) minutes). In compliance with Texas Open Meeting Act the City Council may not deliberate on comments. Personal attacks will not be allowed, and personnel matters should be addressed to the City Manager during normal business hours.

Marilyn Jewell, 2407 Duroux- addressed City Council regarding the Library. Ms. Jewell stated that her husband left a portion of his estate to the Library. The books gave them so much pleasure during a difficult time.

(6) PUBLIC HEARING

a. Public Hearing –Proposed Budget FY 2012-2013

Mayor Hocking closed the Open meeting at 6:06 p.m.

The Public Hearing on the Proposed Budget FY 2012-2013 opened at 6:06 p.m.

No one spoke at the public hearing.

Public Hearing closed at 6:06 p.m.

(7) PRESENTATION

a. Shaun Hodge, P.L.L.C., Law Offices of A. Craig Eiland, P.C., and Tylka Law Center, P.C. Attorney legal services in seeking damages, compensation and other relief arising from windstorm damage caused by Hurricane Ike

Mr. Hodge thanked City Council for the opportunity to come before them. Mr. Hodge stated that he had met with City Manager and staff regarding additional damages the city may be owed. The deadline is approaching soon. Councilmember Osteen voiced concerns as to why would the City be interested in collecting funds from something that happened 4 years ago. How is it possible to identify damages that occurred during the hurricane. Mr. Hodge informed Council that there is a way to identify damages that occurred during the hurricane.

Monday, August 27, 2012

Councilmember Trube questioned the fee for these services. Mr. Hodge continued by stating that his firm would like to present a proposal which is strictly monitored by the State Comptroller's office. There is a specific contract which restricts the fee to 35% or billable hours whichever is less. Mr. Hodge stated that Council may wish to discuss this item in a Executive Session.

Councilmember Osteen stated that he had not heard of any issues in collecting damages for the city.

Councilmember Trube - stated that Council should have been informed and voiced concerns regarding communications. City Manager Buttler informed Council that staff has received requests from a couple of firms seeking agreements with the city. Mr. Hodge and his team met with staff and performed a cursory inspection and indicated that the City may be entitled to additional monies. Mr. Hodge offered to make a presentation to Council this evening on the subject. If Council is in consensus, Mr. Hodge will attend the next meeting to discuss the agreement with Council.

Mayor Pro-Tem Bell stated that if the City is owed monies that we should pursue.

Councilmember Brown - stated that Council should allow Mr. Hodge present his firm's proposal at the next meeting.

(8) NEW BUSINESS

a. Discussion/possible action – authorizing an amendment to the agreement with the Texas Department of Public Safety (DPS) for the Failure to Appear (FTA) program

Mayor Pro-Tem Bell made a motion to authorize an amendment to the agreement with the Texas Department of Public Safety (DPS) for the Failure to Appear (FTA) program. Councilmember Trube seconded the motion. City Manager Buttler asked Court Administrator Snyder to present this amendment to the Council.

Ms. Snider informed Council that the City currently has a contract with DPS which requires the city to report compliance within 5 business days. The 82nd Legislative Session amended Section 706.005 of the Transportation Code which now requires courts to notify DPS immediately when no cause exists to continue to deny renewal of a person's driver license. This is the only change to the contract.

There was general discussion regarding the definition of the word "immediately" and potential consequences if the court failed to report "immediately". The City Attorney will provide a clarification on the word "immediately".

Ms. Snider assured Council that the court has reported to DPS immediately and have not had any problems.

The vote to approve authorizing an amendment to the agreement with the Texas Department of Public Safety (DPS) for the Failure to Appear (FTA) program passed unanimously.

b. Discussion/possible action – authorizing the City Manager to negotiate an agreement between the City of La Marque and Republic Services, Inc. for refuse services

Councilmember Osteen made a motion to authorize the City Manager to negotiate an agreement between the City of La Marque and Republic Services, Inc. for refuse services. Councilmember Trube seconded the motion.

Councilmember Trube stated that in the past, a city councilmember has served on the committee.

Councilmember Trube questioned why it is different this time. City Manager Buttler indicated that in her experience, the City Manager has worked with the contractors and briefed Council as needed during negotiations. The final document is presented to Council for consideration. The city currently has an option to renew the contract and have asked Republic Services Inc. to present a clean contract. The contract has been amended so many times, that it does not reflect what services we are currently receiving.

Councilmember Trube stated that she has problems with this and objects when someone makes changes without consulting Council. This is La Marque. Councilmember Trube stated that she had informed City Manager Buttler that she had an individual that would like to present what they can do for the city.

Mayor Pro-Tem Bell thanked Councilmember Trube for expressing her concerns regarding the lack of communication.

Councilmember Osteen voiced concerns about having another company come out and address Council when Republic Services, Inc has already proposed a renewal. The proposed agreement is in the packet and open record. Councilmember Osteen made a motion to amend his motion to add Councilmember Trube to the committee. Mayor Hocking seconded the motion.

The vote was unanimous to approve the amendment to appoint Councilmember Trube to the committee.

Monday, August 27, 2012

The vote was unanimous to approve the original motion authorizing the City Manager to negotiate an agreement between the City of La Marque and Republic Services, Inc.

(9) CITY MANAGER REPORT – No Council Action Necessary

Councilmember Osteen - stated that there is a correction to Development Service, page 58, which appears to be a miscalculation. The total number should be 1128 not 1049.

Councilmember Osteen - asked Judicial, page 61 and 62 are duplicated. Ms. Snyder stated that the correct pages were provided to Council earlier this evening.

Mayor Hocking asked for an update on the progress of the traffic officer.

Councilmember Trube asked about gas leak/spill reported on page 73 and asked that additional information be provided to Council. Chief Weidman informed Council that the situations were minor. Any major incidents/updates will be reported to City Manager Buttler. City Manager Buttler will then distribute to Council.

Councilmember Osteen inquired as to the status of the financial reports/check register. City Manager Buttler informed Council that due to the transition in the Finance Department and inaccuracies that were discovered in the reports, we are starting from scratch. The reports/registers will be ready for the next meeting. There was discussion regarding the Finance Director position. City Manager Buttler informed Council that Mr. Wessels would not be returning due to health issues. Ms. Kou has agreed to assist in the interim. Mayor Pro-Tem Bell thanked Mr. Wessels for his assistance.

(10) REQUESTS AND ANNOUNCEMENTS

- a. Requests by Mayor and Council Members for items to be placed on future City Council agendas and announcements on city events/community interests

Mayor Pro-Tem Bell thanked everyone for coming to the meeting. Mayor Pro-Tem Bell also expressed his appreciation to City Manager Buttler and staff for their efforts in the preparation of the budget.

Councilmember Osteen - asked City Manager Buttler to have the Economic Development Director to report on the Bayou Fest Budget. Councilmember Osteen also asked for an update on the EMS billing. Councilmember Osteen asked that the City Manager's review be placed on the next agenda.

Councilmember Trube - discussed her concerns that there are some individuals that will not let the past go.

Councilmember Brown - echoed Councilmember Trube's comments.

Mayor Hocking - recognized Scout Logan Marshall, Troop 244 who is working in this 1st Class rank. Mayor Hocking indicated that he had been on a conference call with staff regarding Isaac. It appears that Isaac is headed towards New Orleans and keep everyone in our prayers. It is possible that we will get rain and please monitor the website and Channel 16 for updates.

(11) ADJOURNMENT

Councilmember Trube made a motion to adjourn the meeting. Councilmember Osteen seconded the motion. The meeting adjourned at 7:31 p.m.

Bobby Hocking, Mayor

Zina Tedford, City Clerk



CITY COUNCIL AGENDA FORM

Meeting Date: 9-10-12

Agenda item: 6a

Prepared by: zt

Reviewed by: CJB

Department: Admin

AGENDA ITEM DESCRIPTION:

Proclamation – POW/MIA Observance



Attachments for Reference

Staff Briefing:

Veterans of Foreign Wars District 16, Department of Texas, will hold a POW/MIA Observance on September 22, in Columbus, TX. All four of the VFW Posts in Galveston County are in District 16 and will participate in this observance.

F. W. Furleigh, Galveston County Veteran Service Officer, will be at the meeting to accept the proclamation.

History (if applicable):

Target Implementation:

Significant Action Dates:

Action:

☐

Ordinance

☐

Resolution

☒

Proclamation

☐

Special Presentation

☐

Finance Report

☐

Public Hearing

☐

Other

Cost Details:

Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name	
Line Item #	
Other Funding	

Staff's Recommended Motion:

Fiscal Impact: n/a

Office of the Mayor
City of La Marque

PROCLAMATION

WHEREAS, many veterans of America's Armed Forces, who have served their country in war and peace, are now Missing In Action (MIA) or are possibly still being held as Prisoners of War (POW), let us not forget the sacrifice of these veterans;

WHEREAS, our nation has asked for a full accounting of these Veterans, and will be eternally grateful to these veterans for a debt that can never be repaid;

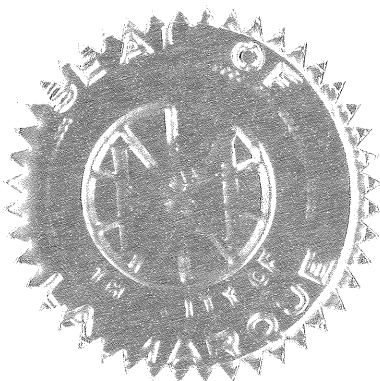
WHEREAS, I urge the Citizens of La Marque to join with the Veterans of Foreign Wars District 16, to find a quiet moment to pay your respect to these never-to-be-forgotten veterans;

NOW, THEREFORE, we, the Mayor and City Council by virtue of our authority vested by the City of La Marque, Texas hereby proclaim September 21, 2012 as

"NATIONAL POW/MIA RECOGNITION DAY"

IN WITNESS WHEREOF, I have hereunto set my hand, and have caused the Official Seal of the City of La Marque to be affixed this 30th day of August 2012.


Bobby Hocking, Mayor





CITY COUNCIL AGENDA FORM

Meeting Date: September 10, 2012

Agenda item: 7a

Prepared by: Ana Tims

Reviewed by: _____

Department: Development Services

AGENDA ITEM DESCRIPTION:

Discussion/possible action-proposed re-plat of 10 acres part of the Steven F Austin League No. 4. Abstract 297 in Galveston County, Texas and being out of the tract of land described in a deed to George Bofysil, Jr. recorded in volume 3195, Page 634 in the Office of the County Clerk of Galveston County, Texas



Attachments for Reference

- 1. Proposed re-plat of 10 Acres part of the Steven F Austin League No. 4. Abstract 297 in Galveston County, Texas and being out of the tract of land described in a deed to George Bofysil, Jr. recorded in volume 3195, Page 634 in the Office of the County Clerk of Galveston County, Texas.**
- 2. Minutes- August 30, 2012 Planning and Zoning Commission meeting**
- 3. Re-Plat application**

Staff Briefing:

La Marque Economic Development applied for a re-plat on July 31, 2012. On August 30, 2012 the Planning & Zoning Commission approved the proposed re-plat for 10 Acres part of the Steven F Austin League No. 4. Abstract 297 in Galveston County, Texas and being out of the tract of land described in a deed to George Bofysil, Jr. recorded in volume 3195, Page 634 in the Office of the County Clerk of Galveston County, Texas

History (if applicable):

The property is being re-plated to complete the sale of tract 2 in order to develop the land and build a structure that will house the Attorney General's office.

Target Implementation:

September 10, 2012



CITY COUNCIL AGENDA FORM

Significant Action Dates:

Action:

☐

Ordinance

☐

Resolution

☐

Proclamation

☐

Special Presentation

☐

Finance Report

☐

Public Hearing

☒

Other

Cost Details: N/A	
Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name	
Line Item #	
Other Funding	

Staff's Recommended Motion:

Staff recommends the a approval of the proposed re-plat of 10 Acres part of the Steven F Austin League No. 4. Abstract 297 in Galveston County, Texas and being out of the tract of land described in a deed to George Bofysil, Jr. recorded in volume 3195, Page 634 in the Office of the County Clerk of Galveston County, Texas.

Fiscal Impact:

Property tax revenue in the approximate amount of \$8,500 per year

Building permits -approximate costs \$6,510

The proposed Attorney General's Office is estimating the creation of 48 jobs

Plat of LA MARQUE EDC - FM 1765 at FM 2004 SUBDIVISION of part of the Steven F. Austin League

CITY OF LA MARQUE GALVESTON COUNTY, TEXAS

Being a plat of part of the Steven F. Austin League No. 4, Abstract 297 in Galveston County, Texas, and being out of that tract of land described in a deed to George Bofysil, Jr. recorded in Volume 3195, Page 634 in the Office of the County Clerk of Galveston County, Texas.

PLAT CONTAINS: 10.00 ACRES - 1 - BLOCK - 4 LOTS - LOCATED IN THE CITY OF LA MARQUE, GALVESTON COUNTY, TEXAS

PREPARATION DATE: AUGUST 2012

LOT AREA

LOT 1	82,500 s.f.	1.89 acres
LOT 2	82,500 s.f.	1.89 acres
LOT 3	139,920 s.f.	3.21 acres
LOT 4	131,280 s.f.	3.01 acres

LEGAL DESCRIPTION

A 10.00 acre tract of land out of the Stephen F. Austin League No. 4, Abstract 297, Galveston County, Texas, and being out of that certain tract of land described in a deed to George Bofysil, Jr. recorded in Volume 3195, Page 634, Galveston County Deed Records and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod found at the most Westerly Northwest Corner of Saltgrass Crossing, Section One, according to the map or plat thereof recorded in Volume 2006A, Page 108 in the office of the County Clerk of Galveston County, Texas, said point being on the East right of way line of F. M. 2004;

THENCE North 02 deg. 41 min. 28" West, along the East right of way line of said F.M. 2004, a distance of 600.00 feet to a 5/8" iron rod found for corner at the intersection of the East right of way line of said F.M. 2004 and the South right of way line of F.M. 1765;

THENCE North 87 deg. 13 min. 04 sec. East, along the South right of way line of said F.M. 1765, a distance of 726.00 feet to a 5/8" iron rod found for corner;

THENCE South 02 deg. 41 min. 28 sec. East, parallel with the East right of way line of said F.M. 2004, a distance of 600.00 feet to a 5/8" iron rod found for corner on a North line of said Salt Grass Crossing, Section One;

THENCE South 87 deg. 13 min. 04 sec. West, parallel with the South right of way line of said F. M. 1765, along said North line of Salt Grass Crossing, Section One, a distance of 726.00 feet to the POINT OF BEGINNING, and containing 10.00 acres of land, more or less.

OWNER - LOTS 1, 2 and 3

LA MARQUE ECONOMIC DEVELOPMENT CORPORATION
1111 BAYOU ROAD
LA MARQUE, TEXAS 77568
409-938-9258

OWNER - LOT 4

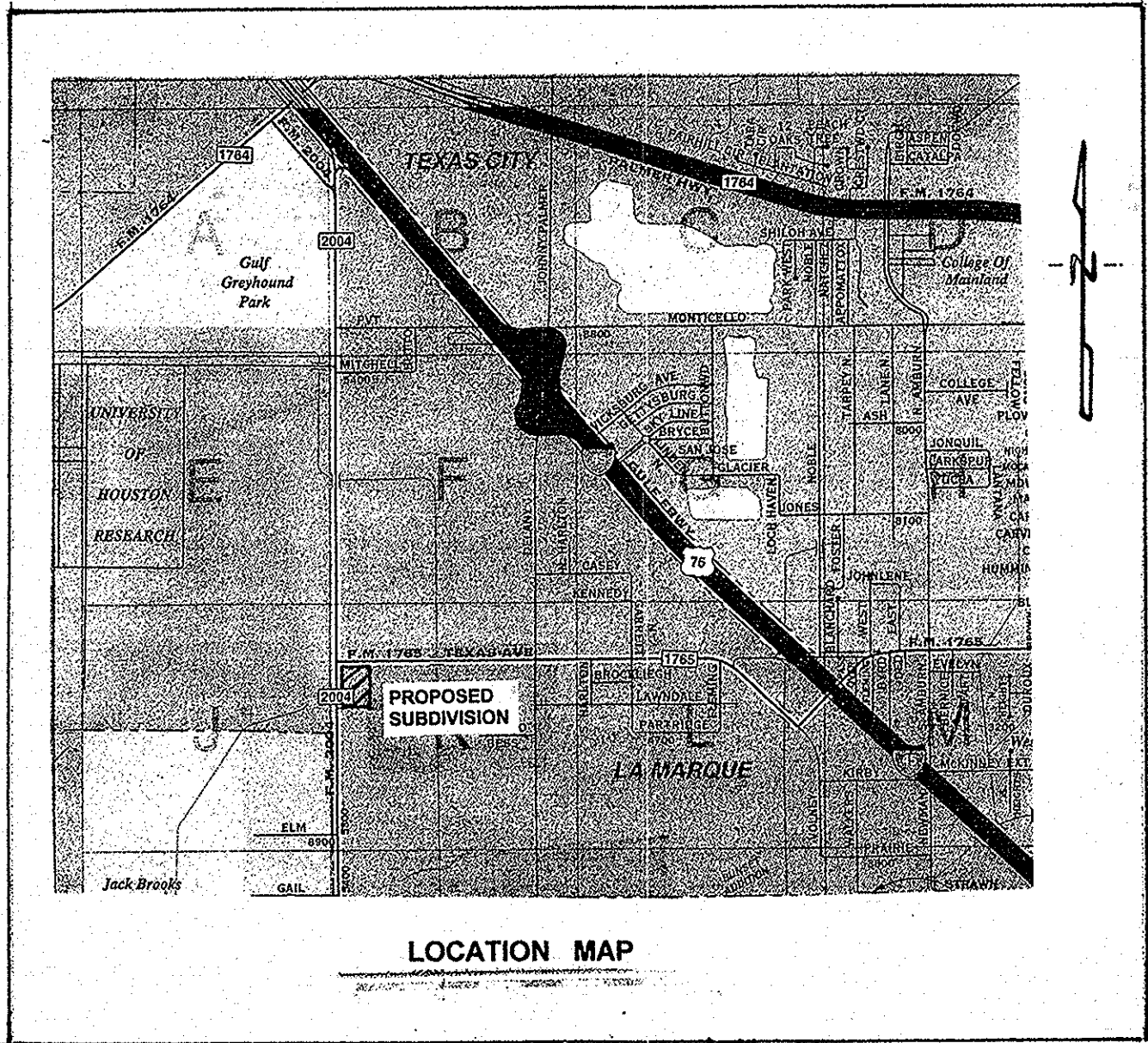
CITY OF LA MARQUE
1111 BAYOU ROAD
LA MARQUE, TEXAS 77568
409-938-9202

SURVEYOR

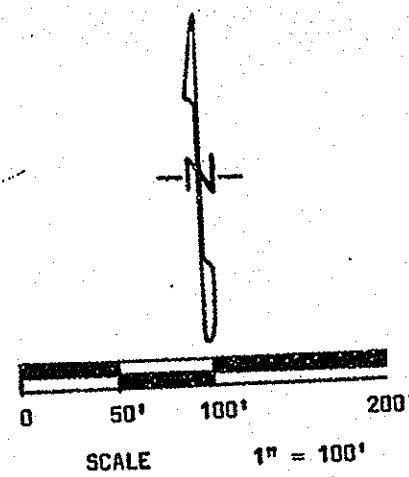
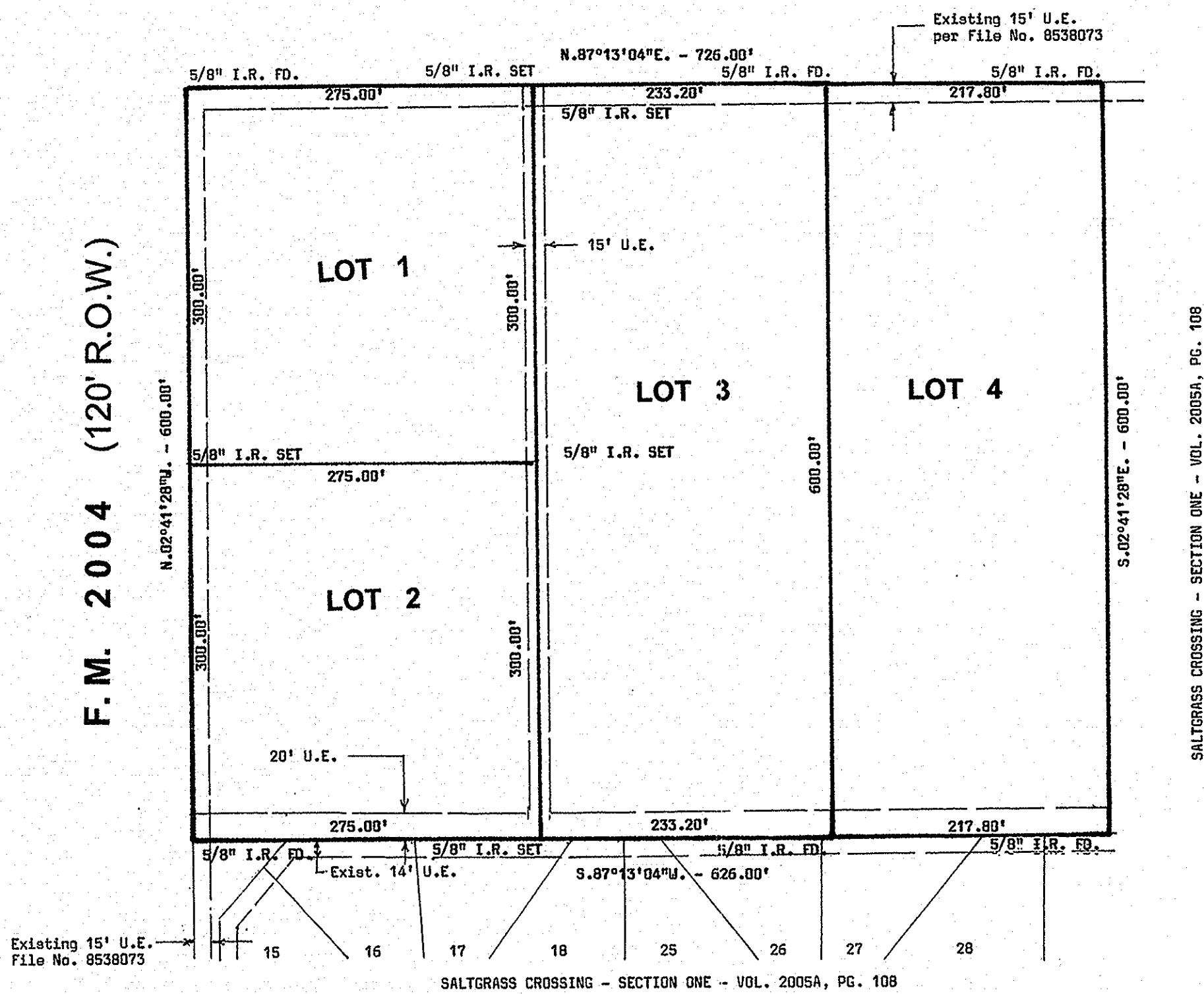
ROBERT L. DERRICK, R.P.S.
13016 ELIZABETH DRIVE
SANTA FE, TEXAS 77510
409-925-7221

NOTES

1. Subject property DOES NOT lie within the 100 year flood plain; Property lies in Zone B according to Map No. 485486 0005 as revised by LOMR effective May 10, 2007.
2. All of the property subdivided in the foregoing plat is within the incorporated boundaries of the City of La Marque, Texas.



F. M. 1765 (120' R.O.W.)



THE STATE OF TEXAS COUNTY OF GALVESTON

This is to certify that we the La Marque Economic Development Corporation, are the legal owner of Lots 1, 2 and 3 of the property subdivided in the above and foregoing Plat of LA MARQUE EDC - FM 1765 at FM 2004 SUBDIVISION, do hereby make subdivision on said property according to the lines, streets, lots, and easements therein shown, and designate said subdivision as LA MARQUE EDC - FM 1765 at FM 2004 SUBDIVISION, in Galveston County, Texas, and dedicate the lines, streets, lots and easements shown thereon forever.

This is to certify that we, the La Marque Economic Development Corporation, have complied with or will comply with the existing regulations heretofore on file and adopted by the City of La Marque in Galveston County, Texas.

Witness my hand in La Marque, Galveston County, Texas, this _____ day of _____, 2012.

Ron Crowder - Chairman
La Marque Economic Development Corporation

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2012.

Notary Public - State of Texas
My Commission Expires _____

THE STATE OF TEXAS COUNTY OF GALVESTON

This is to certify that we the City of La Marque, are the legal owner of Lots 4 of the property subdivided in the above and foregoing Plat of LA MARQUE EDC - FM 1765 at FM 2004 SUBDIVISION, do hereby make subdivision on said property according to the lines, streets, lots, and easements therein shown, and designate said subdivision as LA MARQUE EDC - FM 1765 at FM 2004 SUBDIVISION, in Galveston County, Texas, and dedicate the lines, streets, lots and easements shown thereon forever.

This is to certify that we, the City of La Marque, have complied with or will comply with the existing regulations heretofore on file and adopted by the City of La Marque in Galveston County, Texas.

Witness my hand in La Marque, Galveston County, Texas, this _____ day of _____, 2012.

Bobby Hocking - Mayor
City of La Marque

Zina Tedford - City Clerk
City of La Marque

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the persons whose name are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and considerations therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2012.

Notary Public - State of Texas
My Commission Expires _____

We hereby certify that the above and foregoing Plat of LA MARQUE EDC - FM 1764 at FM 2004 SUBDIVISION, was approved by the planning commission of the City of La Marque, Texas, on the _____ day of _____, A.D., 2012, and by the city council of the City of La Marque, Texas, on the _____ day of _____, A.D. 2012.

Chairman Planning Commission

Mayor of the City of La Marque, Texas

I, Dwight D. Sullivan, County Clerk of Galveston County, Texas, do hereby certify that the written instrument was filed for record in my office on _____, 20____, at _____ o'clock ____ M., in plat record _____, map number _____, Galveston County Map Records.

Witness my hand and seal of office, at Galveston, the day and date last above written.

Dwight D. Sullivan
County Clerk of Galveston
County, Texas
By _____
Deputy

Robert L. Derrick
Texas Registration No. 2753

**PLANING AND ZONING COMMISSION
SPECIAL MEETING
August 30, 2012**

1. CALL TO ORDER

The meeting was called to order at 4:00 p.m. by Dickey Stanley

2. ROLL CALL

PRESENT:

Mike Casteline
Norman Koneman
Dickey Stanley

ABSENT:

Annette Callis

STAFF PRESENT:

Ana Tims, Building Official
Alex Getty, Director of Economic Development
Erica Grundmann, Permit Clerk

3. INVOCATION AND PLEDGE OF ALLEGIANCE

The Commission dispensed with the Invocation and Commissioner Koneman proceeded with the Pledge of Allegiance to the Flag

4. CITIZENS PARTICIPATION

No one signed up to address the Commission at this time.

5. NEW BUSINESS

- a. **Discussion/possible action-proposed re-plat of 10 Acres part of the Steven F Austin League No. 4. Abstract 297 in Galveston County, Texas and being out of the tract of land described in a deed to George Bofysil, Jr. recorded in volume 3195, Page 634 in the Office of the County Clerk of Galveston County, Texas**

Building Official Tims brought informed the Commissioners of a misspelling of the word "crossing" on the plat. Commissioner Koneman made a motion to correct the word, Commissioner Casteline seconded the motion. Motion passed unanimously. Commissioner Casteline made a motion to approve the plat as corrected. Commissioner Stanley seconded the motion.

EDC Director. Getty informed the Commission that Plot 2 is going to be developed by a private developer and leased for the Attorney General's office. EDC Director Getty continued stating that by being developed by an individual company the building will be on the tax rolls and will create 30 jobs. After discussion, the board voted unanimously to approve the re-plat of the 10 acres of land.

b. Discussion/possible action-user fees; possible recommendation to City Council

c.

Commissioner Castelline made a motion to discuss the user fees. Commissioner Koneman seconds the motion after evaluating the fees; the commission proposed the following fee schedule be presented to Council for consideration:

RE-ZONING

0-25 Acres	\$400 plus \$50 for each type of rezoning requested or \$450 if planned development Unit
25-50 Acres	\$450 plus \$50 for each type of rezoning requested or \$500 if planned development Unit
50-75 Acres	\$500 plus \$50 for each type of rezoning requested or \$550 if planned development Unit
75-100 Acres	\$550 plus \$50 for each type of rezoning requested or \$600 if planned development Unit
100+ Acres	\$600 plus \$50 for each type of rezoning requested or \$650 if planned development Unit
Re-Plats	NO CHARGE

Zoning Letters/Certificate of Compliance \$25

Building Official Tims informed the Commission a proposed ordinance with the rate increases prepared for the next regular scheduled City Council meeting. Commissioner Stanley made a motion to discuss the proposed fee increase at the next meeting Commissioner Koneman seconds the motion and the motion passed unanimously.

d. Discussion/possible action-proposed ordinance adding “open-Air Markets” to Section 71-4 of the City of La Marque Ordinances Definitions and Section 71-13 Paragraph (C)(1) General Commercial subparagraph (64) of the City of La Marque Ordinances.

Commissioner Stanley made a motion to approve the proposed ordinance. Commissioner Konemman seconds the motion after discussion of where these open markets would be located the motion passed unanimously.

e. Discussion/possible action - proposed change to Section 17-59 and Section 17-60 (C) (6)e & f of the city of La Marque Ordinances regarding location requirements.

Commissioner Stanley made a motion to discuss the ordinance. Commissioner Castelline seconded the motion. After discussion, Commissioner Koneman stated that he would like to know if there is any crime in these game rooms. Commissioner Koneman also added that he would like to require security cameras. Building Official Tim's informed the Commission that the Commission should consider including machines that are operated through a credit/debit machine. The Commission agreed to increase the permit fee to \$600 per machine and stated that 300 feet of distance from an established church, school, daycare, hospital, or another game room is appropriate. Building Official Tims asked the Commission for an opportunity to re-draft the ordinance and present the proposed ordinance at the next regularly scheduled meeting. Commissioner Stanley made a motion to discuss the proposed ordinance further at the next regularly scheduled meeting. Commissioner Castelline seconded the motion. The motion passed unanimously.

7. REQUESTS AND ANNOUNCEMENTS

There were no comments

8. ADJOURNMENT –

Commissioner Koneman made a motion to adjourn the meeting, Commissioner Castelline seconded the motion. The meeting adjourned at 4:40 p.m.

Normann Konneman

CITY OF LAMARQUE
PLANNING AND ZONING COMMISSION APPLICATION

THIS APPLICATION MUST BE RETURNED TO CITY HALL AT LEAST 14 DAYS
PRIOR TO THE MEETING DATE.

(Warning: FILING OF APPLICATION STOPS ALL AFFECTED CONSTRUCTION)

DATE OF APPLICATION July 31, 2012

NAME OF AGENT Alex Getty PHONE 409-938-9258

ADDRESS 1111 Bayou Rd. La Marque, TX 77568

NAME OF OWNER La Marque Economic Dev. Corp. PHONE 409-938-9258

ADDRESS 1111 Bayou Rd. La Marque, TX 77568

PROPERTY DESCRIPTION: 10 Acres part of the Steven F Austin Legu
W. 4 Abstract 297 in Galveston County Texas

ADDRESS: _____

ADDITION _____ BLOCK _____ LOT _____

PLOT OF AREA ATTACHED ☒ METES AND BOUNDS ATTACHED ☒

PRESENT ZONE General Commercial

REQUEST FOR MEETING: The EDC has a prospect that wishes to purchase
part of the 7 acres owned by the EDC. Contractually the property needs
to be platted before the real-estate closing.

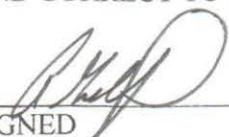
INFORMAL DISCUSSION _____

SUBMITTED TO PLANNING AND ZONING COMMISSION:
DATE: _____

APPROVED ☒ DENIED _____ OTHER _____

COMMENTS Approved with correction on misspelled word
Crossing. Motion made by Commissioner Castelle
second by Commissioner Stanley and passed
Unanimously
APPLICANT'S CERTIFICATE

I AFFIRM THAT MY STATEMENT CONTAINED IN THE APPLICATION ARE TRUE
AND CORRECT TO THE BEST OF MY KNOWLEDGE.


SIGNED _____



CITY COUNCIL AGENDA FORM

Meeting Date: 9-10-12

Agenda item: 7b

Prepared by: zt

Reviewed by: CJB

Department: Administration

AGENDA ITEM DESCRIPTION:

Discussion/possible action – appointments Federal Emergency Management Agency (FEMA) Task Force Committee

☐

Attachments for Reference

Staff Briefing:

Councilmember Osteen requested the appointments of the following individuals to the FEMA Task Force Committee to research allocation of FEMA funds and status of projects.

Task Force Appointees

Councilmember Osteen

City Manager Carol Buttler

Interim Finance Director Suzy Kou

Emergency Management Coordinator Jennifer Pierce

There was discussion to add a former or current Councilmember who was in office during Hurricane Ike

History (if applicable):

Target Implementation:

Significant Action Dates:

Action:

☐

Ordinance

☐

Resolution

☐

Proclamation

☐

Special Presentation

☐

Finance Report

☐

Public Hearing

☐

Other

Staff's Recommendation:

Fiscal Impact:

Cost Details:	
Budgeted	
Estimated Expenditure	
Acct. Name	
Line Item #	
Other Funding	



CITY COUNCIL AGENDA FORM

Meeting Date: 9-10-12

Agenda item: 7c/d

Prepared by: zt

Reviewed by: CJB

Department: Admin

AGENDA ITEM DESCRIPTION

Discussion/possible action - Resolution No. **R-2012-1184**- authorizing city officials as signatories for City of La Marque transactions

Discussion/possible action – Resolution No. **R-2012-1185** amending authorized City of La Marque representatives to delegate to a public funds investment pool (TexPool) and the authority to invest funds and act as a custodian of investments

☒ **Attachments for Reference**

Staff Briefing:

Due to the recent departures of key staff that were authorized as signatories on city transactions, we are needing authorization to delete their names and provide an updated list of authorized signatories for city transactions.

History (if applicable):

Target Implementation:

Significant Action Dates:

Action:

☐

Ordinance

☒

Resolution

☐

Proclamation

☐

Special Presentation

☐

Finance Report

☐

Public Hearing

☐

Other

Cost Details:

Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name	
Line Item #	
Other Funding	

Staff's Recommended Motion: Staff recommends approving Resolutions Nos. R-2012-1184 and 1185.

RESOLUTION NO. R-2012-1184

A RESOLUTION ESTABLISHING AND
DESIGNATING CERTAIN CITY OFFICIALS
TO SIGN CITY OF LA MARQUE BANK TRANSACTIONS

WHEREAS, the business of the City of La Marque must continue uninterrupted;
and

WHEREAS, two signatures are required to negotiate any City of La Marque bank
transaction; and

WHEREAS, one or another City Official may be absent from the City on any
business day; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA
MARQUE, TEXAS;

THAT, the five (5) City Officials whose names and signatures appear below, are
authorized to sign transactions on the bank accounts of the City of La Marque. This
Resolution repeals all other resolutions related to this matter.

_____	Bobby Hocking, Mayor
_____	Carol J. Buttler, City Manager
_____	Randall Aragon, Police Chief
_____	Suzy Kou, Interim Finance Director
_____	Zina Tedford, City Clerk

PASSED AND APPROVED THIS the 10th day of September 2012

Bobby Hocking, Mayor

ATTEST: _____
Zina Tedford
City Clerk



RESOLUTION AMENDING AUTHORIZED REPRESENTATIVES

WHEREAS, the City of La Marque

(Participant Name & Location Number)

("Participant") is a local government of the State of Texas and is empowered to delegate to a public funds investment pool the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

WHEREAS, it is in the best interest of the Participant to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the Texas Local Government Investment Pool ("TexPool/ Texpool *Prime*"), a public funds investment pool, were created on behalf of entities whose investment objective in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act.

NOW THEREFORE, be it resolved as follows:

- A. That the individuals, whose signatures appear in this Resolution, are Authorized Representatives of the Participant and are each hereby authorized to transmit funds for investment in TexPool / TexPool *Prime* and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.
- B. That an Authorized Representative of the Participant may be deleted by a written instrument signed by all remaining Authorized Representatives provided that the deleted Authorized Representative (1) is assigned job duties that no longer require access to the Participant's TexPool / TexPool *Prime* account or (2) is no longer employed by the Participant; and
- C. That the Participant may by Amending Resolution signed by the Participant add an Authorized Representative provided the additional Authorized Representative is an officer, employee, or agent of the Participant;

List the Authorized Representatives of the Participant. Any new individuals will be issued personal identification numbers to transact business with TexPool Participant Services.

1. Name: Carol Jo Buttler Title: City Manager
Phone/Fax/Email: 409-938-9202/c.buttler@cityoflamarque.org
Signature: _____
2. Name: Suzy Kou Title: Interim Finance Director
Phone/Fax/Email: 409-938-9205
Signature: _____

ORIGINAL SIGNATURE AND DOCUMENT REQUIRED

TEX – REP

TexPool Participant Services • Federated Investors Inc
1001 Texas Ave., Suite 1400 • Houston, TX 77002 • www.texpool.com • 1-866-839-7665

07/12

3. Name: n/a Title: _____
Phone/Fax/Email: _____
Signature: _____

4. Name: n/a Title: _____
Phone/Fax/Email: _____
Signature: _____

List the name of the Authorized Representative listed above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Name Carol Jo Buttler

In addition and at the option of the Participant, one additional Authorized Representative can be designated to perform only inquiry of selected information. This limited representative cannot perform transactions. If the Participant desires to designate a representative with inquiry rights only, complete the following information.

5. Name: Toni Koneman Title: Accountant
Phone/Fax/Email: 409-938-9215/t.koneman@cityoflamarque.org

D. That this Resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant, and until TexPool Participant Services receives a copy of any such amendment or revocation. This Resolution is hereby introduced and adopted by the Participant at its regular/special meeting held on the _____ day _____, 20 ____.

NAME OF PARTICIPANT: City of La Marque

BY: _____
Signature
Bobby Hocking
Printed Name

Mayor

Title

ATTEST: _____
Signature
Zina Tedford
Printed Name

City Clerk

Title

This document supersedes all prior Authorized Representative designations.

ORIGINAL SIGNATURE AND DOCUMENT REQUIRED

TEX – REP

TexPool Participant Services • Federated Investors Inc
1001 Texas Ave., Suite 1400 • Houston, TX 77002 • www.texpool.com • 1-866-839-7665

07/12



CITY COUNCIL AGENDA FORM

Meeting Date: 9-10-12

Agenda item: 7e

Prepared by: zt

Reviewed by: CJB

Department: Admin

AGENDA ITEM DESCRIPTION

Discussion/possible action – Resolution No. **R-2012-1186** adopting the Investment Policy and authorizing the Director of Finance to engage in certain financial transactions on behalf of the City of La Marque.

☒ **Attachments for Reference**

Staff Briefing:

Public Funds Investment Act (Government Code, Chapter 2256.005(e)), requires a governing body to review its investment policy and investment strategies not less than annually and to adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and investment strategies and that the written instrument so adopted shall record any changes made to either the investment policy or investment strategies

History (if applicable):

Adoption of this policy is required on an annual basis.
The current Interim Finance Director is a Certified Public Funds Investment Manager.

Target Implementation: September 11, 2012

Significant Action Dates:

Action:

- | | |
|--|---|
| ☐ Ordinance | ☐ Resolution |
| ☐ Proclamation | ☐ Special Presentation |
| ☒ Finance Report | ☐ Public Hearing |
| ☐ Other | |

Cost Details:	
Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name	
Line Item #	
Other Funding	

Staff's Recommended Motion: Motion to adopt Investment Policy as required by the Public Funds Investment Act.

Fiscal Impact: n/a

RESOLUTION NUMBER R-2012-1186

A RESOLUTION APPROVING AND ADOPTING AN INVESTMENT POLICY AND AUTHORIZING THE DIRECTOR OF FINANCE TO ENGAGE IN CERTAIN FINANCIAL TRANSACTIONS ON BEHALF OF THE CITY OF LA MARQUE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE:

1. That the Investment Policy attached hereto as Exhibit "A" is hereby approved and adopted by this the City Council of the City of La Marque, Texas.
2. That responsibility and authority to conduct investment transactions resides with Finance Administration pursuant to Article VIII, Section 8.25. INVESTMENTS of the City Charter.
3. That the Director of Finance and his/her delegate of the City are each hereby authorized and empowered, for and on behalf of the City to establish and maintain one or more accounts with securities dealers for the purpose of purchasing, investing in, acquiring, selling, possessing, disposing of, transferring, exchanging, pledging, financing, and generally dealing in and with the securities authorized for investment by the City's Investment Policy, attached hereto.
4. That each of said authorized individuals shall have the fullest authority at all times with respect to the aforesaid transactions, including without limitation authority to give written and oral instructions to security dealers with respect to said transactions; to bind and obligate the City for the carrying out of any contracts, arrangement or transactions with security dealers, which shall be entered into by such officers on behalf of the City; to pay in cash, by check, or by wire, upon funds of the City such sums as may be due in connections with any said account; to deliver securities to security dealers, to order the delivery or transfer of securities to any name selected by said authorized individuals; to endorse and contract in order to pass title thereon; to direct the sale or exercise of any rights with respect to such securities; to sign for the City all releases, powers of attorney or other documents in connection with said account; to direct such security dealers to surrender any securities to the proper agent or party for the purpose of effecting any exchange or conversion, or otherwise; to accept delivery of any securities; to appoint any other person or persons to do any and all things which said officers are hereby empowered to do; and generally to do and take all actions considered necessary or desirable by such officers in connection with such account.
5. That such security dealers may deal with either of the authorized individuals empowered by this resolution, directly or indirectly, as though they were dealing directly with the City.

6. That the City Clerk of the City is hereby authorized, empowered and directed to certify the following documents to security dealers and to affix the City seal thereon:
 - a. certified copies of this resolution; and
 - b. specimen signatures of the persons empowered by this resolution.
7. That the City is a home rule municipal corporation, duly organized and existing under the laws of the State of Texas, that its charter empowers it to transact the business defined in this resolution, and that no limitation has been imposed upon such powers by its charter, state law or otherwise which prevents the transaction of such business.
8. That security dealers may rely upon the authority given under this resolution, as continuing in effect until they receive written notice of a change in or rescission of such authority.
9. That in the event of any change in the office or powers of the persons hereby empowered, the City Manager of the City shall send written notice of such change to the security dealers with whom the City does business, which notification, when received, shall amend or terminate the powers of the persons theretofore authorized.

PASSED AND APPROVED on this the ____ day of _____, 2012.

Bobby Hocking
Mayor

ATTEST:

Zina Tedford, City Clerk

CITY OF LA MARQUE, TEXAS

AN INVESTMENT POLICY

Pursuant to Chapter 2256, Texas Government Code, Public Funds Investment Act; as amended by House Bill 2549 enacted by the 74th Texas Legislature:

CITY OF LA MARQUE, TEXAS INVESTMENT POLICY

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I.	Policy	(2256.005)*
II.	Scope	(2256.003)
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IX.	Reporting	(2256.023)
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XI.	Diversification Strategy	(2256.005(b)(3)
XII.	Funds Strategy	(2256.005-d)
XIII.	Intent	
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XV.	Adoption	(2256.005-a,e)
	Exhibit A - Primary Dealers	
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	Glossary	

* Reference in parenthesis is to the Public Funds Investment Act.

CITY OF LA MARQUE, TEXAS

INVESTMENT POLICY

I. **Policy** -- It is the policy of the City of La Marque, Texas (the "City") to administer and invest its funds in a manner which will preserve the Principal and maintain the liquidity through limitations and diversification while meeting the daily cash flow requirements of the City. The City will invest all available funds in conformance with legal and administrative guidelines, seeking to optimize interest earnings to the maximum extent possible.

II. **Purpose** – The purpose of this investment policy is to comply with all statutes governing the investment of the City's funds and Chapter 2256 of the Government Code ("Public Funds Investment Act"), which required the City to adopt a written investment policy regarding the investment of its fund and funds under its control. The Investment Policy addresses the methods, procedures and practices that must be exercised to ensure effective and judicious fiscal management of the City's funds.

III. **Scope** – The City will strive to earn a return on funds invested at the highest investment return possible after taking in consideration the primary goals of preservation of principal and liquidity of funds invested, consistent with the policy objectives described below. This investment policy applies to all financial assets and funds held by the City. It is also applicable to those monetary funds held in trust or safekeeping by the City eg. Tax Reinvestment Zone or La Marque Economic Development Corporation. However this policy does not apply to the assets administered for the benefit of the entity by outside agencies under deferred compensation programs.

FUNDS INCLUDED The City's funds, which are pooled together and constitute the investment portfolio, include all financial assets of all funds managed by the City, including but not limited to receipts of tax revenues, charges for services, bond proceeds, interest incomes, loans and funds received by the City where the City performs a custodial function.

IV. **Objectives** --The investment policy of the City shall be governed by these primary objectives: safety, liquidity, and yield.

- A. **Safety** - The foremost objective of the investment program shall be to assure the safety of the invested funds. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital.
- B. **Liquidity** - Funds will be invested with maturities necessary to maintain sufficient liquidity to provide adequate and timely working funds.

CITY OF LA MARQUE, TEXAS

INVESTMENT POLICY

- C. **Yield** - The City shall avoid investment for speculation. Return on investment is of least importance compared to the safety and liquidity objectives described above and shall be expressed as **optimization of interest earnings**.
- D. **Public trust** from prudent investment activities.
- V. **Investment Authority** -- Responsibility and authority to conduct investment transactions resides with Finance Administration pursuant to Article VIII, Section 8.25. INVESTMENTS, of the City Charter. The director of finance is designated as the Investment Officer with the authority and responsibility to conduct, record and report all investment transactions, and maintain the operation of the investment program, as governed by this Investment Policy.
- A. The investment officer shall exhibit prudence and discretion in the selection and management of securities. Skill and judgment shall be exercised in order that no individual or group or transactions undertaken would jeopardize the total capital sum of the overall portfolio. The City of La Marque shall not allow speculation (such as anticipating an appreciation of capital through changes in market interest rates) in the selection of any investments. The investment officer shall observe financial market indicators, study financial trends, and utilize available educational tools in order to maintain appropriate managerial expertise.
- B. The investment officer shall attend at least one training session relating to his/her responsibilities under this policy within 12 months after taking office or assuming duties and at least 10 hours once every two years thereafter. Training hereunder must include education in investment controls, security risks, strategy risks, market risks, and compliance with Chapter 2256 (T.G.C.)
- C. In keeping with sound accounting practice and to assure adequate internal controls, and in the event circumstances require timely action and the investment officer is not available, the investment officer may delegate to the Accounting Supervisor procedural responsibilities for the operation of the investment program consistent with this Policy.

No person may engage in an investment transaction except as provided under the terms of this Policy and the procedures established by the investment officer.

CITY OF LA MARQUE, TEXAS INVESTMENT POLICY

- D. All investments made by the City will be made through either the City's Investment Officer or authorized securities broker/dealers. The use of brokers/dealers is encouraged to utilize their investment expertise, a method to obtain diversification and to gain an expanded market coverage.

Authorized securities dealer/broker shall be required to be classified as a "Primary Government Securities Dealer" reporting to the Market Reports Division of the Federal Reserve Bank of New York or; securities dealer may be considered authorized if they maintain a bonafide clearing agent agreement with a primary dealer. This list is found as Exhibit "A" to this Policy. Dealers on this list are assumed to conduct business in a highly ethical and professional manner.

Coastal Securities is designated as an authorized broker/dealer.

Duncan-Williams, Inc. is designated as an authorized broker/dealer.

A.J. Capital Corporation is designated an authorized broker representing PaineWebber, Myerberg and Company, A.G. Edwards and Vining Sparks.

Every dealer with whom the City transacts business will be provided a copy of this Investment Policy to assure that they are familiar with the goals and objectives of the investment program. The broker/dealer will be required to return a signed copy of the Certification Form certifying that the policy has been received and reviewed. (Exhibit "B")

The selection of investment instruments by dealer/broke will be on a competitive basis using a minimum of three (3) quotes.

VI. **Standards** -- To be observed.

- A. **Prudence** - The standard of prudence used by the City of La Marque shall be the "prudent person" and shall be applied in the context of managing the overall portfolio. The prudent person rule is restated below:

In acquiring, investing, reinvesting, exchanging, retaining, selling and managing property for any trust heretofore or hereafter created, the City of La Marque will exercise the judgment and care under the circumstances then prevailing which persons of prudence, discretion and intelligence exercise in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety for their capital.

CITY OF LA MARQUE, TEXAS INVESTMENT POLICY

- B. **Ethics** - Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of their entity.
- C. **Liquidity** - To meet the investment objectives of the City, the maturity of investments shall be targeted to coincide with the cash flow needs of the City. Funds of the City shall be invested in instruments whose maturities do not exceed approved periods as determined by this policy. Unless matched to a specific requirement, the investment officer may not invest more than 30% of the portfolio for a period greater than two (2) years. Unless matched to a specific requirement, the investment officer may not invest in any portion of the portfolio for a period greater than three (3) years.
- D. **Diversification** - The investment portfolio shall be diversified to minimize the risk of loss resulting from over concentration of assets in a specific issue, a specific issue size, with a specific issuer, in a specific maturity or in a specific class of securities. Risk of loss includes principal as well as potential investment income.
- Nevertheless, the City of La Marque recognizes that in a diversified portfolio, occasional measured interest losses are inevitable, and must be considered within the context of the overall portfolio's investment return. Also, it is intended that investments in all funds shall be managed in such a way that any market price losses resulting from interest-rate volatility shall be offset by income received from the balance of the portfolio during a 12-month period.
- E. **Yield** - The core of investment are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. The earnings from investments will be used in a manner that best serves the public trust and interests of the City in compliance with applicable covenants or other legal restrictions.

CITY OF LA MARQUE, TEXAS INVESTMENT POLICY

- F. **Safekeeping and Custody** - To protect against potential fraud and embezzlement, the cash and investments of the City of La Marque shall be secured by the City, or through third party custody and safekeeping procedures as herein designated. The third party custodian shall be required to issue safekeeping receipts to the City listing each specific security, description, maturity, cusip number, yield and/or coupon, and other pertinent information. Each safekeeping receipt will clearly indicate that the instrument is held for the City of La Marque. All safekeeping arrangements shall be designated by the investment officer; said agreement to be documented.

All investment transactions shall be executed on a delivery vs. payment basis; to ensure the securities are deposited in the eligible financial institutions prior to the release of funds.

- G. The investment officer shall develop and maintain written administrative procedures for the operation of the investment program which are consistent with this investment policy. Those authorized to conduct the operation of the investment program shall be bonded.

- VII. **Internal Controls** -- The investment officer is responsible for establishing and maintaining an internal control structure designed to prevent losses of public funds arising from fraud, theft, misuse, employee error, and misrepresentation of third parties, unanticipated changes in financial markets or imprudent actions by any person involved in the investment program. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that 1) the cost of a control should not exceed the benefits likely to be derived; and 2) the valuation of costs and benefits requires estimates and judgments by management.

The internal control shall address the following points:

- A. **Control of Collusion** - Collusion is a situation where two or more employees are working in conjunction to defraud their employer.
- B. **Separation of Transaction Authority from Accounting and Record Keeping** - By separating the person who authorizes or performs the transactions from the people who record or otherwise account for the transaction, a separation of duties is achieved.
- C. **Custodial Safekeeping** - Securities purchased from any bank or dealer including appropriate collateral (as defined by State Law) shall be placed with an independent third party for custodial safekeeping.

CITY OF LA MARQUE, TEXAS INVESTMENT POLICY

- D. **Avoidance of Bearer-form Securities** - Book entry securities are much easier to transfer and account for since actual delivery of a document never takes place. Delivered securities must be properly safeguarded against loss or destruction. The potential for fraud and loss increases with physically delivered securities.
 - E. **Clear Delegation of Authority to Subordinate Staff Member** - Subordinate staff members must have a clear understanding of their authority and responsibilities to avoid improper actions. Clear delegation of authority also preserves the internal control structure that is contingent on the various staff positions and their respective responsibilities.
 - F. **Written Confirmation of Telephone Transactions for Investments and Wire Transfers** - Due to the potential for error and improprieties arising from telephone transactions, all telephone transactions should be supported by written communications and approved by the appropriate person. Written communications may be via fax if on letterhead and the safekeeping institution has a list of authorized signatures.
 - G. **Development of a Wire Transfer Agreement with the Lead Bank or Third Party Custodian** - This agreement should outline the various controls, security provisions, and delineate responsibilities of each party making and receiving wire transfers.
 - H. Limiting the number of authorized investment officials.
 - I. Documentation of transactions and strategies.
- VIII. **Authorized Investments** -- Specific security instruments are authorized under the provisions of the Public Funds Investment Act. The conservative philosophy employed by the City is to choose investments in a manner which ensures safety, while promoting diversity and maturity. The choice of high grade government instruments is designed to provide for a safety of principal, return an acceptable yield and to assure marketability.

City funds may be invested in the following:

- A. Obligations of the United States Government, its agencies and instrumentalities, not to exceed three (3) years to stated maturities.

CITY OF LA MARQUE, TEXAS INVESTMENT POLICY

- B. Fully insured (FDIC) or collateralized certificates of deposit from a bank or a savings and loan association that has its main office or a branch office in the State of Texas, in face amount not to exceed \$100,000 and not to exceed 18 months to stated maturity. In addition, certificates of deposit obtained through a depository institution that has its main office or a branch office in Texas and that contractually agrees to place the funds in federally insured depository institutions in accordance with the conditions prescribed in Section 2256.010(b) of the Public Funds Investment Act are authorized investments.
- C. No-load, SEC registered money market funds, specifically Merrill Lynch Cash Management Account (ML CMA).
- D. The Interlocal Cooperation Act, Chapter 791, Texas Government Code, authorizes local governments in Texas to participate in an investment pool established hereunder. Texas Local Government Investment Pools authorized under this Policy:
 - 1. TEXPOOL
 - 2. LOGIC
 - 3. TEXSTAR

The investment pools may invest in any of the securities authorized by statute. The pools must demonstrate compliance with Chapter 2256, Sections 016, 017, 018 and 019.

- E. Overnight balances remaining with the City's depository institution subject to a written depository agreement. These are interest bearing accounts, fully collateralized by pledged U.S. and Texas State government securities.
- F. Fully collateralized direct repurchase agreements with a defined termination date secured by obligations of the United States or its agencies and instrumentalities. These shall be pledged to the City, held in the City's name, and deposited at the time the investment is made with the City or with a third party selected and approved by the City. Repurchase agreements must be purchased through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in Texas. A Master Repurchase Agreement must be signed by the bank/dealer prior to investment in a repurchase agreement. All repurchase agreement transactions will be on a delivery vs. payment basis. Securities received for repurchase agreements must have a market value greater than or equal to 102 percent at the time funds are disbursed.

CITY OF LA MARQUE, TEXAS

INVESTMENT POLICY

- G. Although additional types of securities and instruments are approved for investment, they are not eligible for investment by the City under this Policy. An amended version of this Policy approved by the City Council is required prior to investments in any other investment instrument not specified herein.
- IX. **Prohibited Investments** -- There is an absolute prohibition on investments in any of the following investment instruments.
 - A. Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years.
 - B. Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index; inverse floaters.
 - C. The City will not invest in mortgage backed derivative products.
- X. **Reporting** -- The investment officer shall submit a quarterly and annual investment reports to the City Manager, Mayor and City Council that provides a clear picture of the status of the current investment portfolio. This report shall contain sufficient information to permit an informed outside reader to evaluate the performance of the investment program, while allowing the entity to ascertain whether investment activities during the reporting period have conformed to the Investment Policy.

The annual report should encompass activity through the entire year. At a minimum this report should contain:

- A. A listing of individual securities with maturity dates.
- B. Overall weighted average maturity of the portfolio.
- C. Overall current yield of the portfolio.
- D. State the reported auction yield of the appropriate U.S. Treasury bill comparable to the overall portfolio.
- E. Beginning and ending market value of the total portfolio by market sector and total portfolio.
- F. Beginning and ending carrying (book) value of the portfolio by market sector and total portfolio.

CITY OF LA MARQUE, TEXAS

INVESTMENT POLICY

G. Transactions which change market and book value.

All reports will be prepared jointly by all involved in the investment activity and be signed by all staff involved.

XI. **Limitation of Personal Liability** - The investment officer and those delegated investment authority under this policy, when acting in accordance with the written procedures and this policy and in accordance with the Prudent Person Rule, shall be relieved of personal responsibility and liability in the management of the portfolio provided that deviations from expectations for a specific security's credit risk or market price change or portfolio shifts are reported in a timely manner and that appropriate action is taken to control adverse market effects.

XII. **Diversifications Strategy** -- At a minimum, diversification standards by security type and issuer shall be:

U.S. Treasuries and securities with the U.S. Government's guarantee	NTE	100%
U.S. Government Agencies and Instrument abilities	NTE	85%
Certificates of Deposit	NTE	100%
Money Market Funds	NTE	75%
Local Government Investment Pools	NTE	100%

XIII. **Fund Strategy** --

A. **Accounting Funds Strategy Statement** - The City of La Marque maintains a portfolio which involves specific investment strategy considerations, designed to address the unique characteristics of the fund groups represented in the portfolio. The objectives of each fund group must be considered in context of the structure of the overall portfolio. Objectives to be considered for each fund type:

1. suitability of the investment to the financial requirements of the fund
2. preservation and safety of the principal
3. liquidity

CITY OF LA MARQUE, TEXAS INVESTMENT POLICY

4. marketability
 5. diversification
 6. yield
- B. **Operating Funds** - The general operating fund generates cash income stream on relatively predictable patterns. Investments are usually made during tax receipts season with maturities scheduled to coincide with a decreased income stream later in the year. The investment structure must be liquid with a short weighted average maturity. Consideration to unreserved fund balance permits some maturity to exceed one year.
- C. **Enterprise Funds** - A stable revenue stream from payment of utility bills coupled with fairly predictable expense patterns renders a smooth cash management program during the course of the year. Accordingly, weighted average maturities may extend to 120-150 days. Special consideration is given to the debt service payment requirements and maturities of certain investments are scheduled accordingly.
- D. **Construction and Special Projects Funds** - Primary strategy for these fund types is to assure that anticipated cash requirements are matched to adequate liquidity at the time of payment. A portion of investments (10%) should be highly liquid to allow for flexible and unanticipated project outlays. The balance may be scheduled to coincide with engineered project construction payment timetables. The stated final maturity date of any security held should not exceed the estimated project completion date.
- E. **Other Fund Types** - These funds typically have identifiable income/expense patterns whereby investments can be diversified according to the needs established. Prime objective involved with these fund types is to provide for the safety of the investment with a low degree of volatility. Such securities will tend to hold their value during economic cycles. Particular attention is given to requirements which may govern the use of funds.

CITY OF LA MARQUE, TEXAS INVESTMENT POLICY

- F. **Overall Short-term Strategy** - The City uses a consolidated cash system where cash is co-mingled and ownership tracked by equity accounts. From this a considerable amount is available for investment in a high liquid local government investment pool. Interest earnings are apportioned back based on equity in the pool. Use of the pool enables short term interfund borrowing during the course of the year using due to-due from accounting methodology. This gives considerable flexibility to the immediate cash needs of an individual fund.
- XIV. **Intent** -- It is the stated intent of this Policy to adhere by and to be in conformance with the statute known as Chapter 2256, Public Funds Investment Act, Texas Government Code as amended by House Bill 2459 enacted by the 74th Texas Legislature. Specific interpretation of a section contrary to this intent shall not void the remaining Policy.
- XV. **Compliance** -- The investment officer shall establish a process for annual independent review by an external audit to assure compliance with management controls and adherence to these policies and procedures.
- XVI. **Adoption** -- This Investment Policy shall be formally adopted by Resolution of the City Council. The Policy shall be reviewed on an annual basis by the City Manager and City Council.

CITY OF LA MARQUE, TEXAS INVESTMENT POLICY

EXHIBIT "A"

LIST OF THE PRIMARY GOVERNMENT SECURITIES DEALERS REPORTING TO THE MARKET REPORTS DIVISION OF THE FEDERAL RESERVE BANK OF NEW YORK.

BNP Paribas Securities Corp.
Barclays Capital Inc.
Cantor Fitzgerald & Co.
Citigroup Global Markets Inc.
Credit Suisse First Boston Corporation
Daiwa Securities America Inc.
Deutsche Bank Securities Inc.
Goldman, Sachs & Co..

HSBC Securities (USA) Inc.
Jefferies & Company, Inc.

J. P. Morgan Securities, Inc.
MF Global Inc.
Merrill Lynch Pierce, Fenner & Smith Inc.

Mizuho Securities USA Inc.
Morgan Stanley & Co. Incorporated
Nomura Securities International, Inc.
RBC Capital Markets, LLC
RBS Securities, Inc.
SG Americas Securities Corporation
UBS Warburg LLC.

NOTE: This list has been compiled and made available for statistical purposes only and has no significance with respect to other relationships between dealers and the Federal Reserve Bank of New York. Qualification for the reporting list is based on the achievement and maintenance of reasonable standards of activity.

Market Reports Division
Federal Reserve Bank of New York

CITY OF LA MARQUE, TEXAS INVESTMENT POLICY

EXHIBIT "B"

BROKER/DEALER CERTIFICATION FORM

As required by Texas Government Code 2256.005(k)

CITY OF LA MARQUE, TEXAS (the "City")

The City acknowledges that the only means the firm has to preclude "imprudent investment activities arising out of transactions between the firm and the City" is to confirm that all provisions of the City's investment policy are followed in investment transactions conducted between the firm and the City, and the second paragraph below should be read accordingly.

I, as a registered principal for the firm _____ do hereby
certify that I, and the broker covering this account, _____,
have received and both have thoroughly reviewed the investment policy for the City.

We acknowledge that this firm has implemented reasonable internal procedures and controls in an effort to preclude imprudent investment activity between this firm and the City arising from transactions between the City and the firm.

Signature

Name: _____

Title: _____

Date: _____

GLOSSARY

1. **Certificate of Deposit (CD)** - A time deposit evidenced by a certificate that specifies the amount, maturity date, rate of interest and terms under which interest is calculated. Usually insured up to a face amount of \$100,000. Typically not marketable (illiquid) with a fixed maturity date and penalty for early redemption.
2. **Derivatives** - For the purposes of this Investment Policy, the definition of derivatives includes instruments which have embedded features that alter their character or income stream or allow holders to hedge or speculate on a market or spreads between markets that are external to the issuer, or are not correlated on a one-to-one basis to the associated index or market. Prohibited derivations include the following:

Interest Rate Swaps, Range Index Notes, Option Contracts, Futures Contracts, Inverse Floating Rate Notes, Non-Money Market Index Based Notes, Dual Index Notes, Index Amortizing Notes, Inverse Multi-Index Bonds, Stepped Inverse Index Bonds, Inverse Index Bonds, and Collateralized Mortgage Obligations.
4. **CMA Treasury Fund** - (the "Treasury Fund") is a no-load, diversified, open-end investment company seeking preservation of capital, liquidity and current income available from investing exclusively in a diversified portfolio of short-term marketable securities which are direct obligations of the U.S. Treasury. Dividends are declared and reinvested daily in the form of additional shares at net asset value. **The Treasury Fund seeks to maintain a constant \$1.00 net asset value per share. An investment in the Treasury Fund is neither insured nor guaranteed by the U.S. Government.** The Treasury Fund has adopted a Distribution and Shareholder Servicing Plan in compliance with Rule 12b-1 under the Investment Company Act of 1940, as amended (the "Investment Company Act").
5. **CMA Government Securities Fund** - (the "Government Fund") is a no-load, diversified, open-end investment company seeking preservation of capital, liquidity and current income available from investing exclusively in a diversified portfolio of short-term marketable securities which are direct obligations of the U.S. Government and repurchase agreements pertaining to such securities. Dividends are declared and reinvested daily in the form of additional shares at net asset value. **The Government Fund seeks to maintain a constant \$1.00 net asset value per share. An investment in the Government Fund is neither insured nor guaranteed by the U.S. Government.** The Government Fund has adopted a Distribution and Shareholder Servicing Plan in compliance

with Rule 12b-1 under the Investment Company Act of 1940 as amended (the "Investment Company Act").

6. **CMA Money Fund** - (the "Money Market Fund") is a no-load, diversified, open-end investment company seeking current income, preservation of capital and liquidity available from investing in a diversified portfolio of short-term money market securities. These securities will consist primarily of short-term U.S. Government securities, bank certificates of deposit, commercial paper and repurchase agreements. Dividends are declared and reinvested daily in the form of additional shares at net asset value. **The Money Market Fund seeks to maintain a constant \$1.00 net asset value per share. An investment in the Money Market Fund is neither insured nor guaranteed by the U.S. Government.** The Money Market Fund has adopted a Distribution and Shareholder Servicing Plan in compliance with Rule 12b-1 under the Investment Company Act of 1940, as amended (the "Investment Company Act").
7. **U.S. Treasury Bills** - (the "T-Bills") are issued to meet the government's short-term financing needs and are insured on a discount basis with a maturity ranged one year or less. Probable the most liquid money market instrument.
8. **U.S. Treasury Notes and Bonds** - are negotiable, interest-bearing securities redeemable at face value at maturity. Notes fall in a maturity range from one to ten years with current issues of 2, 3, 4, 5, 7 and 10 year notes issued on a regular basis. Bonds are the same as notes, except that they have maturities of 10 years or more. T-Notes have the advantages of generally trading at a yield higher than that of T-Bills for comparable maturities, yet retaining a high degree of liquidity.
9. **Federal Agencies and Discount Notes** - are Federal Government agencies established to help meet the credit needs of various classes of institutions. These agencies issue and sell debt obligations directly into the financial markets to meet their financing needs. Three of the more active agencies:

Farm Credit Administration (FFCB)
Federal Home Loan Bank (FHLB)
Federal National Mortgage Association (FNMA)



CITY COUNCIL AGENDA FORM

Meeting Date: 9-10-12
Prepared by: Suzy Kou
Department: Finance

Agenda item: 7f
Reviewed by: *CJB*

AGENDA ITEM DESCRIPTION:

Discussion/possible action – accepting the quarterly investment report ending June 30, 2012

☒ **Attachments for Reference**

Staff Briefing: Per Public Funds Investment Act, we are required to submit an investment report quarterly for Council consideration.

History (if applicable) :

Target Implementation:

Significant Action Dates:

Action:

- | | |
|--|---|
| ☐ Ordinance | ☐ Resolution |
| ☐ Proclamation | ☐ Special Presentation |
| ☒ Finance Report | ☐ Public Hearing |
| ☐ Other | |

Cost Details:	
Budgeted	n/a
Actual Bid	
Estimated Expenditure	
Acct. Name	
Line Item #	
Other Funding	

Staff's Recommended Motion: Motion to accept City of La Marque's investment quarterly report for quarter ended June 30, 2012.

Fiscal Impact: n/a

CITY OF LA MARQUE



INVESTMENT QUARTERLY REPORT

AS OF 6/30/2012



City of La Marque, Texas
Quarter Ended 6/30/12
Detailed Holdings

TexPool Rate: 0.1395

Logic Rate: 0.2514

Fund	Description	Type	CUSIP	Coupon	Settlement Date	Maturity Date	Par Value	Purch Price	Purch Cost	Book Value	Mkt Price	Mkt Value	Days to Mat	YTM
General Fund	Logic	LGIP		0.2514			51,576.71	100.000	51,576.71	51,576.71	100.000	51,576.71	1	0.2514
General Fund	TexPool	LGIP		0.1395			591,680.60	100.000	591,680.60	591,680.60	100.000	591,680.60	1	0.1395
Utility Fund	Logic	LGIP		0.2514			843,979.86	100.000	843,979.86	843,979.86	100.000	843,979.86	1	0.2514
Utility Fund	TexPool	LGIP		0.1395			1,280,421.39	100.000	1,280,421.39	1,280,421.39	100.000	1,280,421.39	1	0.1395
Utility Fund	DWS	MMKT		0.0300			459,954.14	100.000	459,954.14	459,954.14	100.000	459,954.14	1	0.0300
Utility Fund	Logic	LGIP		0.2514			3,478.53	100.000	3,478.53	3,478.53	100.000	3,478.53	1	0.2514
Utility Fund	TexPool	LGIP		0.1395			1,922.76	100.000	1,922.76	1,922.76	100.000	1,922.76	1	0.1395
Utility Fund	DWS	MMKT		0.0300			1,756.85	100.000	1,756.85	1,756.85	100.000	1,756.85	1	0.0300
Replacement Fund	Logic	LGIP		0.2514			771,460.41	100.000	771,460.41	771,460.41	100.000	771,460.41	1	0.2514
Replacement Fund	TexPool	LGIP		0.1395			84,876.16	100.000	84,876.16	84,876.16	100.000	84,876.16	1	0.1395
Replacement Fund	DWS	MMKT		0.0300			111,260.23	100.000	111,260.23	111,260.23	100.000	111,260.23	1	0.0300
Hotel Motel Fund	Logic	LGIP		0.2514			581,458.29	100.000	581,458.29	581,458.29	100.000	581,458.29	1	0.1395
Hotel Motel Fund	TexPool	LGIP		0.1395			29,567.35	100.000	29,567.35	29,567.35	100.000	29,567.35	1	0.1395
Debt Service	Logic	LGIP		0.2514			116,910.06	100.000	116,910.06	116,910.06	100.000	116,910.06	1	0.1395
Debt Service	TexPool	LGIP		0.1395			183,172.40	100.000	183,172.40	183,172.40	100.000	183,172.40	1	0.1395
LM EDC Mark 45	Logic	LGIP		0.2514			358,702.89	100.000	358,702.89	358,702.89	100.000	358,702.89	1	0.1395
LM EDC Operating	TexPool	LGIP		0.1395			1,986,400.42	100.000	1,986,400.42	1,986,400.42	100.000	1,986,400.42	1	0.1395
LM EDC Operating	DWS	MMKT		0.0300			239.57	100.000	239.57	239.57	100.000	239.57	1	0.0300
LM EDC Operating	Amergy Bank	CD		0.1000	08/15/2011	08/15/2012	70,000.00	100.000	70,000.00	70,000.00	100.000	70,000.00	46	0.1000
LM EDC Operating	Moody Bank	CD		0.8500	08/24/2011	08/24/2012	100,000.00	100.000	100,000.00	100,000.00	100.000	100,000.00	55	0.8500
LM EDC Operating	Moody Bank	CD		0.8500	08/27/2011	08/27/2012	100,000.00	100.000	100,000.00	100,000.00	100.000	100,000.00	58	0.8500
1998 TWDB Sewer Rehab	DWS	MMKT		0.0300			155,285.24	100.000	155,285.24	155,285.24	100.000	155,285.24	1	0.1395
2005 CO	TexPool	LGIP		0.1395			904,122.72	100.000	904,122.72	904,122.72	100.000	904,122.72	1	0.2514
2007 CO	TexPool	LGIP		0.1395			3,457,444.34	100.000	3,457,444.34	3,457,444.34	100.000	3,457,444.34	1	0.2514
							12,245,670.92	12,245,670.92	12,245,670.92	12,245,670.92	12,245,670.92	12,245,670.92	2	0.2009

Suzanne K...

Investment Officer



City of La Marque, Texas

Quarter ended 6/30/12

Summary Data

Type Breakdown:	Book Value	Percent	Wtd Avg Mat	Wtd Avg Yield
LGIP	11,247,174.89	91.85%	1	0.200
MMKT	728,496.03	5.95%	1	0.053
CD	270,000.00	2.20%	54	0.656
	12,245,670.92	100.00%	2	0.201

Issuer Breakdown:	Book Value	Percent	Wtd Avg Mat	Wtd Avg Yield
Amergy Bank	70,000.00	0.57%	46	0.100
Moody Bank	200,000.00	1.63%	57	0.850
DWS	728,496.03	5.95%	1	0.053
Logic	2,727,566.75	22.27%	1	0.208
TexPool	8,519,608.14	69.57%	1	0.197
	12,245,670.92	100.00%	2	0.201

Fund Breakdown:	Book Value	Percent	Wtd Avg Mat	Wtd Avg Yield
General Fund	643,257.31	5.25%	1	0.148
Utility Fund	2,584,355.39	21.10%	1	0.157
Utility Fund (Restricted)	7,158.14	0.06%	1	0.167
Replacement Fund	967,596.80	7.90%	1	0.216
Capital Projects Fund	4,516,852.30	36.89%	1	0.248
Hotel Motel Fund	611,025.64	4.99%	1	0.140
Debt Service Fund	300,082.46	2.45%	1	0.140
LM EDC	2,615,342.88	21.36%	6	0.193
	12,245,670.92	100.00%	2	0.201

Maturity Breakdown:	Book Value	Percent
Less Than 90 Days	12,245,670.92	100.00%
90 to 180 Days	-	0.00%
181 to 365 Days	-	0.00%
More Than 365 Days	-	0.00%
	12,245,670.92	100.00%



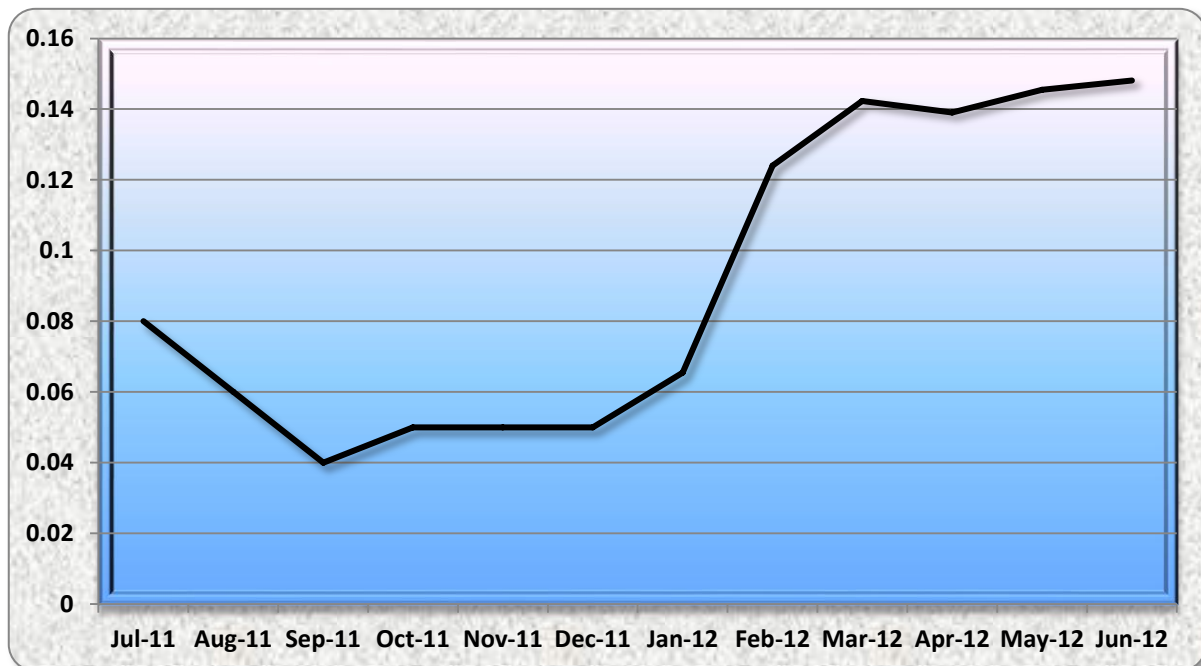
City of La Marque, Texas

Summary Investment Report For Period Ended 6/30/2012

Total Portfolio Summary			
	Current Month 06/30/2012	Prior Quarter 03/31/2012	Change From Prior
Book Value	12,245,671	10,298,990	1,946,681
Market Value	12,245,671	10,298,990	1,946,681
Market Value%	100.00%	100.00%	0.00%
Weighted Average Maturity - Days	2 days		
Weighted Average Yield	0.20%		

Portfolio Performance Summary	
Beginning Book Value	10,298,990
Beginning Market Value	10,298,990
Beginning WAM	0 days <i>Liquidity measurement</i>
Ending Book Value	12,245,671
Ending Market Value	12,245,671
Change in market value	1,946,681 <i>Volatility measurement</i>
Ending WAM	2 days <i>Liquidity measurement</i>
Period Average Yield	0.20%
Period Average Benchmark	0.14%

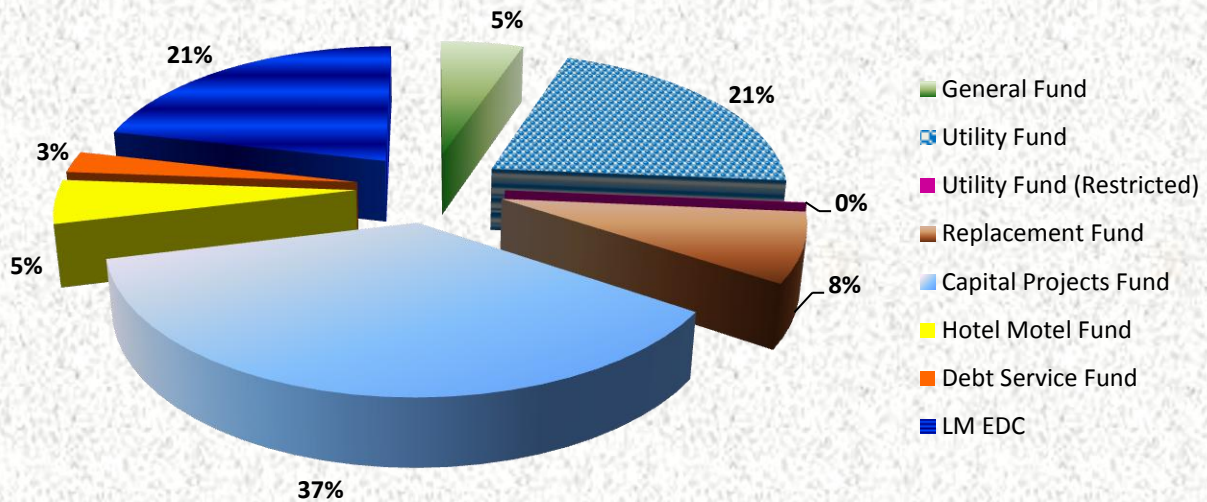
6-Month T-Bill Historical Trend





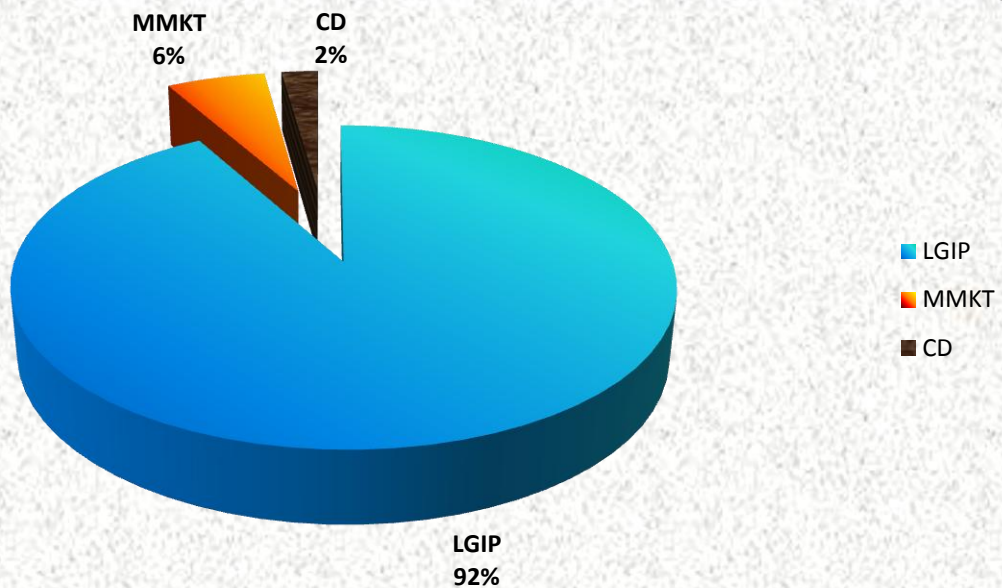
Investment Portfolio by Funds

As of 6/30/2012



Investment Portfolio by Types

As of 6/30/2012





CITY COUNCIL AGENDA FORM

Meeting Date: September 10, 2012
Prepared by: cjb
Department: Administration

Agenda item: 7g
Reviewed by: *CJB*

AGENDA ITEM DESCRIPTION:

Discussion /possible action – authorizing the City Manager to enter into an agreement with Belt, Harris, Pechacek, LLLP for auditing the City of La Marque financial statements for fiscal years ending, 2012, 2013, 2014.

☒ **Attachments for Reference**
1. Engagement Letter

Staff Briefing: Council directed the City Manager to acquire auditing services from a different firm to review financial concerns.

Staff met with current auditors to discuss a change in firms.

Belt Harris Pechacek, LLLP specializes in municipal audits and represents several entities within the county and region.

This firm will make a presentation of qualifications and experience to Council who will have the opportunity to ask questions and authorize the engagement letter as professional services.

History (if applicable):

Target Implementation: September 11, 2012

Significant Action Dates:

Action:

- | | |
|---|---|
| ☐ Ordinance | ☐ Resolution |
| ☐ Proclamation | ☐ Special Presentation |
| ☐ Finance Report | ☐ Public Hearing |
| ☒ Other - Agreement | |

Staff's Recommended Motion:

Fiscal Impact: Approximately \$57,500.00 for year ending September 30, 2012.

Cost Details:	
Budgeted	\$62,000.00
Actual Bid	
Estimated Expenditure	\$57,500.00 (FY2013)
Acct. Name	Independent Audit Fees
Line Item #	01-4040-02-02
Other Funding	



Engagement Letter

September 5, 2012

Honorable Mayor and City Council
City of La Marque, Texas
1111 Bayou Road
La Marque, Texas 77568

We are pleased to confirm our understanding of the services we are to provide the City of La Marque, Texas (the "City") for the years ended September 30, 2012, 2013, and 2014. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, which collectively comprise the basic financial statements, of the City as of and for the years ended September 30, 2012, 2013, and 2014.

Accounting standards generally accepted in the United States provide for certain Required Supplementary Information (RSI), such as Management's Discussion and Analysis (MD&A), to accompany the City's basic financial statements.

As part of our engagement, we will apply certain limited procedures to the City's RSI. These limited procedures will consist principally of inquiries of management regarding the methods of measurement and presentation, which management is responsible for affirming to us in its representation letter. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis
2. Budgetary Comparison Schedules

We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and will provide an opinion on it in relation to the basic financial statements.

1. Schedule of Expenditures of Federal Awards

The following additional information accompanying the basic financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and for which our auditors' report will disclaim an opinion.

1. Introductory section
2. Statistical tables

Partners
Robert Behl, CPA
Stephanie E. Harris, CPA
Nathan Krupke, CPA

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713.263.1550 fax

**Governmental
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In addition to these services –

1. We will also provide routine advisory services through phone calls, conferences or otherwise in connection with incidental matters arising during the year. These costs would be absorbed in our estimated annual fee. We encourage open lines of communication throughout the year as part of our services.
2. We will draft the financial statements, including the Management's Discussion and Analysis with input from management.
3. We will print and bind the financial reports for the City, and provide an electronic PDF copy via email and/or post all reports to the City's Auditbox account.
4. We will handle normal correspondence from grantor, regulatory, or oversight agencies related to the audit.
5. We will perform procedures to comply with the Public Funds Investment Act (Chapter 2256 local government code).
6. We will make your annual financial report conveniently accessible on our website for affiliated organizations to view provided that they accept the legal disclaimer notification.

Audit Objectives

The objective of our audit is the expression of an opinion as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the additional information referred to in the first paragraph when considered in relation to the financial statements taken as a whole. The objective also includes reporting on the following:

- Internal control related to the financial statements and compliance with laws, regulations, and the provisions of contracts or grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

The reports on internal control and compliance will each include a statement that the report is intended for the information and use of the audit committee, management, specific legislative or regulatory bodies, federal awarding agencies, and if applicable, pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.

Our audit will be conducted in accordance with U.S. generally accepted auditing standards; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of OMB Circular A-133, and will include tests of accounting records, a determination of major program(s) in accordance with Circular A-133, and other procedures we consider necessary to enable us to express such an opinion and

to render the required reports. If our opinion on the financial statements or the Single Audit compliance opinion is other than unqualified, we will fully discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed an opinion, we may decline to express an opinion or to issue a report as a result of this engagement.

Management Responsibilities

Management is responsible for establishing and maintaining internal controls, including monitoring ongoing activities; for the selection and application of accounting principles; for the fair presentation in the financial statements of the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City and the respective changes in financial position and, where applicable, cash flows in conformity with U.S. generally accepted accounting principles; and for federal award program compliance with applicable laws and regulations and the provisions of contracts and grant agreements. Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein.

You are responsible for management decisions and functions. As part of the audit, we will prepare a draft of your financial statements, schedule of expenditures of federal awards, and related notes. In accordance with *Government Auditing Standards*, you will be required to review and approve those financial statements prior to their issuance and have a responsibility to be in a position in fact and appearance to make an informed judgment on those financial statements. Further, you are required to designate a qualified management-level individual to be responsible and accountable for overseeing our services.

Management is responsible for making all financial records and related information available to us, including identifying significant vendor relationships in which the vendor has the responsibility for program compliance and for the accuracy and completeness of that information. Management's responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud or illegal acts affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan. The summary schedule of prior audit findings should be available for our review prior to the beginning of our audit fieldwork.

Management is responsible for establishment and maintenance of a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous audits of other engagements or studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits or other engagements or studies. You are also

responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, and the timing and format related thereto.

Audit Procedures – General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective Government Auditing Standards do not expect auditors to provide reasonable assurance of detecting abuse.

Because an audit is designed to provide reasonable, but not absolute assurance and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform you of any material errors and any fraudulent financial reporting or misappropriation of assets that comes to our attention. We will also inform you of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will also require certain written representations from you about the financial statements and related matters.

Audit Procedures – Internal Controls

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by OMB Circular A-133, we will perform tests of controls to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under professional standards, *Government Auditing Standards* and OMB Circular A-133.

Audit Procedures – Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City's compliance with applicable laws and regulations and the provisions of contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

OMB Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of test of transactions and other applicable procedures described in the *OMB Circular A-133 Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the City's major programs. The purpose of those procedures will be to express an opinion on the City's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to OMB Circular A-133.

Audit Administration, Fees, and Other

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any invoices selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of and sign the Data Collection Form that summarizes our audit findings. We will provide copies of our reports to the City; however, it is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and a corrective action plan) along with the Data Collection Form to the designated federal clearinghouse and, if appropriate, to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits. At the conclusion of the engagement, we will provide information to management as to where the reporting packages should be submitted and the number to submit.

The audit documentation for this engagement is the property of Belt Harris Pechacek, LLLP and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to Oversight Agency for Audit or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Robert Belt. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend or decide to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release or for any additional period requested by the Oversight Agency for Audit. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

Fees for our services are based on the actual time spent at our standard hourly rates, plus travel and other out-of-pocket costs such as report production, typing, postage, etc. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. The time estimates used to project our fees are based on anticipated cooperation from your personnel and management fulfilling its responsibility, as discussed previously. Our time budget for this engagement does not include addressing matters related to managements' responsibilities, such as modifications to the City's financial information, additional procedures related to alleged noncompliance with laws and regulations and similar improprieties, the City's lack of preparation for the audit, and similar matters. Such time requirements have not been included in the estimate and would be billed in addition to the fees quoted at our standard hourly rates and actual costs incurred, including legal consultations, if necessary. We will notify the appropriate party when such conditions are encountered, such as identifying schedules not prepared, out-of-balance accounts, alleged violations, etc. When possible, we will provide management with options for alleviating the conditions. If it appears the item will not be addressed by the City, we may perform procedures to address incidental matters to facilitate timely completion of the audit. To the extent possible, we will obtain approval before performing additional work for matters considered significant to the original proposed fee. Due to the nature of our work, such approval may not always be possible (i.e., we may be legally compelled by subpoena or similar request to expend additional time and incur other expenses to handle matters arising from this engagement).

As customary in the industry, the price quoted is an estimate. In accordance with rules of the State Board of Public Accountancy, we cannot be bound to provide the audit for the amount estimated. However, in practice, we honor our fee quotes unless adverse conditions such as those described above are encountered. Our fee estimate for the audit of the City's financial statements for the years ended September 30, 2012, 2013, and 2014 are \$57,500, \$58,075 and \$58,655, respectively.

Our invoices for these fees will be rendered each month as work progresses and are payable within 30 days. In accordance with our firm policies, work will be suspended if your account becomes 30 days or more overdue and will not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. This agreement and rights and responsibilities of this audit engagement are specifically assigned to Belt Harris Pechacek, LLP. Notwithstanding anything contained in this engagement to the contrary, in the event no funds or insufficient funds are appropriated and budgeted or are otherwise unavailable in any fiscal period for fees due under this engagement agreement, the City will immediately notify us in writing of such occurrence and this agreement shall terminate on the last day of the fiscal period for which appropriations have been received or made.

Government Auditing Standards require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. Our 2009 peer review accompanies this letter.

Authorization of CPAs Disclosure

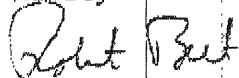
Any client certified public accountant involved with assisting us shall not be prohibited from disclosure of information required to be made available by the standards of the public accounting profession in reporting on the examination of financial statements. Management understands and provides permission to staff certificate or registration holders as required under the Rules of Professional Conduct, Texas Administrative Code, Title 22, Part 22, Chapter 501, Subchapter C, Section 501.75.

We appreciate the opportunity to be of service to the City and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Sincerely,

Belt Harris Pechacek, LLLP
Certified Public Accountants

Authorized by:



Robert Belt, CPA, CGMA
Managing Partner

RESPONSE:

This letter correctly sets forth the understanding of the City of La Marque, Texas.

Authorized Signature

Title

Printed Name

Date

BUMGARDNER, MORRISON & COMPANY, L.L.P.

BMC

CERTIFIED PUBLIC ACCOUNTANTS

JOSEPH R. BUMGARDNER, CPA
(1911-2002)
JACK R. MORRISON SR., CPA
(1922-1997)

MEMBERS:
AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS
TEXAS SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS
AICPA PRIVATE COMPANIES PRACTICE SECTION
AICPA TAX DIVISION

JACK H. MORRISON, JR., CPA
CHRISTOPHER E. KREJCI, CPA
JEROME G. KOTZUR, CPA
G. DENNIS SHAY, CPA, CFP®
PAULA G. LESKE, CPA
MICHAEL E. WENSKE, CPA

JACK C. FITZGERALD, CPA

October 29, 2009

System Review Report

To the Partners of Belt Harris & Associates, LLLP
and the Peer Review Committee of the
Texas Society of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Belt Harris & Associates, LLLP (the firm) in effect for the year ended June 30, 2009. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/orsummary.

As required by the standards, engagements selected for review included engagements performed under the *Government Auditing Standards*.

In our opinion, the system of quality control for the accounting and auditing practice of Belt Harris & Associates, LLLP in effect for the year ended June 30, 2009, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency (ies)* or *fail*. Belt Harris & Associates, LLLP has received a peer review rating of *pass*.

Bumgardner, Morrison + Company, LLP



CITY COUNCIL AGENDA FORM

Meeting Date: 9-10-12

Agenda item: 7h/i

Prepared by: zt

Reviewed by: CJB

Department: Administration

AGENDA ITEM DESCRIPTION:

Discussion/possible action – Ordinance No. **O-2012-1064** an ordinance making appropriations for the support of the City of La Marque for the fiscal year beginning October 1, 2012 and ending September 30, 2013 appropriating money to a sinking fund to pay interest and principal due on the city's indebtedness; and adopting the annual enterprise and general fund budgets for the City of La Marque for 2012-2013 fiscal year. This is the first reading.

Discussion/possible action – Ordinance No. **O-2012-1065** an ordinance levying ad valorem taxes for use and operation of the municipal government of the City of La Marque, Texas for the 2012 Tax Fiscal Year; providing for apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid. This is the first reading.

☒ **Attachments for Reference**

Staff Briefing:

In order to meet statutory requirements for budget and state property tax code, the proposed ordinances are attached.

Per City Council direction, the tax rate will remain the same for FY 2012-2013 and staff has made the requested changes to the proposed budget.

History (if applicable):

Target Implementation: October 1, 2012

Significant Action Dates:

August 13, 2012 – Council receives proposed budget

August 27, 2012 – Council held required public hearing

September 24, 2012 – Council holds public hearing, second reading of ordinances; adopts budget and tax rate



CITY COUNCIL AGENDA FORM

Action:

- ☒

Ordinance
- ☐

Resolution
- ☐

Proclamation
- ☐

Special Presentation
- ☐

Finance Report
- ☐

Public Hearing
- ☐

Other – Agreement

Cost Details:	
Budgeted	
Estimated Expenditure	
Acct. Name	
Line Item #	
Other Funding	

Staff’s Recommendation:

Fiscal Impact:

ORDINANCE NO. O-2012-1064

AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF LA MARQUE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013 APPROPRIATING MONEY TO A SINKING FUND TO PAY INTEREST AND PRINCIPAL DUE ON THE CITY'S INDEBTEDNESS; AND ADOPTING THE ANNUAL ENTERPRISE AND GENERAL FUND BUDGETS OF THE CITY OF LA MARQUE FOR 2012-2013 FISCAL YEAR

WHEREAS, the budget, appended here as Exhibit A, for the fiscal year beginning October 1, 2012 and ending September 30, 2013 was duly presented to the City Council by the City Manager and a public hearing was ordered by the City Council and a public notice of said hearing was caused to be given by the City Council and said notice was published in the Galveston County Daily News and said public hearing was held according to said notice and City Charter requirements; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE:

SECTION 1. That the appropriations for the fiscal year beginning October 1, 2012 and ending September 30, 2013 for the support of the general government and enterprise system for the City of La Marque, Texas, be fixed and determined for said terms in accordance with the expenditures shown in the City's fiscal year 2012-2013 budget, a copy of which is appended hereto as Exhibit A

SECTION 2. That the budget, as shown in words and figures in Exhibit A, is hereby approved in all respects and adopted as the City's budget for the fiscal year beginning October 1, 2012 and ending September 30, 2013.

SECTION 3. That there is hereby appropriated the amount shown in said budget necessary to provide for a sinking fund for the payment of the principal and interest of the bonded debt of said City.

PASSED AND APPROVED this the ____ day of September 2012 for the first reading.

PASSED AND APPROVED this the ____ day of September 2012 for the second reading.

Bobby Hocking, Mayor

ATTEST: _____
Zina Tedford, City Clerk

ORDINANCE NO. O-2012-1065

AN ORDINANCE LEVYING AD VALOREM TAXES FOR USE AND OPERATION OF THE MUNICIPAL GOVERNMENT OF THE CITY OF LA MARQUE, TEXAS FOR THE 2012-2013 TAX FISCAL YEAR; PROVIDING FOR APPORTIONING EACH LEVY FOR SPECIFIC PURPOSES; AND, PROVIDING WHEN TAXES SHALL BECOME DUE AND WHEN SAME SHALL BECOME DELINQUENT IF NOT PAID

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE;

SECTION 1. That there is hereby levied and there shall be collected, for use and operation of the municipal government of the City of La Marque and to provide an Interest and Sinking Fund for the 2012-2013 fiscal year, upon all property, real, personal and mixed within the corporate limits of said City subject to taxation here set forth:

1. For the maintenance and operation of the general government **0.408118** on each \$100.00 taxable valuation of property; and
2. For the interest and sinking fund, **0.106242** on each \$100.00 taxable valuation of property.

For a total tax rate of **0.51436** on each \$100.00 taxable valuation of property tax being so levied and apportioned to the specific purposes here set forth above.

SECTION 2. All taxes shall become a lien upon the property against which assessed, and the assessor and collector for the City of La Marque is hereby authorized and empowered to enforce the collection of such taxes according to the Constitution and laws of the State of Texas and ordinances of the City of La Marque and shall, by virtue of the tax rolls, fix and establish a lien by levying upon such property, whether real or personal, for the payment of said taxes, penalty and interest and, the interest penalty collected from such delinquent taxes shall be apportioned to the general fund of the City of La Marque. All delinquent taxes shall bear interest from date of delinquency at the rate as prescribed by state law.

SECTION 3. That this ordinance shall take effect after the second reading.

PASSED AND APPROVED for a first reading on this ____ day of September 2012, at a Regular Meeting of the City Council of the City of La Marque, Texas, there being a quorum present, by _____ AYES and _____ NAYES and approved by the Mayor on the date above set.

PASSED AND APPROVED for the second reading on this the ____ day of September 2012 at a Regular Meeting of the City Council of the City of La Marque, Texas, there being a quorum present by _____ AYES and _____ NAYES and approved by the Mayor on the date above set.

Bobby Hocking, Mayor

ATTEST: _____
Zina Tedford, City Clerk



CITY COUNCIL AGENDA FORM

Meeting Date: September 10, 2012

Agenda item: 7j

Prepared by: Ana Tims

Reviewed by: CJB

Department: Development Services

AGENDA ITEM DESCRIPTION:

Discussion/possible action -proposed ordinance O-2012-1066 adding "Open-Air Markets" to Section 71-4 of the City of La Marque Ordinances Definitions and Section 71-13 Paragraph (C)(1) General Commercial subparagraph (64) of the City of La Marque Code of Ordinances.



Attachments for Reference

- 1. Proposed Ordinance 02012-1066**
- 2. Minutes- August 30, 2012 Planning and Zoning Special meeting**

Staff Briefing:

La Marque Economic Development Director was approached with an opportunity to bring a new business to the city. The prospect indicated an interest in opening an Open-Air Market within the city. The City's current zoning ordinance does not address this type of commercial business. After discussions with EDC Director Getty, Building Official Tims presented a proposed amendment to the current zoning ordinance to the Planning & Zoning Commission. The Commission met on August 30th and after discussion voted to forward a recommendation for approval to City Council

History (if applicable):

La Marque Economic Development expressed interest in the allowance of an open-air market in the city. The current zoning ordinance does not address open-air markets. On July 19, 2012 City Attorney Ellis Ortego prepared the proposed ordinance for Planning & Zoning Commission's review. Planning and Zoning Commission reviewed the proposed ordinance and voted to forward a recommendation to approve to City Council



CITY COUNCIL AGENDA FORM

Target Implementation:

September 24, 2012

Significant Action Dates:

Action:

☒

Ordinance

☐

Resolution

☐

Proclamation

☐

Special Presentation

☐

Finance Report

☐

Public Hearing

☐

Other

Cost Details: N/A	
Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name	
Line Item #	
Other Funding	

Staff's Recommended Motion:

Staff recommends the approval of the proposed Ordinance **02012-1066**.

Fiscal Impact:

None

**PLANING AND ZONING COMMISSION
SPECIAL MEETING
August 30, 2012**

1. CALL TO ORDER

The meeting was called to order at 4:00 p.m. by Dickey Stanley

2. ROLL CALL

PRESENT:

Mike Casteline
Norman Koneman
Dickey Stanley

ABSENT:

Annette Callis

STAFF PRESENT:

Ana Tims, Building Official
Alex Getty, Director of Economic Development
Erica Grundmann, Permit Clerk

3. INVOCATION AND PLEDGE OF ALLEGIANCE

The Commission dispensed with the Invocation and Commissioner Koneman proceeded with the Pledge of Allegiance to the Flag

4. CITIZENS PARTICIPATION

No one signed up to address the Commission at this time.

5. NEW BUSINESS

- a. **Discussion/possible action-proposed re-plat of 10 Acres part of the Steven F Austin League No. 4. Abstract 297 in Galveston County, Texas and being out of the tract of land described in a deed to George Bofysil, Jr. recorded in volume 3195, Page 634 in the Office of the County Clerk of Galveston County, Texas**

Building Official Tims brought informed the Commissioners of a misspelling of the word "crossing" on the plat. Commissioner Koneman made a motion to correct the word, Commissioner Casteline seconded the motion. Motion passed unanimously. Commissioner Casteline made a motion to approve the plat as corrected. Commissioner Stanley seconded the motion.

EDC Director. Getty informed the Commission that Plot 2 is going to be developed by a private developer and leased for the Attorney General's office. EDC Director Getty continued stating that by being developed by an individual company the building will be on the tax rolls and will creates 30 jobs. After discussion, the board voted unanimously to approve the re-plat of the 10 acres of land.

b. Discussion/possible action-user fees; possible recommendation to City Council

c.

Commissioner Castelline made a motion to discuss the user fees. Commissioner Koneman seconded the motion. After evaluating the fees, the commission proposed the following fee schedule be presented to Council for consideration:

RE-ZONING

0-25 Acres	\$400 plus \$50 for each type of rezoning requested or \$450 if planned development Unit
25-50 Acres	\$450 plus \$50 for each type of rezoning requested or \$500 if planned development Unit
50-75 Acres	\$500 plus \$50 for each type of rezoning requested or \$550 if planned development Unit
75-100 Acres	\$550 plus \$50 for each type of rezoning requested or \$600 if planned development Unit
100+ Acres	\$600 plus \$50 for each type of rezoning requested or \$650 if planned development Unit
Re-Plats	NO CHARGE

Zoning Letters/Certificate of Compliance \$25

Building Official Tims informed the Commission a proposed ordinance with the rate increases prepared for the next regular scheduled City Council meeting. Commissioner Stanley made a motion to discuss the proposed fee increase at the next meeting Commissioner Koneman seconded the motion and the motion passed unanimously.

d. Discussion/possible action-proposed ordinance adding “open-Air Markets” to Section 71-4 of the City of La Marque Ordinances Definitions and Section 71-13 Paragraph (C)(1) General Commercial subparagraph (64) of the City of La Marque Ordinances.

Commissioner Stanley made a motion to approve the proposed ordinance. Commissioner Konemman seconds the motion after discussion of where these open markets would be located the motion passed unanimously.

e. Discussion/possible action - proposed change to Section 17-59 and Section 17-60 (C) (6)e & f of the city of La Marque Ordinances regarding location requirements.

Commissioner Stanley made a motion to discuss the ordinance. Commissioner Castelline seconded the motion. After discussion, Commissioner Koneman stated that he would like to know if there is any crime in these game rooms. Commissioner Koneman also added that he would like to require security cameras. Building Official Tim's informed the Commission that the Commission should consider including machines that are operated through a credit/debit machine. The Commission agreed to increase the permit fee to \$600 per machine and stated that 300 feet of distance from an established church, school, daycare, hospital, or another game room is appropriate. Building Official Tims asked the Commission for an opportunity to re-draft the ordinance and present the proposed ordinance at the next regularly scheduled meeting. Commissioner Stanley made a motion to discuss the proposed ordinance further at the next regularly scheduled meeting. Commissioner Castelline seconded the motion. The motion passed unanimously.

7. REQUESTS AND ANNOUNCEMENTS

There were no comments

8. ADJOURNMENT –

Commissioner Koneman made a motion to adjourn the meeting, Commissioner Castelline seconded the motion. The meeting adjourned at 4:40 p.m.

Normann Konneman

ORDINANCE NO.O-2012-1066

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, AMENDING CHAPTER 71, ZONING, SECTION 71-4, DEFINITIONS, AND SECTION 71.13 C-1, GENERAL COMMERCIAL, OF THE CODE OF ORDINANCES, CITY OF LA MARQUE, TO PROVIDE A DEFINITION OF "OPEN AIR MARKET" AND USES THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS:

SECTION ONE:

That Chapter 71, Zoning, Section 71-4, Definitions, of the Code of Ordinances, City of La Marque, Texas, is hereby amended to add the definition of "Open-Air Markets" which shall read as follows:

"Open-Air Markets shall mean an open-air farmer's market for farm and food products or an open-air flea market for new or second hand articles."

SECTION TWO:

That Chapter 71, Zoning, Section 71-13, Paragraph (C)(1), General Commercial, of the Code of Ordinances, City of La Marque, Texas, is hereby amended to add Subparagraph 71-13 (C)(64) which shall read as follows:

"(64) Open-Air Market"

PASSED AND APPROVED on first reading this ____ day of _____, 2012.

PASSED AND APPROVED on second and final reading this the ____ day of _____, 2012.

Bobby Hocking, Mayor
City of La Marque, Texas

ATTEST:

Zina Tedford, City Clerk

ao;7/18/12;Z:\Cities\La Marque\ordopenairmarket.doc



CITY COUNCIL AGENDA FORM

Meeting Date: 9-10-12

Agenda item: 7k

Prepared by: zt

Reviewed by: CJB

Department: Administration

AGENDA ITEM DESCRIPTION:

Discussion/possible action – Resolution **R-2012-1187** of the City Council of the City of La Marque, Texas, approving a legal services agreement with Hodge Law Firm, P.L.L.C., and Tylka Law Center, P.C and Law Offices of A. Craig Eiland P.C.; providing for incorporation of premises and pending an effective date, seeking compensation and other relief arising from windstorm damage caused by Hurricane Ike. Possible Executive Session pursuant to Texas Government Code, Section 551.071 –Consultation with Attorney regarding pending or contemplated litigation or a matter

- ☒ **Attachments for Reference**
- a. Proposed agreement
 - b. Resolution

Staff Briefing:

At the meeting of August 27, 2012, Shaun Hodge, P.L.L.C., Law Offices of A. Craig Eiland, P.C., and Tylka Law Center, P.C. Attorney addressed City Council. Mr. Hodges stated that his firm provides legal services in seeking damages, compensation and other relief that the City of La Marque may be entitled to, arising from windstorm damage caused by Hurricane Ike. Mr. Hodge asked to present an agreement for services for Council consideration at the next meeting with a possible executive session.

History (if applicable):

As discussed at the meeting of August 27, 2012, I met with Mr. Hodge and Mr. Tylka the latter part of June regarding Hurricane Ike windstorm damage. After review of all windstorm documentation provided by staff and initial inspection by a windstorm expert, this firm indicated the City of La Marque may be entitled to additional windstorm funds.

Target Implementation:

Significant Action Dates:



CITY COUNCIL AGENDA FORM

Action:

☐

Ordinance

☒

Resolution

☐

Proclamation

☐

Special Presentation

☐

Finance Report

☐

Public Hearing

☐

Other – Agreement

Cost Details:	
Budgeted	
Estimated Expenditure	
Acct. Name	
Line Item #	
Other Funding	

Staff's Recommendation:

Fiscal Impact: Attorneys to provide services on a contingency basis if funds are recovered. The City is not to absorb any fees.

RESOLUTION NO. R-2012-1187

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, APPROVING A LEGAL SERVICES AGREEMENT WITH HODGE LAW FIRM, PLLC, TYLKA LAW CENTER, P.C. AND LAW OFFICES OF A. CRAIG EILAND P.C.; PROVIDING FOR INCORPORATION OF PREMISES AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of La Marque has determined that it is in the best interests of the City of La Marque and its citizens to retain legal services for the City with regard to seeking damages, compensation, and other relief to which the City of La Marque may be entitled arising from windstorm property damages caused by Hurricane Ike; and

WHEREAS, the City Council has been presented a proposed Legal Services Agreement for such services by and between the City of La Marque, Texas and the Hodge Law Firm, PLLC, Tylka Law Center, PC and Law Offices of A. Craig Eiland P.C. (hereinafter called "Agreement"), a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, upon full review and consideration of the Agreement and all matters attendant and related thereto, the City Council finds that: (1) there is a substantial need for the legal services as provided in the Agreement; (2) the legal services to be provided pursuant to the Agreement cannot be adequately performed by the attorneys and supporting personnel of the City of La Marque or by the attorneys and supporting personnel of another governmental entity; (3) the legal services to be provided pursuant to the Agreement cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the matters for which the services will be obtained or because the State governmental entity does not have appropriated funds available to pay the estimated amounts required under a contract providing only for the payment of hourly fees; (4) that the Agreement should be approved; and (5) the City Manager should be authorized to execute the Agreement on behalf of the City of La Marque.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE THAT:

- Section 1. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.
- Section 2. The Agreement, having been reviewed by the City Council of the City of La Marque, and found to be acceptable and in the best interests of the City of La Marque and its citizens, is hereby in all things approved.
- Section 3. The City Council also authorizes the City Manager to execute and the City Clerk to attest, on behalf of the City of La Marque, the Agreement and all other documents in connection therewith.
- Section 4. This Resolution shall become effective immediately upon its passage.

PASSED AND APPROVED THE 10th DAY OF September 2012.

Bobby Hocking, Mayor

ATTEST:

Zina Tedford, City Clerk

LEGAL SERVICES AGREEMENT

1. **IDENTIFICATION OF PARTIES.** This Agreement, executed in duplicate with each party receiving an executed original, is made between the City of La Marque ("Client") and the Hodge Law Firm, P.L.L.C., and Tylka Law Center, P.C., ("Attorney").

2. **AUTHORIZED REPRESENTATIVE OF CLIENT.** Client designates _____, the _____ or his/her designee, as the authorized representative to direct Attorney and to be the primary individual to communicate with Attorney regarding the subject matter of Attorney's representation of Client under this agreement. This designation is intended to establish a clear line of authority and to minimize potential uncertainty but not to preclude communication between Attorney and other representatives of Client.

3. **LEGAL SERVICES TO BE PROVIDED.** Attorney will provide legal services to Client with respect to seeking damages, compensation, and other relief to which Client may be entitled, arising from windstorm property damage caused by Hurricane Ike ("Claims"). This agreement does not include pursuing flood claims. If unpaid flood damage claims are to be pursued, and additional, separate agreement will be required.

4. **LEGAL SERVICES SPECIFICALLY EXCLUDED.** Attorney will not provide legal services with respect to other related and non-related claims. If Client wishes to retain Attorney to provide any legal services not provided under this Agreement for additional compensation, a separate written agreement between Attorney and Client will be required.

5. **RESPONSIBILITIES OF ATTORNEY AND CLIENT.** Attorney will perform the legal services called for under this Agreement. Attorney will keep Client informed of progress and developments, and respond promptly to Client's reasonable inquiries and communications. Client will be truthful and cooperative with Attorney, disclose to Attorney all facts relevant to the claim, keep Attorney reasonably informed of developments, and be reasonably available to attend any necessary meetings, depositions, preparation sessions, hearings, and trial. Client will have final authority over litigation

decisions. Client affirmatively states to Attorney that Client is not currently represented by any other outside counsel for any claims or lawsuits relating to windstorm property damages from Hurricane Ike. It is further understood and agreed that after the date of this Legal Services Agreement, Client shall not settle any windstorm property damage claim in connection with this matter without first having provided advanced notice to the Attorney.

6. **ATTORNEY'S FEES.** Client has a choice to retain the legal services of Law Offices Shaun Hodge, P.L.L.C., and Tylka Law Center, P.C., under three options. Please select, by a majority affirmative vote of Client and initial your choice:

 Hourly at \$250.00 per hour for attorneys and \$85 per hour for legal assistants, plus expenses. This option requires a \$50,000 retainer which Attorney will bill against for fees and expenses on a monthly basis. When the balance of the account reaches \$10,000.00, Attorney will notify Client and Client fund the account back to a balance of \$50,000 for attorney to continue to bill against.

 Hourly at \$425 per hour for attorneys and \$85 per hour for legal assistants, plus expenses. This option requires no retainer. Attorney will pay expenses as incurred. Attorney will bill on a quarterly basis for fees and expenses incurred, Client will pay fees and expenses incurred within 30 days.

 X Contingency where Attorney bears all risk of fees and expenses and loss. If there is no recovery, Attorney is not reimbursed for fees or expenses. Contingency is a maximum of 35% for fees and 7% for expenses of the Gross Recovery, upon the following terms:

REQUIRED RECITALS.

a. This Agreement is effective after it is reviewed and approved by the Comptroller of the State of Texas and signed by the Client and Attorney;

b. Attorney shall keep written time and expense records that describe the time and expenses spent in providing services under this Agreement;

c. At any time, upon request, Attorney shall permit Client, Client's governing officials, or any other appropriate official to inspect or

obtain copies of the time and expense records kept in accordance with section 6b.

d. Upon conclusion of any matter for which Attorney was retained, Attorney shall provide Client with a complete written statement that describes the outcome of the matter, states the amount of any recovery, shows Attorney's computation of the amount of the fee and expense records.

e. All time and expense records kept in accordance with Section 6 b are public information subject to required public disclosure under Chapter 552 of the Texas Government Code. Information contained in the time and expense records may be withheld from a member of the public under Section 552.103 of the Texas Government Code only if, in addition to meeting the requirements of Section 552.103 of the Texas Government Code, the chief legal officer or employee of Client determines that withholding the information is necessary to protect Client's strategy or position in pending or reasonably anticipated litigation. If any information is withheld in accordance with this Section, Client shall segregate said information from information that is subject to required public disclosure.

f. There is no difference in the method by which the contingent fee, if any, will be computed if any matter is settled, tried, or tried and appealed. The amount of the contingent fee, if any, and reimbursement of expenses under this Agreement will be paid and limited in accordance with applicable provisions to Client under Subchapter C, Chapter 2254 of the Texas Government Code.

g. In the event of a recovery, Client is responsible for the payment of litigation and other expenses previously advanced by Attorney, not to exceed 7% of the Gross Recovery. Any expenses exceeding 7% of the Gross Recovery will be paid by Attorney out of Attorney Fees recovered. In the event that litigation and other expenses are outstanding at the time any matter is settled, tried, or tried and appealed, said outstanding amounts will be deducted from any recovery after the computation of the contingent fee under Section 6.

h. Any subcontracted legal or support services performed by a person who is not associated with Attorney is an expense subject to reimbursement only in accordance with applicable provisions to Client under Subchapter C, Chapter 2254 of the Texas Government Code.

i. If required for the determination of the hourly contingent fee in accordance with applicable provisions to Client under Subchapter C, Chapter 2254 of the Texas Government Code, in anticipation of the multiplier referenced in (k) below, the parties agree to the following reasonable hourly rate schedule for work performed by an attorney, law clerk, legal assistant or paralegal who performs legal or support services under the contract. The rates are based on and are equal to or less than the reasonable and customary rates in the relevant locality for the type of work performed and on the relevant experience, demonstrated ability, and standard hourly billing rate, if any, of the person performing the work:

j. BASE HOURLY FEE:

Law Offices Shaun Hodge, P.L.L.C., and
Tylka Law Center, P.C.,

- i. Shaun Hodge: \$425.00 per hour
- ii. Lawrence M. Tylka: \$425.00 per hour
- iii. Craig Eiland \$425.00 per hour
- iv. Aaron Rankin \$325.00 per hour
- v. Brett Stanley \$300.00 per hour
- vi. Associate attorneys \$250.00 per hour;
- viii. Paralegals and legal assistants \$85 per hour.

k. The hourly contingent fee is computed by multiplying the Base Hourly Fee by the number of hours worked by a multiplier of four (4). This reasonable multiplier is based on expected difficulties in performing the contract, the amount of expenses expected to be risked by Attorney, the expected risk of no recovery, and any expected long delay in recovery. This calculation will represent the total dollar amount of recoverable contingent fee under Section 6 i.-k. of this Agreement. This total dollar amount is not subject to further calculation under Section 6 i.-k.

k-1 In accordance with §2254.106(a), Tex Gov't Code the highest hourly rate for a named person or under a rate schedule may not exceed \$1,000.00 an hour.

k-2 In no event will the contingency fee exceed 35% of the gross amount recovered. The contingency fee will not exceed the lesser of the stated percentage of the amount recovered (35%) or the amount computed under Subsections (i) and (k) above.

l. Client and Attorney agree that Attorney will first seek payment of attorney fees by insurance carriers under Chapter 541 and 542 of the Texas Insurance Code. Client and Attorney further agree that if fees are not paid in addition to identified windstorm property damage, the Attorney will receive a contingent fee for representing Client in this matter. The fee is not set by law but is negotiable between Attorney and Client. Attorney and Client agree that the contingent fee will be calculated as described in section 6a-k.

m. **"Gross Recovery"** means the total amounts recovered under the insurance policies, whether by settlement, appraisal, arbitration award, court judgment following trial or appeal, arising or relating to the Claims, other than the Excluded Insurance Payments (defined below), and includes, without limitation, any or all of the following: (1) the then-present value of any monetary payments to be made to Client; and/or (2) any Attorney's fees recovered by Client as part of any cause of action that provides a basis for such an award; and (3) amounts recovered on the Claims from any source in addition to insurance companies (such as adjusting companies), including but not limited to, claims against adverse parties and/or their insurance carriers and/or any third party whether or not a party to the action, excluding payments from Federal and/or State agencies. The contingent fee provided in this section is to be calculated on the Gross Recovery, before the payment of any costs or expenses provided for in Section 8 below.

Provided, however, that Gross Recovery shall not include the following amounts which Client has negotiated and/or received for windstorm property damage prior to Attorney's engagement: At least \$5,726.33 from

Texas Windstorm Insurance Association (such amounts, to the extent received by Client, are referred to here as "Excluded Insurance Payments"). Attorney shall have no responsibility to assist the Client in collecting all or any portion of the Excluded Insurance Payments, provided however that Client will consult with Attorney prior to executing any releases in connection with the Excluded Insurance Payments to avoid the inadvertent release of claims which may be pursued by the Attorneys.

n. **Reasonable Fee if Contingent Fee is Unenforceable.** In the event that the Client chooses the contingent fee portion of this agreement and it is determined to be unenforceable for any reason or the Attorney is prevented from representing Client on a contingent fee basis, Client agrees to pay a reasonable fee for the services rendered on any Gross Recovery as defined under section 6.

7. COSTS AND EXPENSES.

A. It will be necessary for Attorney to incur and advance certain court costs and other types of expenses for Client. These costs and other expenses may include, but are not limited to, the following: filing and service fees; costs for expert services; consultants, damage adjusters, reasonable and necessary travel expenses (this may include air fare, ground transportation and lodging); deposition expenses and court reporter fees; outside trial services providers; trial equipment rental and operation fees; preparation of exhibits and graphics; the costs of filing briefs and transcripts on appeal; and miscellaneous copying, postage, shipping, and courier expenses. In addition, it may be necessary to employ technical expert witnesses or consultants to examine and report on Client's cause of action or advise on additional methods of recovery. This may include a variety of experts in liability, causation and damage issues, including but not limited to insurance, accounting, engineering, structural engineering, technology, meteorology, and construction specialists. Client agrees that Attorney may employ and pay these expert witnesses.

B. Client agrees that solely out of the Gross Recovery remaining after the payment of Attorney Fees as provided above, Client shall reimburse

Attorney all costs and expenses in connection with prosecution of Client's claim(s). In no event will costs, expenses and attorneys fees exceed 42% of Gross Recovery.

C. Client understands that Attorney fees may incur certain expenses that jointly benefit multiple clients, including, for example, expenses for travel, experts, and copying. Client agrees that Attorney may, in its discretion, divide such expenses equally or pro rata among such clients, and deduct Client's portion of those expenses from Client's share of any recovery. Attorney agrees to meet with Client on a reasonable basis when requested and provide Client with a status report of costs and expenses, along with an update on the progress of the Claims. Such costs shall be identified along with details. In no event shall Client be required to pay costs or expenses if there is no recovery. All such costs and expenses shall only be deducted from actual recovery as herein described.

8. **REPRESENTATION OF RELATED INTERESTS.** Attorney shall have the right to represent other clients in other actions arising from injuries and damages caused by Hurricane Ike or similar litigation without the consent of Client, subject to the requirements of the Texas Rules of Professional Conduct relating to conflicts of interest.

9. **SETTLEMENT.** Attorney will not settle Client's claim without the approval of Client, who will have the absolute right to accept or reject any settlement. Attorney will notify Client promptly of the terms of any settlement offer received by Attorney.

10. **POWER OF ATTORNEY.** Client gives Attorney a power of attorney to execute all reasonable and necessary documents connected with the performance of legal services provided under this agreement including pleadings, motions, notices, and all other documents that Client could properly execute. Client's claims will not be settled without obtaining Client's consent

11. **DISCHARGE OF ATTORNEY.** Client may discharge Attorney at any time by written notice effective when received by Attorney. Unless specifically agreed by Attorney and Client, Attorney will provide no further

services and advance no further costs on Client's behalf after receipt of the notice.

If Attorney is Client's attorney of record in any proceeding, Client will execute and return a substitution-of-attorney form. In the event that Attorney is discharged, for whatever reason, Client may be obligated to pay Attorney a reasonable fee and cost reimbursement after the receipt of a final cost accounting from Attorney.

12. **WITHDRAWAL OF ATTORNEY.** Client and Attorney agree that if, after investigation of the facts and research of the law, Attorney believes that Client's claims are of limited merit or value to the Client, Attorney may terminate this agreement with Client prior to and without filing suit, and said termination will release Attorney from any further action on Client's claim and discharge Attorney from this Agreement. Termination will be effected via delivery service with signature receipt to the last address provided by Client to Attorney. After filing suit, Attorney may withdraw as permitted under the Texas Disciplinary Rules of Professional Conduct. Upon termination of representation, Attorney shall take steps to the extent reasonably practicable to protect Client's interests, will give reasonable notice to Client, will allow time for employment of other counsel, and will surrender papers and property to which Client is entitled, except that if Attorney withdraws because Attorney believes Client's claims are of limited merit, then Client will have no obligation to pay Attorney for services provided except to the extent a value has been created by Attorneys.

13. **ASSOCIATION OF ADDITIONAL COUNSEL.** Client agrees that Attorney may associate additional lawyers or firms to assist in representing Client and prosecuting Client's claim(s) or cause(s) of action. A portion of the agreed upon attorney's fees may be paid to other attorneys. The association of additional attorneys will not increase the total fee owed by Client (except that additional counsel hours will be included in calculation of total attorney's fees at the rate of \$250 per hour before multiplier). After initial review and evaluation, if additional attorneys, counsel or expertise is necessary or advisable, at Attorney's sole determination, Attorney shall

advise Client of additional counsel Attorney seeks to associate. Client's consent to additional counsel will not be unreasonably withheld.

14. **RELEASE OF CLIENT'S PAPERS AND PROPERTY.** At the termination of services under this Agreement, Attorney will release promptly to Client upon request all of Client's papers and property. "Client's paper and property" includes correspondence, deposition transcripts, exhibits, experts' reports, legal documents, physical evidence, and other items reasonably necessary to Client's representation, whether Client has paid for them or not.

15. **INDEPENDENT CONTRACTOR.** The relationship to Client of Attorney, and any associate counsel, legal assistant or paralegal provided through Attorney, in the performance of services hereunder is that of independent contractor and not that of employee of the Client and no other wording of this agreement shall stand in derogation of this paragraph. The fees and costs paid to Attorney hereunder shall be deemed revenues of their law office practice and not as remuneration for individual employment apart from the business of that law office.

16. **NOTICE.** All written notice and communications to Client relating to this agreement shall be mailed or emailed with delivery receipt requested to or personally delivered to _____, and written notices and communications to Attorney relating hereto shall be mailed or emailed with delivery receipt requested to or personally delivered to Attorneys at their offices: Hodge Law Firm, P.L.L.C., Old Galveston Square, 2211 The Strand, Suite 201, Galveston, Texas 77550 and/or at Tylka Law Center, P.C., 1104 East Main, League City, Texas 77573 unless and/or until Attorney notifies Client of a change of office address.

17. **DISCLAIMER OF GUARANTEE.** Although Attorney may offer an opinion about possible results regarding the subject matter of this Agreement, Attorney cannot guarantee any particular result. Client acknowledges that Attorney has made no promises about the outcome and that any opinion offered by Attorney in the future will not constitute a guarantee.

18. **ENTIRE AGREEMENT.** This Agreement contains the entire agreement of the parties. No other agreement, statement, or promise made on or before the effective date of this Agreement will be binding on the parties.

19. **SEVERABILITY IN EVENT OF PARTIAL INVALIDITY.** If any provision of this Agreement is held in whole or in part to be unenforceable, void, or voidable for any reason, the remainder of that provision and of the entire Agreement will be severable and remain in effect.

20. **MODIFICATION BY SUBSEQUENT AGREEMENT.** This Agreement may be modified by subsequent agreement of the parties only by an instrument in writing signed by both of them or an oral agreement to the extent that the parties carry it out.

21. **ATTORNEY'S FEES AND COSTS IN ACTION ON AGREEMENT.** The prevailing party in any action or proceeding to enforce any provision of this Agreement will be awarded reasonable attorney's fees and costs incurred in that action or proceeding or in efforts to negotiate the matter.

22. **EFFECTIVE DATE OF AGREEMENT.** The effective date of this agreement will be the date when this agreement is signed by Client and Attorney after being reviewed and approved by the Comptroller of the State of Texas.

23. **CHOICE OF LAW.** This Agreement shall be construed in accordance with the laws of the State of Texas with proper venue in Galveston County, Texas.

24. **EXECUTION.** This Agreement may be executed by transmittal of facsimile signature counterparts.

This agreement and its performance are subject to the Texas Disciplinary Rules of Professional Conduct. The foregoing is agreed to by the parties on this _____ day of _____, 2012.

CITY OF LA MARQUE

Authorized Agent
City of La Marque, Texas

ATTEST:

City Secretary
City of La Marque, Texas

Shaun W. Hodge
Hodge Law Firm, P.L.L.C.
Old Galveston Square
2211 The Strand, Suite 202
Galveston, Texas 77550
Telephone: 409-763-3260
Facsimile: 409-763-8154

Lawrence M. Tylka
Tylka Law Center, P.C.
1104 East Main
League City, Texas 77573
Telephone: 281-557-1500



CITY COUNCIL AGENDA FORM

Meeting Date: 9-10-12

Agenda item: 71

Prepared by: zt

Reviewed by: CJB

Department: Administration

AGENDA ITEM DESCRIPTION:

City Manager Review – Possible Executive Session pursuant to Texas Government Code Section, 551.074, Personnel Matters

☐

Attachments for Reference

Staff Briefing:

Councilmember Osteen requested this item be placed on the agenda as an Executive Session.

History (if applicable):

Target Implementation:

Significant Action Dates:

Action:

☐

Ordinance

☐

Resolution

☐

Proclamation

☐

Special Presentation

☐

Finance Report

☐

Public Hearing

☒

Other

Cost Details:

Budgeted	
Estimated Expenditure	
Acct. Name	
Line Item #	
Other Funding	

Staff's Recommendation:

Fiscal Impact:

**CITY OF LA MARQUE
INTER-DEPARTMENTAL
COMMUNICATION**

TO: Honorable Mayor Hocking and City Councilmembers
FROM: Carol Buttler, City Manager
DATE: September 10, 2012
SUBJECT: City Manager Report – August 2012

Council indicated a preference to receive a report at both Council meetings each month. At the first meeting of the month, staff will provide you narratives of information acquired since the previous meeting. At the second meeting of the month, staff will continue to provide you the data charts plus narratives of information that occurred between Council meetings.

a. Development Development Services

- **Inspections**

Development Services Department held a pre-construction meeting for the proposed SAM's club. Attending this meeting were representatives from Bureau Veritas, Public Works, Fire Department, Texas New Mexico and developers from SAM's. At this meeting, we discussed how the team will make this project a success. Building permits were issued for several commercial projects including an electric warehouse on Main. An inspection was conducted at the new Animal Alliance Building on Bayou. On a separate note, there was a small fire at an apartment complex on August 31st. With the assistance of the LMFD, Texas New Mexico, Harold Electric and others, we were able to have the residents of the complex back in their homes by 10:00 pm that evening.

- **Code Enforcement**

Building Standards Commission issued four orders of demolition and staff is proceeding with the demolition soon. Code Enforcement Officer Fannie Boulding resigned. She will be pursuing other interests and staff wished her the best of luck.

b. Public Safety

- **Personnel:**

- **LMPD:**

- One (1) upcoming Officer vacancy (effective 9-4-12) will exist. Interviews being conducted to fill vacancy.

- **LMFD:**

- Currently two (2) Firefighter vacancies exist. Positions are posted and applications are being accepted. An additional Firefighter position will exist effective 9-16-12.

- **Training:**

- **LMPD:**

- Telecommunicator Kellie Ladd attended *In Progress* eight (8) hour course conducted by Harris County 911 District. Telecommunicators Teresa Scott and Tiawanna Porter attended a 24-hour *ICC Spanish Course for Telecommunicators* at Baytown Police Department.

- **LMFD:**

- In-house training (by shifts) was conducted relating to EMS and Fire training.

Operations:**LMPD:**

On 8-24-12 while LMPD Officer Gilberto Rodriguez was on foot investigating a possible crashed vehicle on the southbound feeder road at the "Terminal Overpass," his patrol vehicle was rear-ended by a vehicle. It is fortunate that Officer Rodriguez was not in the vehicle: he was not injured. Vehicle operator was arrested and charged with DWI. LMPD vehicle sustained approximately \$6K damage and appears to be restorable to fleet service.

LMFD:

Continuing efforts to develop and revise SOG's for effective operations. Work-in-progress on the following SOG's: *Ride-a-Long Program*, *Daily Duties*, and *Complaint Processing*. Station tones being worked on by Kyle.

c. Judicial

- Court Clerk continues searching database for defendants with old warrants with no identifiers. Court Clerk is currently working on the letter "T" and will complete this project soon. These cases have been researched one or more times and we are unable to locate these defendants. Due to the passage of time, successful prosecution is unlikely. The City Marshal has completed her taser training and is now certified to carry the x2 taser which is equipped with a taser cam that includes audio/video capability.
- At the end of this report are the monthly statistics for citations and warnings issued by LMPD, including the traffic enforcement officer. There were 10 warnings issued. PD issued a total of 433 citations, 575 violations. Out of those totals, the traffic enforcement officer issued 142 citations, 200 violations respectively. Each violation is considered a new case filed.

d. Emergency Management

- The Office of Emergency Management offered support to the residents affected by an apartment fire at 525 Laurel Street. Water and Gatorade was provided to the displaced residents and to emergency workers. Transportation to the Library, a designated cooling center, was offered to the residents to help get them out of the sun. This offer was declined.
- The Office of Emergency Management continues to monitor the extreme heat conditions in our area. If the situation escalates, La Marque currently has two designated cooling centers, the La Marque Library and the community room at Carbide Park.
- The Office of Emergency Management is closely monitoring the outbreak of West Nile Virus and West Nile Fever throughout the State. Updates from the State Operations Center are provided daily and information is available to citizens. To date, there are no reported cases in Galveston County.
- The Burn Ban remains in effect for the City of La Marque. City Ordinance prohibits burning within the city limits. All violators will be issued a citation. While there has been rainfall recently, there are still other mitigating circumstances that call for the burn ban. Those citizens wishing to burn are reminded of the option of taking brush to the landfill free of charge. Some burn permits have been offered in the past; however, there are very specific criteria including setbacks, water source and level of training. Most of property within the city limits cannot meet these requirements. Any questions regarding burn permits may be directed to the Office of the Fire Marshal.

- **Grants**

EMC Pierce continues to review outstanding grant projects and complete audit paperwork as requested. Ms. Pierce recently submitted a grant request to First Choice Power for \$10,000. These funds are to update/replace computer equipment in the Library. The Grant Administration Team is currently reviewing a grant application from HGAC that can be used for solid waste projects. Additionally, EMC Pierce is working on an Emergency Management grant from Dow for \$15,000. These funds will be used to reach compliance with the State and Federal guidelines for Emergency Operations Centers.

d. EDC Director's Report

- Director Getty has been working with the developers (Five Tyler, LLC) that have the roughly 2 acres under contract that fronts on FM 2004.
The plat was approved by the Planning & Zoning Commission on August 30, 2012 Pending Council approval, the EDC will close the sale in September.
The developer is projected to have the new building built and occupied in February 2013. 48 permanent jobs will be transferred/created as a result of this development.
The La Marque Economic Development Corporation has entered into an earnest money contract to sell the building it owns located at 4635 FM 1765.
The EDC is set to close on the sale in September.
- The Sam's Club site clearing is coming along.
The new store could be open as soon as February.
"The Retail Coach" updated our demographic and retail leakage information.
Customized packages will be sent out to targeted retailers.

JUDICIAL DEPARTMENT

Beginning Date.....: 08/01/2012
Ending Date.....: 08/31/2012
by Citation date
Agency.....: POLICE DEPARTMENT
Officer.....: All
Type of Offense.....: All
Special Flag.....:
Total by Race/Sex.....: Yes
Sort By.....: Officer Badge

PD POLICE DEPARTMENT

514 RODRIGUEZ, R

Totals for Officer

Number of Citations for Officer.....:	1
Number of Violations for Officer.....:	2
Amount of Fines/Fees Assessed.....:	\$761.00
Amount of Paid/Bond Applied.....:	\$0.00
Amount Outstanding.....:	\$761.00
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	0
Number of Citations by Sex	
Male	1
Female	0
Unknown	0
Number of Citations by Race	
Black	1

516 CAGNON, KENNETH

Totals for Officer

Number of Citations for Officer.....:	30
Number of Violations for Officer.....:	31
Amount of Fines/Fees Assessed.....:	\$7,402.76
Amount of Paid/Bond Applied.....:	\$2,670.76
Amount Outstanding.....:	\$4,732.00
Number of Citations to Juveniles.....:	2
Number of Citations to Minors.....:	4
Number of Citations by Sex	
Male	18
Female	12
Unknown	0
Number of Citations by Race	
Black	3
White	20
HISPANIC	5
MIDDLE EASTERN	1
American Indian	1

520 PRICE, GEFFORY

Totals for Officer

Number of Citations for Officer.....:	19
Number of Violations for Officer.....:	21

Amount of Fines/Fees Assessed.....:	\$5,569.92
Amount of Paid/Bond Applied.....:	\$271.92
Amount Outstanding.....:	\$5,298.00
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	2
Number of Citations by Sex	
Male	14
Female	5
Unknown	0
Number of Citations by Race	
Black	10
White	9

530 KELEMEN,MIKE

Totals for Officer

Number of Citations for Officer.....:	15
Number of Violations for Officer.....:	17
Amount of Fines/Fees Assessed.....:	\$5,795.21
Amount of Paid/Bond Applied.....:	\$120.21
Amount Outstanding.....:	\$5,675.00
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	1
Number of Citations by Sex	
Male	13
Female	2
Unknown	0
Number of Citations by Race	
Black	8
White	7

531 RAMER,M

Totals for Officer

Number of Citations for Officer.....:	19
Number of Violations for Officer.....:	19
Amount of Fines/Fees Assessed.....:	\$7,464.25
Amount of Paid/Bond Applied.....:	\$348.25
Amount Outstanding.....:	\$7,116.00
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	6
Number of Citations by Sex	
Male	13
Female	6

Unknown 0

Number of Citations by Race

Black 7
White 12

532 MONTANEZ, DOMINGO

Totals for Officer

Number of Citations for Officer.....: 1
Number of Violations for Officer.....: 1
Amount of Fines/Fees Assessed.....: \$564.00
Amount of Paid/Bond Applied.....: \$0.00
Amount Outstanding.....: \$564.00
Number of Citations to Juveniles.....: 1

Number of Citations to Minors.....: 0

Number of Citations by Sex

Male 0
Female 1
Unknown 0

Number of Citations by Race

Black 1

534 KING, CONAN

Totals for Officer

Number of Citations for Officer.....: 13
Number of Violations for Officer.....: 20
Amount of Fines/Fees Assessed.....: \$5,358.00
Amount of Paid/Bond Applied.....: \$197.00
Amount Outstanding.....: \$5,161.00
Number of Citations to Juveniles.....: 0

Number of Citations to Minors.....: 2

Number of Citations by Sex

Male 11
Female 2
Unknown 0

Number of Citations by Race

Black 5
White 4
HISPANIC 4

536 HUNTER, DAVID

Totals for Officer

Number of Citations for Officer.....:	67
Number of Violations for Officer.....:	86
Amount of Fines/Fees Assessed.....:	\$22,792.66
Amount of Paid/Bond Applied.....:	\$3,114.66
Amount Outstanding.....:	\$19,678.00
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	7
Number of Citations by Sex	
Male	48
Female	19
Unknown	0
Number of Citations by Race	
Black	41
White	23
HISPANIC	3

538 WALTON, H

Totals for Officer

Number of Citations for Officer.....:	10
Number of Violations for Officer.....:	12
Amount of Fines/Fees Assessed.....:	\$3,420.00
Amount of Paid/Bond Applied.....:	\$0.00
Amount Outstanding.....:	\$3,420.00
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	0
Number of Citations by Sex	
Male	8
Female	2
Unknown	0
Number of Citations by Race	
Black	4
White	5
Asian	1

539 DAY, J

Totals for Officer

Number of Citations for Officer.....:	50
Number of Violations for Officer.....:	66
Amount of Fines/Fees Assessed.....:	\$19,343.92
Amount of Paid/Bond Applied.....:	\$773.92
Amount Outstanding.....:	\$18,570.00
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	4

Number of Citations by Sex	
Male	33
Female	16
Unknown	1

Number of Citations by Race	
Black	26
White	21
HISPANIC	2

540 GUZMAN,JESSE

Totals for Officer

Number of Citations for Officer.....:	142
Number of Violations for Officer.....:	200
Amount of Fines/Fees Assessed.....:	\$51,786.92
Amount of Paid/Bond Applied.....:	\$7,295.62
Amount Outstanding.....:	\$44,491.30
Number of Citations to Juveniles.....:	0

Number of Citations to Minors.....:	9
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Number of Citations by Sex	
Male	71
Female	71
Unknown	0

Number of Citations by Race	
Black	67
White	72
HISPANIC	1
American Indian	1
Asian	1

543 RODRIGUEZ,G

Totals for Officer

Number of Citations for Officer.....:	5
Number of Violations for Officer.....:	5
Amount of Fines/Fees Assessed.....:	\$1,689.00
Amount of Paid/Bond Applied.....:	\$0.00
Amount Outstanding.....:	\$1,689.00
Number of Citations to Juveniles.....:	2

Number of Citations to Minors.....:	2
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Number of Citations by Sex	
Male	3
Female	2
Unknown	0

Number of Citations by Race

Black	1
White	4

544 LIVELY, AMBER

Totals for Officer

Number of Citations for Officer.....:	3
Number of Violations for Officer.....:	3
Amount of Fines/Fees Assessed.....:	\$1,692.00
Amount of Paid/Bond Applied.....:	\$0.00
Amount Outstanding.....:	\$1,692.00
Number of Citations to Juveniles.....:	0

Number of Citations to Minors.....:	0
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Number of Citations by Sex

Male	2
Female	1
Unknown	0

Number of Citations by Race

Black	2
White	1

545 SAMUELSON, SHELBY

Totals for Officer

Number of Citations for Officer.....:	20
Number of Violations for Officer.....:	39
Amount of Fines/Fees Assessed.....:	\$10,375.59
Amount of Paid/Bond Applied.....:	\$1,027.59
Amount Outstanding.....:	\$9,348.00
Number of Citations to Juveniles.....:	0

Number of Citations to Minors.....:	4
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Number of Citations by Sex

Male	12
Female	8
Unknown	0

Number of Citations by Race

Black	10
White	10

548 CAMPBELL, J

Totals for Officer

Number of Citations for Officer.....:	5
Number of Violations for Officer.....:	10
Amount of Fines/Fees Assessed.....:	\$3,513.00
Amount of Paid/Bond Applied.....:	\$0.00
Amount Outstanding.....:	\$3,513.00
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	2
Number of Citations by Sex	
Male	5
Female	0
Unknown	0
Number of Citations by Race	
Black	4
White	1

550 BEST,A

Totals for Officer

Number of Citations for Officer.....:	21
Number of Violations for Officer.....:	30
Amount of Fines/Fees Assessed.....:	\$8,663.42
Amount of Paid/Bond Applied.....:	\$1,101.42
Amount Outstanding.....:	\$7,562.00
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	1
Number of Citations by Sex	
Male	12
Female	9
Unknown	0
Number of Citations by Race	
Black	6
White	14
HISPANIC	1

551 CLARK,JESSICA

Totals for Officer

Number of Citations for Officer.....:	12
Number of Violations for Officer.....:	13
Amount of Fines/Fees Assessed.....:	\$2,958.82
Amount of Paid/Bond Applied.....:	\$409.82
Amount Outstanding.....:	\$2,549.00
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	0

Number of Citations by Sex

Male	5
Female	7
Unknown	0

Number of Citations by Race

Black	5
White	6
Asian	1

Totals for Agency

Number of Citations for Agency.....:	433
Number of Violations for Agency.....:	575
Amount of Fines/Fees Assessed.....:	\$159,150.47
Amount of Paid/Bond Applied.....:	\$17,331.17
Amount Outstanding.....:	\$141,819.30
Number of Citations to Juveniles.....:	5

Number of Citations to Minors.....:	44
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Number of Citations by Sex

Male	269
Female	163
Unknown	1

Number of Citations by Race

Black	201
White	209
HISPANIC	16
MIDDLE EASTERN	1
American Indian	2
Asian	3

Grand Totals

Total Number of Citations.....:	433
Total Number of Violations.....:	575
Total Amount of Fines/Fees Assessed:	\$159,150.47
Total Amount of Paid/Bonds Applied..:	\$17,331.17
Amount Outstanding.....:	\$141,819.30
Total Number of Citations Juveniles..:	5

Total Number of Citations Minors.....:	44
--	----

Total Number of Citations by Sex

Male	269
Female	163
Unknown	1

Total Number of Citations by Race

Black	201
White	209
HISPANIC	16
MIDDLE EASTERN	1
American Indian	2
Asian	3

Beginning Date.....: 08/01/2012
Ending Date.....: 08/31/2012
by Citation date
Agency.....: POLICE DEPARTMENT
Officer.....: GUZMAN, JESSE
Type of Offense.....: All
Special Flag.....:
Total by Race/Sex.....: Yes
Sort By.....: Officer Badge

PD POLICE DEPARTMENT

540 GUZMAN, JESSE

Totals for Officer

Number of Citations for Officer.....:	142
Number of Violations for Officer.....:	200
Amount of Fines/Fees Assessed.....:	\$51,786.92
Amount of Paid/Bond Applied.....:	\$7,295.62
Amount Outstanding.....:	\$44,491.30
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	9
Number of Citations by Sex	
Male	71
Female	71
Unknown	0
Number of Citations by Race	
Black	67
American Indian	1
White	72
HISPANIC	1
Asian	1

Totals for Agency

Number of Citations for Agency.....:	142
Number of Violations for Agency.....:	200
Amount of Fines/Fees Assessed.....:	\$51,786.92
Amount of Paid/Bond Applied.....:	\$7,295.62
Amount Outstanding.....:	\$44,491.30
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	9
Number of Citations by Sex	
Male	71
Female	71
Unknown	0
Number of Citations by Race	
Black	67
American Indian	1
White	72
HISPANIC	1
Asian	1

Grand Totals

Total Number of Citations.....:	142
Total Number of Violations.....:	200
Total Amount of Fines/Fees Assessed:	\$51,786.92
Total Amount of Paid/Bonds Applied..:	\$7,295.62
Amount Outstanding.....:	\$44,491.30
Total Number of Citations Juveniles.:	0
Total Number of Citations Minors.....:	9
Total Number of Citations by Sex	
Male	71
Female	71
Unknown	0
Total Number of Citations by Race	
Black	67
American Indian	1
White	72
HISPANIC	1
Asian	1

Beginning Date.....: 08/01/2012
Ending Date.....: 08/31/2012
by Citation date
Agency.....: POLICE DEPARTMENT
Officer.....: All
Type of Offense.....: All
Special Flag.....:
Total by Race/Sex.....: Yes
Sort By.....: Officer Badge

PD POLICE DEPARTMENT

531 RAMER,M

Totals for Officer

Number of Citations for Officer.....	1
Number of Violations for Officer.....	1
Amount of Fines/Fees Assessed.....	\$0.00
Amount of Paid/Bond Applied.....	\$0.00
Amount Outstanding.....	\$0.00
Number of Citations to Juveniles.....	0
Number of Citations to Minors.....	0
Number of Citations by Sex	
Male	1
Female	0
Unknown	0
Number of Citations by Race	
White	1

539 DAY,J

Totals for Officer

Number of Citations for Officer.....	1
Number of Violations for Officer.....	1
Amount of Fines/Fees Assessed.....	\$0.00
Amount of Paid/Bond Applied.....	\$0.00
Amount Outstanding.....	\$0.00
Number of Citations to Juveniles.....	0
Number of Citations to Minors.....	0
Number of Citations by Sex	
Male	1
Female	0
Unknown	0
Number of Citations by Race	
White	1

540 GUZMAN,JESSE

Totals for Officer

Number of Citations for Officer.....	2
Number of Violations for Officer.....	2
Amount of Fines/Fees Assessed.....	\$0.00
Amount of Paid/Bond Applied.....	\$0.00
Amount Outstanding.....	\$0.00
Number of Citations to Juveniles.....	0

Number of Citations to Minors.....:	0
Number of Citations by Sex	
Male	0
Female	2
Unknown	0
Number of Citations by Race	
Black	2

550 BEST,A

Totals for Officer

Number of Citations for Officer.....:	6
Number of Violations for Officer.....:	11
Amount of Fines/Fees Assessed.....:	\$0.00
Amount of Paid/Bond Applied.....:	\$0.00
Amount Outstanding.....:	\$0.00
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	1
Number of Citations by Sex	
Male	2
Female	4
Unknown	0
Number of Citations by Race	
White	4
Black	2

Totals for Agency

Number of Citations for Agency.....:	10
Number of Violations for Agency.....:	15
Amount of Fines/Fees Assessed.....:	\$0.00
Amount of Paid/Bond Applied.....:	\$0.00
Amount Outstanding.....:	\$0.00
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	1
Number of Citations by Sex	
Male	4
Female	6
Unknown	0
Number of Citations by Race	
White	6
Black	4

Grand Totals

Total Number of Citations.....:	10
Total Number of Violations.....:	15
Total Amount of Fines/Fees Assessed:	\$0.00
Total Amount of Paid/Bonds Applied..:	\$0.00
Amount Outstanding.....:	\$0.00
Total Number of Citations Juveniles.:	0
Total Number of Citations Minors.....:	1
Total Number of Citations by Sex	
Male	4
Female	6
Unknown	0
Total Number of Citations by Race	
White	6
Black	4

FIRE DEPARTMENT

City of La Marque

Fire Department
Month: August
Year: 2012

Current Month August 2012	Current Mo. Previous Year (August 2011)	Prev. Month (July 2012)	Fiscal Yr to Date 2011-2012	Fiscal Prev. Yr. to Date 2010-2011
<u>Fires</u>				
5	7	11	79	79
<u>Overpressures, Explosions</u>				
1	1	0	6	6
<u>Rescue & EMS</u>				
126	130	135	1,394	1,423
<u>HAZMAT</u>				
9	1	5	55	29
<u>Good Intent</u>				
15	17	15	142	150
<u>False Alarm</u>				
3	9	7	61	79

La Marque Fire / Rescue

Incident Type Report (Summary)

Alarm Date Between {08/01/2012} And {08/31/2012}

Incident Type	Count	Pct of Incidents	Total Est Loss	Pct of Losses
1 Fire				
111 Building fire	2	1.20%	\$15,000	65.21%
143 Grass fire	1	0.60%	\$0	0.00%
154 Dumpster or other outside trash receptacle	1	0.60%	\$0	0.00%
160 Special outside fire, Other	1	0.60%	\$0	0.00%
	5	3.01%	\$15,000	65.21%
2 Overpressure Rupture, Explosion, Overheat (no fire)				
221 Overpressure rupture of air or gas	1	0.60%	\$0	0.00%
	1	0.60%	\$0	0.00%
3 Rescue & Emergency Medical Service Incident				
300 Rescue, EMS incident, other	5	3.01%	\$0	0.00%
311 Medical assist, assist EMS crew	3	1.80%	\$0	0.00%
321 EMS call, excluding vehicle accident with	110	66.26%	\$0	0.00%
322 Motor vehicle accident with injuries	2	1.20%	\$0	0.00%
324 Motor Vehicle Accident with no injuries	5	3.01%	\$8,000	34.78%
350 Extrication, rescue, Other	1	0.60%	\$0	0.00%
	126	75.90%	\$8,000	34.78%
4 Hazardous Condition (No Fire)				
411 Gasoline or other flammable liquid spill	1	0.60%	\$0	0.00%
412 Gas leak (natural gas or LPG)	3	1.80%	\$0	0.00%
440 Electrical wiring/equipment problem, Other	1	0.60%	\$0	0.00%
444 Power line down	1	0.60%	\$0	0.00%
445 Arcing, shorted electrical equipment	3	1.80%	\$0	0.00%
	9	5.42%	\$0	0.00%
5 Service Call				
500 Service Call, other	4	2.40%	\$0	0.00%
510 Person in distress, Other	1	0.60%	\$0	0.00%
550 Public service assistance, Other	1	0.60%	\$0	0.00%
	6	3.61%	\$0	0.00%
6 Good Intent Call				
600 Good intent call, Other	6	3.61%	\$0	0.00%
611 Dispatched & cancelled en route	5	3.01%	\$0	0.00%
622 No Incident found on arrival at dispatch	2	1.20%	\$0	0.00%
651 Smoke scare, odor of smoke	2	1.20%	\$0	0.00%

La Marque Fire / Rescue

Incident Type Report (Summary)

Alarm Date Between {08/01/2012} And {08/31/2012}

Incident Type	Count	Pct of Incidents	Total Est Loss	Pct of Losses
	15	9.03%	\$0	0.00%
7 False Alarm & False Call				
711 Municipal alarm system, malicious false	1	0.60%	\$0	0.00%
735 Alarm system sounded due to malfunction	1	0.60%	\$0	0.00%
745 Alarm system activation, no fire -	1	0.60%	\$0	0.00%
	3	1.80%	\$0	0.00%
9 Special Incident Type				
911 Citizen complaint	1	0.60%	\$0	0.00%
	1	0.60%	\$0	0.00%

Total Incident Count: 166

Total Est Loss: \$23,000

CALL STATISTICS FY 2010- 2011
La Marque Fire/Rescue

PATIENT DISPOSITION BY MONTH													
Disposition		OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Encounters		139	139	132	116	102	128	109	137	125	108	109	122
Transports		98	94	90	94	80	94	84	104	97	93	77	90
Aeromedical		0	0	0	0	0	0	0	0	0	0	0	0
Dead On Scene		1	0	1	1	1	0	0	2	0	1	3	2
Refusals		40	45	41	21	21	34	25	31	28	13	29	30
RESPONSE TIMES PER MONTH (minutes)													
Unit Status		OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Dispatch - Location		5	5	5	4	5	4	5	4	4	5	5	5
Location - To Hospital		16	17	19	16	15	15	16	15	15	15	16	16
To Hospital - At Hospital		11	11	12	10	10	9	10	10	9	9	11	9
At Hospital - In Service		25	29	30	27	29	27	30	27	28	29	31	25
Location - At Hospital		26	26	29	24	25	25	25	24	23	23	25	22
Dispatch - At Hospital		31	31	35	29	30	30	29	29	28	29	31	28
Dispatch - In Service		48	51	53	52	52	48	53	48	52	55	53	47

CALL STATISTICS FY 2011- 2012

La Marque Fire/Rescue

PATIENT DISPOSITION BY MONTH												
Disposition	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Encounters	150	102	104	110	120	112	110	125	135	132	117	
Transports	113	78	85	93	104	92	87	101	106	107	97	
Aeromedical	0	0	0	0	0	0	0	0	0	0	0	
Dead On Scene	0	1	1	0	1	0	0	0	2	3	3	
Refusals	37	23	18	17	15	20	23	24	27	22	17	
RESPONSE TIMES PER MONTH (minutes)												
Unit Status	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Dispatch - Location	5	5	5	5	7	5	5	5	6	5	5	
Location - To Hospital	17	16	15	15	15	16	17	17	16	17	15	
To Hospital - At Hospital	11	8	9	9	11	11	10	11	11	11	9	
At Hospital - In Service	28	25	32	31	29	34	33	34	33	35	37	
Location - At Hospital	26	23	24	24	25	25	25	26	26	26	23	
Dispatch - At Hospital	31	28	30	30	31	30	30	32	32	32	29	
Dispatch - In Service	54	49	57	57	58	58	58	60	58	61	60	

CALL STATISTICS 2012
La Marque Fire/Rescue

PATIENT TRANSPORTS BY RECEIVING FACILITY													
Facility Code	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOT
CStJoseph	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%				0 0%
MD	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%				0 0%
WomenTx	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%				0 0%
MHSE	0 0%	0 0%	1 1%	0 0%	3 3%	3 2%	3 2%	1 1%	0 0%				11 1%
UTMBHosp	8 8%	14 13%	18 19%	12 13%	17 17%	18 17%	20 19%	10 10%	1 11%				118 15%
MHPB	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%				0 0%
MHCH	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%				0 0%
CLRH	7 7%	8 7%	8 8%	5 5%	8 8%	7 6%	11 10%	6 6%	0 0%				60 7%
St John	1 1%	1 0%	1 1%	2 2%	2 2%	0 0%	3 2%	1 1%	1 11%				12 1%
SanJac	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%				0 0%
Mainlnd	77 82%	80 77%	64 69%	67 77%	69 69%	75 72%	67 64%	78 81%	7 77%				584 74%
Bellaire	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%				0 0%
Hermann	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%				0 0%
ShrinrBH	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%				0 0%
St Luke	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%				0 0%
TXChld	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%				0 0%
Methodist	0	0	0	0	0	0	0	0	0				0

	0%	0%	0%	0%	0%	0%	0%	0%	0%				0%
TOTAL	93 100 %	103 100 %	92 100 %	86 100 %	99 100 %	103 100 %	104 100 %	96 100 %	9 100 %				785 100 %

PATIENT DISPOSITION BY MONTH													
Disposition	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOT
Encounters	111	120	114	110	125	136	132	117	17				982
Transports	94 84%	104 86%	93 81%	87 79%	100 80%	107 78%	107 81%	97 82%	9 52%				798 81%
Aeromedical	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%				0 0%
Dead On Scene	0 0%	1 0%	0 0%	0 0%	0 0%	2 1%	3 2%	3 2%	0 0%				9 0%
Unfounded	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%				0 0%
Refusals	17 15%	15 12%	21 18%	23 20%	25 20%	27 19%	22 16%	17 14%	8 47%				175 17%

CALLS BY TIME OF DAY													
Time	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOT
0600-1159	35 31%	38 31%	25 21%	30 27%	33 26%	36 26%	36 27%	29 24%	2 11%				264 26%
1200-1759	28 25%	38 31%	43 37%	40 36%	44 35%	40 29%	43 32%	36 30%	4 23%				316 32%
1800-2359	28 25%	24 20%	32 28%	24 21%	30 24%	32 23%	35 26%	34 29%	7 41%				246 25%
0000-0559	20 18%	20 16%	14 12%	16 14%	18 14%	28 20%	19 14%	18 15%	4 23%				157 15%

PATIENT AGE BY MONTH													
Years Old	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOT
<1	0 0%	0 0%	1 0%	1 0%	1 0%	1 0%	0 0%	0 0%	0 0%				4 0%

1-8	1 0%	0 0%	6 5%	0 0%	0 0%	5 3%	5 3%	3 2%	0 0%				20 2%
9-12	1 0%	0 0%	2 1%	1 0%	3 2%	0 0%	1 0%	2 1%	0 0%				10 1%
13-17	2 1%	5 4%	2 1%	2 1%	3 2%	1 0%	2 1%	4 3%	0 0%				21 2%
18-25	4 3%	13 10%	12 10%	14 12%	9 7%	16 11%	13 9%	10 8%	0 0%				91 9%
26-50	24 21%	27 22%	32 28%	31 28%	45 36%	42 30%	53 40%	32 27%	7 41%				293 29%
51-75	44 40%	43 35%	37 32%	37 33%	44 35%	47 34%	40 30%	45 38%	5 29%				342 34%
76-100	33 30%	32 26%	22 19%	23 21%	19 15%	24 17%	18 13%	21 17%	5 29%				197 20%
>100	1 0%	0 0%	0 0%	0 0%	1 0%	0 0%	0 0%	0 0%	0 0%				2 0%

DISPATCHED CALL TYPES PER MONTH													
Call Type	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOT
Abd Pain	3 2%	1 0%	2 1%	0 0%	6 4%	8 5%	2 1%	2 1%	0 0%				24 2%
Allergic Rx	1 0%	0 0%	1 0%	0 0%	0 0%	0 0%	1 0%	0 0%	0 0%				3 0%
Animal Bite	0 0%	0 0%	0 0%	0 0%	1 0%	2 1%	0 0%	0 0%	0 0%				3 0%
Assault	1 0%	2 1%	3 2%	0 0%	0 0%	5 3%	5 3%	2 1%	0 0%				18 1%
Auto Ped	0 0%	1 0%	1 0%	1 0%	1 0%	0 0%	1 0%	1 0%	0 0%				6 0%
Back Pain	0 0%	3 2%	0 0%	2 1%	4 3%	0 0%	0 0%	1 0%	1 5%				11 1%
Burns	0 0%	1 0%	0 0%	1 0%	0 0%	0 0%	1 0%	0 0%	0 0%				3 0%
CO Poison	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%				0 0%
CPR	1 0%	1 0%	0 0%	0 0%	0 0%	1 0%	2 1%	0 0%	0 0%				5 0%
Cardiac	12 10%	13 10%	11 9%	15 13%	21 16%	13 9%	8 6%	12 10%	1 5%				106 10%

Childbirth	0 0%	0 0%	0 0%	1 0%	1 0%	1 0%	3 2%	0 0%	0 0%				6 0%
Choking	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	1 0%	1 0%	1 5%				3 0%
DOS	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	1 0%	1 0%	0 0%				2 0%
Diabetic	7 6%	5 4%	7 6%	3 2%	7 5%	6 4%	6 4%	8 6%	2 11%				51 5%
Drowning	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%				0 0%
Electrocution	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%				0 0%
Eye Injury	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%				0 0%
Falls	6 5%	11 9%	5 4%	9 8%	9 7%	7 5%	11 8%	6 5%	1 5%				65 6%
Fire/Hazmat	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%				0 0%
GSW/Stab	1 0%	1 0%	0 0%	0 0%	1 0%	0 0%	0 0%	0 0%	0 0%				3 0%
Headache	1 0%	1 0%	0 0%	0 0%	1 0%	0 0%	0 0%	0 0%	0 0%				3 0%
Heat/Cold	0 0%	0 0%	0 0%	0 0%	1 0%	0 0%	0 0%	0 0%	0 0%				1 0%
Hemorrhage	4 3%	0 0%	1 0%	3 2%	0 0%	0 0%	0 0%	2 1%	0 0%				10 1%
Ind Accident	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%				0 0%
MVA	3 2%	10 8%	13 11%	13 11%	12 9%	19 13%	28 21%	9 7%	0 0%				107 10%
Medical	25 22%	26 21%	33 28%	19 17%	19 15%	25 18%	22 16%	28 23%	2 11%				199 20%
Other	4 3%	4 3%	6 5%	8 7%	8 6%	10 7%	6 4%	8 6%	1 5%				55 5%
Overdose	1 0%	1 0%	1 0%	3 2%	2 1%	1 0%	0 0%	1 0%	2 11%				12 1%
Person Down	1 0%	2 1%	0 0%	0 0%	1 0%	0 0%	0 0%	0 0%	0 0%				4 0%
Psych	1 0%	0 0%	0 0%	0 0%	3 2%	1 0%	0 0%	3 2%	0 0%				8 0%
Respiratory	18	14	9	14	9	15	13	11	1				104

	16%	11%	7%	12%	7%	11%	9%	9%	5%				10%
Seizures	7 6%	6 5%	9 7%	6 5%	5 4%	7 5%	6 4%	5 4%	1 5%				52 5%
Service Call	2 1%	0 0%	0 0%	1 0%	0 0%	0 0%	1 0%	2 1%	0 0%				6 0%
Stroke	1 0%	0 0%	2 1%	2 1%	1 0%	4 2%	5 3%	2 1%	1 5%				18 1%
Trauma	6 5%	7 5%	8 7%	6 5%	8 6%	6 4%	3 2%	7 5%	1 5%				52 5%
Unconscious	5 4%	8 6%	2 1%	2 1%	4 3%	5 3%	7 5%	5 4%	2 11%				40 4%
Unknown	0 0%	2 1%	0 0%	1 0%	0 0%	0 0%	0 0%	0 0%	0 0%				3 0%

CALL LOCATIONS BY MONTH													
Map Page	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOT
38C													
563													
563A													
565A													
699G													
736A													
736V													
737J													
737K													
737L													
737N													
737P													
737T													
737U													
737Z													
738H													
999999999													
NONE													
PATIENT 1													
PATIENT 2													

RESPONSE TIMES PER MONTH (minutes)													
Unit Status	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	AVG
Dispatch - Location	5	7	5	5	5	6	5	5	5				5
Location - To Hospital	15	15	16	17	17	16	17	15	15				16
To Hospital - At Hospital	9	11	11	10	11	11	11	9	9				10
At Hospital - In Service	31	29	34	33	34	33	35	37	32				33
Location - At Hospital	24	25	25	25	26	25	26	23	21				25
Dispatch - At Hospital	30	31	30	30	32	32	32	29	27				31
Dispatch - In Service	57	58	58	58	59	58	61	60	42				58