

AGENDA

CITY OF TAYLOR, TEXAS CITY COUNCIL MEETING CITY HALL, COUNCIL CHAMBERS, 400 PORTER STREET

APRIL 10, 2014, 6:00 P.M.

CALL TO ORDER AND DECLARE A QUORUM

INVOCATION

PLEDGE OF ALLEGIANCE

CITIZENS COMMUNICATION

(The City Council welcomes public comments on items not listed on the agenda. However, the Council cannot respond until the item is posted on a future meeting agenda. Registration forms are available at the sign in table.)

CONSENT AGENDA

(The Consent Agenda includes non-controversial and routine items that the Council may act on with one single vote. The Mayor or any Council member may pull any item from the Consent Agenda to discuss and act upon individually on the Regular Agenda.)

1. Approve minutes for March 20 and March 27, 2014. (Susan Brock)
2. Consider approving Resolution R14-07 regarding temporary street closures for Main Street activities and events in 2014. (Deby Lannen)
3. Consider request from Main Street Advisory Board to sell wine and beer and to allow consumption throughout the festival area for the Zest Fest, 2014. (Deby Lannen)

PROCLAMATIONS

4. Proclamation: April is Fair Housing Month (Mayor)
5. Proclamation: April is Safe Digging Month. (Mayor)
6. Proclamation: April 13-19, 2014 is National Public Safety Telecommunicators Week. (Mayor)

REGULAR AGENDA; REVIEW/DISCUSS AND CONSIDER ACTION

7. Consider approving a comprehensive policy regarding the Protection of the Confidentiality of Personally Identifiable Information. (Jeff Straub)
8. Consider approving Resolution R14-05 supporting the Taylor Lions Club initiative to operate the Little Free Library program in Taylor. (Bob vanTil)
9. Consider setting date for special meeting on May 20, 2014 to canvass election results, conduct swearing in ceremony, elect a Mayor and elect a Mayor Pro Tem. (Susan Brock)
10. Consider adopting Resolution R14-08 approving the formation of the Frameswitch Local Government Corporation pursuant to the provisions of Subchapter D of Chapter 431, Texas Transportation Code and Chapter 394, V.T.C.A., Texas Local Government Code. (Jeff Straub)
11. Consider future agenda items. (Mayor)

EXECUTIVE SESSION

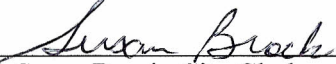
12. Executive Session. The Taylor City Council will conduct a closed executive meeting pursuant to the provisions of the Open Meetings Law, Chapter 551, Texas Local Government Code, and the authority contained in Section 551.087 to discuss or deliberate regarding commercial and/or financial information on a business prospect that the City of Taylor, Texas, seeks to have locate, stay, or expand in or near the City of Taylor, Texas, and with which the City of Taylor, Texas, is conducting economic development negotiations and/or deliberate the offer of financial or other incentives to the business prospect.
 - Project Overload

13. Consider action from Executive Session

ADJOURN

The Council may vote and/or act upon each of the items listed in this Agenda. The Council reserves the right to retire into executive session concerning any of the items listed on this Agenda, whenever it is considered necessary and legally justified under the Open Meetings Act including: Section 551.071 (Consult with attorney); Section 551.072 (Real Property); Section 551.073 (Gifts and Donations); Section 551.074 (Personnel Matters); Section 551.076 (Security Devices); and Section 551.087 (Economic Development). I certify that the notice of meeting was posted in the Taylor City Hall Lobby before 6:00 pm on April 7, 2014 and remained posted for at least 72 hours continuously before the scheduled time of said meeting. I further certify that the following news media was notified of this meeting: Taylor Press.

In compliance with the ADA the City Hall and Council Chambers are wheelchair accessible. Reasonable accommodations will be provided for persons attending city council meetings in need of special assistance. Please contact Susan Brock, City Clerk, at least 24 hours prior to the meeting for special assistance.

Posted By:  Date 4/7/14
Susan Brock, City Clerk



***City Council Meeting
April 10, 2014
Agenda Item Transmittal***

Agenda Item #: 1
Agenda Title: Approve minutes for March 20, 2014 and March 27, 2014.
Council Action: Approve by consent or approve with corrections
Initiating Department: City Management/City Clerk
Staff Contact: Susan Brock, City Clerk

1. INTRODUCTION/PURPOSE

Pursuant to the Open Meetings Law, Chapter 551, Local Government Code and in accordance with the authority contained in Section 551.021 and the City Charter, the “Minutes” of each City Council must be recorded, compiled and approved by the City Council in subsequent meetings. The purpose of this item is to conform to these legal requirements.

2. DESCRIPTION/ JUSTIFICATION

N/A

3. FINANCIAL/BUDGET

N/A

4. RECOMMENDATION

Approve as submitted or amend with changes noted.

5. REFERENCE FILES

- 1a. [Minutes, March 20, 2014.](#)
- 1b. [Minutes, March 27, 2014.](#)

The City Council of the City of Taylor met on March 20, 2014, at City Hall, 400 Porter St., Taylor, Texas. Mayor Jesse Ancira, Jr. declared a quorum and called the meeting to order at 6:00 p.m. with the following present:

Mayor Pro Tem Chris Gonzales
Council Member Scott Green
Council Member Donald Hill
Council Member Brandt Rydell

Jeff Straub, Interim City Manager
Ted Hejl, City Attorney
Susan Brock, City Clerk

INVOCATION

Mr. Bob vanTil led the group in prayer.

PLEDGE OF ALLEGIANCE

CITIZENS COMMUNICATION

Ms. Janetta McCoy asked to speak during agenda item number 7. No other citizens came forward during this time.

CONSENT AGENDA

1. APPROVE MINUTES FOR FEBRUARY 27 AND MARCH 6, 2014.
2. APPROVE ORDINANCE 2014-04 AMENDING ORDINANCE 2013-01 REGARDING APPOINTMENTS TO THE PARKS AND RECREATION ADVISORY BOARD.

ORDINANCE NO. 2014-04

AN ORDINANCE OF THE CITY OF TAYLOR, TEXAS, AMENDING ORDINANCE 2013-01 ESTABLISHING THE PURPOSE, COMPOSITION AND TERM OF THE PARKS AND RECREATION ADVISORY BOARD BY DELETING A PROVISION REGARDING APPOINTMENTS OF BOARD MEMBERS; PROVIDING A SAVINGS CLAUSE.

3. CONSIDER APPROVING RESOLUTION R14-03 AUTHORIZING CHANGE IN SIGNATURES ON THE CITY'S INVESTMENT AND BANK ACCOUNTS.
Council Member Hill moved to approve the consent agenda as presented and Council Member Green seconded the motion. VOTE: Five voted AYE. Motion passed.

REGULAR AGENDA: REVIEW/DISCUSS AND CONSIDER ACTION

4. CONSIDER APPROVING ORDINANCE 2014-02 TO REZONE PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF WASHBURN AND EAST 1ST STREETS FROM B-1 LOCAL BUSINESS TO M-1 LIGHT INDUSTRIAL.
Bob vanTil, Director of Planning and Development, provided a recap of the history of this ordinance and reminded council that it was introduced at the previous council meeting. Council Member Rydell stated that he continues to have concerns for this type of zoning which is encroaching on the downtown district and stressed the need to have architectural standards and guidelines in place to address future development. Mayor Ancira requested

a workshop or special meeting on this issue to clarify the various overlays and how zoning is addressed in the downtown area and the historical district. Mr. Josh Richards, property owner, stated that his request for a zoning change was to make the property more appealing to potential buyers. Mayor Pro Tem Gonzales repeated his preference to have the future owner of this property request a Specific Use Permit at the time when new development is being considered rather than a zoning change.

Council Member Hill moved to approve Ordinance 2014-02 as presented and to include comments regarding the need for future guidelines and Council Member Green seconded the motion. VOTE: Three voted AYE; Two voted NO (Gonzales and Rydell). Motion passed.

ORDINANCE NO. 2014-02

AN ORDINANCE REZONING PROPERTY FROM B-1 TO M-1 FOR
PROPERTY LOCATED AT EAST FIRST STREET AND WASHBURN
STREET; AND PROVIDING A SAVINGS CLAUSE

5. RECEIVE PRESENTATION AND DISCUSS FUTURE CAPITAL IMPROVEMENT PROJECTS.

Mr. Casey Sledge, consulting city engineer, presented a review of possible future capital improvement projects. This report was for information only and no action was taken. Council requested an opportunity to continue to discuss these projects in the future.

Mayor Pro Tem Gonzales moved to formally accept the report as presented and Council Member Rydell seconded the motion. VOTE: Five voted AYE. Motion passed.

6. CONSIDER AUTHORIZING PUBLICATION OF A REQUEST FOR QUALIFICATIONS (RFQ) FOR THE EVALUATION OF OUR DEVELOPMENT REVIEW PROCESS AND ENGINEERING SERVICES.

In an effort to respond to public comment and to possibly improve the current policies and procedures, Mr. Straub presented a request to Council to authorize staff to seek professional services to conduct a review of the current development and engineering processes of the city.

Council Member Rydell moved to grant staff authorization to publish a Request for Qualifications and Mayor Pro Tem Gonzales seconded the motion. VOTE: Five voted AYE. Motion passed.

7. DISCUSS AND CONSIDER AGENDA ITEMS FOR THE MARCH 27TH COUNCIL MEETING AND ITEMS FOR FUTURE AGENDAS.

Mayor Ancira asked Council for their thoughts regarding the scheduling for a joint meeting

with the 7th Street Task Force since the TISD will not be able to meet on March 27th as originally planned. Ms. Janetta McCoy, Task Force Chair, urged Council to keep the meeting as planned to allow specially invited guests an opportunity to present information regarding this project.

Other items to be considered at future meetings included: an update on the Old City Hall property at Heritage Square; an update on the Downtown street project, a report on substandard and abandoned buildings and an update on the vacant building guidelines from the Main Street Advisory Board.

8. EXECUTIVE SESSION I. The Taylor City Council will conduct a closed executive meeting pursuant to the provisions of the Open Meetings Law, Chapter 551, Texas Local Government Code, and the authority contained in Section 551.087 to discuss or deliberate regarding commercial and/or financial information on a business prospect that the City of Taylor, Texas, seeks to have locate, stay, or expand in or near the City of Taylor, Texas, and with which the City of Taylor, Texas, is conducting economic development negotiations and/or deliberate the offer of financial or other incentives to the business prospect.
 - Project Overload
 - Project Austin

Mayor Ancira and council members retired to closed session at 7:06 pm.

9. CONSIDER ACTION FROM EITHER EXECUTIVE SESSION.
Mayor Ancira resumed the open meeting at 8:05 p.m. and stated that there was no action taken on any issue during Executive Session.

ADJOURN

With no further business; Mayor Ancira adjourned the meeting at 8:05 p.m.

Jesse Ancira, Jr., Mayor

ATTEST:

Susan Brock, City Clerk

The City Council of the City of Taylor met on March 27, 2014, at City Hall, 400 Porter St., Taylor, Texas. Mayor Jesse Ancira, Jr. declared a quorum and called the meeting to order at 6:00 p.m. with the following present:

Mayor Pro Tem Chris Gonzales
Council Member Scott Green
Council Member Donald Hill
Council Member Brandt Rydell

Jeff Straub, Interim City Manager
Ted Hejl, City Attorney
Susan Brock, City Clerk

INVOCATION

Mr. Jeff Straub led the group in prayer.

PLEDGE OF ALLEGIANCE

CITIZENS COMMUNICATION

No citizens came forward during this time. Mayor Ancira recognized the passing former Mayor and Council Member Rod Hortenstine who died March 24th.

CONSENT AGENDA

1. CONCUR WITH PRELIMINARY FINANCIALS FOR FEBRUARY, 2014.

Mayor Pro Tem Gonzales moved to approve the consent agenda as presented and Council Member Hill seconded the motion. VOTE: Five voted AYE. Motion passed.

REGULAR AGENDA: REVIEW/DISCUSS AND CONSIDER ACTION

2. CONSIDER APPROVING RESOLUTION R14-04 IN SUPPORT OF IMPROVEMENTS TO THE TAYLOR MUNICIPAL AIRPORT AS RECOMMENDED BY THE TEXAS DEPARTMENT OF TRANSPORTATION AVIATION DIVISION.

Mr. David Cornelius, Airport Manager, presented a request to consider a resolution naming the Texas Department of Transportation (TxDOT) Aviation Division as agent for administration of funds provided for making improvements at the Taylor Municipal Airport.

Mayor Pro Tem Gonzales moved to approve Resolution R14-04 and the 10% city match for this project equaling \$63,500 for specific improvements to the airport as presented. Council Member Rydell seconded the motion. VOTE: Five voted AYE. Motion passed.

3. CONSIDER APPROVING AMENDMENT TO THE 2013/2014 BUDGET FOR THE TAYLOR ECONOMIC DEVELOPMENT CORPORATION.

Mr. Sean Stockard, President of the Taylor Economic Development Corporation (TEDC) presented a request that council approve an amendment to their 2013/2014 budget.

Council Member Green moved to approve the budget amendment as presented and Council Member Hill seconded the motion. VOTE: Five voted AYE. Motion passed.

4. CONTINUE DISCUSSION WITH THE 7TH STREET FACILITIES TASK FORCE.
Mayor Ancira invited Ms. Janetta McCoy, the chair of the Task Force, to introduce her guest speakers. Ms. Terry Pierce, Head of Congregation at St. James Episcopal Church, provided information regarding a potential funding source in the newly formed Episcopal Health Foundation. Mr. Rob Dickson, a developer and broker for a similar project in Albuquerque, New Mexico, presented information regarding potential uses and funding options for the 7th Street School campus currently owned by the Taylor Independent School District.

ADJOURN

With no further business; Mayor Ancira adjourned the meeting at 7:28 p.m.

Jesse Ancira, Jr., Mayor

ATTEST:

Susan Brock, City Clerk



City Council Meeting April 10, 2014 Agenda Item Transmittal

Agenda Item #: 2
Agenda Title: Consider approving Resolution R14-07 regarding temporary street closures for Main Street activities and events in 2014.

Council Action to be taken: Approve by consent

Initiating Department: Main Street Program

Staff Contact: Deby Lannen, Manager

1. INTRODUCTION/PURPOSE

A resolution is required by the Texas Department of Transportation to request the closure of selected streets in the Main Street district for City sponsored events throughout the year.

2. DESCRIPTION/ JUSTIFICATION

The closing of the Main Street district for community events has been very successful. It adds a special dimension that seems to build attendance and provides a higher degree of safety for event crowds. We are requesting approval to close the Main Street district for City-sponsored events to include the annual Taylor Zest Fest scheduled for May 3rd and the Halloween Spooktacular held on or around October 31st of each year. Also requested is that the City Manager be authorized to approve these street closures as well as street closures that may arise from unplanned events for the rest of the year. The Main Street district includes closing Main Street from Second to Fifth Streets and Third and Fourth Streets between Porter and Talbot Streets.

All City-sponsored events will follow protocols required by the Texas Department of Transportation for road closures that includes an updated traffic control plan prepared by a professional engineer. Events will meet the liability insurance coverage requirements of the Texas Municipal League. An application will be made internally to close the streets for each event that is approved by the City Manager, the Police Chief and the Fire Chief. This is standard procedure for any street closure.

3. FINANCIAL/BUDGET

Costs incurred are covered within the City's approved operational budget and may also be subsidized by fundraising efforts by the Main Street Program.

4. TIMELINE CONSIDERATIONS

Approval is requested for the following Main Street Program events:

May 3, 2014	Taylor Zest Fest
October 31, 2014	Halloween Spooktacular

(And other events (such as the annual 9-11 Ceremony) that may be planned throughout the year.)

5. RECOMMENDATION

Staff recommends approval of Resolution 14-07 authorizing the temporary closure of North Main Street between Second and Fifth Streets and Third and Fourth Streets between Talbot and Porter Streets.

6. REFERENCE FILES

2a. [Resolution R14-07](#)

RESOLUTION R14-07

A RESOLUTION AUTHORIZING TEMPORARY CLOSURE OF NORTH MAIN STREET (NORTH HIGHWAY 95) BETWEEN SECOND STREET (HIGHWAY 79) AND FIFTH STREET AND THIRD AND FOURTH STREETS BETWEEN PORTER AND TALBOT STREETS.

WHEREAS, The City of Taylor City Council supports community events hosted by the City of Taylor and the Taylor Main Street Program; and

WHEREAS, such temporary street closures of the Main Street district add to the containment of community events and promotes public safety for attendees and participants and provides a venue for events that enhances the quality of life for the community; and

WHEREAS, a request for planned events for 2014 that include Taylor Zest Fest on May 3, 2014, and the 2014 Halloween Spooktacular on or around October 31st, has been received and a request for City Manager approval of any other yet to be planned events requiring street closure in the downtown area throughout the year; and

NOW, THEREFORE, BE IT RESOLVED that the City of Taylor City Council approves this request to the Texas Department of Transportation to temporarily close North Main Street (North Highway 95) from Second Street to Fifth Street and Third Street and Fourth Street between Talbot and Porter Streets and the City Manager is authorized to enter into an agreement with the State to affect the temporary closure of the above highway and streets on the aforementioned dates requested and for any other events that may be planned throughout the year.

INTRODUCED, PASSED and APPROVED this the 10th day of April, 2014.

Jesse Ancira, Jr., Mayor

ATTEST:

Susan Brock, City Clerk



City Council Meeting
April 10, 2014
Agenda Item Transmittal

Agenda Item #: 3
Agenda Title: Consider request from Main Street Advisory Board to sell wine and/or beer and to allow consumption throughout the festival area for the Taylor Zest Fest 2014.

Council Action to be taken: Approve by consent

Initiating Department: Main Street Program

Staff Contact: Deby Lannen, Main Street Manager

1. INTRODUCTION/PURPOSE

The purpose of this item is for the Council to consider allowing wine and/or beer sales at the Zest Fest. This will enhance the revenue generated for the Main Street Program that will be used in revitalization efforts of the downtown area.

2. DESCRIPTION/ JUSTIFICATION

Taylor Zest Fest is an annual event sponsored by the Main Street Program. The original purpose of the event was to create a downtown event to celebrate the community's heritage and to bring people to the downtown area. The festival's purpose today is two-fold: 1) to host a downtown event that attracts traffic to the downtown area with activities for people of all ages that includes arts and crafts, retail shopping and food and entertainment throughout the day; and 2) to serve as a fundraiser for the Main Street Program.

In an effort to maximize the opportunity to generate revenue again this year, the Main Street Board is working hard to promote sponsorships and vendor booth rentals and would like to sell beer and possibly wine coolers. These alcoholic beverage sales during the festival would generate additional revenues. This is the fifth year we have requested this authorization.

The Zest Fest Committee would like to sell beer and possibly wine coolers on Saturday, May 3, 2014 from 10 am – 6 pm at a central concession on Heritage Square and possibly two satellite stands, one on West Fourth and one in the 200 Block of North Main. The Committee requests approval for attendees to consume the drinks throughout the festival area (this being defined as the area between 2nd and 5th Streets and between Porter and

Talbot Streets) rather than containing beverage consumption to a single area. This request has been reviewed with Texas Alcoholic Beverage Commission, along with Interim City Manager Jeff Straub and Chief Henry Fluck. All concurred that considering the hours of the festival and through diligent ticket sales, the ability to consume alcoholic beverages throughout the festival area is very manageable.

The authority issued from the Texas Alcoholic Beverage Commission is a daily temporary license (3 days) at a cost of \$231, which requires letters demonstrating that the Taylor Police Department and the Williamson County Sheriff's Office have been advised. Training the sellers is optional for the license; the TABC representative feels that our personnel are responsible and will not require additional training.

Liability insurance for the event is provided by the City's coverage under the Texas Municipal League's Intergovernmental Risk Pool insurance policy at no additional cost. We have correspondence from the TML-IRP offices that the festival activities, including the sale of beer, are not excluded from our policy.

3. FINANCIAL/BUDGET

Amount requested: \$231 (TABC daily temporary license, 3 day permit)

Fund/Account No: 123-615-236 (Main Street's Festival Revenue)

4. TIMELINE CONSIDERATIONS

The application should be made within two weeks of the event, including the notification to all public safety officials.

5. RECOMMENDATION

Staff recommends that the City Council authorize the sale of beer and/or wine in the downtown area, specifically for the Taylor Zest Fest sponsored by the Main Street Program of the City of Taylor, to be held May 3, 2014 and for permission allowing attendees to consume alcoholic beverages sold throughout the festival area.

6. REFERENCE FILES

- 3a. [TML Risk Pool and TxDOT liability insurance certificate](#).
- 3b. [City Code](#) related to alcohol in downtown district.



Certificate of Coverage

TML-IRP Contract Number: 3204	Company Affording Coverage: Texas Municipal League Intergovernmental Risk Pool PO Box 149194 Austin, TX 78714-9194 (512) 491-2300 or (800) 537-6655 Fax: (512) 491-2404
Member: Taylor Mr. Jim Dunaway City Manager 400 Porter St Taylor, Texas 76574-3600	

Certificate Holder: Taylor Zest Fest 400 Porter St. Taylor, Texas 76574

This is to certify that the coverages listed below have been provided to the member and are in effect at this time. Notwithstanding any requirements, terms, or conditions of any other contract or agreement with respect to which this certificate may be issued or may pertain, the coverage afforded by the Texas Municipal League Intergovernmental Risk Pool (TML-IRP) described herein is subject only to the terms, exclusions and additions of TML-IRP's coverage contracts between TML-IRP and its member(s). Coverage is continuous until canceled.

General Liability Effective Date: 10/1/2013 Anniversary Date: 10/1/2014 Limits of Liability (Each Occurrence): \$1,000,000 Sudden Events Involving Pollution (Each Occurrence): \$1,000,000 Annual Aggregate: \$2,000,000 Deductible per Occurrence: \$1,000	Real & Personal Property Effective Date: _____ Anniversary Date: _____ Limits of Coverage: _____ Deductible per Occurrence: _____																								
Law Enforcement Liability Effective Date: _____ Anniversary Date: _____ Limits of Liability (Each Occurrence): _____ Annual Aggregate: _____ Deductible per Occurrence: _____	Mobile Equipment Effective Date: _____ Anniversary Date: _____ Limits of Coverage: _____ Deductible per Occurrence: _____																								
Errors and Omissions Liability Effective Date: _____ Anniversary Date: _____ Limits of Liability (Each Wrongful Act): _____ Annual Aggregate: _____ Deductible per Occurrence: _____	Boiler & Machinery - Broad Form Effective Date: _____ Anniversary Date: _____ Per Accident Limit: _____ Deductible per Occurrence: _____																								
Auto Liability Effective Date: _____ Anniversary Date: _____ Limits of Liability (Each Occurrence): _____ Deductible per Occurrence: _____	<table border="1"><thead><tr><th></th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>Mortgagee</td><td></td><td></td></tr><tr><td>Loss Payee</td><td></td><td></td></tr><tr><td>Loan Number:</td><td colspan="2"></td></tr></tbody></table>		Yes	No	Mortgagee			Loss Payee			Loan Number:														
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DESCRIPTION:
Evidence of coverage for the Taylor Zest Fest annual event sponsored by the Main Street Program. Held on May 3, 2014 from 10 am- 6 pm.

Cancellation: Should any of the above described coverages be canceled before the anniversary date thereof, TML-IRP will endeavor to mail 30 days written notice to the above named certificate holder, but failure to mail such notice shall impose no obligation or liability of any kind upon TML-IRP.

Authorized Representative

Date Issued

8/22/2013

X102
10/15/08



CERTIFICATE OF INSURANCE

Form 1560
(Rev 07/12)
Previous editions of this form may not be used.
(GSD-EPC)
Page 1 of 2

Agents should complete the form providing all requested information then either fax or mail this form directly to the address listed on **page two** of this form. Copies of endorsements listed below are not required as attachments to this certificate.

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not confer any rights or obligations other than the rights and obligations conveyed by the policies referenced on this certificate. The terms of the policies referenced in this certificate control over the terms of the certificate.

Insured: City of Taylor
Street/Mailing Address: 400 Porter St.
City/State/Zip: Taylor, Texas 76574
Phone Number: Area Code (512) 352-3675

Workers' Compensation Insurance Coverage:

Endorsed with a Waiver of Subrogation in favor of TxDOT.

Carrier Name: Texas Municipal League Intergovernmental Risk Pool			Carrier Phone #: 800-537-6655	
Address: 1821 Rutherford Ln			City, State, Zip: Austin, TX 78754	
Type of Insurance:	Policy Number:	Effective Date:	Expiration Date:	Limits of Liability:
Workers' Compensation	3204	10/01/13	10/01/14	Not Less Than: Statutory – Texas

Commercial General Liability Insurance:

Carrier Name: Texas Municipal League Intergovernmental Risk Pool			Carrier Phone #: 800-537-6655	
Address: 1821 Rutherford Ln			City, State, Zip: Austin, TX 78754	
Type of Insurance:	Policy Number:	Effective Date:	Expiration Date:	Limits of Liability:
Commercial General Liability Insurance	3204	10/01/13	10/01/14	Not Less Than: \$ 600,000 combined single limit

Business Automobile Policy:

Carrier Name: Texas Municipal League Intergovernmental Risk Pool			Carrier Phone #: 800-537-6655	
Address: 1821 Rutherford Ln			City, State, Zip: Austin, TX 78754	
Type of Insurance:	Policy Number:	Effective Date:	Expiration	Limits of Liability:
Business Automobile Policy	3204	10/01/13	10/01/14	Not Less Than: \$ 600,000 combined single limit

Umbrella Policy (if applicable):

Carrier Name: N/A			Carrier Phone #:	
Address:			City, State, Zip:	
Type of Insurance:	Policy Number:	Effective Date:	Expiration Date:	Limits of Liability:
Umbrella Policy				

Agency Name

Address

City, State Zip Code

Texas Municipal League Intergovernmental Risk Pool 1821 Rutherford Ln Austin, TX 78754
(800) 537-6655

Authorized Agent's Phone Number

Authorized Agent Original Signature

Date

The Texas Department of Transportation maintains the information collected through this form. With few exceptions, you are entitled on request to be informed about the information that we collect about you. Under sections 552.021 and 552.023 of the Texas Government Code, you also are entitled to receive and review the information. Under section 559.004 of the Government Code, you are also entitled to have us correct information about you that is incorrect.

Fax completed form to: 512/416-2536

Sec. 3-2. - Alcoholic beverages prohibited in central business district.

(a)

Subject to subsection (b) hereof the city does hereby prohibit the possession of an open container or consumption of alcoholic beverages in its central business district as such district is described in the resolution adopted by the City of Taylor establishing same on December 28, 1993 which shall be consistent with the provisions of the order adopted by the Texas Alcoholic Beverage Commission on March 7, 1994 and section 109.35 of the Alcoholic Beverage Code V.A.T.S., as amended.

(b)

This section does not prohibit the legal possession of an open container or the consumption of alcoholic beverages in motor vehicles, buildings not owned or controlled by the city, residential structures or licensed premises located within the central business district.

(c)

As used herein "open container" means any alcoholic beverage container that is no longer sealed.

(d)

If any part of this section should be held to be invalid by a court of competent jurisdiction same shall not affect the remainder of this section and all portions of this section not held to be invalid shall continue and remain in full force and effect.

(e)

Any person violating the provisions of this section shall be deemed guilty of a class C misdemeanor and upon conviction shall be fined in any amount not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

(Ord. No. 01-03-94, §§ 1—5, 3-22-94)

Editor's note—

Ord. No. 01-03-94, adopted Mar. 22, 1994, did not specifically amend this Code; hence, codification of §§ 1—5 of said ordinance as § 3-2 herein was at the editor's discretion.



***City Council Meeting
April 10, 2014
Agenda Item Transmittal***

Agenda Item #: 4
Agenda Title: Proclamation of April as Fair Housing Month
Council Action to be taken: Mayor will present Proclamation
Initiating Department: City Administration
Staff Contact: Susan Brock, City Clerk

1. INTRODUCTION/PURPOSE

To proclaim April, 2014 as Fair Housing Month to assist in meeting the publication requirements for federal grant funded programs for low income housing.

2. DESCRIPTION/ JUSTIFICATION

The Fair Housing Act was included in Title VIII of the Civil Rights Act and signed in April of 1968 to ensure all Americans have equal access to housing. Each year the City uses this proclamation to help meet requirements set out by the federal government for those entities who receive funding for low income housing programs.

3. FINANCIAL/BUDGET

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

6. REFERENCE FILES

4a. [Proclamation](#)

Proclamation

WHEREAS, Title VIII of the Civil Rights Act of 1968 prohibits discrimination in housing and declares it a national policy to provide for fair housing in the United States; and

WHEREAS, the principle of Fair Housing is not only national law and policy, but a fundamental human entitlement for all Americans; and

WHEREAS, by recognizing the anniversary of the National Fair Housing Law during the month of April provides an opportunity for us to recognize that the goal of equal housing opportunities can only be accomplished with the help and cooperation of all Americans.

NOW, THEREFORE, the City Council does hereby proclaim April as Fair Housing Month in the City of Taylor and supports the Fair Housing law.

PROCLAIMED this the 10th day of April, 2014.

Jesse Ancira, Jr., Mayor



***City Council Meeting
April 10, 2014
Agenda Item Transmittal***

Agenda Item #: 5

Agenda Title: Proclamation: April is Safe Digging Month

Council Action to be taken: Mayor will present proclamation to ATMOS representative

Initiating Department: City Administration; Public Works

Staff Contact: Susan Brock, City Clerk
Danny Thomas, Director of Public Works

1. INTRODUCTION/PURPOSE

A representative from ATMOS Energy has requested we help them promote the “Call Before You Dig” safety awareness program with a proclamation. Randy Hartford will be accepting the proclamation.

2. DESCRIPTION/ JUSTIFICATION

3. FINANCIAL/BUDGET

4. TIMELINE CONSIDERATIONS

The Central Texas Damage Prevention Council has designated April as Safe Digging Month in 2014.

5. RECOMMENDATION

Mayor to present proclamation to Mr. Randy Hartford representing ATMOS Energy.

6. REFERENCE FILES

5a [Proclamation](#)

PROCLAMATION

Safe Digging Month

WHEREAS, the leading cause of harm to underground utilities is excavation and striking a single line can cause serious injury and outages; and

WHEREAS, pipeline operators are committed to raising the awareness of safe digging practices to help prevent injuries while keeping the environment safe and utility services uninterrupted; and

WHEREAS, everyone should call 811 before digging.

NOW, THEREFORE, as Mayor of the City of Taylor, I hereby recognize April, 2014 as “Safe Digging Month” in the City of Taylor, Texas and urge all citizens to call 811 before digging.

PROCLAIMED this the 10th day of April, 2014.

Jesse Ancira, Jr., Mayor



City Council Meeting April 10, 2014 Agenda Item Transmittal

Agenda Item #: 6
Agenda Title: Proclamation: National Public Safety Telecommunicators Week Proclamation

Council Action to be taken: Mayor Ancira to sign and issue the proclamation.

Initiating Department: Police Department

Staff Contact: Henry Fluck, Chief of Police

1. INTRODUCTION/PURPOSE

To recognize National Public Safety Telecommunicators Week April 13-19, 2014 and to honor the service of the Taylor Communication Officers who protect our community by answering calls from residents and dispatching police officers to crimes in progress, reports of crimes that already occurred, disturbances in progress, and traffic collisions.

2. DESCRIPTION/ JUSTIFICATION

Each year since 1991, the second full week of April is dedicated to the men and women who serve as public safety telecommunicators. It is estimated that there are over 200,000 Police Dispatchers in the United States. The City of Taylor recognizes the professional dedication and sacrifices of the Communications Officers who answer and dispatch 9-1-1 calls on a 24/7 daily basis.

3. FINANCIAL/BUDGET

None.

4. TIMELINE CONSIDERATIONS

April 13-19, 2014 is designated by the U. S. Congress as National Public Safety Telecommunicators Week.

5. RECOMMENDATIONS

Mayor Ancira will sign and present the Proclamation.

6. REFERENCE FILES

6a. [National Public Safety](#) Telecommunicators Week 2014 Proclamation

PROCLAMATION

WHEREAS, when an emergency occurs, the prompt response of police officers, is critical to the protection of life and preservation of property; and

WHEREAS, the safety of our police officers is dependent upon the quality and accuracy of information obtained from citizens who telephone the City of Taylor Communications Center; and

WHEREAS, Taylor Communication Officers are the first and most critical link between people calling for help in an emergency situation and the emergency response of police officers who arrive on the scene; and,

WHEREAS, The City of Taylor recognizes the professional and unending services of the Communications Officers who answer 9-1-1 calls on a 24/7 daily basis; and,

WHEREAS, Taylor Communication Officers provide the single vital link for our police officers by monitoring their activities by radio, providing them information, and ensuring their safety; and

WHEREAS, Taylor Communication Officers have contributed substantially to the apprehension of criminals, keeping the peace in our neighborhoods, and providing prompt and professional police service and protection to Taylor residents; and

WHEREAS, each Communication Officer has exhibited compassion, understanding, and professionalism during the performance of her job in the past year.

PROCLAIMED by the City Council of the City of Taylor this 10th day of April 2014, that, in honor of the men and women whose diligence and professionalism keep our City and citizens safe, the week of April 13 through April 19, 2014, is hereby, declared

National Public Safety Telecommunicators Week

Jesse Ancira, Jr.
Mayor



City Council Meeting April 10, 2014 Agenda Item Transmittal

Agenda Item #: 7

Agenda Title: Consider approving a comprehensive policy regarding the Protection of the Confidentiality of Personally Identifiable Information.

Council Action to be taken: Approve or table; provide feedback

Initiating Department: City Administration

Staff Contact: Jeff Straub, Interim City Manager
Susan Brock, City Clerk

1. INTRODUCTION/PURPOSE

The issue of the protection of the confidentiality of Personally Identifiable Information (PII) was brought to the forefront in the local media in November, 2013. At that time, the City of Austin released the finding of an internal audit which found that the City of Austin "...does not have an effective process to ensure that PII is protected, which increases the risk that citizens, employees, or the City could face serious harm."

During Council's regular discussion on future agenda items, Mayor Ancira requested that staff complete a report on PII.

2. DESCRIPTION/ JUSTIFICATION

Rather than merely do a report on the City of Taylor's status regarding PII, staff embarked on a PII audit and then proceeded to craft a system-wide policy. The audit followed the recommendations from The National Institute of Standards and Technology (MIST) Guide to Protecting the Confidentiality of PII. The Guide states that to effectively protect PII organizations should:

- Identify all the PII residing in that organization;
- Categorize PII;
- Apply appropriate safeguards in protecting PII;
 - Policies and procedures
 - Training
- Develop incident response plans; and
- Encourage close coordination among senior officials in the organization.

The attached policy contains in its appendices an audit of all PII collected by the City of Taylor. The method for its categorization is contained in the policy. Also attached in the appendices is documentation of the training provided to employees and each department's policies and procedures for the handling of PII. The policy also contains an incident response plan that mirrors the requirements of Texas state law.

3. FINANCIAL/BUDGET

n/a

4. TIMELINE CONSIDERATIONS

n/a

5. RECOMMENDATION

Staff recommends approval.

6. REFERENCE FILES

7a. [City of Taylor Policy on the Protection of Personally Identifiable Information](#)

City of Taylor



Protection of Personally Identifiable Information Policy

City of Taylor

Protection of Personally Identifiable Information Policies

- I. Introduction
- II. Purpose
- III. General Policy for City
- IV. Violations
- V. Maintenance of this Policy
- VI. Notification following breach
- VII. Departmental Policies
 - a. City Clerk
 - 1. Open Records/Records Management Program
 - 2. Open Meetings and Closed/Executive Session guidelines
 - b. Code Enforcement
 - c. Information Technology
 - 1. Email
 - 2. Internet
 - 3. Network Security
 - d. Library
 - 1. Confidential Information
 - 2. Card Holders
 - 3. Exceptions to the rule
 - 4. Requests for information
 - e. Municipal Court
 - f. Personnel
 - 1. Identity Theft Awareness
 - 2. Personnel Files , Section 3.7 Personnel Policy
 - 3. Personnel files (contents)
 - g. Public Safety
 - 1. Fire
 - 2. Police
 - h. Utility Department
 - 1. Red Flag Identity Theft Training

APPENDICES

- Appendix A Records Management Program with Tx State Library (City Clerk)
- Appendix B. Texas Government Code Chapters 552.124 and 552.352 (Library)
- Appendix C. American Library Association Code of Ethics
- Appendix D. Fire: Texas Health and Safety Code
- Appendix E. Police Policy: Privacy, Security, and Release of Records
- Appendix F Police Authorization for release of Information form
- Appendix G. Red Flag Identity Theft Protection Program

I. INTRODUCTION

The issue of the protection of the confidentiality of Personally Identifiable Information (PII) was brought to the forefront in the local media in November, 2013. At that time, the City of Austin released the finding of an internal audit which found that the City of Austin "...does not have an effective process to ensure that PII is protected, which increases the risk that citizens, employees, or the City could face serious harm."

During Council's regular discussion on future agenda items, Mayor Ancira requested that staff complete a report on PII.

Rather than merely do a report on the City of Taylor's status regarding PII, staff embarked on a PII audit and then proceeded to craft a system-wide policy. The audit adhered to the recommendations from The National Institute of Standards and Technology (NIST) Guide to Protecting the Confidentiality of PII. The Guide states that to effectively protect PII organizations should:

- Identify all the PII residing in that organization;
- Categorize PII;
- Apply appropriate safeguards in protecting PII;
 - o Policies and procedures
 - o Training
- Develop incident response plans; and
- Encourage close coordination among senior officials in the organization.

The attached policy contains in its appendices an audit of all PII collected by the City of Taylor, indicating which departments collect PII. The method for its categorization is contained in the policy. Also attached in the appendices is documentation of the training provided to employees and each department's policies and procedures for the handling of PII. The policy also contains an incident response plan that mirrors the requirements of Texas state law.

A key component of protecting PII is a disciplined system-wide records retention policy. The City Clerk's office insures that the records retention schedule is followed by all departments in accordance with local rules and state law. It shall be the policy of the City of Taylor to expeditiously remedy any breach of PII.

For a policy to be effective, it must be reviewed on a regular basis and changes be made as needed. It is the intent of this policy to be a "living document" and be amended as conditions and/or technology evolves into the future.

II. PURPOSE

The City of Taylor (COT) takes seriously the protection of personally identifiable information. This policy provides the requirements for protecting the privacy of people who have personally identifiable information and sensitive personal information in our databases, electronic and paper files and other records. This policy covers all COT employees. It also covers contractors who gain access to COT physical facilities or data or computer systems. This policy lays out basic handling expectations first for all types of personally identifiable information, and second, it provides important additional handling requirements for sensitive personally identifiable information. It also delineates the steps that shall be taken should there be a system breach.

What is Personally Identifiable Information and What is Sensitive Personally Identifiable Information?

"Personal identifying information" means information that alone or in conjunction with other information identifies an individual, including an individual's:

- name, social security number, date of birth, or government-issued identification number;
- mother's maiden name;
- unique biometric data, including the individual's fingerprint, voice print, and retina or iris image;
- unique electronic identification number, address, or routing code; and
- telecommunication access device as defined by Section 32.51, Penal Code.

"Sensitive personal information" (with the exception of publicly available information that is lawfully made available to the public from the federal government or a state or local government.) means:

- an individual's first name or first initial and last name in combination with any one or more of the following items, if the name and the items are not encrypted:
 - social security number;
 - driver's license number or government-issued identification number; or
 - account number or credit or debit card numberin combination with any required security code, access code, or password that would permit access to an individual's financial account; or
- information that identifies an individual and relates to:

- o the physical or mental health or condition of the individual;
- o the provision of health care to the individual;
- o payment for the provision of health care to the individual.

III. GENERAL POLICY FOR CITY

COT employees and contractors as outlined above must follow these rules on handling all personally identifiable information and handling sensitive personally identifiable information whenever they know or have reason to know that the information is personally identifiable information or sensitive personally identifiable information.

A. Handling All Personally Identifiable Information

- i. Use personally identifiable information only for official, lawful purposes.
- ii. Do not access systems with personally identifiable information whether electronic or paper if you have not been authorized to do so. Contact your supervisor if you need access.
- iii. Enter personally identifiable information accurately. Make a good faith effort to correctly enter data. Never intentionally enter false data.
- iv. Take reasonable precautions to protect personally identifiable information from unauthorized modification, destruction, use or disclosure. Follow COT information security policies and procedures.
- v. Whenever an individual requests information that COT maintains about that individual, employees and contractors shall follow COT standard operating procedures requiring completion of the appropriate forms.
- vi. Only collect personally identifiable information when you have been authorized to do so by the proper COT manager. Do not create an electronic or paper system of record with personally identifiable information unless you have COT authorization and follow COT - mandated privacy and security requirements.
- vii. Destroy personally identifiable information securely in accordance with records retention schedules and following COT data destruction procedures for particular systems or records.
- viii. Do not initiate or otherwise contribute to any disciplinary or other punitive action against any individual who reports evidence of unauthorized use of personally identifiable information.
- ix. COT monitors its information, systems, other IT assets, employees and contractors for compliance with this policy. Therefore, employees and contractors have no expectation of privacy when they use city information, systems and IT assets.

B. Handling Sensitive Personal Information

- i. **Only access sensitive personally identifiable information for a valid reason directly related to the exercise of a COT power or duty.** Valid reasons include:
 - o Responding to an open records request;
 - o Responding to a request from an individual for the list of personally identifiable information the agency maintains on that individual;
 - o Administering a constitutional provision or duty;
 - o Administering a statutory provision or duty;
 - o Administering an administrative rule provision or duty;
 - o Complying with any state or federal program requirements;
 - o Processing or payment of claims or otherwise administering a program with individual participants or beneficiaries;
 - o Auditing purposes;
 - o Carrying out licensure, permit, eligibility, filing, certifications or other similar processes;
 - o Carrying out or assisting with an authorized investigation or law enforcement purposes;
 - o Conducting or preparing for administrative hearings;
 - o Responding to or preparing for litigation, or complying with a court order or subpoena;
 - o Administering human resources, including but not limited to hiring, promotion, demotion, discharge, salary and compensation issues, leave requests and related issues, time card approvals and related issues;
 - o Administering an information system;
 - o Complying with an executive order or policy;
 - o Complying with an agency policy or a state administrative policy or agency's directives
- ii. **Do not access sensitive personally identifiable information for any reason other than those listed above.** For example, do NOT access sensitive personally identifiable information:
 - o for gain or personal profit for yourself or someone else,
 - o out of simple curiosity or personal interest,
 - o to commit a crime,
 - o for retribution, use in a personal conflict, or promotion of a personal point of view, or
 - o to harass or embarrass.
- iii. **You always have a duty not to disclose sensitive personally identifiable information without proper agency authorization.** As you do your work, you may inadvertently or unintentionally come in contact with information

that you know or have reason to believe is sensitive personally identifiable information. In those circumstances, you have a duty not to disclose that sensitive personally identifiable information to anyone except properly authorized persons.

- iv. **If you suspect that sensitive personally identifiable information has been improperly accessed or disclosed, you shall report the incident to your department director who shall immediately contact the office of the city manager.**
 - o Report quickly and do not disturb evidence.
 - o Allow the COT response team assigned by the city manager to preserve evidence, eliminate any ongoing risks and make a determination that violations have occurred.
 - o To ensure that any investigation is not compromised and that an accurate evaluation of the incident is conducted, only the city manager's office may authorize notifications to affected individuals.
 - o Upon a finding that confidential personal information has been accessed for an invalid reason in violation of any confidentiality, the city manager's office will notify affected individuals.
- v. Because confidential personal information (CPI) requires a higher standard of care, employees accessing systems containing this information shall adhere to the specific policies, procedures and rules as established by law and their specific departments.

IV. Violations

- i. Any employee who violates this policy is subject to disciplinary action up to and including termination.
- ii. Any employee who violates a confidentiality statute is subject to criminal charges, civil liability arising out of the employee's actions.
- iii. Any violation of this policy by a contractor may be considered a material breach of the contract and may subject the contract to termination. Any contractor who violates a confidentiality statute may also be subject to criminal charges and civil liability arising out of the contractor's actions. The vendor may also be permanently barred from business with the City of Taylor.
- iv. An employee or contractor whom complies in good faith with this policy is not subject to discipline under this policy.
- v. This policy does not prohibit an employee from accessing information about himself or herself as long as the person has been granted access to the system and uses authorized processes, or makes a request to COT for a list of the personally identifiable information that the department maintains about himself or herself.

V. Maintenance of This Policy

This policy will be reviewed on a regular basis to ensure that it remains compliant with Federal and State privacy laws and that it accurately reflects COT personally identifiable information and systems.

VI. Notification Required Following Breach of Sensitive Personal Information Safeguards

- a. In this section, "breach of system security" means unauthorized acquisition of computerized data or other data that compromises the security, confidentiality, or integrity of sensitive personal information maintained by the COT, including data that is encrypted if the person accessing the data has the key required to decrypt the data. Good faith acquisition of sensitive personal information is not a breach of system security unless it is used or disclosed in an unauthorized manner.
- b. The City of Taylor will disclose any breach of system security, after discovering or receiving notification of the breach, to any individual whose sensitive personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The disclosure shall be made as quickly as possible, unless requested otherwise by a law enforcement agency that determines notification will impede a criminal investigation. The notification shall then be made as soon as the law enforcement agency determines that the notification will not compromise the investigation.
- c. If the individual whose sensitive personal information was or is reasonably believed to have been acquired by an unauthorized person is a resident of a state that requires notification of a breach of system security, the notice of the breach of system security required may be provided under that state's law.
- d. The owner or license holder of the information of any breach of system security shall immediately be notified after discovering the breach, if the sensitive personal information was, or is reasonably believed to have been, acquired by an unauthorized person.
- e. Notice may be delayed at the request of a law enforcement agency that determines that the notification will impede a criminal investigation.
- f. Notice may be provided by:
 - a. written notice at the last known address of the individual;
 - b. electronic notice, if the notice is provided in accordance with 15 U.S.C. Section 7001; or
 - c. If sufficient contact information is not available, the notice may be given by:
 - i. electronic mail
 - ii. conspicuous posting of the notice on the person's website; or
 - iii. notice published in or broadcast on major statewide media.
 - d. If more than 10,000 persons must be notified at one time of a breach of system security, each consumer reporting agency, as defined by 15 U.S.C. Section 1681a, that maintains files on consumers on a nationwide basis, of the timing, distribution, and content of the notices. Notice as required by this subsection will be made without unreasonable delay.

G. DEPARTMENTAL POLICIES

a. CITY CLERK OFFICE

1. Open Records. The City Clerk attends regular training for certification which includes any legislative updates regarding Open Records. Emphasis is placed on what information is public and what needs to be redacted or can only be released with a court order.
2. Records Management. The City adopted a Records Management Program in 1991 (Appendix A) and follows the guidelines set forth by the Texas State Library and Archives Retention Schedules. All city departments follow these retention schedules and when the documents have reached their destruction date they are destroyed. The City contracts with a shredding service for secure pick up or on site destruction at each facility on a regular schedule. These records are kept in a locked storage room at City Hall until destroyed.
3. Open Meetings. All new city officials and city appointed board members are required by law to receive training in Open Meetings. A portion of the training discusses what information can be discussed in closed sessions and how that information must be protected.

b. CODE ENFORCEMENT COMPLAINTS.

Standard practice is to not release names or any information about the person filing a complaint. This allows the complainant to remain anonymous and encourages citizens to report code violations without fear of intimidation.

c. INFORMATION TECHNOLOGY

(Excerpt from Personnel Policy Manual Appendix)

1. E-mail Communications

All data that are composed, transmitted, or received via our computer communications systems are considered to be part of the official records of the City and, as such, is subject to disclosure to law enforcement or other third parties without consent of the sender or receiver. Consequently, employees should always ensure that the business information contained in e-mail messages is accurate, appropriate, ethical, and lawful. The confidentiality of any message should never be assumed.

2. Internet Use

City policy states that all Internet data that are composed, transmitted, or received via the City of Taylor's computer communications systems are considered to be part of the official records of the City and, as such, are subject to disclosure to law enforcement or other third parties without the consent of the sender or receiver. Consequently, employees should always ensure that the business information

contained in Internet e-mail messages and other transmissions are accurate, appropriate, ethical and lawful.

The equipment, services, and technology provided to access the Internet remain at all times the property of the City of Taylor. As such, the City reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems.

Employees who violate this Policy may have their Internet access privileges revoked and shall be subject to disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of the Policy. The following behaviors are examples of previously stated or additional actions and activities that are prohibited and can result in disciplinary action:

- 1) Sending or posting discriminatory, harassing, or threatening messages or images.
- 2) Using the City's time and resources for personal gain.
- 3) Stealing, using, or disclosing someone else's code or password without authorization.
- 4) Copying, pirating, downloading or installing software and electronic files without permission.
- 5) Sending or posting confidential material or proprietary information outside of the organization.
- 6) Violating copyright law.
- 7) Failing to observe licensing agreements.
- 8) Engaging in unauthorized transactions that may incur a cost to the City or invite unwanted internet services and transmissions.
- 9) Sending or posting messages or material that could damage the City's image or reputation.
- 10) Participating in the viewing or exchange of pornography or obscene materials.
- 11) Sending or posting messages that defame or slander other individuals.
- 12) Sending or posting messages that could be considered discriminatory, offensive, threatening, harassing or intimidating to any employee or other person.
- 13) Attempting to break into the computer system of another organization or person.
- 14) Refusing to cooperate with a security investigation.
- 15) Using the Internet for political causes or activities, religious activities or any sort of gambling.
- 16) Jeopardizing the security of the City's electronic communications system.
- 17) Sending or posting messages that disparages another organization's products or services.
- 18) Passing off personal views as representing those of the City of Taylor.
- 19) Sending anonymous e-mail messages.
- 20) Engaging in any illegal activities.

3. Network Security

Firewalls. At every connected site we have Firewall.

Virus Protection. The servers run Vipre antivirus that updates several times a day and the workstations run Trend Micro antivirus.

Network Intrusion Detection. Our network currently does not have Network Intrusion Protection.

Spam Filter (to reduce phishes, etc). Spam filtering is done by the Barracuda spam filter. It is a scan and forward filter. By using the Barracuda, we remove a vulnerability of viruses and malware getting to the users mailbox. This is the best defense against the largest threats currently going around as they are spreading through users clicking on the attachments.

Wireless Internet Security. There are three wireless networks at City Hall. The public network is set up to allow anyone to connect, but they do not have any access to local data. The other two are secured with an encryption key that should only be given to employees. If this key is compromised or given out it would allow someone to bypass all security features of the router as it goes directly into the network.

Backup File Security. Local backups to the QNAP NAS device are not encrypted but are stored in the server room with the physical server. This gives it the same risk as the server being stolen. The offsite backups are encrypted with AES 128 bit encryption. They are stored at our office and at an additional offsite location. If the server was to get compromised, the data would still be unreadable without the password to the backups. The password is not stored in the same location as the backups.

IT Personnel Security Clearance. ON Technology Consultants have authorization to work with multiple police departments. They run background checks and drug tests on all their employees. Their building is secured via an alarm system with monitoring and the server room is additionally secured with a separate lock that is not stored in their key box. Employees keep this key with them.

d. LIBRARY

The Taylor Public Library supports every library user's right to have his or her library records remain confidential. Library users are free to use the Taylor Public Library, its materials and services without government, community or individual interference.

1. **Confidential Information**

Records of the Taylor Public Library which identify or serve to identify a person who requests, obtains, or uses library materials or library services are confidential and are exempt from required disclosures under the Texas Open Records Act or the Patriot Act.

Records considered confidential include but are not limited to:

- Patron registration information
- Circulation records

- Requests for information or materials
- Participation in library sponsored programs or classes
- Legal and acceptable use of the Library provided internet and computers, according to the Code of Conduct and Computer and Internet Policy, including online sites visited.
- Any other information linking specific library users to specific materials or services used.

2. Library Card Holders

Each patron has individual control over his or her borrower card. Presentation of the card permits access to information about the borrower's circulation record. Library records of a minor have the same confidentiality protection as granted to other library card holders. The Library allows parents or court appointed legal guardians who have signed the minor's card registration access to that minor's circulation records.

3. Exceptions to Library Confidentiality

Library records, transactions and use may be disclosed if:

- The Library determines that disclosure is reasonably necessary to the operation of the Library and the records are not confidential under other state or federal law.
- The records or confidential information are released to the person, or the person's authorized representative, to whom the information relates.
- The records, transactions or other confidential information are required under a valid court order, subpoena or as provided for under the provisions of the Texas Public Information Act, the Patriot Act or any subsequent law or legislation that specifically applies.

4. Requests for Confidential Information

All requests for confidential library information from law enforcement, government agencies, etc., will be referred to the Library Director.

The Library Director, upon receipt of required legal warrants, subpoenas or court orders, shall consult with the City Attorney to determine if such warrant, subpoena or court order is valid and enforceable.

If the warrant, subpoena or court order is not valid and enforceable, such request will not be honored and no records will be released until any defects are rectified.

Any threats or unauthorized demands for confidential information (i.e.: those not supported by a warrant, court order, or subpoena) will be reported to the City Attorney and the City Manager.

Any problems relating to the privacy of circulation and other records identifying the names of library users which are not otherwise provided for in Library policy shall be referred to the City Attorney.

e. MUNICIPAL COURT

The Municipal Court handles the judicial processing of Class C misdemeanors that originate from traffic citations, citizen complaints, municipal code violations, and misdemeanor arrests, occurring within the territorial limits of the City of Taylor. The clerks accept fines, pleas of Not Guilty and requests for Trials by Judge or Jury; schedule trials, hearings for dangerous animals and junk vehicle cases. They subpoena witnesses for trials, process summons for jurors, assist the public in applying for Defensive Driving or Deferred Adjudication if they are qualified, prepare warrants for non-appearing defendants, assist with the Magistration of Defendants on Class B or Felony warrants, prepare Appeal Cases to County Court, keep current on legislative law changes and court procedures, report court costs to the State Comptroller, statistics to the Office of Court Administration, and traffic convictions to the Department of Public Safety.

Confidentiality Statement:

Clerks are held to the same professional standards as judges under the ***Code of Judicial Conduct***. It is the policy of this Court that any and all information obtained from a defendant shall be kept strictly confidential, unless an “open request” is submitted in writing to the City Clerk or this Court.

f. PERSONNEL

1. Identity Theft Awareness (excerpt from the Supervisor Manual)

Consistent with City policies and procedures on managing records and on protecting sensitive employee information and the privacy and confidentiality practices, it is critical that all departments and divisions dealing with employee personal information adhere to the City policies. Supervisors and employees are advised to have a secure and protected recordkeeping system (electronic or paper); properly discard any unnecessary employee personal information; and consult with the Human Resources Director on any matters pertaining to employee personal information before it is released.

The City provides periodic Identity Theft Prevention training to all employees in an effort to help protect their personal information.

All City employees are required to adhere to the City’s Human Resources Policies and Procedures and adopted policies and practices. City employees violating the City policies, documented practices, and the applicable statutory rules and regulations are subject to disciplinary actions including termination of employment.

2. Personnel Files (excerpt from Section 3.7 of the Personnel Policy, adopted October, 2006)

Personnel records, medical records, civil service “A” files are maintained in the Human Resources Director’s office. Different rules may apply to civil service employees. Medical records are kept in a confidential file maintained by the Human Resources Director. Information in an employee’s personnel file is public information and must be disclosed upon written request unless specific items are excepted from disclosure by law. No information from any record placed in an employee’s file will be communicated to any person or organization except by the City Manager, his designee or the Human Resources Director. In addition, all inquiries regarding current or former employees must be directed, in writing, to the Human Resources Department. Unless the City receives a written release from the affected individual or a written open records request, only dates of employment and job title will be released to the inquirer.

Each employee may choose whether the City discloses the employee’s home address and telephone number to the public on request. If a new employee does not request confidentiality within the first fourteen (14) days of employment, the home address and telephone number on file are considered public information, with the exception of police officers, whose addresses and telephone numbers are not public information. Employees may change their elections for disclosure or confidentiality at any time. A form for designating this information as confidential or public is available from the Human Resources Director.

An employee or his or her representative designated in writing may examine the employee’s personnel file upon request during normal working hours at the City offices. The employee may request copies of items or materials in his or her personnel file but may not remove anything from the file. When a supervisor or department head requires access to the official personnel file of an employee under his or her supervision for the handling of personnel matters, the Human Resources Director will provide access to the specific file(s).

Employees are expected to inform their supervisors of any changes in or corrections to information recorded in their individual personnel files such as home address, telephone number, person to be notified in case of emergency, or other pertinent information. The supervisor will notify the Human Resources Director.

3. Personnel Files (Section 3.7.2 Contents Of Personnel Files)

For non-civil service employees, an official personnel file may contain the following:

- An employment record;
 - A copy of the employee’s application for employment/resume;
 - A copy of the conditional offer of employment letter;
- A signed copy of the employee’s acknowledgment of having reviewed a copy of the Personnel Policies Manual;
- Employee’s job description(s);
 - Election to Disclose or keep confidential home address and home telephone number form;

- Personnel Action Form
 - Records of any citations for excellence, awards for good performance, or job-related training/education except civil service training;
 - Records of disciplinary action(s);
 - Performance evaluations;
- Copies of any grievances and related materials;
- Agreements regarding compensatory time off in lieu of overtime pay;
 - Any other pertinent information having a bearing on the employee's status; and
 - Any written statements from the employee explaining, rebutting, or clarifying other items in the file.

g. PUBLIC SAFETY

Police and Fire Departments have extensive guidelines regarding privacy, security and the release of information.

1. Fire Department. The Fire Department complies with the Health Insurance Portability and Accountability Act of 1996 and to assure no member of the City of Taylor Fire Department distributes confidential medical information to any unauthorized person as defined by the Texas Health and Safety Code, #773.092. (Appendix D)

2. Police Department. The Police Department follows state guidelines related to the release of records or information. (Appendix E). Any individual submitting an application for employment is asked to sign an Authorization for Release of Personal Information that is for internal use only. (Appendix F)

h. FINANCE/UTILITY DEPARTMENT

The City of Taylor ("Utility") developed an Identity Theft Prevention Program pursuant to the Federal Trade Commission's Red Flags Rule, which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. 16 C. F. R. § 681.2. This Program was developed with oversight and approval of the Program Administrator (Finance Director). After consideration of the size and complexity of the Utility's operations and account systems, and the nature and scope of the Utility's activities, the City Council has determined that this Program is appropriate for the City of Taylor (Utility) and therefore approved this Program on October 21, 2008 becoming effective November 1, 2008. (Appendix G)

ORDINANCE 9625

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ADOPTED ON JANUARY 22, 1991 PROVIDING FOR THE ESTABLISHMENT OF A RECORDS AND INFORMATION MANAGEMENT PROGRAM FOR THE CITY OF TAYLOR AND DESIGNATING THE FINANCE DIRECTOR OF THE CITY AS RECORDS MANAGEMENT OFFICER BY CHANGING THE RECORDS MANAGEMENT OFFICER TO THE CITY CLERK OF THIS CITY; PROVIDING A SAVINGS CLAUSE AND DECLARING AN EMERGENCY IN IT'S ENACTMENT.

BE IT ORDAINED BY THE CITY OF TAYLOR:

SECTION 1. That certain Ordinance adopted as an emergency measure on January 22, 1991 be and the same is hereby amended as follows, to-wit:

1. The words "designating the Finance Director of this City as Records Management Officer" commencing in the third line in the caption of such Ordinance be changed to read "designating the City Clerk of this City as Records Management Officer",
2. The words "Finance Director" appearing in the second line of Section 5 of such Ordinance be and the same are hereby changed to "City Clerk",

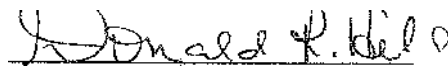
If the words "Finance Director" are used anywhere else in said Ordinance as being the Records Management Officer of this City name are changed to read "City Clerk".

SECTION 2. All of the terms and provisions of said Ordinance except as amended herein and hereby shall continue and remain in full force and effect.

SECTION 3. If any section, prevision, sentence, phrase or or any other portion of this ordinance should be held to be invalid by a court or competent jurisdiction, such, holding of invalidity shall not effect the remainder of this Ordinance and all parts of this Ordinance not held to be invalid shall continue and remain in full force and effect.

SECTION 4. The fact that a change should, be made in the Records Management Officer as set forth herein,- and that such change should be made without delay creates an emergency for the general public welfare of till-, City of Taylor and it's citizens and this Ordinance is hereby declared to be an emergency measure and the rules prohibiting the passage of an Ordinance on the day which same is introduced and requiring three (3) separate readings thereof be and same are hereby suspended as to this Ordinance and this Ordinance shall take effect immediately from and after its passage.

INTRODUCED, PASSED, APPROVED and ADOPTED as an emergency measure by the unanimous vote of all the members of the City Commission of the City of Taylor this the 22nd day of October, A.D. 1996.



DONALD HILL
CHAIRMAN OF THE
BOARD OF COMMISSIONERS
OF THE CITY OF TAYLOR

ATTEST:


BARBARA BELZ
CITY CLERK

1-22-1991

AN ORDINANCE PROVIDED FOR THE ESTABLISHMENT OF A RECORDS AND INFORMATION MANAGEMENT PROGRAM FOR THE CITY OF TAYLOR, TEXAS: DESIGNATING THE FINANCE DIRECTOR OF THIS CITY AS RECORDS MANAGEMENT OFFICER AND PROVIDING THE GENERAL OUTLINE OF DUTIES: PROVIDING OWNERSHIP OF MUNICIPAL RECORDS AND RESPONSIBILITIES OF OFFICERS AND EMPLOYEES WITH RESPECT THERETO: PROVIDING FOR DESTRUCTION OR ORIGINAL PUBLIC RECORDS AND FOR ALL OTHER MUNICIPAL RECORDS, REPEALING ALL ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT: PROVIDING A SAVINGS CLAUSE AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT AND DECLARING AN EMERGENCY IN ITS ENACTMENT:

WHEREAS. Title 6. Subtitle n. Local Government Code (Local Government Records Act) provides that a city must establish by ordinance an active and continuing records management program to be administered by a Records Management Officer: and

WHEREAS. the City of Taylor, hereinafter at times called "City", desires to adopt an ordinance for that purpose and to prescribe policies and procedures consistent with the Local Government Records Act and in the interests of cost effective and efficient recordkeeping:

NOW THEREFORE BE IT ORDAINED BY THE CITY OF TAYLOR:

SECTION 1. DEFINITION OF CITY RECORDS. All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information recording media, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by the City or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be the records of the City and shall be created, maintained, and disposed of in accordance with the provisions of this ordinance or the procedures authorized by it and in no other manner.

SECTION 2. ADDITIONAL DEFINITIONS. (1) "Department head" means the officer who by ordinance, order, or administrative policy is in charge of an office of the City that creates or receives records.

(2) "Essential record" means any record of the City necessary to the resumption or continuation of operations of the City in an emergency or disaster, to the re creation of the legal and financial status of the City or to the protection and fulfillment of obligations to the people of the state.

(3) "Permanent record" means any record of the City for which the retention period on a records control schedule is given as permanent.

(4) "Records control schedule" means a document prepared by or under the authority of the Records Management Officer listing the records maintained by the City, their retention periods, and other records disposition information: that the records management program may require.

(5) "Records management" means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space effective storage of inactive

records, control over the creation and distribution of forms, reports. and correspondence. and the management of micrographics and electronic and other records storage systems.

(6) "Records liaison officers" mean the persons designated under Section 10 of this ordinance.

(7) "Records Management Officer" means the person designated in Section 5 of this ordinance.

(8) "Records management plan" means the plan developed under Section 6 of this ordinance.

(9) "Retention period" means the minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record before it is eligible for destruction.

SECTION 3. CITY RECORDS DECLARED PUBLIC PROPERTY. All city records as defined in Section 1 of this ordinance are hereby declared to be the property of the City. No city official or employee has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.

SECTION 4. POLICY. It is hereby declared to be the policy of the City to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all city records through a comprehensive system of integrated procedures for the management of the records from their creation to their ultimate disposition, consistent with the requirements of the Texas Local Government Records Act and accepted records management practice.

SECTION 5. DESIGNATION OF RECORDS MANAGEMENT OFFICER. The Finance Director, and the successive holders of said office, shall serve as Records Management Officer for the City. As provided by state law, each successive holder of the office shall file his or her name with the director and librarian of the Texas State Library within thirty days of the initial designation or of taking up the office, as applicable.

SECTION 6. RECORDS MANAGEMENT PLAN TO BE DEVELOPED: APPROVAL OF PLAN: AUTHORITY OF PLAN. (a) The Records Management Officer shall develop a records management plan for the City for submission to the Board of Commissioners of City. The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of recordkeeping, to adequately protect the essential records of the City, and to properly preserve those records of the City that re of historical value. The plan must be designed to enable the Records Management Officer to carry out his or her duties prescribed by state law and this ordinance effectively.

(b) Once approved by the Board of Commissioners, the records management plan shall be binding on all offices, department, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the City and records shall be created, maintained, stored, microfilmed, or disposed of in accordance with the plan.

(c) State law relating to the duties, other responsibilities, or recordkeeping requirements of a department head do not exempt the department head or the records in the department head's care from the application of this ordinance and the records management plan adopted under it and may not be used by the department head as a basis for refusal to participate in the records management program of the City.

SECTION 7. DUTIES OF RECORDS MANAGEMENT OFFICER. In addition to other duties assigned in this ordinance, the Records Management Officer shall:

- (1) Administer the records management program and provide

Assistance to department heads in its implementation:

(2) plan, formulate, and prescribe records disposition policies, systems, standards, and procedures:

(3) in cooperation with department heads identify essential records and establish a disaster plan for each city office and department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense:

(4) develop procedures to ensure the permanent preservation of the historically valuable records of the City:

(5) establish standards for filing and storage equipment and for record keeping supplies

(6) study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the city

(7) provide records management advice and assistance in all city departments by preparation of a manual or manuals of procedure and policy and by on site consultation

(8) monitor records retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the records management program and the city's records control schedules are in compliance with state regulations:

(9) disseminate to the Board of Commissioners and department heads information concerning state laws and administrative rules relating to local government records

(10) instruct Records Liaison Officers and other personnel in policies and procedures of the records management plan and their duties in the records management program:

(11) direct Records Liaison officers or other personnel in the conduct of records inventories in preparation for the development or records control schedules as required by state law and this ordinance.

(12) ensure that the maintenance, preservation, microfilm, destruction, or other disposition of city records is carried out in accordance with the policies and procedures of the records management program and the requirements of state law:

(13) maintain records on the volume of records destroyed under approved records control schedules, the volume of records microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition:

(14) report annually to the City on the implementation of the records management plan in each department of the City. including summaries of the statistical and fiscal data compiled under Subsection (13): and

(15) bring to the attention of the city non-compliance by department heads or other city personnel with the policies and procedures of the records management program or the Local Government Records Act.

SECTION 8. DUTIES AND RESPONSIBILITIES OF DEPARTMENT HEADS. In addition to other duties assigned in this ordinance, department heads shall:

(1) cooperate with the records management officer in carrying out the policies and procedures established in the city for the efficient and economical management of records and is carrying out the requirements of this ordinance.

(2) Adequately document the transaction of government Business and the services, programs, and duties for which the department head and his or her staff are responsible; and

(3) Maintain the records in his or her care and carry out their preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the records management program of the City and the requirements of this ordinance.

SECTION 9. DESIGNATION OF RECORDS LIAISON OFFICERS. Each department head shall designate a member of his or her staff to serve as Records Liaison Officer for the

implementation of the records management program in the department. If the Records Management Officer determines in the best interests of the records management program more than one Record's Liaison Officer should be designated in a department, the department head shall designate the number of Records Liaison Officers specified by the Records Management Officer. Persons designated as Records Liaison Officers shall be thoroughly familiar with all the records created and maintained by the department and shall have full access to all records of the City maintained by the department. In the event of the resignation, retirement, dismissal, or removal by action of the department head of a person designated as a Records Liaison Officer, the department head shall promptly designate another person to fill the vacancy. A department head may serve as Records Liaison Officer for his or her department.

SECTION 10. DUTIES AND RESPONSIBILITIES OF RECORDS LIAISON OFFICERS. In addition to other duties assigned in this ordinance. Records Liaison Officers shall:

(a) conduct or supervise the conduct of inventories of the records of the department in preparation for the development of records control schedules:

(b) in cooperation with the Records Management Officer coordinate and implement the policies and procedures of the records management program in their departments; and

(a) disseminate information to department staff concerning the records management program.

SECTION 11. RECORDS CONTROL SCHEDULES TO BE DEVELOPED; APPROVAL: FILING WITH STATE. (a) The Records Management Officer, in cooperation with department heads and Records Liaison Officers shall prepare records control schedules on a department by department basis listing all records created or received by the department and the retention period for each record. Records control schedules shall also contain such other information regarding the disposition of city records as the records management plan may require.

(b) Each records control schedule shall be monitored and amended as needed by the Records Management Officer on a regular basis to ensure that it is in compliance with records retention schedules issued by the state and that it continues to reflect the recordkeeping procedures and needs of the department and the records management program of the City.

(c) Before its adoption a records control schedule or amended schedule for a department must be approved by the Department head, the City Attorney and the City Manager.

(d) Before its adoption a records control schedule must be submitted to and accepted for filing by the director and librarian as provided by state law. If a schedule is not accepted for filing the schedule shall be amended to make it acceptable for filing. The Records Management Officer shall submit the records control schedule to the director and librarian.

SECTION 12. IMPLEMENTATION OF RECORDS CONTROL SCHEDULES; DESTRUCTION OF RECORDS UNDER SCHEDULE. (a) A records control schedule For a department that has been approved and adopted under Section 11 shall be implemented by department heads and Records Liaison Officers according to the policies and procedures of the records management plan.

(b) A record whose retention period has expired on a records control schedule shall be destroyed unless an open records request is pending on the record, the subject matter of the record is pertinent to a pending lawsuit- or the department head requests in writing to the Records Management Officer that the record be retained for an additional period.

(c) Prior to the destruction of a record under an approved records control schedule authorization for the destruction must be obtained by the Records Management Officer from the department head, the City Attorney and the City Manager.

SECTION 13. DESTRUCTION OF UNSCHEDULED RECORDS. A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule and the Records Management Officer has submitted to and received back from the director and librarian an approved destruction authorization request.

SECTION 14. RECORDS CENTER. A records center, developed pursuant to the plan required by Section 6, shall be under the direct control and supervision of the Records Management Officer. Policies and procedures regulating the operations and use of the records center shall be contained in the records management plan developed under Section 6.

SECTION 15. MICROGRAPHICS. Unless a micrographics program in a department is specifically exempted by order of the Board of Commissioners all microfilming of records will be centralized and under the direct supervision of the Records Management Officer. The records management plan will establish policies and procedures for the microfilming of city records including policies to ensure that all microfilming is done in accordance with standards and procedures for the microfilming of local government records established in rules of the Texas State Library and Archives Commission. The plan will also establish criteria for determining the eligibility of records for microfilming and protocols for ensuring that a microfilming program that is exempted from the centralized operations is, nevertheless, subject to periodic review by the records management officer as to cost-effectiveness, administrative efficiency, and compliance with commission rules.

SECTION 16. SEVERABILITY. If any section, provision, sentence, phrase or any other portion of this ordinance should be held to be Invalid by a court of competent jurisdiction such holding of invalidity shall not affect the remainder of this ordinance and all parts of this ordinance not held to be invalid shall continue and remain in full force and effect.

SECTION 37. EMERGENCY. The fact that a Records Management Program as adopted by this ordinance is mandatory so that a Records Management Plan and other provisions of the Records Maintenance Act may be adopted without further delay causes an emergency for the general public welfare of the City of Taylor and its citizens and this ordinance is hereby declared to be an emergency measure and the rules prohibiting the passage of an ordinance on the day which same is introduced and requiring three separate readings thereof be and same are hereby suspended as to this ordinance and this ordinance shall take effect immediately from and after its passage.

INTRODUCED, PASSED, APPROVED AND ADOPTED AS AN EMERGENCY MEASURE BY THE UNANIMOUS VOTE OF ALL THE MEMBERS OF THE CITY COMMISSION OF THE CITY OF TAYLOR THIS THE 22ND DAY OF JANUARY A.D. 1991.

Clifford W. Preuss, Chairman

ATTEST:

Sherry Morrison, City Clerk

Texas Public Information Act

Sec. 552.124. EXCEPTION: CONFIDENTIALITY OF RECORDS OF LIBRARY OR LIBRARY SYSTEM.

(a) A record of a library or library system, supported in whole or in part by public funds, that identifies or serves to identify a person who requested, obtained, or used a library material or service is excepted from the requirements of Section 552.021 unless the record is disclosed:

(1) because the library or library system determines that disclosure is reasonably necessary for the operation of the library or library system and the record is not confidential under other state or federal law;

(2) under Section 552.023; or

(3) to a law enforcement agency or a prosecutor under a court order or subpoena obtained after a showing to a district court that:

(A) disclosure of the record is necessary to protect the public safety; or

(B) the record is evidence of an offense or constitutes evidence that a particular person committed an offense.

(b) A record of a library or library system that is excepted from required disclosure under this section is confidential.

Added by Acts 1995, 74th Leg., ch. 76, Sec. 5.03 (a), eff. Sept. 1, 1995; Acts 1995, 74th Leg., ch. 1035, Sec. 11, eff. Sept. 1, 1995.

Amended by: Acts 2011, 82nd Leg., R.S., Ch. 1229, Sec. 16, eff. September 1, 2011.

Code of Ethics of the American Library Association

As members of the American Library Association, we recognize the importance of codifying and making known to the profession and to the general public the ethical principles that guide the work of librarians, other professionals providing information services, library trustees and library staffs.

Ethical dilemmas occur when values are in conflict. The American Library Association Code of Ethics states the values to which we are committed, and embodies the ethical responsibilities of the profession in this changing information environment.

We significantly influence or control the selection, organization, preservation, and dissemination of information. In a political system grounded in an informed citizenry, we are members of a profession explicitly committed to intellectual freedom and the freedom of access to information. We have a special obligation to ensure the free flow of information and ideas to present and future generations.

The principles of this Code are expressed in broad statements to guide ethical decision making. These statements provide a framework; they cannot and do not dictate conduct to cover particular situations.

- I. We provide the highest level of service to all library users through appropriate and usefully organized resources; equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all requests.
- II. We uphold the principles of intellectual freedom and resist all efforts to censor library resources.
- III. We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.
- IV. We respect intellectual property rights and advocate balance between the interests of information users and rights holders.
- V. We treat co-workers and other colleagues with respect, fairness, and good faith, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions.
- VI. We do not advance private interests at the expense of library users, colleagues, or our employing institutions.
- VII. We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere with fair representation of the aims of our institutions or the provision of access to their information resources.
- VIII. We strive for excellence in the profession by maintaining and enhancing our own knowledge and skills, by encouraging the professional development of coworkers, and by fostering the aspirations of potential members of the profession.

Adopted at the 1939 Midwinter Meeting by the ALA Council; amended June 30, 1981; June 28, 1995; and January 22, 2008.

**TAYLOR FIRE DEPARTMENT
ADMINISTRATIVE GUIDELINES
ISSUED: FEBRUARY 2014**

**HEALTH AND SAFETY
HIPAA AND CONFIDENTIALITY
102.50**

Purpose

The purpose of this guideline is to comply with the Health Insurance Portability and Accountability Act of 1996 and to assure no member of the City of Taylor Fire Department distributes confidential medical information to any unauthorized person as defined by the Texas Health and Safety Code, #773.092.

I. Patient Confidentiality

- A. Employees of the City of Taylor Fire Department shall not publicize or release confidential information of any patient treated while within the scope of employment with the City of Taylor. Every fire department employee will be required to sign a HIPAA form in order to protect patient information.
- B. Any request for information should be directed to the Fire Chief.
- C. Employees of the City of Taylor Fire Department shall refrain from speculating on the patient's diagnosis or prognosis when the patient, family, bystanders, or the media are present.

II. Release of Information at the scene

- A. Patient information may be released at the scene to the following:
 - 1. Other Medical personnel under the direction of a physician.
 - 2. Law Enforcement if the Paramedic or EMT feels the patient may be in imminent danger, either from a mental or physical condition. Examples are Assaults, Sexual Assaults, Child Abuse, e.g.
- B. Patient information shall NOT be released on the scene to the following:
 - 1. Law enforcement personnel who request information in order to execute a criminal charge against the patient.
 - 2. Any attorney present at the scene.
 - 3. Any bystander at the scene.
 - 4. Any media at the scene.
 - 5. Any unauthorized medical personnel at the scene.

	POLICE DEPARTMENT	
	Policy 612 Privacy, Security, and Release of Records	
	Effective Date: 4/1/2014	Replaces: 612
	Approved:	
	Chief of Police	
	Reference: TBP 5.01, 5.02 5.03 and 10.02 f	

I. POLICY

The Taylor Police Department operates and maintains a fully integrated computerized police Records system. Our agency's centralized records system is secured in a locked Police Records Room as well as a locking cabinet in the front records area of the police station. Centralized Records must be maintained in a locked room or locked cabinets with only authorized persons having access. Police records shall be accessible to authorized police personnel on a need-to-know-basis to perform their official law enforcement duties. Juvenile records must also be maintained in a separately secured area within the records area that is independently secured for Juvenile files as required by law.

II. PURPOSE

To establish guidelines for the privacy, security, and retention of the Taylor Police Department law enforcement records, in compliance with applicable state laws.

III. RECORDS SECURITY (TBP: 5.01)

- A. The Police Records Unit is a restricted area. Personnel assigned to the Records Unit are directly supervised by the Records Supervisor who reports directly to the Support Services Administrator. The Records Supervisor is responsible for maintenance of department records and will be provided training in Law Enforcement Records Management and the Public Information Act.
- B. Centralized Police Records are restricted to assigned Records personnel only. Entry by unauthorized personnel is prohibited. Centralized Records must be maintained in a locked room or locked cabinets with only authorized persons having access.
- C. Police Centralized Records will be secured and locked when not staffed by assigned Records personnel. Our agency's centralized records system is secured in a locked Police Records Room as well as a locking cabinet in the front records area of the police station.

- D. Personnel authorized by the Records Supervisor or the Chief of Police may have access to the Records Unit after hours for need to know information only. Authorization may be granted to Communication Officers and Commanders only.
- E. When entry has been made by the authorized personnel, written notification to the Records Supervisor will be made immediately after accessing the records. Written notification is to be made on a Records Log and will state the specific authorized individual who made entry, the date entry was made, time entry was made, why entry was made, and what records were accessed.

iv. Juvenile Records

(TBP: 10.02 f)

- A. In compliance with state law, the Records Supervisor shall maintain juvenile criminal records separately from adult criminal records, in locked files, with restricted access. State and federal laws require juvenile files to be kept separate from adult files.
- B. Juvenile criminal records are confidential by state law, and are not open to public inspection.
- C. Access to juvenile criminal records shall be restricted to a need-to-know basis, by law enforcement or criminal justice officials.
- D. Any person, including school officials, requesting information from a juvenile criminal record, must submit a written request to the Juvenile Court, through the Williamson County Juvenile Probation Office. The Police Department is not authorized to release juvenile information, with the exception of notification of the school of a student's arrest or of convicted sexual offenders.
- E. Juvenile fingerprints and photographs, if taken, will be turned over to the Juvenile Probation Department intake officer. Police Records will not maintain fingerprints or photographs of juveniles. Should fingerprints or photographs be turned over to Police Records they will be destroyed as specified in the Texas Family Code sections 58.001 and 58.002.
- F. Computerized Criminal History (CCH) Records
 - 1. In addition to the agency's computerized arrest records, the agency maintains "criminal history" records for each person arrested by the Taylor Police Department, in compliance with state law.
 - 2. Access to the TCIC/NCIC criminal history data base is limited to designated personnel. The program generates its own log showing who accessed the system. The log is computerized and maintained by Information Systems personnel.

3. Access to CCH information through local law enforcement agencies is limited to criminal justice uses. Individuals who request a copy of their computerized criminal history must do so through the Texas Department of Public Safety in Austin. Numerous agencies have been given authority to access criminal history information on prospective licensees or applicants. The statutes giving this authorization do not permit use of local police agency TCIC/NCIC lines for obtaining the CCH. Requests of this nature are to be referred to the Records Supervisor.

v. RELEASE OF RECORDS (TBP: 5.03)

- A. Release of information reported to law enforcement agencies is governed by the Texas Government Code, Texas Public Information Act, Chapter 552. The Taylor Police Department complies with the Texas Public Information Act, to include Section 552.021 as well as Section 552.108; i.e. Certain Law Enforcement, Corrections, and Prosecutorial Information.
- B. Any request for public information to obtain a police report made or compiled by the Taylor Police Department is to be submitted in writing as an "Open Records Request" and referred to the Records Supervisor.
- C. Personal information contained in police records is released in accordance with applicable state and federal law, as well as City of Taylor policy.
- D. All Arrest files which are maintained in the records files and computer will be the responsibility of the Records Supervisor. In addition to the Public Information requests governed by the Texas Public Information Act, copies of files will only be released to persons authorized below.
 1. Personnel of this department.
 2. Sworn officers from other agencies upon written request.
 3. Courts of law under proper process.
 4. District Attorneys.
 5. County Attorneys.
 6. Federal Law Enforcement Agencies
 7. Probation/ Parole Agencies.
 8. Military Personnel with a written request and signed waiver of the named person. Copies of waivers will be kept for a period of three (3) years.
- E. Juvenile arrest information is closed to public information requests and will not be released without Court Order of signed waiver from the juvenile and a parent or guardian.

- F. Original reports will only be released to members of this Department and will be documented with date, name, file name and number and the clerk releasing the files in the Records "check-out" Log. A copy will be made prior to release of any original report and the Records "check-out" Log will be completed upon each request. Upon the return of original records, the Records clerk will check the contents of the return against the Records "check-out" Log and note when and who returned the files. If there are no discrepancies in the contents of the records being checked in, the receiving person will initial the Records "check-out" Log placing all records in its originating file location.
- G. Records personnel will respond to all requests from the courts for original records. A complete copy of the records requested will be made before removing the original from the Records Unit.
- H. Individuals may request a "Clearance Letter" for purposes of travel visas, adoptions, and other reasons. Records personnel will obtain at least two pieces (one photo) of identification, along with a written request and check the person's local record only. The Records personnel will prepare a "To Whom it May Concern" letter indicating that no criminal record has been recorded in the City of Taylor. State or Federal Criminal History inquiries are made directly to those agencies by the individual.

THE STATE OF TEXAS

COUNTY OF WILLIAMSON

**AUTHORIZATION FOR RELEASE
OF
PERSONAL INFORMATION**

I, _____ do hereby authorize a review of and full disclosure of all records concerning myself to any duly authorized agent of the Taylor Police Department whether the said records are private, public or confidential nature.

The intent of this authorization is to give my consent for full and complete disclosure of the records of educational institutions, financial or credit institutions, including records of loans, the records of commercial or retail, credit agencies (including credit reports and/or ratings); and other financial statements and records wherever filed; medical and psychiatric treatment and/or consultation, including hospitals, clinics, private practitioners and the U.S. Veteran's Administration; employment and pre-employment records, including background reports, efficiency ratings, complaints or grievances filed by or against me and the records and recollections of attorneys at law, or of other counsel, whether representing one or another person in any case, either criminal or civil, in which I presently have, or have had an interest in.

I understand that any information obtained by the Personal History Background investigation, which is developed directly or indirectly, in whole or in part, upon this release of authorization, will be considered in determining my suitability for employment or advancement by the Taylor Police Department. I also certify that any person(s) who may furnish such information concerning me shall not be held accountable for giving this information; and I do hereby release said person(s) from any and all liability which may be incurred as a result of furnishing such information.

Information received from all sources will be kept confidential and will not be released to either the applicant or personnel not involved in the hiring/promotion process.

A photocopy of this release form will be valid as an original thereof, even though the said photocopy does not contain an original _____ writing of my signature.

Signature (Includes maiden name if applicable)

Address: _____

Phone: () _____

Date of Birth: _____

Social Security No. _____

Subscribed and sworn to before me, by the said: _____

This ____ day of _____ 20__ to certify which witness my hand

Notary Public In and For County of _____ State of Texas

IDENTITY THEFT PREVENTION PROGRAM (Effective beginning November 1, 2008)

I. PROGRAM ADOPTION

The City of Taylor ("Utility") developed this Identity Theft Prevention Program pursuant to the Federal Trade Commission's Red Flags Rule, which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. 16 C. F. R. § 681.2. This Program was developed with oversight and approval of the Program Administrator (Finance Director). After consideration of the size and complexity of the Utility's operations and account systems, and the nature and scope of the Utility's activities, the City Council has determined that this Program is appropriate for the City of Taylor (Utility) and therefore approved this Program on October 21, 2008.

II. PROGRAM PURPOSE AND DEFINITIONS

A. Fulfilling requirements of the Red Flags Rule

Under the Red Flag Rule, every financial institution and creditor is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

1. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
2. Detect Red Flags that have been incorporated into the Program;
3. Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
4. Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

B. Red Flags Rule definitions used in this Program

The Red Flags Rule defines "Identity Theft" as "fraud committed using the identifying information of another person" and a "Red Flag" as a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.

According to the Rule, a municipal utility is a creditor subject to the Rule requirements. The Rule defines creditors "to include finance companies, automobile dealers, mortgage brokers, **utility companies**, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors."

All the Utility's accounts that are individual utility service accounts held by customers of the utility whether residential, commercial or industrial are covered by the Rule. Under the Rule, a "covered account" is:

1. Any account the Utility offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and
2. Any other account the Utility offers or maintains for which there is a reasonably

foreseeable risk to customers or to the safety and soundness of the Utility from Identity Theft.

“Identifying information” is defined under the Rule as “any name or number that may be used, alone or in conjunction with any other information, to identify a specific person,” including: name, address, telephone number, social security number, date of birth, government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer’s Internet Protocol address, or routing code.

III. IDENTIFICATION OF RED FLAGS.

In order to identify relevant Red Flags, the Utility considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with Identity Theft. The Utility identifies the following red flags, in each of the listed categories:

A. Notifications and Warnings From Credit Reporting Agencies Red Flags

1. Report of fraud accompanying a credit report;
2. Notice or report from a credit agency of a credit freeze on a customer or applicant;
3. Notice or report from a credit agency of an active duty alert for an applicant; and
4. Indication from a credit report of activity that is inconsistent with a customer’s usual pattern or activity.

B. Suspicious Documents Red Flags

1. Identification document or card that appears to be forged, altered or inauthentic;
2. Identification document or card on which a person’s photograph or physical description is not consistent with the person presenting the document;
3. Other document with information that is not consistent with existing customer information (such as if a person’s signature on a check appears forged); and
4. Application for service that appears to have been altered or forged.

C. Suspicious Personal Identifying Information Red Flags

1. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
2. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
3. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
4. Social security number presented that is the same as one given by another customer;
5. An address or phone number presented that is the same as that of another person;
6. A person fails to provide complete personal identifying information on an application

when reminded to do so (however, by law social security numbers must not be required); and

7. A person's identifying information is not consistent with the information that is on file for the customer.

D. Suspicious Account Activity or Unusual Use of Account Red Flags

1. Change of address for an account followed by a request to change the account holder's name;
2. Payments stop on an otherwise consistently up-to-date account;
3. Account used in a way that is not consistent with prior use (example: very high activity);
4. Mail sent to the account holder is repeatedly returned as undeliverable;
5. Notice to the Utility that a customer is not receiving mail sent by the Utility;
6. Notice to the Utility that an account has unauthorized activity;
7. Breach in the Utility's computer system security; and
8. Unauthorized access to or use of customer account information.

E. Alerts from Others

Red Flag

1. Notice to the Utility from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

IV. DETECTING RED FLAGS.

A. New Accounts

In order to detect any of the Red Flags identified above associated with the opening of a **new account**, Utility personnel will take the following steps to obtain and verify the identity of the person opening the account:

Detect

1. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
2. Verify the customer's identity (for instance, review a driver's license or other identification card);
3. Review documentation showing the existence of a business entity; and
4. Independently contact the customer.

B. Existing Accounts

In order to detect any of the Red Flags identified above for an **existing account**, Utility personnel will take the following steps to monitor transactions with an account:

Detect

1. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
2. Verify the validity of requests to change billing addresses; and
3. Verify changes in banking information given for billing and payment purposes.

V. PREVENTING AND MITIGATING IDENTITY THEFT

In the event Utility personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

Prevent and Mitigate

1. Continue to monitor an account for evidence of Identity Theft;
2. Contact the customer;
3. Change any passwords or other security devices that permit access to accounts;
4. Not open a new account;
5. Close an existing account;
6. Reopen an account with a new number;
7. Notify the Program Administrator for determination of the appropriate step(s) to take;
8. Notify law enforcement; or
9. Determine that no response is warranted under the particular circumstances.

Protect customer identifying information

In order to further prevent the likelihood of identity theft occurring with respect to Utility accounts, the Utility will take the following steps with respect to its internal operating procedures to protect customer identifying information:

1. Ensure that its website is secure or provide clear notice that the website is not secure;
2. Ensure complete and secure destruction of paper documents and computer files containing customer information;
3. Ensure that office computers are password protected and that computer screens lock after a set period of time;
4. Keep offices clear of papers containing customer information or keep in a secured place;
5. Request only the last 4 digits of social security numbers (if any);
6. Ensure computer virus protection is up to date; and

- VI.** Require and keep only the kinds of customer information that are necessary for utility purposes.

VII. **PROGRAM UPDATES**

This Program will be periodically reviewed and updated to reflect changes in risks to customers and the soundness of the Utility from Identity Theft. At least once a year, the Program Administrator will consider the Utility's experiences with Identity Theft situation, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, changes in types of accounts the Utility maintains and changes in the Utility's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator will update the Program and present to the City Council with his or her recommended changes and City Council will make a determination of whether to accept, modify or reject those changes to the Program.

VIII. **PROGRAM ADMINISTRATION. A.**

Oversight

Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee for the Utility. The Committee is headed by a Program Administrator who may be the head of the Utility or his or her appointee. Two or more other individuals appointed by the head of the Utility or the Program Administrator comprise the remainder of the committee membership. The Program Administrator will be responsible for the Program administration, for ensuring appropriate training of Utility staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

B. Staff Training and Reports

Utility staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected. All Utility staff shall receive training every two years or as needed to address any changes in the program. Utility staff is required to provide reports to the Program Administrator on incidents of Identity Theft and to report any compliance issues with the Program and the effectiveness of the Program.

C. Service Provider Arrangements

In the event the Utility engages a service provider to perform an activity in connection with one or more accounts, the Utility will take the following steps to ensure the service

provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

1. Require, by contract, that service providers have such policies and procedures in place; and
2. Require, by contract, that service providers review the Utility's Program and report any Red Flags to the Program Administrator.

D. Specific Program Elements and Confidentiality

For the effectiveness of Identity Theft prevention Programs, the Red Flag Rule envisions a degree of confidentiality regarding the Utility's specific practices relating to Identity Theft detection, prevention and mitigation. Therefore, under this Program, knowledge of such specific practices are to be limited to the Identity Theft Committee and those employees who need to know them for purposes of preventing Identity Theft. Because this Program is to be adopted by a public body and thus publicly available, it would be counterproductive to list these specific practices here. Therefore, only the Program's general red flag detection, implementation and prevention practices are listed in this document.



City Council Meeting April 10, 2014 Agenda Item Transmittal

Agenda Item #: 8
Agenda Title: Consider approving Resolution R14-05 supporting the Taylor Lions Club initiative to operate the Free Little Library Program in Taylor.

Council Action to be taken: Approve, Deny, or Table

Initiating Department: Planning and Development

Staff Contact: Bob van Til, Director

1. INTRODUCTION/PURPOSE

The purpose of the attached resolution is to permit the Lions Club to install up to five Free Little Libraries in the city right of way by sidewalks. The resolution also allows residents to install Little Free Libraries adjacent to their homes in the right of way by the sidewalk. However, none of the library boxes will be allowed to be installed at the back of the curb, which would encourage people to stand in the street creating an unsafe situation.

2. DESCRIPTION/ JUSTIFICATION

Mrs. Kaitlin Olle approached the City about starting this program in Taylor. She is with the Taylor Lions Club and they have taken literacy on as one of their projects.

The Free Little Library is ‘a “take a book, return a book” gathering place where neighbors share their favorite literature and stories. In its most basic form, a Little Free Library is a box full of books where anyone may stop by and pick up a book (or two) and bring back another book to share.’

The Lions Club proposes to install about five of the post-box style little libraries in the City. They are typically installed by a sidewalk where the children can exchange books when they want to. Also, the Lions Club also hope to enlist people in the community to install their own box in front of their homes, in the right of way by the sidewalk, to exchange books.

The Lions Club will maintain the boxes they install. Residents will maintain the boxes that they install. The content of the books will be monitored by the Lions Club.

Please also see the website www.freelittlelibrary.org

Mrs. Olle will be at the meeting to address the Council on behalf of the Taylor Lions Club.

3. FINANCIAL/BUDGET

N/A

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

Staff recommends approval of the attached resolution R14-05

6. REFERENCE FILES

8a. [Resol. R14-05](#)

8b. [Program Information](#)

RESOLUTION R14-05

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAYLOR,
SUPPORTING THE TAYLOR LIONS CLUB INITIATIVE TO OPERATE
THE FREE LITTLE LIBRARY PRPGRAM IN TAYLOR**

WHEREAS, the City Council of the City of Taylor desires to develop a viable urban community including access to free books; and

WHEREAS, The Taylor Lions Club adopted literacy as one of its community service projects; and

WHEREAS, the Taylor City Council supports the efforts proposed by the Taylor Lions Club;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAYLOR, TEXAS, THAT:

SECTION 1 – that the Taylor Lions Club be allowed to install five (5) Free Little Libraries in City rights of ways for the purpose of providing free books to the citizens of Taylor, and

SECTION 2 – that the Taylor Lions Club is encouraged to engage citizens of the City of Taylor to participate in this program and install a Free Little Library adjacent to their property in the City right of way, if necessary, up to thirty (30) throughout the community, and

SECTION 3 – Maintenance of the Free Little Library Boxes will be the responsibility of the person or persons who installed them, and

SECTION 4 – That the Taylor Lions Club and the City will work together to ensure that no Free Little Libraries will be installed in areas that will inadvertently endanger the travelling public, and

SECTION 5 – that the content and quality of the books will be monitored by the Taylor Lions Club

Passed and approved this 10th day of April, 2014

Jesse Ancira, Jr., Mayor

ATTEST:

Susan Brock, City Clerk
(Seal)



Taylor Lions Club and the Little Free Library Project

The Taylor Lions Club is interested in starting a Little Free Library Project for the Taylor Community. Ideas are to get local businesses and residents involved to give the community more options for literacy. Our hope is for Libraries to pop up all over town so no matter where you live you have access to books. A possible partnership with the Taylor Public Library, Friends of the Library, and the schools would foster much needed collaboration for a community-wide benefit.

Below is some information straight from the Little Free Library's handbook on how to get started and some ideas of how to maintain the project. Please visit their site at www.littlefreelibrary.org for more information and to view the interactive map of all the Libraries worldwide.



"OK, before we get too far along, we need to remind you of one crucial element to this process: MAKING IT OFFICIAL. When you make it official, you request a charter sign, charter number and Steward's packet of support materials for your Library. Your Library must first be official before you can register it to be on the World Map. There is a one-time payment of \$34.95 per Library

SECTION: Building Interest and Finding Partners

Promoting literacy and a love of books is an appealing cause to nearly everybody.

Builders:

Local carpenters and artists. Little Libraries are great promotional tools. A Library they build or decorate could be a constant advertisement for their work in the community. A modest sign on the Library itself can acknowledge the builder, artist or sponsor.

Local businesses. Try hardware, home and garden or building supply stores, paint companies; any business that could build a Library and is interested in promoting themselves through community service. Coffee shops and restaurants can offer ideal indoor or outdoor locations for Libraries, especially if the Libraries are decorated with their brand. Realtors like to point out that Little Free Libraries enhance a neighborhood's friendly appeal.

Girl and Boy Scout Troops, 4-H Clubs, Rotary, Lions, Kiwanis, Jaycees, Altrusa, Masons, and other service-oriented organizations. Little Free Libraries are great community service projects for one day, once a month or as long as each group might like.

High schools, colleges and universities. If your high school has a wood shop class, propose that they build Libraries to be donated to the community. Art students could decorate them. You could even create a Library design contest. You'll be surprised to learn that elementary school classes are often excellent sources of ideas, books—and parents with skills.

SECTION: Organize a Group Building and Decorating Day!

You can build one Library or many. Some examples:

Just One: The Madison, Wisconsin, Children's Museum started with an unpainted Amish Barn Wood Library as a craft activity in the Wisconsin Book Festival. Parents and kids covered it with beautifully colored wet tissue paper over several days, then auctioned it off to raise funds. The museum exhibit staff welded their own Little Library to put outside the main entrance on Madison's Capitol Square.

Four Libraries. Folklore Village in rural Dodgeville, Wisconsin brought families together from across the U.S. between Christmas and New Year's Day to construct four Little Free Libraries from found objects and recycled materials. In three days they transformed old cabinets, a doll house and scrap lumber into four unique Libraries. The doll house had been rescued from trash pickup eight years before and found a new home at a Waldorf school. The other three Libraries were donated to neighborhoods that requested them. Want an easy way to build four Libraries from pre-painted kits? You can save a lot of money and get great results with the Neighborhood Building Party Kit.

SECTION: What About Books?

Worried about having enough books to stock the Libraries? Here are some ideas that can work.

Host a book swap! Approach local book stores to see if they would be willing to donate. You don't have to organize a massive citywide campaign. In fact, sometimes smaller events work better because they only require a relatively small group of organizers who invite friends, neighbors and colleagues. Some communities hold book swaps every few months and have centralized places where Little Free Library stewards can donate and take books any time.

Friends of Library book sales. Most Friends groups have book sales once or twice each year to clear out old books and raise funds. Many of the books that remain after the sale are in good condition and could be great additions to Little Free Libraries. Contact your public library Friends to see if you can help with the sale itself, then sort and distribute the leftovers to Little Free Libraries, Goodwill, St. Vincent de Paul or other resale shops. Sadly, some books will end up in your landfill or wood stove.

SECTION: Maintaining Interest and Enthusiasm

Little Free Library bike or walking tour. This could even be a treasure hunt for kids. These can be one-time events or you can design routes for tourists.

Summer Little Free Library camps for kids. For two years 10-13 year olds in one city have combined arts, crafts, community observation, reading and organizing into five days of fun. The first year they built one Library on the theme of kindness, and found lots of ways to experiment with acts of kindness. The second year they built four Little Free Libraries, prepared books for distribution and visited dozens of locations.

Bi-weekly or monthly story times. In good weather, have everyone gather by a Little Free Library, pick their favorite books and read aloud to each other. Or schedule monthly readings at coffee shops or community centers.

Arts and crafts events. Create bookmarks and tiny books that can be placed in Libraries in your area."



City Council Meeting April 10, 2014 Agenda Item Transmittal

Agenda Item #: 9

Agenda Title: Consider setting a special meeting on May 20, 2014 to canvass election results, conduct swearing in ceremony, elect a Mayor, and elect a Mayor Pro Tem.

Council Action to be taken: Set special meeting for Tuesday, May 20, 2014.

Initiating Department: City Administration

Staff Contact: Susan Brock, City Clerk

1. INTRODUCTION/PURPOSE

The City election takes place on May 10, 2014 to elect a council member At Large. The governing body (Council) must official canvass the election results after the County ballot board has completed the count of all provisional ballots.

2. DESCRIPTION/ JUSTIFICATION

3. FINANCIAL/BUDGET

4. TIMELINE CONSIDERATIONS

State Election Code says votes may be canvassed between May 13 – 21st. Our Elections Administrator has 7 days to confirm all provisional ballots and ballots by mail and may deliver those results of that tabulation to the City after May 17th. In the past, we have scheduled a short meeting not on a regular meeting date in order to get the elected official sworn in and Mayor and Mayor Pro Tem elected prior to them being seated to avoid any confusion during a regular meeting.

5. RECOMMENDATION

Set a special Council meeting on Tuesday, May 20 2014 at 6 pm to canvass the election results, elect and Mayor and Mayor Pro Tem.

6. REFERENCE FILES



City Council Meeting
April 10, 2014
Agenda Item Transmittal

Agenda Item #: 10

Agenda Title: Consider adoption of Resolution 14-08 approving the formation of the Frameswitch Local Government Corporation pursuant to the provisions of Subchapter D of Chapter 431, Texas Transportation Code and Chapter 394, V.T.C.A., Texas Local Government Code.

Council Action to be taken: Approve, Deny or Table

Initiating Department: City Administration

Staff Contact: Jeff Straub, Interim City Manager

1. INTRODUCTION/PURPOSE

This Resolution would approve the formation of the Frameswitch Local Government Corporation.

The cities of Taylor and Hutto have found an opportunity to work together on recruiting potential economic development projects to property located in the area known as Frameswitch. In order to provide a unified response and approach, it is recommended that a local government corporation be formed. This would allow both entities to respond to prospects with a singular voice regarding land and other incentives to benefit the taxpayers of both cities.

The local government corporation would have equal representation from both cities for a total of six members and would be organized to have powers designated and agreed upon by both City Councils.

2. DESCRIPTION/ JUSTIFICATION

3. FINANCIAL/BUDGET

It is anticipated that existing staff would support the Local Government Corporation and that expenses related to its formation would be divided between the two cities.

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

The formation of the Frameswitch Local Government Corporation is recommended as well as the designation of three representatives to serve on the corporation for the submission of the Corporation's by-laws to the Secretary of State.

6. REFERENCE FILES

(Reference items will be provided separately.)

10a. Resolution R14-08

10b. Frameswitch Articles of Incorporation

10c. Frameswitch By-laws

RESOLUTION NO. R14-08

**A RESOLUTION APPROVING THE CERTIFICATE OF FORMATION
AND BY-LAWS FOR THE FRAME SWITCH LOCAL GOVERNMENT
CORPORATION.**

WHEREAS, the City is interested in promoting the common good and general welfare of the City, and its extraterritorial jurisdiction; and

WHEREAS, the City is interested in cooperating with its neighbor, the City of Hutto, Texas; and

WHEREAS, the City desires to cooperate with the City of Taylor in the formation of a Local Government Corporation the "LGC"), under the provisions of Subchapter D of Chapter 431 of the Texas transportation Code and Chapter 394 of the Texas Local Government Code; and

WHEREAS, the LGC will be organized for the purpose of aiding, assisting, and acting on behalf of the Cities in the performance of their governmental functions to promote the common good and general welfare of the Cities, including the extraterritorial jurisdiction of the Cities, in furtherance of the promotion, development, encouragement and maintenance of employment, commerce, economic development and public facility development in the Cities; and

WHEREAS, the LGC shall only have the rights, powers, privileges, authority, and functions given by the general laws of the State of Texas to non-profit corporations incorporated under the Act including, without limitation, the powers granted under the Texas Non-Profit Corporation Act, Chapter 22, Business Organization Code.

NOW THEREFORE, be it resolved by the City Council of Taylor, Texas, that the Certificate of Formation and the By-laws for the Frame Switch Local Government Corporation, attached hereto as Exhibits A and B, are hereby approved.

Passed and approved this 10th day of April, 2014

JESSE ANCIRA, JR.
Mayor, Taylor, Texas

ATTEST:

Susan Brock, City Clerk

(Seal)

CERTIFICATE OF FORMATION
OF
FRAME SWITCH LOCAL GOVERNMENT CORPORATION

We, the undersigned natural persons, each of whom is at least eighteen (18) years of age or more, and a resident and a qualified voter of the City of Hutto, Texas or the City of Taylor, Texas (collectively, the "Cities") and a citizen of the State of Texas, acting as incorporators of a corporation under the provisions of Subchapter D of Chapter 431, Texas Transportation Code (the "Act"), and Chapter 394, Vernon's Texas Codes Annotated, Texas Local Government Code (the "Local Government Code"), do hereby adopt the following Certificate of Formation for such corporation:

ARTICLE I

The name of the corporation is FRAME SWITCH LOCAL GOVERNMENT CORPORATION (the "Corporation").

ARTICLE II

The Corporation is a public non-profit corporation.

ARTICLE III

The period of duration of the Corporation shall be perpetual.

ARTICLE IV

The Corporation is organized for the purpose of aiding, assisting, and acting on behalf of the Cities in the performance of their governmental functions to promote the common good and general welfare of the Cities, including the extraterritorial jurisdiction of the Cities in furtherance of the promotion, development, encouragement and maintenance of employment, commerce, economic development and public facility development in the Cities.

The Corporation is formed pursuant to the provisions of the Act as it now or may hereafter be amended, and Chapter 394, Texas Local Government Code, which authorizes the Corporation to assist and act on behalf of the Cities to accomplish any governmental purpose of the Cities and to engage in activities in the furtherance of the purposes for its creation.

The Corporation shall have and exercise all of the rights, powers, privileges, authority, and functions given by the general laws of the State of Texas to non-profit corporations incorporated under the Act including, without limitation, the powers granted under the Texas Non-Profit Corporation Act, Chapter 22, Business Organization Code.

The Corporation shall have all other powers of a like or different nature not prohibited by law that are available to non-profit corporations in Texas and which are necessary or useful to

enable the Corporation to perform the purposes for which it is created, including the power to issue bonds, notes or other obligations, and otherwise exercise its borrowing power to accomplish the purposes for which it was created.

The Corporation is created as a local government corporation pursuant to the Act and shall be a governmental unit within the meaning of Subdivision (2), Section 101.001, Texas Civil Practice and Remedies Code. The operations of the Corporation are governmental and not proprietary functions for purposes of the Texas Tort Claims Act, Section 101.001 et seq., Texas Civil Practice and Remedies Code. The Corporation shall have the power to acquire land in accordance with the Act as amended from time to time.

ARTICLE V

The Corporation shall have no members and shall have no stock.

ARTICLE VI

All powers of the Corporation shall be vested in a Board of Directors consisting of six (6) persons who shall be appointed by the City Councils of the Cities, with three members being appointed by each City Council. The initial board members, a majority of whom reside within the Cities, are identified in Article IX below and shall serve for the term expiring on the date set forth thereon. Subsequent board members shall be appointed by the City Councils of the Cities. A subsequent board member does not have to be a resident of the Cities provided however, that a majority of the board members must be residents of the Cities. Each subsequent board member shall serve for a term of two (2) years or until his or her successor is appointed by the City Councils of the Cities, unless such board member has been appointed to fill an unexpired term, in which case the term of such board member shall expire on the expiration date of the term of the board member who he or she was appointed to replace. Any board member may be removed from office at any time with or without cause, by the City Councils of the Cities.

All other matters pertaining to the internal affairs of the Corporation shall be governed by the Bylaws of the Corporation, so long as such Bylaws are not inconsistent with this Certificate of Formation or the laws of the State of Texas.

ARTICLE VII

The street address of the initial registered office of the Corporation is _____, which is within the city limits of the City of Hutto, and the name of its initial registered agent at such address is _____.

ARTICLE VIII

The names and street addresses of the incorporators, each of whom resides within the Cities, are:

NAME

ADDRESS

ARTICLE IX

The Corporation shall be governed by a board of directors consisting of six (6) directors. The names and street addresses of the initial directors, a majority of whom reside within the Cities, are:

NAME

ADDRESS

The initial directors shall serve a term that expires _____, and shall hold office for the term for which the initial director was appointed and until the director's successor is elected or appointed and has qualified.

ARTICLE X

A resolution approving the form of this Certificate of Formation has been adopted by the City Councils of the Cities on _____.

ARTICLE XI

No director shall be liable to the Corporation for monetary damages for an act or omission in the director's capacities as a director, except for liability (i) for any breach of the director's duty of loyalty to the Corporation, (ii) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, (iii) for any transaction from which the director received an improper benefit, whether the benefit resulted from an act taken within the scope of the director's office, or (iv) for acts or omissions for which the liability of a director is expressly provided by statute. Any repeal or amendment of this Article by the directors shall be prospective only, and shall not adversely affect any limitation on the personal liability of a director existing at the time of such repeal or amendment. In addition to the circumstances in which a director is not personally liable as set forth in the preceding sentences, a director shall not be liable to the fullest extent permitted by any amendment to the Texas statutes hereafter enacted that further limits the liability of a director.

ARTICLE XII

In accordance with the provisions of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Internal Revenue Code"), and regardless of any other provisions of these Articles of Incorporation or the laws of the State of Texas, the Corporation: (a) shall not permit any part of the net earnings of the Corporation to inure to the benefit of any private individual (except that reasonable compensation may be paid for personal services rendered to or for the Corporation in effecting one or more of its purposes); (b) shall not direct any of its activities to attempting to influence legislation by propaganda or otherwise; (c) shall not participate in or intervene in (including the publication or distribution of statements), any political campaign on behalf of any candidate for public office; and (d) shall not attempt to influence the outcome of any election for public office or to carry on, directly or indirectly, any voter registration drives. Any income earned by the Corporation after payment of reasonable expenses, debt and such reserves as may be necessary as set forth in the authorizing documents related to the issuance of debt by the Corporation shall accrue to the Cities.

At such time as all bonds, notes and obligations issued or incurred by the Corporation have been paid or irrevocable provisions have been made for their payment, the Cities shall, at all times, have an unrestricted right to receive any income earned by the Corporation, exclusive of amounts needed to cover reasonable expenditures and reasonable reserves for future activities. Any income of the Corporation received by the Cities shall be deposited into such account or fund as determined by the City Councils of the Cities. No part of the Corporation's income shall inure to the benefit of any private interests.

If the Board determines by resolution that the purposes for which the Corporation was formed have been substantially met and all bonds issued by and all obligations incurred by the Corporation have been fully paid or provision made for such payment, the Board may execute a certificate of dissolution which states those facts and declares the Corporation dissolved in accordance with the requirements of Section 394.026 of Vernon's Texas Codes Annotated, Local Government Code, or with applicable law then in existence. In the event of dissolution or liquidation of the Corporation, all assets will be turned over to the Cities for deposit into such account or fund as the City Councils shall direct.

ARTICLE XIII

If the Corporation is a private foundation within the meaning of Section 509(a) of the Internal Revenue Code, the Corporation (a) shall distribute its income for each taxable year at such time and in such manner as not to become subject to the tax on undistributed income imposed by Section 4942 of the Internal Revenue Code; (b) shall not engage in any act of self-dealing as defined in Section 4941 (d) of the Internal Revenue Code; (c) shall not retain any excess business holdings as defined in Section 4943(c) of the Internal Revenue Code; (d) shall not make any investments in such manner as to subject it to tax under Section 4944 of the Internal Revenue Code; and (e) shall not make any taxable expenditures as defined in Section 4945(d) of the Internal Revenue Code.

ARTICLE XIV

At such time as all bonds issued by and all obligations incurred by the Corporation have been fully paid or irrevocable provisions have been made for their payment, the City Councils of the two Cities may at any time consider and approve ordinances directing the Board to proceed with the dissolution of the Corporation, at which time the Board shall proceed with the dissolution of the Corporation in accordance with applicable state law. The failure of the Board to proceed with the dissolution of the Corporation in accordance with this Section shall be deemed a cause for the removal from office of any or all of the directors as permitted by Article VI of this Certificate of Formation.

ARTICLE XV

This Certificate of Formation may not be changed or amended unless approved by the City Councils of the Cities.

IN WITNESS WHEREOF, we have hereunto set our hands this ____ day of _____.

Incorporator

Incorporator

Incorporator

/

Sworn to and subscribed before me, 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/she executed the same for the purposes and consideration therein
expressed.

Given under my hand and seal of office this _____ day of _____

Notary Public

Sworn to and subscribed before me, 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/she executed the same for the purposes and consideration therein
expressed.

Given under my hand and seal of office this _____ day of _____.

Notary Public

Sworn to and subscribed before me, 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/she executed the same for the purposes and consideration therein
expressed.

Given under my hand and seal of office this _____ day of _____.

Notary Public

BYLAWS
OF
FRAME SWITCH LOCAL GOVERNMENT CORPORATION

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AMENDMENTS

BYLAWS
OF
FRAME SWITCH LOCAL GOVERNMENT
CORPORATION ARTICLE I
PURPOSES

Frame Switch Local Government Corporation (the "Corporation") is organized for the purpose of aiding, assisting, and acting on behalf of the Cities of Hutto, Texas and Taylor, Texas (the "Cities") in the performance of its governmental functions to promote the Cities, including the extraterritorial jurisdiction of the Cities, in furtherance of the promotion, development, encouragement and maintenance of employment, commerce, economic development and public facility development in the Cities.

The Corporation is formed pursuant to the provisions of Subchapter D, Chapter 431, Texas Transportation Code (the "Act") as it now or may hereafter be amended, which authorizes the Corporation to assist and act on behalf of the Cities to accomplish any governmental purpose of the Cities and to engage in activities in the furtherance of the purposes for its creation.

The Corporation shall have and exercise all of the rights, powers, privileges, authority, and functions given by the general laws of the State of Texas to non-profit corporations incorporated under the Act including, without limitation, the Texas Non-Profit Corporation Act, Chapter 22, Business and Commerce Code.

The Corporation shall have all other powers of a like or different nature not prohibited by law which are available to non-profit corporations in Texas and which are necessary or useful to enable the Corporation to perform the purposes for which it is created, including the power to issue bonds, notes or other obligations, and otherwise exercise its borrowing power to accomplish the purposes for which it was created.

The Corporation is created as a local governmental corporation pursuant to the Act and shall be a governmental unit within the meaning of Subdivision (2), Section 101.001, Texas Civil Practice and Remedies Code. The operations of the Corporation are governmental and not proprietary functions for purposes of the Texas Tort Claims Act, Section 101.001 et seq., Texas Civil Practice and Remedies Code. The Corporation shall have the power to acquire land in accordance with the Act as amended from time to time.

ARTICLE II
BOARD OF DIRECTORS

Section 1. *Appointment, Powers, Number, and Term of Office.* All powers of the Corporation shall be vested in the Board of Directors (the "Board"). The Board shall initially consist of six (6) persons who shall be appointed by the City Councils of the Cities, as evidenced by

the approval of the Certificates of Formation by the City Councils. Each initial Director shall serve for the term expiring on the date set forth in the Certificate of Formation. Subsequent Directors shall be appointed by the City Councils of the Cities. Each subsequent Director shall serve for a term of two years, expiring on September 30 of each year. Directors may be appointed to succeed themselves. No Director may serve longer than six (6) years consecutively, unless such service is required to complete an unexpired term. A Director does not have to be a resident of the Cities provided, however, that a majority of the Board must be residents of the Cities. Each Director, including the initial Directors, shall be eligible for reappointment. Each Director shall serve until a successor is appointed. Any Director may be removed from office at any time, with or without cause, by the City Council of the Cities.

Section 2. *Meetings of Directors.* The Directors may hold their meetings and may have an office and keep the books of the Corporation at the Hutto City Hall, or such other place or places within the Cities as the Board may from time to time determine; provided, however, in the absence of any such determination, the Hutto City Hall shall be the registered office of the Corporation in the State of Texas.

The Board shall meet in accordance with and file notice of each meeting of the Board for the same length of time and in the same manner and location as is required of a Cities under Chapter 551, Government Code (the "Open Meetings Act").

The Corporation, the Board, and any committee of the Board exercising the powers of the Board are subject to Chapter 552, Government Code (the "Open Records Act").

Section 3. *Annual Meetings.* The annual meeting of the Board shall be held at the time and at the location in the Cities designated by the resolution of the Board for the purposes of transacting such business as may be brought before the meeting.

Section 4. *Regular Meetings.* Regular meetings of the Board shall be held at such times and places as shall be designated, from time to time, by resolution of the Board.

Section 5. *Special and Emergency Meetings.* Special and emergency meetings of the Board shall be held whenever called by the President of the Board or by a majority of the Directors who are serving duly appointed terms of office at the time the meeting is called.

The Secretary shall give notice of each special meeting in person, by telephone, electronic transmission (e.g., facsimile transmission or electronic mail) or mail at least three (3) days before the meeting to each Director. Notice of each emergency meeting shall also be given in the manner required of the Cities under the Open Meetings Act. Unless otherwise indicated in the notice thereof, any and all matters pertaining to the purposes of the Corporation may be considered and acted upon at a special or emergency meeting.

Section 6. *Quorum.* A majority of the Board shall constitute a quorum for the consideration of matters pertaining to the purposes of the Corporation. If at any meeting of the Board there is less than a quorum present, a majority of those present may adjourn the meeting from time to time. The act of a majority of the Directors present and voting at a meeting at which a quorum is in attendance shall constitute the act of the Board, unless the act of a greater number is required by law, by the Articles of Incorporation, or by these Bylaws.

A Director who is present at a meeting of the Board at which any corporate action is taken shall be presumed to have assented to such action, unless his or her dissent shall be entered in the

minutes of the meeting or unless he or she shall file a written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the Secretary of the Corporation immediately after the adjournment of the meeting. Such right to dissent shall not apply to a Director who voted in favor of the action.

Section 7. *Conduct of Business.* At the meetings of the Board, matters pertaining to the purposes of the Corporation shall be considered in such order as from time to time the Board may determine.

At all meetings of the Board, the President shall preside, and in the absence of the President, the Vice President shall preside. In the absence of the President and the Vice President, an acting presiding officer shall be chosen by the Board from among the Directors present.

The Secretary of the Corporation shall act as secretary of all meetings of the Board, but in the absence of the Secretary, the presiding officer may appoint any person to act as secretary of the meeting.

Section 8. *Executive Committee, Other Committees.* The Board may, by resolution passed by a majority of the Directors, designate three (3) or more Directors to constitute an executive committee or other type of committee. To the extent provided in the authorizing resolution, a committee shall have and may exercise all of the authority of the Board in the management of the Corporation, except where action of the Board is specified by statute. A committee shall act in the manner provided in the authorizing resolution. Each committee so designated shall keep regular minutes of the transactions of its meetings and shall cause such minutes to be recorded in books kept for that purpose in the office of the Corporation, and shall report the same to the Board from time to time. Committees authorized to exercise the powers of the Board shall give notice of any meeting in the manner required for a meeting of the Board.

Section 9. *Compensation of Directors.* Directors, as such, shall not receive any salary or compensation for their services as Directors; provided, that nothing contained herein shall be construed to preclude any Director from receiving compensation which is not excessive and which is at commercially reasonable rates for personal services (rendered in other than a "Director" capacities) which are reasonable and necessary in carrying out the Corporation's purposes.

Section 10. *Director's Reliance on Consultant Information.* A Director shall not be liable if while acting in good faith and with ordinary care, the Director relies on information, opinions, reports, or statements, including financial statements and other financial data, concerning the Corporation or another person, that were prepared or presented by:

- (a) one or more other officers or employees of the Corporation;
- (b) legal counsel, public accountants, or other persons as to matters the officer reasonably believes are within the person's professional or expert competence; or
- (c) a committee of the Board of which the Director is not a member.

ARTICLE III

OFFICERS

Section 1. *Titles and Term of Office.* The officers of the Corporation shall be the President, the Vice President, a secretary, a treasurer, and such other officers as the Cities Council may from time to time elect or appoint. One person may hold more than one office, except that one person shall not concurrently hold the offices of President and Secretary. The term of office for each officer shall be one (1) year with the term of office expiring on July 31 of each year. Officers may be re- elected.

Section 2. *Powers and Duties of the President.* The President shall be a member of the Board and shall preside at all meetings of the Board. The President shall be the principal executive officer of the Corporation and, subject to the Board, he or she shall be in general charge of the properties and affairs of the Corporation. In furtherance of the purposes of the Corporation and subject to the limitations contained in the Articles of Incorporation, the President or any Vice President may sign and execute all bonds, notes, deeds, conveyances, franchises, assignments, mortgages, notes, contracts and other obligations in the name of the Corporation. The President shall have such other duties as are assigned by the Board. The President may call special and emergency meetings of the Board.

Section 3. *Powers and Duties of the Vice President.* The Vice President shall be a member of the Board. The Vice President shall perform the duties and exercise the powers of the President upon the President's death, absence, disability, or resignation, or upon the President's inability to perform the duties of his or her office. Any action taken by the Vice President in the performance of the duties of the President shall be conclusive evidence of the absence or inability to act of the President at the time such action was taken. A Vice President shall have such other powers and duties as may be assigned to him or her by the Board or the President.

Section 4. *Treasurer.* The Treasurer shall have custody of all the funds and securities of the Corporation which come into his or her hands. When necessary or proper, he or she may endorse, on behalf of the Corporation, for collection, checks, notes and other obligations and shall deposit the same to the credit of the Corporation in such bank or banks or depositories as shall be designated in the manner prescribed by the Board; he or she may sign all receipts and vouchers for payments made to the Corporation, either alone or jointly with such other officer as is designated by the Board; whenever required by the Board, he or she shall render a statement of his or her cash account; he or she shall enter or cause to be entered regularly in the books of the Corporation to be kept by him or her for that purpose full and accurate accounts of all moneys received and paid out on account of the Corporation; he or she shall perform all acts incident to the position of Treasurer subject to the control of the Board; and he or she shall, if required by the Board, give such bond for the faithful discharge of his or her duties in such form as the Board may require. The Treasurer need not be a member of the Board.

Section 5. *Secretary.* The Secretary shall keep or cause to be kept the minutes of all meetings of the Board in books provided for that purpose; he or she shall attend to the giving and serving of all notices; in furtherance of the purposes of the Corporation and subject to the limitations contained in the Articles of Incorporation, he or she may sign with the President in the name of the Corporation and/or attest the signatures thereof, all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes and other instruments of the Corporation; he or she shall have charge of the Corporation's books, records, documents and instruments, except the books of account and financial records and securities of which the Treasurer shall have custody and charge, and such other

books and papers as the Board may direct, all of which shall at all reasonable times be open to the inspection of any Director upon application at the office of the Corporation during business hours; and, he or she shall in general perform all duties incident to the office of Secretary subject to the control of the Board. The Secretary need not be a member of the Board.

Section 6. *Compensation.* Officers may be entitled to receive such salary or compensation for personal services which are necessary and reasonable in carrying out the Corporation's purposes as the Board may from time to time determine, provided, that in no event shall the salary or compensation be excessive. Board members, even if officers, are not entitled to compensation except as otherwise provided in Article II, Section 9.

Section 7. *Officer's Reliance on Consultant Information.* In the discharge of a duty imposed or power conferred on an officer of the Corporation, the officer may in good faith and with ordinary care rely on information, opinions, reports, or statements, including financial statements and other financial data, concerning the Corporation or another person, that were prepared or presented by:

- (a) one or more other officers or employees of the Corporation, including members of the Board; or
- (b) legal counsel, public accountants, or other persons as to matters the officer reasonably believes are within the person's professional or expert competence.

Section 8. *Hearing Officer.* The Directors of Finance of the Cities or the designee thereof shall serve as "hearing officer" of the Corporation for the purpose of conducting any public hearing required under the Internal Revenue Code of 1986 as a condition precedent to the issuance of tax-exempt bonds by the Corporation.

ARTICLE IV

MISCELLANEOUS PROVISIONS

Section 1. *Fiscal Year.* The fiscal year of the Corporation shall be the same as the Cities, or such other consecutive twelve-month period determined by the Corporation and approved by the Cities.

Section 2. *Seal.* The seal of the Corporation shall be such as from time to time may be approved by the Board.

Section 3. *Notice and Waiver of Notice.* Whenever any notice whatever is required to be given under the provisions of these Bylaws, such notice shall be deemed to be sufficient if given by depositing the same in a post office box in a sealed postpaid wrapper addressed to the person entitled thereto at his or her post office address, as it appears on the books of the Corporation, and such notice shall be deemed to have been given on the day of such mailing. A waiver of notice, signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent thereto.

Section 4. *Resignations.* Any Director or officer may resign at any time. Such resignations shall be made in writing and shall take effect at the time specified therein, or, if no time be specified, at the time of its receipt by the President or Secretary. The acceptance of a resignation shall not be necessary to make it effective, unless expressly so provided in the resignation.

Section 5. *Gender.* References herein to the masculine gender shall also refer to the feminine in all appropriate cases, and vice versa.

Section 6. *Appropriations and Grants.* The Corporation shall have the power to request and accept any appropriation, grant, contribution, donation, or other form of aid from the federal government, the State, any political subdivision, or municipality in the State, or from any other source.

ARTICLE V

INDEMNIFICATION OF DIRECTORS AND OFFICERS

Section 1. *Right to Indemnification.* Subject to the limitations and conditions as provided in this Article V and the Articles of Incorporation, each person who was or is made a party or is threatened to be made a party to or is involved in any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative, arbitrative or investigative (hereinafter a "proceeding"), or any appeal in such a proceeding or any inquiry or investigation that could lead to such a proceeding, by reason of the fact that he or she, or a person for whom he or she is the legal representative, is or was a Director or officer of the Corporation or while a Director or officer of the Corporation is or was serving at the request of the Corporation as a director, officer, partner, venturer, proprietor, trustee, employee, agent or similar functionary of another foreign or domestic corporation, partnership, joint venture, sole proprietorship, trust, employee benefit plan or other enterprise shall be indemnified by the Corporation to the fullest extent permitted by the Texas Non-Profit Corporation Act, as the same exists or may hereafter be amended (but, in the case of any such amendment, only to the extent that such amendment permits the Corporation to provide broader indemnification rights than said law permitted the Corporation to provide prior to such amendment) against judgments, penalties (including excise and similar taxes and punitive damages), fines, settlements and reasonable expenses (including, without limitation, attorneys' fees) actually incurred by such person in connection with such proceeding, and indemnification under this Article V shall continue as to a person who has ceased to serve in the capacities which initially entitled such person to indemnity hereunder. The rights granted pursuant to this Article V shall be deemed contract rights, and no amendment, modification or repeal of this Article V shall have the effect of limiting or denying any such rights with respect to action taken or proceedings arising prior to any such amendment, modification or repeal. It is expressly acknowledged that the indemnification provided in this Article V could involve indemnification for negligence or under theories of strict liability.

Section 2. *Advance Payment.* The right to indemnification conferred in this Article V shall include the right to be paid in advance or reimbursed by the Corporation the reasonable expenses incurred by a person of the type entitled to be indemnified under Section 1 who was, is or is threatened to be made a named defendant or respondent in a proceeding in advance of the final disposition of the proceeding and without any determination as to the person's ultimate entitlement to indemnification; provided, however, that the payment of such expenses incurred by any such person in advance of the final disposition of a proceeding, shall be made only upon delivery to the Corporation of a written affirmation by such Director or officer of his or her good faith belief that he or she has met the standard of conduct necessary for indemnification under this Article V and a written undertaking, by or on behalf of such person, to repay all amounts so advanced if it shall ultimately be determined that such indemnified person is not entitled to be indemnified under this Article V or otherwise.

Section 3. *Indemnification of Employees and Agents.* The Corporation, by adoption of a resolution of the Board, may indemnify and advance expenses to an employee or agent of the

Corporation to the same extent and subject to the same conditions under which it may indemnify and advance expenses to Directors and officers under this Article V; and the Corporation may indemnify and advance expenses to persons who are not or were not Directors, officers, employees or agents of the Corporation but who are or were serving at the request of the Corporation as a Director, officer, partner, venture proprietor, trustee, employee, agent or similar functionary of another foreign or domestic corporation, partnership, joint venture, sole proprietorship, trust, employee benefit plan or other enterprise against any liability asserted against him or her and incurred by him or her in such a capacities or arising out of his or her status as such a person to the same extent that it may indemnify and advance expenses to Directors under this Article V.

Section 4. *Appearance as a Witness.* Notwithstanding any other provision of this Article V, the Corporation may pay or reimburse expenses incurred by a Director or officer in connection with his or her appearance as a witness or other participation in a proceeding involving the Corporation or its business at a time when he or she is not a named defendant or respondent in the proceeding.

Section 5. *Non-exclusivity of Rights.* The right to indemnification and the advancement and payment of expenses conferred in this Article V shall not be exclusive of any other right which a Director or officer or other person indemnified pursuant to Section 3 of this Article V may have or hereafter acquire under any law (common or statutory), provision of the Articles of Incorporation of the Corporation or these Bylaws, agreement, vote of disinterested Directors or otherwise.

Section 6. *Insurance.* The Corporation may purchase and maintain insurance, at its expense, to protect itself and any person who is or was serving as a Director, officer, employee or agent of the Corporation or is or was serving at the request of the Corporation as a Director, officer, partner, venturer, proprietor, trustee, employee, agent or similar functionary of another foreign or domestic corporation, partnership, joint venture, proprietorship, employee benefit plan, trust or other enterprise against any expense, liability or loss, whether the Corporation would have the power to indemnify such person against such expense, liability or loss under this Article V.

Section 7. *Notification.* Any indemnification of or advance of expenses to a Director or officer in accordance with this Article V shall be reported in writing to the members of the Board with or before the notice of the next regular meeting of the Board and, in any case, within the 12-month period immediately following the date of the indemnification or advance.

Section 8. *Savings Clause.* If this Article V or any portion hereof shall be invalidated on any ground by any court of competent jurisdiction, then the Corporation shall nevertheless indemnify and hold harmless each Director, officer or any other person indemnified pursuant to this Article V as to costs, charges and expenses (including attorneys' fees), judgments, fines and in amounts paid in settlement with respect to any action, suit or proceeding, whether civil, criminal, administrative or investigative, to the full extent permitted by any applicable portion of this Article V that shall not have been invalidated and to the fullest extent permitted by applicable law.

ARTICLE VI

CODE OF ETHICS

Section 1. *Policy and Purposes.*

(a) It is the policy of the Corporation that Directors and officers conduct themselves in a manner consistent with sound business and ethical practices; that the public interest always be

considered in conducting corporate business; that the appearance of impropriety be avoided to ensure and maintain public confidence in the Corporation; and that the Board establish policies to control and manage the affairs of the Corporation fairly, impartially, and without discrimination.

(b) This Code of Ethics has been adopted as part of the Corporation's Bylaws for the following purposes: (a) to encourage high ethical standards in official conduct by Directors and corporate officers; and (b) to establish guidelines for such ethical standards of conduct.

Section 2. *Conflicts of Interest.*

(a) Except as provided in subsection (c), a Director or officer is prohibited from participating in a vote, decision, or award of a contract involving a business entity or real property in which the Director or the officer has a substantial interest, if it is foreseeable that the business entity or real property will be economically benefitted by the action. A person has a substantial interest in a business (i) if his or her ownership interest is ten percent or more of the voting stock or shares of the business entity or ownership of \$15,000 or more of the fair market value of the business entity, or (ii) if the business entity provides more than ten percent of the person's gross income. A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more. An interest of a person related in the second degree by affinity (marriage relationship) or the third degree by consanguinity (blood relationship) to a Director or officer is considered a substantial interest.

(b) If a Director or a person related to a Director in the first or second degree by affinity or the first, second, or third degree by consanguinity has a substantial interest in a business entity or real property that would be pecuniarily affected by any official action taken by the Board, such Director, before a vote or decision on the matter, shall file an affidavit stating the nature and extent of the interest. The affidavit shall be filed with the Secretary of the Board.

(c) A Director who has a substantial interest in a business entity that will receive a pecuniary benefit from an action of the Board may vote on that action if a majority of the Board has a similar interest in the same action or if all other similar business entities in the Cities will receive a similar pecuniary benefit.

(d) An employee of a public entity may serve on the Board.

Section 3. *Acceptance of Gifts.* No Director or officer shall accept any benefit as consideration for any decision, opinion, recommendation, vote or other exercise of discretion in carrying out official acts for the Corporation. No Director or officer shall solicit, accept, or agree to accept any benefit from a person known to be interested in or likely to become interested in any contract, purchase, payment, claim or transaction involving the exercise of the Director's or officer's discretion. As used here, a benefit does not include:

(a) a fee prescribed by law to be received by a Director or officer or any other benefit to which the Director or officer is lawfully entitled or for which he or she gives legitimate consideration in a capacities other than as a Director or officer,

(b) a gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the Director or officer;

(c) an honorarium in consideration for legitimate services rendered above and beyond official duties and responsibilities if:

- (1) not more than one honorarium is received from the same person in a calendar year;
- (2) not more than one honorarium is received for the same service; and
- (3) the value of the honorarium does not exceed \$250 exclusive of reimbursement for travel, food, and lodging expenses incurred by the Director or officer in performance of the services;
- (d) a benefit consisting of food, lodging, transportation, or entertainment accepted as a guest if reported as may be required by law.

Section 4. *Bribery.* A Director or officer shall not intentionally or knowingly offer, confer or agree to confer on another, or solicit, accept, or agree to accept from another:

- (a) any benefit as consideration for the Director's or officer's decision, opinion, recommendation, vote, or other exercise of discretion as a Director or officer;
- (b) any benefit as consideration for the Director or officer's decision, vote, recommendation, or other exercise of official discretion in a judicial or administrative proceeding; or
- (c) any benefit as consideration for a violation of duty imposed by law on the Director or officer.

Section 5. *Nepotism.* No Director or officer shall appoint, or vote for, or confirm the appointment to any office, position, clerkship, employment or duty, of any person related within the second degree by affinity or within the third degree of consanguinity to the Director or officer so appointing, voting or confirming, or to any other Director or officer. This provision shall not prevent the appointment, voting for, or confirmation of any person who shall have been continuously employed in any such office, position, clerkship, employment or duty at least thirty (30) days prior to the appointment of the Director or officer so appointing or voting.

ARTICLE VII

AMENDMENTS

A proposal to alter, amend, or repeal these Bylaws shall be made by the affirmative vote of a majority of the full Board at any annual or regular meeting, or at any special meeting if notice of the proposed amendment be contained in the notice of said special meeting. Any proposed change or amendment to the Bylaws, however, must be approved by the City Council of the Cities to be effective.



***City Council Meeting
April 10, 2014
Agenda Item Transmittal***

Agenda Item #: 11
Agenda Title: Consider future agenda items.
Council Action to be taken: No action can be taken on this item
Initiating Department: City Council
Staff Contact: Jesse Ancira, Jr., Mayor

1. INTRODUCTION/PURPOSE

Under this item, we will be receiving input regarding future agenda items from you. This agenda item will be added as a routine matter on each of your upcoming agendas and will not be an action item since no specific items are listed for consideration. Staff will also be bringing potential agenda items before you at this time.

2. DESCRIPTION/ JUSTIFICATION

3. FINANCIAL/BUDGET

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

6. REFERENCE FILES

11a. [Continuous list](#)

Current topics to be addressed:

Gonzales:

- more discussions regarding a strategic plan
- a city facilities assessment
- an update on future MDUS projects – **Discussion conducted; RFP for Engineering under review**
- Strategic Plan for next 5 years

Hill:

- to continue with work on developing an annual street maintenance plan and funding mechanisms;
- repairs on FM 112 to the railroad tracks

Ancira:

- progress report on the RFP for a city strategic plan; investigating if the TEEX proposal by the TEDC could also include a separate one for the City; - **Completed. No city option was available.**
- more budget information regarding the development of an in house street department;
- suggested that, when available, a portion of sales tax revenue be dedicated to streets as well.
- requested a joint meeting or workshop with the TEDC Board after the new city manager is in place
- requested a review of the current city policy regarding the protection of confidential and private information; - **In Progress.**
- Discuss CARTS and AMTRAK project update – **Pending – Work in progress.**
- Corridor signage
- Rezoning options in downtown historical area may need to be adjusted; workshop with TEDC
- an update on the Old City Hall property at Heritage Square;

Green:

- information on a plan to recruit businesses for the rental assistance program.
- a discussion on a possible charter amendment election.
- requested that some consideration be given to either lowering the age limit for Taylor 101 attendees or to find a way to include high school students in the government education series planned for next year. – **in Progress. Working on Youth in Government Program.**
- Consider a “vacant building fee” and guidelines for downtown Main Street properties
- Look into “wayfinder” signs for Historic District and walking tour
- Rename the Williamson County Arena to honor Bill Pickett
- See if Taylor projects can be moved up on the Williamson County Bond list
- Marketing plan for Main Street
- a report on substandard and abandoned buildings

April 7, 2014

Rydell:

- asked for consideration of developing an in house street program to repair, fix and rebuild when possible.
- Developing historic preservation ordinances – **In Progress – Main Street Board Committee; Janetta McCoy**
- 7th street task force workshop
- an update on the Downtown street project

Other topics of interest included

- CIP Program/Plan with timeline and funding obligations noted for future planning



City Council Meeting
April 10, 2014
Agenda Item Transmittal

Agenda Item #: 12

Agenda Title: Executive Session. (Economic Development)

Council Action to be taken: Adjourn into Closed session.

Initiating Department: City Administration

Staff Contact: Jeff Straub, Interim City Manager

1. INTRODUCTION/PURPOSE

2. DESCRIPTION/ JUSTIFICATION

The Taylor City Council will conduct a closed meeting under Section 551.087 of the Texas Government Code which allows such a closed meeting and which Rules conflict with the Texas Open Meetings Act.

3. FINANCIAL/BUDGET

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

6. REFERENCE FILES

12 a. [Executive Session form](#)

**TAYLOR CITY COUNCIL
CERTIFIED AGENDA - EXECUTIVE SESSION**

1. OPEN MEETING ANNOUNCEMENT

The City of Taylor City Council convened in Open Session, declared a quorum on April 10, 2014 and has posted an Official Agenda indicating the possible need for an Executive Session. The Council will now adjourn into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section:

- | | | |
|-------------------------------------|---------|--|
| ☐ | 551.071 | To consult with its attorney regarding a matter in which the duty of the attorney to the City conflicts with the Open Meetings Act. |
| ☐ | 551.072 | To conduct deliberations regarding the purchase, exchange, lease, or value of real property. |
| ☐ | 551.074 | Regarding personnel matters |
| ☒ | 551.087 | Regarding economic development negotiations and considering financial or other incentives to a business prospect that the City seeks to have locate in or near the City of Taylor. |

Any action resulting from the Executive Session will be taken in Open Session immediately following the Executive Session.

2. BACK TO OPEN SESSION

The time is now _____ and we will reconvene into Open Session. No action or vote was taken on any matter discussed in Executive Session.

CERTIFICATION

I, Jesse Ancira, Jr., Mayor of the City of Taylor, do hereby certify that this Agenda of an Executive Session of the City Council is a true and correct record of the proceedings.

WITNESS my hand this the _____ day of _____, 2014.

Jesse Ancira, Jr., Mayor