



**City of New Fairview
City Council
Regular Meeting
999 Illinois Lane
Tuesday, January 3, 2023, at 7:00 pm**

WORK SESSION

1. **Call to Order and Determination of Quorum**
2. **Receive a report and hold a discussion regarding the City's Procurement Policy.**
3. **Adjournment**

REGULAR SESSION

1. **Call to Order and Determination of Quorum**
2. **Pledge to the Flags.**
 - A. **United States of America**
 - B. **Texas Flag Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.**
3. **Announcements & Special Recognitions:** The agenda shall provide a time when proclamations, recognitions, general reports, and updates may be presented by the City Council.
4. **City Administrator's Report:** The City Administrator's Report may provide information on status of current city projects and other projects affecting the City, meetings and actions of the city's boards and commissions, upcoming local community events, including but not limited to departmental operations and capital improvement project status. No action will be taken with respect to this report.
5. **Public Comment:** The City Council invites persons with comments or observations related to city issues, projects, or policies to briefly address the City Council. Anyone wishing to speak should sign-in with the City Secretary before the beginning of the City Council Meeting. In order to expedite the flow of business and to provide all citizens the opportunity to speak, there is a three-minute limitation on any person addressing the City Council. State law prohibits the City Council from discussing or taking action on any item not listed on the posted agenda.
6. **Consent Agenda:** All matters as Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. An item can be removed from the consent agenda by the City Administrator, Mayor, or any member of the City Council and will be considered after approval of the consent agenda.

A. Approve the City Council Meeting minutes for December 5, 2022.

7. New Business: All matters listed in New Business will be discussed and considered separately.

A. Hold a public hearing and consider an Ordinance repealing certain sections of Chapter 4 Building Regulations; Chapter 5 Business Regulations; Chapter 9A Subdivision Regulations; Chapter 9B Zoning Regulations of the Code of Ordinances of the City of New Fairview, Texas and adopting a new Section 28 of Chapter 9B, "Zoning Ordinance".

B. Receive, consider, and act on a request to include the territorial limits and extraterritorial jurisdiction of the city in Denton County within the proposed Denton County Emergency Service District No. 2.

C. Receive, consider, and act on appointing members to the Planning and Zoning Commission.

D. Receive, consider, and act on a Resolution designating the Wise County Messenger as the Official Newspaper for Year 2023.

E. Discuss, consider, and act on a Resolution calling a general/special election for the office of Mayor and City Members Place 2 and Place 4 to be held May 6, 2023, as well as a special election for an unexpired term for City Council Member Place 5 and 3 to be held May 6, 2023; authorizing execution of a joint election agreement with the Wise County Elections Administration and Denton County Administration to conduct the election; and provide procedures to conduct the election as well as resolving other matters incident and related thereto.

8. Executive Session: Recess to Executive Session to discuss matters relating to real property pursuant to §551.072, Texas Government Code; deliberation of economic development negotiations pursuant to §551.087, Texas Government Code; discuss personnel matters pursuant to §551.074, Texas Government Code; discuss IT network or critical infrastructure security pursuant to §551.089, Texas Government Code; and to consult with the City Attorney pursuant to §551.071, Texas Government Code. The Council may go into closed session at any time when permitted by Chapter 551, Texas Government Code or Chapter 418, Texas Tax Code. Before going into closed session, a quorum of the Council must be present, the meeting must be convened as an open meeting pursuant to proper notice, the presiding officer must announce that a closed session will be held and must identify the sections of Chapter 551 or 418, Texas Government Code authorizing the closed session.

A. § 551.071(1): Consultation with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding: Employment Agreement for John Cabrales, Jr.

B. §551.074: (a) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: Employment Agreement for John Cabrales, Jr.

9. Return to Open Session: Discuss and take appropriate action, if any, resulting from the discussions conducted in Executive Session.

10. Mayor & Council Member Announcements: The City Council may hear or make reports of community interest provided no action is taken or discussed. Community interest items may include information regarding upcoming schedules of events, honorary recognitions, and announcements involving imminent public health and safety threats to the city. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting

11. Adjournment

I, the undersigned authority, do hereby certify the above notice of the meeting of the City Council of New Fairview, is a true and correct copy of the said notice that I posted on the official posting place at New Fairview City Hall, FM 407, New Fairview, Texas, a place of convenience and readily accessible to the general public at all times, and on its website, said notice being posted this 29th day of December, 2022 at 5:00 PM at least 72 hours proceeding the meeting time.



Brooke Boller, City Secretary

SEAL:



This facility is wheelchair accessible; parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary at City Hall 817-638-5366 or fax 817-638-5369 or by email at citysecretary@newfairview.org for further information.



**City of New Fairview
City Council
Regular Meeting Minutes
999 Illinois Lane
Monday, December 5, 2022**

THE CITY COUNCIL CONVENED INTO A CITY COUNCIL MEETING THE SAME BEING OPEN TO THE PUBLIC, THE 5TH DAY OF DECEMBER IN THE NEW FAIRVIEW CITY HALL AND NOTICE OF SAID MEETING GIVING THE TIME PLACE AND SUBJECT THEREFORE HAVING BEEN POSTED AS PRESCRIBED BY ARTICLE 5 OF THE TEXAS GOVERNMENT CODE WITH THE FOLLOWING MEMBERS PRESENT:

CITY COUNCIL

**Mayor John Taylor
Mayor Pro Tem Steven King
Place 1 Councilwoman Harvey Lynn Burger
Place 2 Councilman Peter Kozlowski
Place 3 Councilman Walter Clements
Place 5 Councilman Richard Greene**

City Staff

**John Cabrales Jr, City Administrator
Brooke Boller, City Secretary
Robert (Robin) Cross, City Attorney (Virtual)**

WORK SESSION

- 1. Call to Order and Determination of Quorum (Work Session called to order by Mayor John Taylor at 7:00pm; Roll Call with the above-mentioned names.)**
- 2. Receive a report and hold a discussion regarding law enforcement services, challenges, and opportunities in the city.
Council received a presentation from Deputy Sheriff Alisa Scheps.**
- 3. Adjournment
Work Session was adjourned at 7:27pm by Mayor John Taylor.**

REGULAR SESSION

- 1. Call to Order and Determination of Quorum (Regular Session called to order by Mayor John Taylor at 7:31pm; Roll Call with the above-mentioned names.)**
- 2. Pledge to the Flags.
A. United States of America**

B. Texas Flag Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.

3. **Announcements & Special Recognitions:** The agenda shall provide a time when proclamations, recognitions, general reports, and updates may be presented by the City Council.
4. **City Administrator's Report:** The City Administrator's Report may provide information on status of current city projects and other projects affecting the City, meetings and actions of the city's boards and commissions, upcoming local community events, including but not limited to departmental operations and capital improvement project status. No action will be taken with respect to this report.
5. **Public Comment:** The City Council invites persons with comments or observations related to city issues, projects, or policies to briefly address the City Council. Anyone wishing to speak should sign-in with the City Secretary before the beginning of the City Council Meeting. In order to expedite the flow of business and to provide all citizens the opportunity to speak, there is a three-minute limitation on any person addressing the City Council. State law prohibits the City Council from discussing or taking action on any item not listed on the posted agenda.
6. **Consent Agenda:** All matters as Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. An item can be removed from the consent agenda by the City Administrator, Mayor, or any member of the City Council and will be considered after approval of the consent agenda.

A. Approve the City Council Meeting minutes for November 21, 2022.

Motion: Councilman Walter Clements

Second: Councilman Richard Greene

Vote: All in Favor

Result: City Council approved the Meeting minutes for November 21, 2022.

7. **New Business:** All matters listed in New Business will be discussed and considered separately.

A. Receive, consider, and act on filling the vacancy for City Council Place Two (2).

Motion: Councilman Harvey Lynn Burger

Second:

Vote:

Result: Motion did not receive a second, Motion Failed

Motion: Councilman Walter Clements

Second: Councilman Richard Greene

Vote: For: Councilman Walter Clements, Councilman Richard Green, Mayor Pro Tem Steven King

Against: Councilman Harvey Lynn Burger

Result: Peter Kozlowski was appointed to the vacancy for City Council Place Two (2)

B. Receive, consider, and act on a Resolution authorizing the submission of a 2023-2024 Texas Community Development Block Grant (TxCDBG) application to the Texas Department of Agriculture, and authorize the city administrator to negotiate a contract with GrantWorks to act as the City's grant administrator for this grant.

Motion: Councilman Walter Clements

Second: Councilman Peter Kozlowski

Vote: All in Favor

Result: Council approved a Resolution authorizing the submission of a 2023-2024 Texas Community Development Block Grant (TxCDBG) application to the Texas Department of Agriculture, and authorize the city administrator to negotiate a contract with GrantWorks to act as the City's grant administrator for this grant.

- C. Receive, consider, and act on a Resolution for the canceling of the December 19, 2022, Regular Meeting.

Motion: Councilman Walter Clements

Second: Councilman Richard Greene

Vote: All in Favor

Result: Council approved a Resolution for the canceling of the December 19, 2022, Regular Meeting.

- D. Receive, consider, and act on the 2023 City Council Meeting Calendar.

Motion: Mayor Pro Tem Steven King

Second: Councilman Peter Kozlowski

Vote: For: Councilman Harvey Lynn Burger, Councilman Peter Kozlowski, Councilman Richard Greene, Mayor Pro Tem Steven King

Against: Councilman Walter Clement

Result: Council approved the 2023 City Council Meeting Calendar with the following revisions:

July 3rd – Rescheduled as a special meeting

June 19th be move to Tuesday June 20th for Juneteenth

- E. Receive, consider, and act on a Resolution declaring certain City surplus property and authorizing the City Administrator to sell, donate, and/or dispose of it in accordance with this Resolution and state law.

Motion: Councilman Richard Greene

Second: Councilman Walter Clements

Vote: All in Favor

Results: Council approved a Resolution declaring certain City surplus property and authorizing the City Administrator to sell, donate, and/or dispose of it in accordance with this Resolution and state law.

8. **Executive Session:** Recess to Executive Session to discuss matters relating to real property pursuant to §551.072, Texas Government Code; deliberation of economic development negotiations pursuant to §551.087, Texas Government Code; discuss personnel matters pursuant to §551.074, Texas Government Code; discuss IT network or critical infrastructure security pursuant to §551.089, Texas Government Code; and to consult with the City Attorney pursuant to §551.071, Texas Government Code. The Council may go into closed session at any time when permitted by Chapter 551, Texas Government Code or Chapter 418, Texas Tax Code. Before going into closed session, a quorum of the Council must be present, the meeting must be convened as an open meeting pursuant to proper notice, the presiding officer must announce that a closed session will be held and must identify the sections of Chapter 551 or 418, Texas Government Code authorizing the closed session.

Council left to executive session at 7: 56pm in regards to item 7A.

9. **Return to Open Session:** Discuss and take appropriate action, if any, resulting from the discussions conducted in Executive Session.

Council returned to regular session at 8:25pm.

10. **Mayor & Council Member Announcements:** The City Council may hear or make reports of community interest provided no action is taken or discussed. Community interest items may include information regarding upcoming schedules of events, honorary recognitions, and announcements involving imminent public health and safety threats to the city. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting

11. Adjournment

Motion: Councilman Richard Greene

Second: Councilman Walter Clements

Vote: All in Favor

Result: City Council Meeting was adjourned at 9:19 pm.

MINUTES APPROVED ON THIS, THE 3RD DAY OF JANUARY 2023:

John Taylor, Mayor

Brooke Boller, City Secretary



**CITY COUNCIL
AGENDA MEMO**

Prepared By: John Cabrales Jr, City Administrator

January 3, 2023

Fence Ordinance

DESCRIPTION:

Hold a public hearing and consider an Ordinance repealing certain sections of Chapter 4 Building Regulations; Chapter 5 Business Regulations; Chapter 9A Subdivision Regulations; Chapter 9B Zoning Regulations of the Code of Ordinances of the City of New Fairview, Texas and adopting a new Section 28 of Chapter 9B, "Zoning Ordinance".

BACKGROUND INFORMATION:

The City of New Fairview does not have a fence ordinance or general regulations for fences. However, we do have permit requirements for the purpose of determining that a fence be located on private property and not in public rights-of-way or easement. We require a survey or plat to be submitted. The fee is \$50 for residential and \$100 for a commercial fence.

The City Council requested staff to investigate revising the fence regulations due to complaints that have come up regarding fencing within the city. Council discussed this at the June 20, 2022, meeting and directed staff to bring this to the Planning & Zoning Commission for discussion and return with any recommendations on fence regulations for the possible drafting of a fence ordinance. Staff has been working with the Planning and Zoning Commission since July 11, 2022, to revise our fence regulations and it was determined that the best way to do that was through a Fence Ordinance (attached).

The proposed zoning ordinance amendment replaces Section 28, with a new Section 28 of the Zoning Ordinance to adopt the new fence and screening regulations. It contains the following cited Sections as repealed and replaced under the same numerical reference within the Code of Ordinances with "RESERVED":

Chapter 4 Building Regulations, Article 4.07 Swimming Pools and Spas, Section 4.07.004 Fencing.

Chapter 5 Business Regulations, Article 5.04 Hydrocarbons Wells, Section 5.04.012 Fences, walls and screening.

Chapter 9A Subdivision Regulations, Section 3-13 Perimeter Landscaping and Decorative Fences and Walls, Paragraph (b).

Chapter 9B Zoning Ordinance, Article 3 Zoning Districts, Section 16 “MH” HUD-Code Manufactured Housing Residential District, Subsection 16.12 Screening.

Both Planning and Zoning (P&Z) and City Council are required to conduct public hearings prior to consideration of a zoning text amendment or zoning district/boundary amendment. However, neither the state statute nor the City Code of Ordinances mention publication of notice regarding the P&Z public hearing on these types of amendments. Regardless, the City went ahead and followed a 10-day publication notice prior to the P&Z public hearing as suggested by our planner. Notice for the public hearing was published in the Wise Messenger on December 2, 2022.

The Planning and Zoning Commission held a public hearing on this zoning ordinance amendment on December 12, 2022 and voted unanimously to recommend approval of the ordinance with a few revisions. Those revisions have been incorporated into the ordinance the council is considering.

Staff recommends approval of the ordinance.

FINANCIAL CONSIDERATION:

Per our Master Fee Schedule we currently charge \$80 for a residential fence permit and \$160 for a commercial fence permit.

RECOMMENDED MOTIONS:

I move to **Approve/Deny** a zoning ordinance repealing certain sections of Chapter 4 Building Regulations; Chapter 5 Business Regulations; Chapter 9A Subdivision Regulations; Chapter 9B Zoning Regulations of the Code of Ordinances of the City of New Fairview, Texas and adopting a new Section 28 of Chapter 9B, “Zoning Ordinance”.

ATTACHMENT(S):

1. Ordinance 202212-01-101, with Exhibit A
2. Presentation

CITY OF NEW FAIRVIEW, TEXAS
ORDINANCE NO. 202212-01-101

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW FAIRVIEW, TEXAS REPEALING CERTAIN SECTIONS OF CHAPTER 4 BUILDING REGULATIONS; CHAPTER 5 BUSINESS REGULATIONS; CHAPTER 9A SUBDIVISION REGULATIONS; CHAPTER 9B ZONING REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF NEW FAIRVIEW, TEXAS AND ADOPTING A NEW SECTION 28 OF CHAPTER 9B, "ZONING ORDINANCE" OF THE CITY OF NEW FAIRVIEW, TEXAS; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of New Fairview is a general law municipal corporation organized and existing by virtue of the Constitution and laws of the State of Texas; and,

WHEREAS, the City possesses all of the rights, powers, and authorities possessed by all general law municipalities, including the authority to regulate land uses under Chapter 211 of the Texas Local Government Code, as amended; and

WHEREAS, the City existing regulations regarding the regulation of fences and screening are in need of revision and consolidation in order to create a more unified document and to update certain regulations to better support the goals and objectives of the City of New Fairview; and

WHEREAS, the City's Planning and Zoning Commission and City Council of the City of New Fairview, Texas, in accordance with state law and the ordinances of the City, have given the required notices and have held the required public hearings regarding the adoption of new fence and screening regulations; and

WHEREAS, after due deliberations and consideration of the recommendation of the City's Planning and Zoning Commission, and any other information and materials received at the public hearing, the City Council of the City of New Fairview, Texas has determined that repeal of certain sections of the Code of Ordinances and replacement with a new Section 28 of the Zoning Ordinance is in the best interests of the public health, safety, and welfare of the residents of the City and that it is in the public interest to adopt new the new fence and screening regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW FAIRVIEW, TEXAS, THAT:

SECTION 1

All of the above findings are hereby found to be true and correct and are hereby incorporated into the body of the Ordinance as if fully set forth herein.

SECTION 2

From and after the effective date of this Ordinance, the following cited Sections are repealed and replaced under the same numerical reference within the Code of Ordinances with "RESERVED":

Chapter 4 Building Regulations, Article 4.07 Swimming Pools and Spas, Section 4.07.004 Fencing.

Chapter 5 Business Regulations, Article 5.04 Hydrocarbons Wells, Section 5.04.012 Fences, walls and screening.

Chapter 9A Subdivision Regulations, Section 3-13 Perimeter Landscaping and Decorative Fences and Walls, Paragraph (b).

Chapter 9B Zoning Ordinance, Article 3 Zoning Districts, Section 16 "MH" HUD-Code Manufactured Housing Residential District, Subsection 16.12 Screening.

SECTION 3

From and after the effective date of this Ordinance, existing Chapter 9B Zoning Ordinance, Section 28 Screening of the Code of Ordinances of the City of New Fairview, Texas, is hereby repealed in its entirety and replaced with a new Chapter 9B, Section 28 Fences and Screening, a copy of which is attached to this Ordinance as Exhibit A, and is hereby incorporated by reference for all purposes.

SECTION 4

This Ordinance (which includes Exhibit A, attached hereto and is incorporated within) shall be cumulative of all other ordinances of the City, and shall not repeal any of the provisions of those other ordinances except for those sections cited in Section 2 of this Ordinance or in those instances where the provisions of other ordinances are in direct conflict with the provisions of this Ordinance; provided however, that any complaint, notice, action, cause of action, or claim which prior to the effective date of this Ordinance has been initiated or has arisen under or pursuant to such other ordinance(s) shall continue to be governed by the provisions of that ordinance or those ordinances and for that purpose that ordinance or those ordinances shall be deemed to remain and shall continue in full force and effect.

SECTION 5

Any person, firm, or corporation violating any of the provisions of this Ordinance (which includes Exhibit A, attached hereto and is incorporated within) shall be punished by a penalty of a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 6

Should any section, subsection, sentence, clause, or phrase of this Ordinance (which includes Exhibit A, attached hereto and is incorporated within) be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance (which includes Exhibit A, attached hereto and is incorporated within) shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance (which includes Exhibit A, attached hereto and is incorporated within), and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 7

All provisions of any ordinance in conflict with this Ordinance (which includes Exhibit A, attached hereto and incorporated within) are hereby repealed to the extent they are in conflict and any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8

This Ordinance shall take effect and be in full force from and after its publication, as provided by State law.

DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NEW FAIRVIEW, TEXAS, ON THIS _____ DAY OF _____, 2023.

John Taylor, Mayor

ATTEST:

Brooke Boller, City Secretary

Exhibit A

Section 28 Fencing and Screening

28.1 Purpose.

The purpose of this section is to regulate the construction, erection, enlargement, alteration and maintenance of all fences and screening walls within the boundaries of the city in order to provide a practical safeguarding of life, health and property from hazards that may arise from improper construction of such installations.

28.2 Permit required.

- A. It is unlawful for any person to erect, construct, enlarge, alter or replace any fence regulated by this section or cause such work to be done without first obtaining a separate permit for each fence from the city.
- B. To obtain a permit, the applicant shall first file an application in writing on a form furnished by the city.
- C. Plans and other data deemed necessary by the city shall be submitted with each application.
- D. All permits issued under this section shall comply with the requirement of the Uniform Building Code adopted by the city.
- E. The fee for each permit shall be as set forth in the city's master fee schedule.
- F. The permit fee to be paid pursuant to this section shall be waived if:
 1. The permit is related to partial replacement of an existing fence;
 2. The fence is located on a single-family residential lot/tract;
 3. No more than fifty (50%) percent of the entire length of the fence (measured in linear feet) is being replaced (inclusive of all sides of the property on which the fence is located);
 4. The permit is related to the replacement of a fence which was damaged in whole or in part by a natural occurrence due to weather or other natural occurrence. A permit fee may be waived in this instance, but a full permit is required to be submitted by the applicant and issued by the city;
 5. The replacement fence will be installed at the same location on the property from where the old fence was removed; and
 6. No similar waiver of the permit fee has been granted for a partial fence replacement on the same lot/tract within the twelve (12) months prior

to the date of the application for the permit for which the fee waiver is granted.

Nothing in this subsection should be construed as waiving the requirement to obtain a permit for the fence replacement for which the permit fee has been waived.

28.3 Inspection and maintenance.

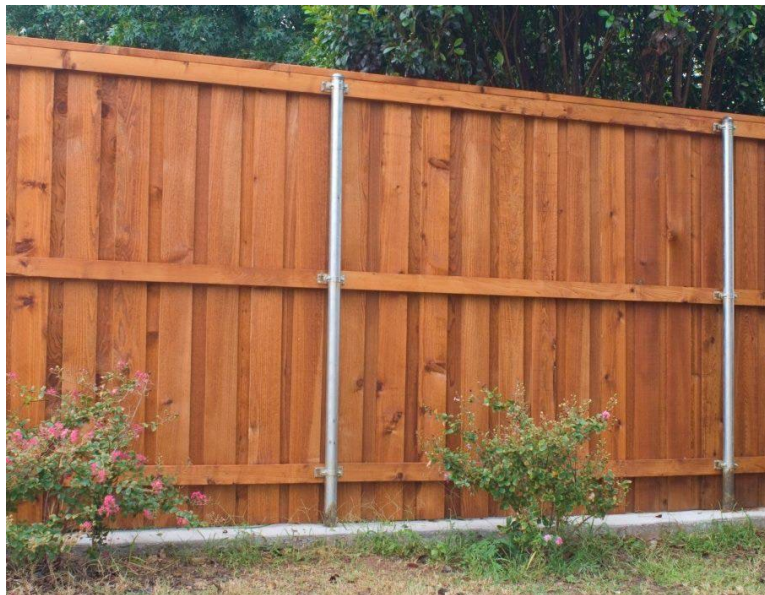
When any fence is completed, it must be inspected to insure that all requirements of the permit have been met. The building official or designee shall be notified upon completion of the fence. All fences constructed under the provisions of this section shall be maintained so as to comply with the requirements of this section at all times. Fences shall be maintained by the owner or person in charge of the property in as near as possible the condition of such fence when installed and accepted as provided herein, and shall be maintained as follows:

- A. Such fence shall not be out of vertical alignment more than twenty (20%) percent.
- B. All damaged or removed or missing portions of such fence shall be replaced with comparable materials of a comparable color to the remaining portion of such fence.
- C. Where the permitted fence is chain-link, wood, or masonry, all damaged or missing parts shall be replaced or repaired.

28.4 Materials.

- A. *Permitted materials.* Materials permitted for fences shall be of wood, masonry, decorative metal, wire in decorative sections bordered by wood framing, or ornamental wrought iron. In the commercial and industrial zoning districts, metal roofing material, or similar metal material may be used to enclose salvage yards, junkyards, scrap-metal yards, or other like land uses including storage areas for junk vehicles or parts thereof, provided the metal material is new, of a consistent type, and free from all surface defects.
- B. *Prohibited materials.* Materials prohibited to be used as fences in residential zoned districts include: barbed wire, razor ribbon, sheet metal, plastics including UL sunlight-resistant plastic, or any other similar material except as authorized in this section.
- C. *Exception.* Barbed wire is permitted in the following circumstances:
 - 1. For any new fences to be permitted in rear and side yards in industrial zoned districts, and in residential districts that are at least one acre and not located within a Planned Development, when the following conditions are met:

-
2. Where the barbed wire fence is to be adjacent to any property in a residential zoning district which is developed with one or more dwellings, such fence shall not be constructed except after notification to the owner of the residential property and only upon review and approval by the planning and zoning commission. The owner of the adjacent property shall have an opportunity to present their comments and opinions to the Planning and Zoning Commission.
 3. For any new fences to be permitted on property used for agricultural purposes in the agricultural zoning district; provided, however, that where the barbed wire fence is to be adjacent to any property in a residential zoning district which is developed with one or more dwellings, such fence shall not be constructed except after notification to the owner of the residential property and only upon review and approval by the planning and zoning commission. The owner of the adjacent property shall have an opportunity to present their comments and opinions to the Planning and Zoning Commission.
- D. *Wood Fences.* Wood fences must be designed and built with a bottom rail and a top cap in order to reduce warping of boards. Fence planks or panels must have at least a one (1) inch gap between the ground and the wood to prevent rotting and decay. All vertical posts must be two (2") inch minimum outside diameter standard pipe gauge metal. Vertical posts spacing shall be no greater than eight (8) feet on center or less and shall be set in concrete post footings. The minimum depth of concrete post footings shall be twenty-four (24) inches for fences that are six (6) feet in height and thirty-six (36) inches for fences that are eight (8) feet in height.



Board on Board Wood Fence with Cap and Metal Posts

-
- E. *Chain Link Fences*. Chain link fences are required to have a top rail, bottom guide wire, and traditional chain link hardware. A minimum 2.377-inch diameter corner post, footed in concrete, at least three (3) feet into the ground. A minimum 1.58-inch line/terminal post shall be used. Chain link fence posts shall be spaced evenly not to exceed ten (10) feet. Chain link fences are prohibited as external perimeter fencing around subdivisions and parcels, but may be utilized as internal fences between lots.



Chain Link Fence with Top Rail

28.5. Prohibited locations.

- A. *Public property*. No fence or any part of such fence shall be constructed upon or caused to protrude over public property. All fences must be maintained in a plane so as not to overhang public property.
- B. *Sight obstructions*. No fence, berm, or natural screening such as trees or shrubs, shall be located within a street corner sight triangle. Where an alley and street intersect, a clear area formed by a ten-foot right triangle at the intersection of the right-of-way lines must be maintained so as not to cause danger to traffic by obstructing the view. Additional clear zones may be required by the building inspector.

28.6 Electric fences.

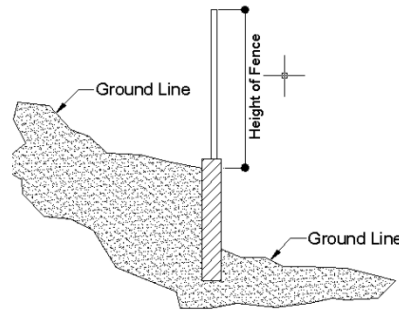
- A. An electric fence for control of domestic animals within a residential district is permitted only when the lot is at least one (1) acre, and the fence is within another enclosure and inside such enclosure. The minimum separation between the electric fence and the outside enclosure shall be a minimum of six (6") inches and a maximum of twelve (12") inches. Such fence shall be of the pulse delivery type with a maximum amperage of twenty five (25 mil). The exterior enclosure shall have a sign on each side of the outside

face or frontage of not less than one (1) sign per every two hundred (200') foot interval warning of the electric fence.

- B. Electrically charged above ground fences are allowed on property used for agricultural purposes in the agricultural zoning district; provided, however, that where the electric fence is to be adjacent to any property in a residential zoning district which is developed with one or more dwellings, such fence shall not be constructed except after notification to the owner of the residential property and only upon review and approval by the planning and zoning commission. The owner of the adjacent property shall have an opportunity to present their comments and opinions to the Planning and Zoning Commission.

28.7 Height measurement.

All fence heights shall be measured vertically from the inside natural or mean grade elevation of the yard.



Determining Fence Height

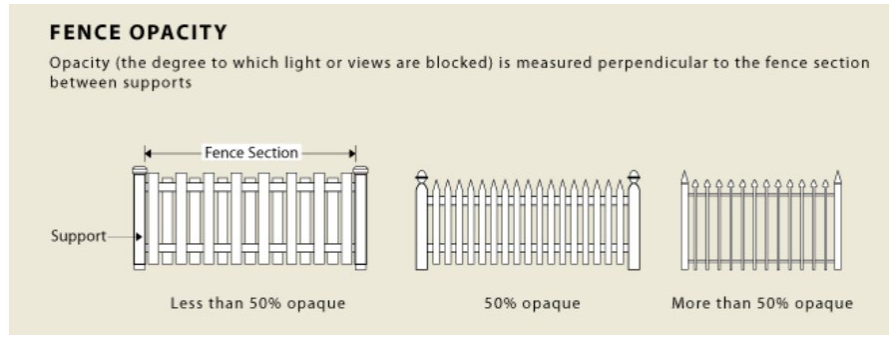
28.8 Residential Districts.

For residential zoning districts, the following regulations shall apply:

- A. *Rear yard.* No fence shall be constructed at a height exceeding eight (8) feet along the rear property line.
- B. *Side yard.* No fence shall be constructed at a height exceeding eight (8) feet along any side property line.
- C. *Front yard.*
1. No fence shall be constructed at a height exceeding four (4) feet in height, and no more than fifty (50%) percent of the fence elevation shall block the view through the fence, except that fences or walls two and one half (2½) feet or less in height may block greater than fifty (50%) percent of the view through them.
 2. On residential properties that are two (2) acres or greater in size, fences in the front yard may be constructed at a maximum height

of six (6) feet, and no more than fifty (50%) percent of the fence elevation shall block the view through the fence.

3. Examples of acceptable types in minimum required front yards are wood split rail fences, wood or simulated wood picket fences, wrought iron fences with or without masonry columns, and low masonry walls.



Opacity of Fences

- D. *Gates*. All enclosed fences shall have a minimum of one gate for emergency ingress and egress. The minimum width shall be three (3) feet.
- E. Any fence that is adjacent to a state highway or Farm to Market road must be constructed of natural materials (i.e. wood, decorative metal, barbed wire or ornamental wrought iron), and no more than fifty (50%) percent of the fence elevation shall block the view through the fence. Examples of acceptable types are wood split rail fences, wood picket fences, wrought iron fences with or without masonry columns.

28.9 Nonresidential districts.

For all nonresidential zoning districts, including the agricultural district, the following regulations shall apply:

- A. *Rear yard*. No fence shall be constructed at a height exceeding eight (8) feet along the rear property line.
- B. *Side yard*. No fence shall be constructed at a height exceeding eight (8) feet along the side property line.
- C. *Front yard*. No fence shall exceed eight (8) feet in height, and no more than fifty (50%) percent of the fence elevation shall block the view through the fence, except that fences or walls two and one half (2½) feet or less in height may block greater than fifty (50%) percent of the view through them.

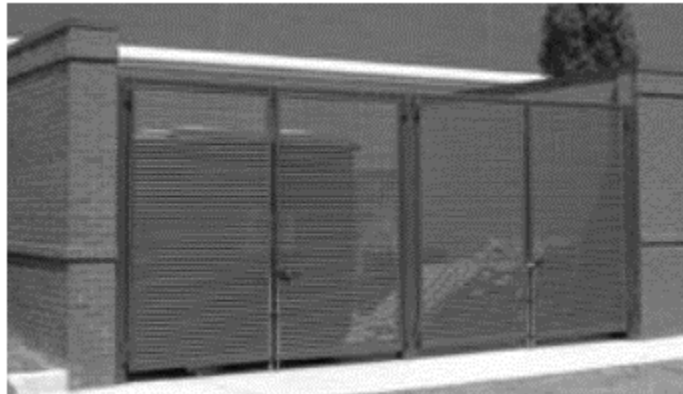
-
- D. Any fence that is adjacent to a state highway or Farm to Market road must be constructed of natural materials (i.e. wood, decorative metal, barbed wire or ornamental wrought iron), and no more than fifty (50%) percent of the fence elevation shall block the view through the fence. Examples of acceptable types are wood split rail fences, wood picket fences, wrought iron fences with or without masonry columns.
- E. When a boundary of a nonresidential use sides or backs upon an "SF" Districts, a solid screening wall or fence of not less than six (6) feet nor more than eight (8) feet in height shall be erected on the property line separating these districts. The purpose of the screening wall or fence is to provide a visual barrier between the properties.



Eight (8) Foot Masonry Screening Wall

- F. The owner of such property of the lesser restrictive use shall be responsible for and shall build the required wall or fence on his property line dividing his property from the more restrictive zoning district.
- G. Unless otherwise provided for herein, a screening wall or fence required under the provisions of this section shall be constructed of a permanent, solid material. Such wall or fence shall not contain openings constituting more than forty (40) square inches in each one square foot of wall or fence surface, and the surface of such wall or fence shall constitute a visual barrier. The fence or wall may be constructed of a combination of wood, masonry, decorative iron, or a combination thereof.
- H. All wall or fence openings shall be equipped with gates compatible in height and screening characteristics to the wall or fence. In cases where City Council finds this requirement to be better met by a screen of living, irrigated plant materials, a landscape plan may be submitted in lieu of a screening wall. Such landscape screening must be no less than four (4) feet deep and must demonstrate screening characteristics equal to that of a masonry screening wall.

-
- I. In cases where City Council finds this requirement better met by a decorative fence or a combination of decorative fence and masonry screening wall and/or living plant materials, the same may be submitted to the City for approval along with a landscape plan.
 - J. All required screening walls shall be equally finished on both sides of the wall.
 - K. All required screening elements shall be permanently maintained by the nonresidential property owner.
 - L. Solid waste containers and trash receptacles located on non-residentially zoned property and on sites used for nonresidential purposes shall be located on a concrete pad constructed for that purpose. Said Solid waste containers and trash receptacles shall be screened on three (3) sides by a masonry wall and shall contain a solid self-latching gate. The masonry wall shall be of similar construction as the principal building. Non-decorative concrete block shall not be permitted. A screening device shall be erected alongside and rear property lines adjacent to residential districts. The screening device shall be a minimum height of eight (8) feet, unless otherwise approved by City Council.



Masonry Solid Waste Container Enclosure (With Gates)

28.10 Temporary construction site fencing.

Temporary construction site fencing not exceeding eight feet in height shall be allowed without a permit to enclose the complete project or a partial area. No such fence erected under this section shall be erected in such position or placed so as to constitute a traffic hazard. Temporary construction fences must be removed prior to occupancy of any portion of the facility.

28.11 Swimming pool and stormwater detention pond enclosures.

- A. Every swimming pool and stormwater detention pond, or excavation designed or intended to ultimately become a swimming pool or stormwater detention pond, while under construction as well as after completion, shall be continuously protected by an enclosure surrounding the pool, pond, or excavated area in such a manner as to make such pool, pond, or excavated area reasonably inaccessible to small children or animals, subject to the following exceptions.
1. This provision shall not apply to:
 - a. Bodies of water other than swimming pools which are owned or controlled by the federal, state, county, or any agency, subdivision, or department thereof.
 - b. Bodies of water located in natural drainage ways.
 - c. Stormwater detention ponds that are designed with a bank angle not exceeding 3:1 and intended for dual use as an accessible open space or recreational area.
 - d. Agricultural ponds primarily used for the source of water for livestock or other agricultural uses.
 2. In single-family residential occupancies, the pool enclosure may surround the entire single-family premises.
 3. In multifamily residential occupancies, the pool enclosure may include the courtyard which surrounds the pool.
- B. The required enclosure shall be a fence, wall, or building not less than four (4) feet in height with openings limited in accordance with the adopted residential code or building code, as applicable.
- C. Gates and doors opening directly into such enclosures shall be equipped with self-closing and self-latching devices designed to keep and capable of keeping such doors and gates securely closed, said latching device to be attached to the gate or door not less than thirty-six (36) inches above the grade or the floor. The doors of a building forming any part of the required enclosure need not be so equipped.
- D. Swimming pools in existence on the effective date of this section shall be fenced in accordance with the requirements hereinabove set forth, and it shall be unlawful to maintain any swimming pool in the corporate limits of the city which is not protected by an enclosure in accordance with the requirements of this section.
- E. All plans submitted to the city for swimming pools and stormwater detention ponds to be constructed shall show compliance with the requirements of

this section, and the final inspection and approval of the completed facility shall be withheld until all requirements of this section have been complied with by the builder, developer, owner, purchaser under contract, lessee, tenant, or licensee.

28.12 Hydrocarbon Wells

- A. *Entrance Gate.* An entrance gate to the Drilling and Production Site shall be required and a sign identifying the entrance to the Drilling and Production Site or operation site shall be light reflective.
- B. Fencing, Screening and Landscaping.
 - 1. Fencing, buffering, landscaping and screening shall be required on Drilling and Production Sites. All required fencing shall be installed prior to the commencement of drilling operations. All required landscaping, buffering and screening shall be installed in accordance with the approved Landscape Plan within 180 days after initial drilling of the first approved well. Landscaping and screening shall also be required for Compressors.
 - a. All Drilling and Production Sites in Residential Districts shall be screened with an opaque decorative masonry fence that shall be no less than eight (8) feet in height.
 - b. In lieu of this requirement, an alternative fence that is compatible with the area surrounding the Drilling and Production Site may be approved by the City Administrator or their designee.
 - 2. Fencing around Drilling and Production Sites shall be a minimum of eight (8) feet in height and shall remain locked at all times when no one is present. Permanent fences shall be chain-link type with metal slats or other approved material. For security purposes, all permanent fencing structures shall have a gate to allow visibility into the well site. Permanent fencing shall be installed within ninety (90) days of completion of final well or within one hundred eighty (180) days of drilling inactivity, whichever is less.

28.13 Construction and access requirements in easements.

- A. No fence shall be constructed within any drainage easement unless the city engineer shall have first determined and advised the building official, in writing, that such fence shall, in all probability, not interfere with or impair the natural flow of water across or through the drainage easement. The design of a fence may be altered to accommodate drainage considerations as determined by the city engineer.

-
- B. A permit shall not be issued to construct a fence within any utility easement without the written approval of all affected utility entities. Gates or removable panels must be provided by and maintained by the property owner for the installation, repair, and replacement of lines by utility entities.

City of New Fairview City Council

Agenda Item

Zoning Ordinance Section 28 – Screening and Fencing

- Proposed ordinance replaces the full Section 28 and several references to fencing throughout of the Zoning Ordinance.

What has been removed:

- Article 4.07.004 Fencing Requirements on Swimming Pools and Spas
- Article 5.04.012 Fencing Requirements on Hydrocarbon Wells
- Chapter 9A Sec 3-13 Perimeter Landscaping Decorative Fences
- Article 3. Zoning Districts Section 16.12 Screening – MH Zoning District

These sections are now consolidated and covered in the new ordinance



- 28.1 Purpose

- 28.2 Permit required

- Standard section requiring permits for the installation of new fences.
- Provides language in which permit fees may be waived, but does not specifically waive the requirement to obtain a permit.

- 28.3 Inspection and Maintenance

- Outlines the standards in which fences must be kept in working order and within a vertical position.

● 28.4 Materials

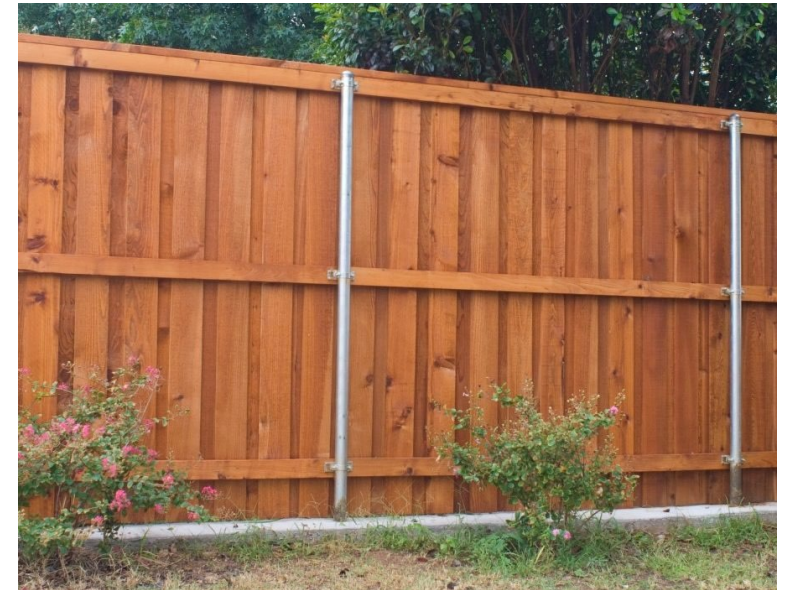
- Wood, Masonry, Decorative Metal, Wire in Decorative Sections Bordered by Wood, or Ornamental Wrought Iron are **PERMITTED**.
- Commercial and Industrial Districts may also use metal roofing materials if it is brand new material and does not have surface defects.
- Metal Posts minimum two (2") inches in diameter.

- Barbed wire, razor ribbon, sheet metal, plastics including UL sunlight resistant plastic are **PROHIBITED**.

- **Exception:** barbed wire may be permitted with new fences at side and rear of industrial property and residential lots of at least one (1) acre not within a Planned Development and conditions requiring notification of neighboring property owners and approval of the P&Z.

- 28.4 Materials Continued

- Wood fences must have metal posts and have a cap.
- Chain link fences must have a top rail and bottom guide wire.



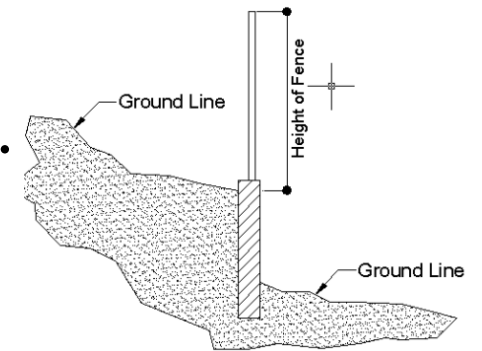
- 28.5 Prohibited Locations

- Private fences must not encroach on public property.
- Sight visibility must be maintained for streets and alleys.

- 28.6 Electric Fences

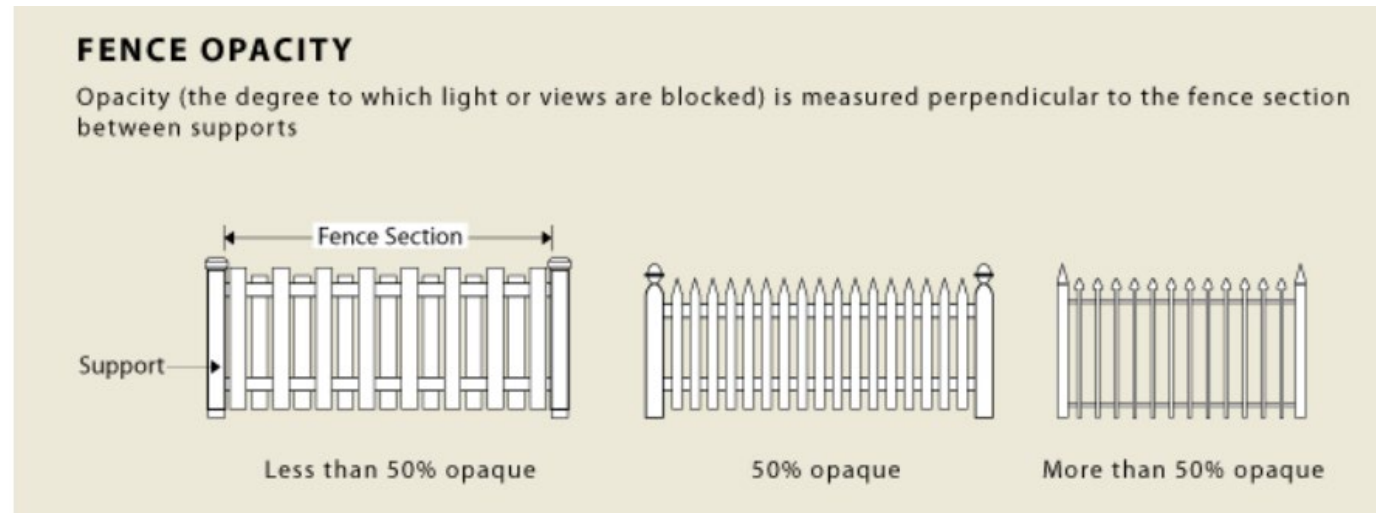
- Allowed to control animals if the lot is at least one (1) acre and the electric fence is within another enclosure. (It is not the external fence to the property.)

- 28.7 Height Measurement – how a fence is measured.

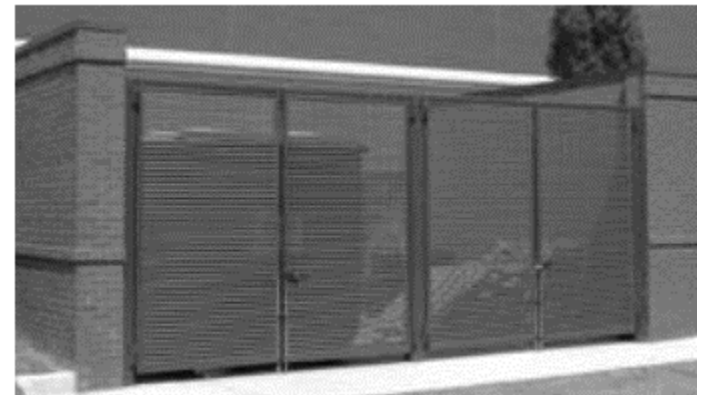


● 28.8 Residential Districts

- Sets maximum heights for rear (8'), side (8') and front yards (4') for typical yards and for properties greater than two (2) acres, (8')
- Front yard fences may not be greater than 50% opacity.




- 28.8 Residential Districts continued
 - Gates must be three (3') feet in width or greater.
 - Fences adjacent to a state highway must be constructed of wood, decorative metal, barbed wire or ornamental wrought iron.
- 28.9 Nonresidential districts.
 - Rear yard (8'), Side yard (8') Front yard (8')
 - Fences adjacent to a state highway must be constructed of wood, decorative metal, barbed wire or ornamental wrought iron.
 - Where commercial or industrial is adjacent to single family, a solid screening wall of at least six (6') feet is required.
 - Solid waste containers will be screened with a masonry wall.



- 28.10 Temporary construction site fencing
 - May not exceed eight (8') feet in height.

- 28.11 Swimming Pools and Stormwater Enclosures
 - Does not apply to agricultural ponds for livestock or natural waters in drainage ways.
 - Requirements for safety of pools, minimum height of four (4') feet, self latching and closing gates.

- 28.12 Hydrocarbon Wells
 - Entrance Gates with signage is required.
 - Typically installed with new drilling sites – drill sites within residential districts an opaque wall, eight (8') feet in height is required.

- 
- 28.13 Construction and access requirements in easements
 - Fences may not be installed across recorded easements in which a utility or other dedicated service is allowed access to the easement unless specifically approved by the utility.



CITY COUNCIL AGENDA MEMO

Prepared By: John Cabrales Jr, City Administrator

January 3, 2023

Emergency Service District in Denton County

DESCRIPTION:

Receive, consider, and act on a request to include the territorial limits and extraterritorial jurisdiction of the city in Denton County within the proposed Denton County Emergency Service District No. 2.

BACKGROUND INFORMATION:

An emergency services district (ESD) is a political subdivision established pursuant to Chapter 775 of the Texas Health and Safety Code. An ESD generally supports or provides local emergency services, which can include emergency medical services and fire protection services. An ESD has the ability to impose both a sales and use tax and a property tax to support or provide emergency services within the district. An ESD's sales and use tax rate can range from anywhere between one-eighth of one percent to two percent. An ESD's property tax, meanwhile, may not exceed ten cents per \$100 of valuation.

ESDs are created through a "grassroots" effort. Typically, a petition signed by at least 100 voters in the proposed district must be presented to the County Commissioners Court in the county (or counties) in which the ESD is intended to exist. If the ESD is deemed feasible and necessary by the Commissioners Court, an election is called in which the voters in the proposed District must elect to create the District. If a majority of the votes are cast in favor of creation, the District is created.

A board of five commissioners governs ESD's. In most counties in Texas, the County Commissioners Court appoints the commissioners to two-year terms. ESD's are allowed to levy ad valorem (property) tax. The Texas Constitution states that ESDs may tax up to \$0.10 per \$100 of property valuation. The ESD's creation documents establish the district's initial tax rate. ESD's may also collect sales tax, provided an election is held and voters approve this power. In Texas, 8.25% is the maximum allowed sales tax rate. The state collects 6.25%, leaving 2% available to eligible local jurisdictions, including ESD's. An ESD may collect anywhere from .125% to 2% of the local sales tax rate depending on availability and subject to voter approval.

ESD's are also allowed to bill for services provided, such as emergency medical services or fire protection, if it so chooses.

Before an ESD may be created that contains territory in a city's limits or extraterritorial jurisdiction (ETJ), the proponents of the ESD must submit a written request to the city council to include the territory in the ESD. The territory in question may not be included in the ESD unless the city council gives its written consent on or before the 60th day after the date the request is received. If the city council does not approve the request, a majority of the qualified voters and the owners of 50 percent of the property in the city limits or ETJ that would have been included in the ESD may petition the city council to make the emergency services available. The petition must be submitted not later than the 90th day after the date the city council received the initial request. If the city council refuses or fails to act on the petition within six months after the petition is received, the council's refusal or failure to act constitutes consent for the territory to be included in the district. If the city council consents to the creation of the ESD within territory located in the city limits or ETJ, or if consent is inferred due to inaction on the petition, several steps—including an election ordered by the county commissioners court—must still take place in order for the ESD to be created.

There is no clear authority in Chapter 775 of the Health and Safety Code for a city to remove itself or a portion of its territory from an ESD after it initially consented to the inclusion of its territorial or extraterritorial jurisdiction when the ESD was formed

A city that annexes territory that is included in an ESD may remove the territory from the ESD if the city completes all procedures necessary to annex territory in the district and if the city intends to become the sole provider of emergency services to the annexed territory by the use of city personnel or by some method other than by use of the ESD. A city that removes annexed territory from an ESD must compensate the ESD immediately after annexation in an amount equal to the annexed territory's pro rata share of the ESD's bonded and other indebtedness. In addition, at the ESD's request, a city that removes annexed territory from an ESD must purchase from the ESD at fair market value any real or personal property used to provide emergency services in the annexed territory. See attached Texas Municipal League's Q&A on Emergency Service Districts.

The City Council discussed this proposed ESD with the Ponder Volunteer Fire Chief, Charles Williams, and Justin Volunteer Fire Chief, Matthew Mitchell on July 18, 2022. No action was needed because the City had not received the required notice on the proposed ESD. On December 2, 2022, the City did receive notice from Burns, Anderson, Jury & Brenner, LLP, on behalf of Ponder and Justin Volunteer Fire Departments. Pursuant to TEX. HEALTH AND SAFETY CODE § 775.014, territory in the city limits or ETJ, may not be included in the ESD unless the city council gives its written consent on or before the 60th day after the date the request is received.

Staff would like a response from the council on this request so that it can be sent within the 60 days. Any vote taken must be a record vote.

FINANCIAL CONSIDERATION:

The Creation of an Emergency Service District could mean that every property located in the district will be assessed a \$0.10 for every \$100 in valuation for the services provided. This would only apply to New Fairview residents on the Denton County side of the city.

RECOMMENDED MOTIONS:

I move to **Approve/Deny** a request to include the territorial limits and extraterritorial jurisdiction of the City of New Fairview in Denton County within the proposed Denton County Emergency Service District No. 2.

ATTACHMENT(S):

1. Notice for the Creation of the Proposed Emergency Service District 2
2. Proposed Emergency Service District Map
3. TML Legal Q&A on Emergency Service Districts

BURNS ANDERSON JURY & BRENNER, L.L.P.

Attorneys and Counselors of Law
A Limited Liability Partnership which includes Professional Corporations

Telephone: 512/338-5322
Facsimile: 512/338-5363

From the Desk of:
KEN CAMPBELL
kcampbell@bajb.com

December 2, 2022

VIA CMRRR 7019 2280 0002 0534 3372

AND EMAIL: john.taylor@newfairview.org

The Honorable John R. Taylor

Mayor

City of New Fairview

999 Illinois Lane

New Fairview, Texas 76078

RE: Petition for the Creation of the Proposed Denton County Emergency Services
District No. 2
Our File No.: 019.39398

Dear Mayor:

I represent Justin Community Volunteer Fire Department, Inc. and Ponder Volunteer Fire Department, Inc. The citizens of the area served by these departments have filed a petition with the County Judge of Denton County, Texas for the formation of an emergency services district pursuant to Chapter 775, Texas Health & Safety Code. The entire proposed district would be located wholly within Denton County as described in the attached Petition. It is anticipated that the issue of the creation of this district will be presented to the voters at the May 2023 uniform election date.

I am enclosing a copy of a legal description and map of the proposed district for your reference. According to our records, portions of the proposed district contain territory within your municipality's city limits and extraterritorial jurisdiction, but only in Denton County. The proposed district does not extend into Wise County. I am attaching a full copy of the petition to the email I am sending contemporaneously with this correspondence.

Pursuant to § 775.014, before a district may be created that contains territory in a municipality's territorial limits or extraterritorial jurisdiction, a written request to be included in the district must be presented to the municipality's governing body after the petition has is filed under Section 775.015, Health & Safety Code.

This correspondence is to advise you of the filing of this petition with Denton County and to request the written consent to include the territorial limits and extraterritorial jurisdiction of your municipality in Denton County and within the proposed district as outlined on the enclosed legal description.

Your municipality's consent is required on or before the 60th day after the date of your receipt of this letter. I would appreciate if you would place this matter on the council's docket for consideration and respond with your city's consent prior to this deadline so the election may proceed in a timely manner.

If you have any questions, or require additional information, please do not hesitate to contact me at 512/338-5322.

Sincerely,

BURNS ANDERSON JURY & BRENNER, L.L.P.



Ken Campbell
KPC/

cc: The Honorable Andy Eads
County Judge
Denton County
1 Courthouse Drive, Suite 3100
Denton, Texas 76208

[ON CITY LETTERHEAD]

[DATE]

The Honorable Andy Eads
County Judge
Denton County
1 Courthouse Drive, Suite 3100
Denton, Texas 76208

RE: Consent of the City of New Fairview, Denton County, Texas for the Inclusion of the City Limits and Extraterritorial Jurisdiction of the City in the Proposed Denton County Emergency Services District No. 2, Pursuant to Chapter 775, Texas Health & Safety Code.

Dear Judge Eads:

This correspondence is to certify that at a meeting of the City Council of the City of New Fairview, Texas, called and conducted in accordance with all applicable law, the Council approved the following motion by a vote of ____ "ayes" and ____ "nays:"

Pursuant to Section 775.014 of the Texas Health & Safety Code, the City of New Fairview, Texas hereby consents to the inclusion of its territorial limits and extraterritorial jurisdiction in Denton County and within the proposed Denton County Emergency Services District No. 2.

Sincerely,

[NAME]
Mayor

ATTEST:

[NAME]
City Secretary

cc: Ken Campbell
BURNS ANDERSON JURY & BRENNER, L.L.P.
P. O. Box 26300
Austin, Texas 78755-6300

PETITION FOR THE CREATION OF DENTON COUNTY EMERGENCY SERVICES DISTRICT NO. 2

Pursuant to Texas Health and Safety Code, Chapter 775, the undersigned petitioners hereby petition for the creation of an emergency services district whose territorial boundaries would be those as further described in the attached Exhibit A, attached hereto and incorporated herein for all purposes. The proposed Denton County Emergency Services District No. 2 is to be created and is to operate under Article III, Section 48-e, Texas Constitution, and Chapter 775, Texas Health & Safety Code, and will provide the emergency services set forth in Article III, Section 48-e, Texas Constitution. The creation of the proposed Denton County Emergency Services District No. 2 complies with Sections 775.020 and 775.0205, Health and Safety Code.

The following are municipalities from which consent must be obtained under Section 775.014: the City of Ponder, including both its extraterritorial jurisdiction and city limits; the City of Justin, including both its extraterritorial jurisdiction and city limits; the City of New Fairview, including both its extraterritorial jurisdiction and city limits, but only in Denton County, Texas; the City of Dish, including both its extraterritorial jurisdiction and city limits, but only in Denton County and the proposed Denton County Emergency Services District No. 2; the City of Northlake, including both its extraterritorial jurisdiction and city limits, but only in the proposed Denton County Emergency Services District No. 2 and not included in Denton County Emergency Services District No. 1; the extraterritorial jurisdiction of the City of Fort Worth; and the extraterritorial limits of the City of Denton in the proposed District.

The undersigned two petitioners obligate themselves to pay not more than \$150 of the costs incident to the formation of the proposed district, including the costs of publishing notices, election costs, and other necessary and incidental expenses.

OBLIGOR NO. 1

OBLIGOR NO. 2

Thomas Richard Webster
Signature

Eric Frank Felderhoff
Signature

Thomas Richard Webster
Printed Name

ERIC FRANK FELDERHOFF
Printed Name

PoBox 246
Mailing Address

507 STONY CREEK DR
Mailing Address

Ponder Texas 76259
City, State, Zip Code

PONDER, TX 76259
City, State, Zip Code

112 Seaborn Rd Ponder TX 76259
Residence Address

507 STONY CREEK DR
Residence Address

10/14/1944
Date of Birth

06/01/1985
Date of Birth

10-17-2022
Date of Signing

10/17/2022
Date of Signing


1092231019
Voter Registration No.

1195603452
Voter Registration No.

Deceased
10-29-22


SWORN TO AND SUBSCRIBED before me, the undersigned authority, by Thomas Richard Webster as Obligor No. 1, on this the 17th day of October, 2022.




NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

SWORN TO AND SUBSCRIBED before me, the undersigned authority, by Eric Frank Felderhoff, as Obligor No. 2, on this the 17th day of October, 2022.




NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

PETITION FOR THE CREATION OF DENTON COUNTY EMERGENCY SERVICES DISTRICT NO. 2

Pursuant to Texas Health and Safety Code, Chapter 775, the undersigned petitioners hereby petition for the creation of an emergency services district whose territorial boundaries would be those as further described in the attached Exhibit A, attached hereto and incorporated herein for all purposes. The proposed Denton County Emergency Services District No. 2 is to be created and is to operate under Article III, Section 48-e, Texas Constitution, and Chapter 775, Texas Health & Safety Code, and will provide the emergency services set forth in Article III, Section 48-e, Texas Constitution. The creation of the proposed Denton County Emergency Services District No. 2 complies with Sections 775.020 and 775.0205, Health and Safety Code.

The following are municipalities from which consent must be obtained under Section 775.014: the City of Ponder, including both its extraterritorial jurisdiction and city limits; the City of Justin, including both its extraterritorial jurisdiction and city limits; the City of New Fairview, including both its extraterritorial jurisdiction and city limits, but only in Denton County, Texas; the City of Dish, including both its extraterritorial jurisdiction and city limits, but only in Denton County and the proposed Denton County Emergency Services District No. 2; the City of Northlake, including both its extraterritorial jurisdiction and city limits, but only in the proposed Denton County Emergency Services District No. 2 and not included in Denton County Emergency Services District No. 1; the extraterritorial jurisdiction of the City of Fort Worth; and the extraterritorial limits of the City of Denton in the proposed District.

The undersigned two petitioners obligate themselves to pay not more than \$150 of the costs incident to the formation of the proposed district, including the costs of publishing notices, election costs, and other necessary and incidental expenses.

OBLIGOR NO. 1

OBLIGOR NO. 2



Signature

Signature

Michael Phillips

Printed Name

Printed Name

218 E 4th St

Mailing Address

Mailing Address

Justin TX 76247

City, State, Zip Code

City, State, Zip Code

510 N Henderson Circle Justin TX 76247

Residence Address

Residence Address

01/30/1990

Date of Birth

Date of Birth

11/30/22

Date of Signing

Date of Signing

2135192242

Voter Registration No.

Voter Registration No.

SWORN TO AND SUBSCRIBED before me, the undersigned authority, by Michael Phillips, as Obligor No. 1, on this the 30 day of November, 2022.



Lindsay Gaffney
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

SWORN TO AND SUBSCRIBED before me, the undersigned authority, by Matthew Mitchell, as Obligor No. 1, on this the 30 day of November, 2022.



Lindsay Gaffney
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

EXHIBIT A

As shown on the attached map:

BEGINNING at the point where the south right of way of U.S. Highway 380 and the Denton County-Wise County line intersect the south right of way of U.S. Highway 380;

THENCE, south following the Denton County-Wise County line to the point where said line intersects the territorial limits of the City of Fort Worth;

THENCE, easterly then northerly following the territorial limits of the City of Fort Worth until the territorial limits of the City of Fort Worth intersect with the territorial limits of Denton County Emergency Services District No. 1;

THENCE, northerly and easterly following the western territorial limits of Denton County Emergency Services District No. 1 until the territorial limits of Denton County Emergency District No. 1 intersect with the territorial limits of the City of Denton;

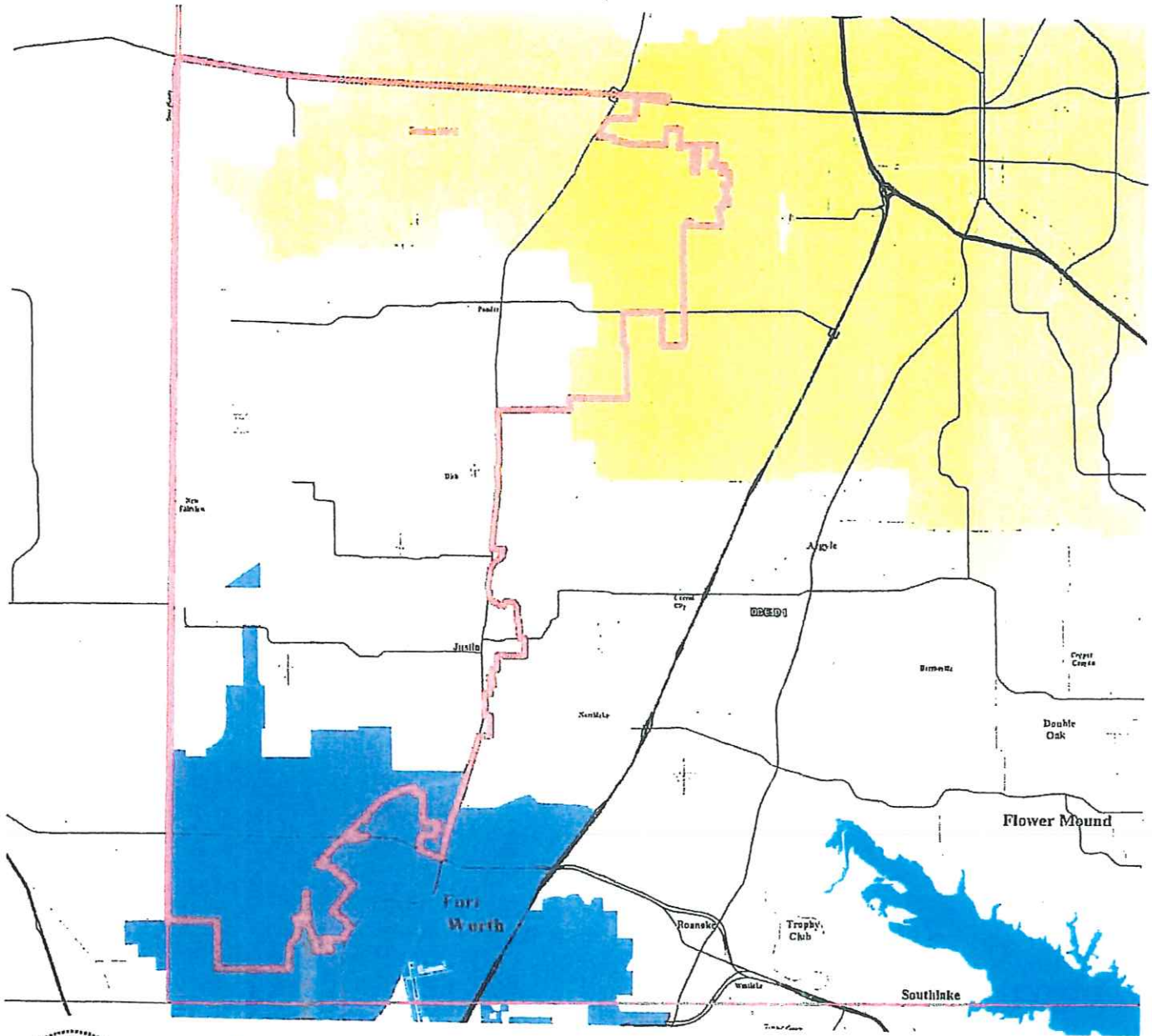
THENCE, northerly following the western territorial limits of the City of Denton until said territorial limits of the City of Denton intersect with the south right of way of U.S. Highway 380;

THENCE, west following the south right of way of U.S. Highway 380 to the PLACE OF BEGINNING.

Save and except any territory within the proposed Denton County Emergency Services District No. 2 contained in the territorial limits of the City of Fort Worth or the City of Denton as they exist as of October 10, 2022.

DENTON COUNTY

ESD2 Proposed



- | | | | |
|--|---------------------|--|------------------|
| | INTERSTATE | | COUNTY RAILROADS |
| | U.S. HIGHWAY | | AIRPORTS |
| | STATE HIGHWAY | | STREAMS |
| | FARM TO MARKET | | LAKES & PONDS |
| | MAJOR THOROUGHFARES | | PRECIPITATION |
| | MAJOR ROADS | | ESD2 |
| | | | CITY |
| | | | FORT WORTH |
- City Population**
 Denton > 100,000
 Lewisville 82,000 - 100,000
 Carrollton 60,000 - 80,000
 Coppell 30,000 - 50,000
 Frisco 20,000 - 30,000

ESD 2003 State Plan
 (State 2011)
 Texas Storm Council
 Local Government Code

N
 W E
 S

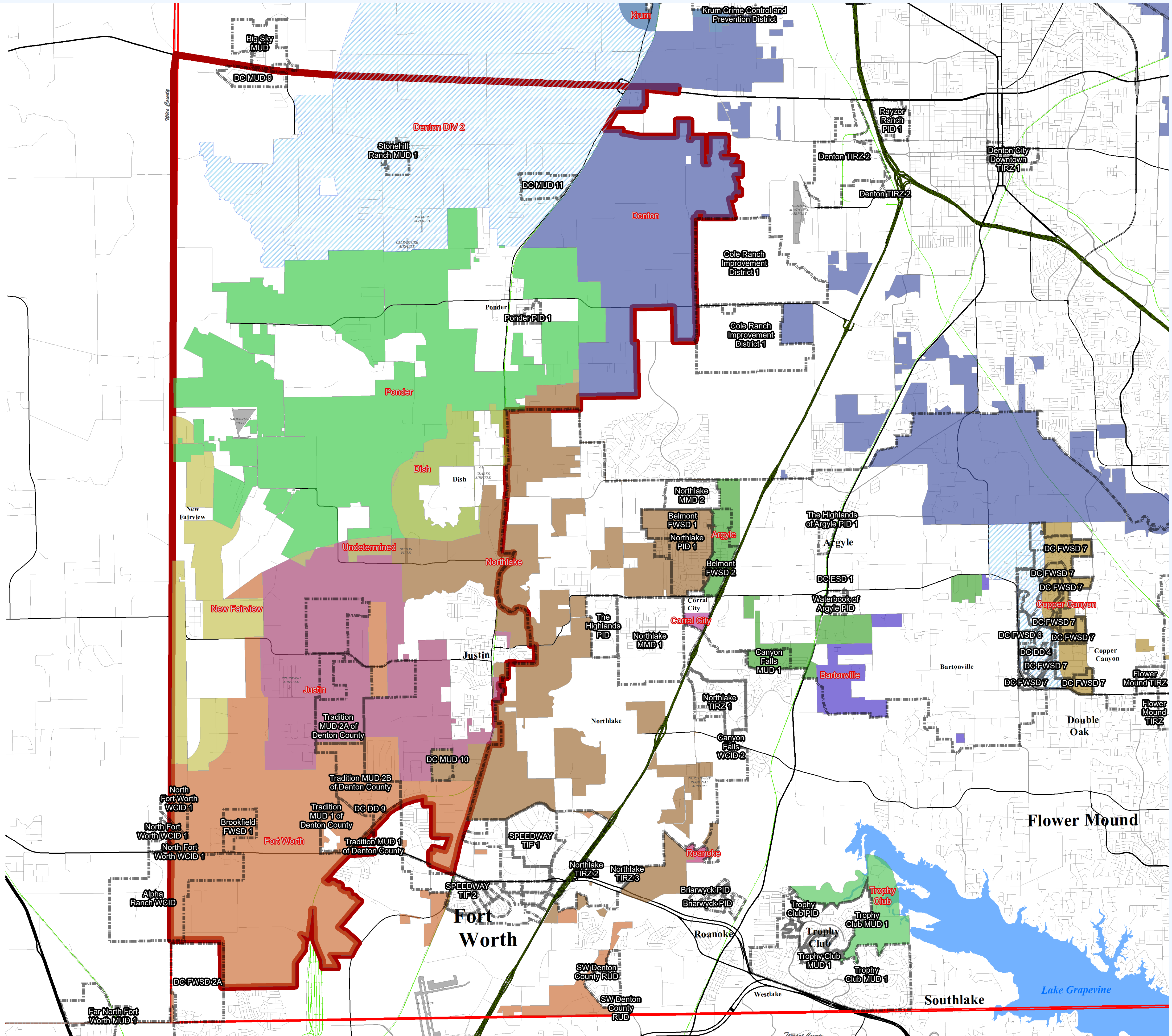
1 inch = 0.0 miles
 October 11, 2012

This document is a preliminary map of the proposed ESD2 territory. It is not intended to be used for legal purposes. The map is subject to change without notice. The map is not a warranty of any kind. The map is not a representation of any kind. The map is not a guarantee of any kind. The map is not a promise of any kind. The map is not a contract of any kind. The map is not a deed of any kind. The map is not a mortgage of any kind. The map is not a lease of any kind. The map is not a license of any kind. The map is not a franchise of any kind. The map is not a partnership of any kind. The map is not a joint venture of any kind. The map is not a consortium of any kind. The map is not a syndicate of any kind. The map is not a trust of any kind. The map is not a partnership of any kind. The map is not a joint venture of any kind. The map is not a consortium of any kind. The map is not a syndicate of any kind. The map is not a trust of any kind.



DENTON COUNTY

ETJ & Special Districts



Andy Eads - County Judge
 Ryan Williams - Commissioner Precinct 1
 Ron Marchant - Commissioner Precinct 2
 Bobbie J. Mitchell - Commissioner Precinct 3
 Dianne Edmondson - Commissioner Precinct 4

- INTERSTATE
- U.S. HIGHWAY
- STATE HIGHWAY
- FARM TO MARKET
- MAJOR THOROUGHFARES
- MINOR ROADS
- CEMETERY
- RAILROADS
- AIRPORTS
- STREAMS
- LAKES & PONDS

City Population
 Denton > 100,000
 Lewisville 40,000- 100,000
 Corinth 10,000- 39,999
 Sanger 2,000- 9,999
 Ponder < 2,000

NAD 1983 StatePlane
 (Zone 5351)
 Texas North Central
 Lambert Conformal Conic

1 inch = 0.9 miles
 June 22, 2022

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Denton County does not guarantee the correctness or accuracy of any features on this product and assumes no responsibility in connection therewith. This product may be revised at any time without notification to any user.

CONTACT INFORMATION
 LANDMARK MAP: gis.dentoncounty.gov
 E-MAIL: gis@dentoncounty.gov



Legal Q&A

By Bill Longley

TML Legislative Counsel

What is an emergency services district?

An emergency services district (ESD) is a political subdivision established pursuant to Chapter 775 of the Texas Health and Safety Code. An ESD generally supports or provides local emergency services, which can include emergency medical services and fire protection services.

An ESD has the ability to impose both a sales and use tax and a property tax to support or provide emergency services within the district. *See* TEX. HEALTH AND SAFETY CODE §§ 775.074, 775.0751. An ESD's sales and use tax rate can range from anywhere between one-eighth of one percent to two percent. *Id.* § 775.0751(a). An ESD's property tax, meanwhile, may not exceed ten cents per \$100 of valuation. *See* TEX. CONST. art. III, §. 48-e.

Can an ESD be created in a city's territorial limits or extraterritorial jurisdiction without city consent?

No. Before an ESD may be created that contains territory in a city's limits or extraterritorial jurisdiction (ETJ), the proponents of the ESD must submit a written request to the city council to include the territory in the ESD. TEX. HEALTH AND SAFETY CODE § 775.014(a). The territory in question may not be included in the ESD unless the city council gives its written consent on or before the 60th day after the date the request is received. *Id.*

If the city council does not approve the request, a majority of the qualified voters and the owners of 50 percent of the property in the city limits or ETJ that would have been included in the ESD may petition the city council to make the emergency services available. *Id.* § 775.014(b). The petition must be submitted not later than the 90th day after the date the city council received the initial request. *Id.* If the city council refuses or fails to act on the petition within six months after the petition is received, the council's refusal or failure to act constitutes consent for the territory to be included in the district. *Id.* § 775.014(c).

If the city council consents to the creation of the ESD within territory located in the city limits or ETJ, or if consent is inferred due to inaction on the petition, several steps—including an election ordered by the county commissioners court—must still take place in order for the ESD to be created.

Once a city consents to having its territory included in an ESD, can the city later remove the city territory from the ESD?

Likely not. There is no clear authority in Chapter 775 of the Health and Safety Code for a city to remove itself or a portion of its territory from an ESD after it initially consented to the inclusion of its territorial or extraterritorial jurisdiction when the ESD was formed.

When a city annexes, can it remove territory from the jurisdiction of an ESD?

Yes, but only if certain conditions are met. A city that annexes territory that is included in an ESD may remove the territory from the ESD if the city completes all procedures necessary to annex territory in the district and if the city intends to become the sole provider of emergency services to the annexed territory by the use of city personnel or by some method other than by use of the ESD. *Id.* § 775.022(a). The city must send written notice by certified mail to the secretary of the ESD board of directors notifying the ESD of the annexation and intent to provide emergency services. *Id.* Upon receipt of the notice, the ESD board must immediately change its records to show that the territory has been disannexed from the ESD and shall cease to provide further services to the residents in the newly-annexed area. *Id.*

A city that removes annexed territory from an ESD must compensate the ESD immediately after annexation in an amount equal to the annexed territory's pro rata share of the ESD's bonded and other indebtedness. *Id.* § 775.022(b). In addition, at the ESD's request, a city that removes annexed territory from an ESD must purchase from the ESD at fair market value any real or personal property used to provide emergency services in the annexed territory. *Id.* § 775.022(d).

Can an ESD expand its boundaries into the city limits or a city's ETJ without city council approval?

This issue has been the source of some debate amongst ESDs and cities in recent years. Texas Health and Safety Code Section 775.051 contains the legal guidelines for expansion of ESD territory. In short, the statute provides that at least 50 percent of the qualified voters who own taxable real property in a defined area may petition the ESD board of directors to hold an election on the question of including the defined area in the ESD. *Id.* § 775.051. Section 775.051 of the Health and Safety Code makes no specific mention of the ESD's need to receive city council approval when expanding its territory to include an area located in a city's corporate limits or ETJ. That being said, an ESD must get council approval when initially *creating* an ESD within the corporate limits or ETJ of a city (as detailed above), so some cities argue that city council approval should similarly be sought when *expanding* an ESD into city territory.

In 2013, legislation was filed to bring some clarity to the issue. H.B. 1798 would have provided that an ESD must follow essentially the same procedure for receiving city council approval when it expands its jurisdiction as it follows when the ESD is initially created. H.B. 1798 did not pass, so the statute remains silent on the question of city council approval for expansion of the ESD into city territory.

When a city annexes territory also served by an ESD, does the city's sales and use tax apply in the newly annexed area?

The answer to this question depends on the ESD's sales and use tax rate in the area annexed by the city. Section 321.102 of the Texas Tax Code governs the application of the city sales and use tax in the event of a change in a city's boundaries. With some limited exceptions, that section provides that a city sales tax displaces the sales tax of another entity (like an ESD) that previously levied a tax within the annexed territory. TEX. TAX CODE § 321.102(e). In the event of annexation, the ESD's tax in the annexed area is automatically reduced to an amount which,

when added to the municipal sales tax, does not exceed the local cap of two percent. *Id.* In many cases this reduces the ESD's tax to zero, but if the annexing city had a tax rate of less than two percent the ESD is allowed to continue to levy whatever portion of its tax that would not exceed two percent in combination with the city tax.

However, when the sales tax of an ESD is reduced as a result of city annexation, the ESD is kept whole by the comptroller's deduction of a corresponding amount from the sales and use tax of the annexing city. *Id.* § 321.102(f). The deducted amount is then paid to the ESD. *Id.* This is the provision that ESDs rely on to continue to obtain the sales and use tax revenue they were receiving prior to the city annexation. For example, under current law, if both a city and an ESD have a sales tax of two percent, the comptroller would withhold two percent from the city and pay that amount to the ESD. As a result, the city would not be able to keep any sales tax revenue in the newly annexed area. More commonly, a city will collect some sales and use taxes in the newly-annexed area, but not the entire amount that would otherwise be collected if there was not an overlapping ESD serving the area.

What tools are available for cities and ESD's to share sales tax revenue in a newly-annexed area that is also served by the ESD?

The inability of some cities to collect some or all of their sales and use taxes in newly-annexed territory due to the imposition of an ESD sales and use tax brought about legislation in 2013 that helped address how sales and use taxes are divided between cities and ESDs. The legislature passed H.B. 3159, which authorizes a city and ESD to work together and enter into a written agreement on how to allocate the revenue from the sales and use taxes imposed in the annexed area. *See* TEX. HEALTH AND SAFETY CODE § 775.0754. Cities cannot prohibit an ESD from collecting its sales and use taxes in a newly-annexed area, and also cannot require an ESD to enter into an agreement splitting sales and use tax revenue with the city. Nevertheless, since taking effect in 2013, cities and ESDs have used the new law to reach some consensus on how sales and use tax revenue is to be divided in newly-annexed city territory that is also served by an ESD.



CITY COUNCIL AGENDA MEMO

Prepared By: John Cabrales Jr, City Administrator

January 3, 2023

Planning and Zoning Commission Appointment

DESCRIPTION:

Receive, consider and act on appointing members to the Planning and Zoning Commission.

BACKGROUND INFORMATION:

Chapter 9, Article 9.04 of the City Code of Ordinances addresses the composition of the Planning and Zoning Commission (see below).

ARTICLE 9.04 PLANNING AND ZONING COMMISSION



Sec. 9.04.001 Creation and composition

There is hereby created and established within the city, a city planning and zoning committee, which shall be subject to the jurisdiction of the city council. The planning and zoning committee shall be composed of five (5) members, three (3) of whom shall constitute a quorum for the transaction of business. The members shall be resident citizens and qualified voters of the city. Members shall be appointed by the city council for a term of office of two (2) years, provided however, that two (2) members shall be initially appointed for a term of one (1) year, with those terms being for two (2) years thereafter. All vacancies on the planning and zoning committee shall be filled by appointment by the city council for the unexpired term of the vacated member.

(Ordinance 2004-01-096, sec. 1, adopted 1/11/04; Ordinance 202103-03-222 adopted 3/1/21)

The Planning and Zoning Commission Place 4 is currently vacant. The City has received an application from Sarah Adams. Staff has confirmed she is a resident and qualified voter of the city.

Current Board Members

Place

Term

Julie Burger	Place 1	(Oct. 2023)
Lisa Dawn Cabrera	Place 2	(Oct. 2022)
Rebecca McPherson	Place 3	(Oct. 2023)
Vacant	Place 4	(Oct. 2022)
Denis Sansoucie	Place 5	(Oct. 2023)

FINANCIAL CONSIDERATION:

None

RECOMMENDED MOTIONS:

I move to **Approve/Deny** the appointment of Sarah Adams to the Planning and Zoning Commission, Place 4.

ATTACHMENT(S):

1. Application



CITY COUNCIL AGENDA MEMO

Prepared By: Brooke Boller, City Secretary

January 3, 2023

Official Newspaper of the City

DESCRIPTION:

Receive, consider, and act on a Resolution designating the *Wise County Messenger* as the Official Newspaper for Year 2023.

BACKGROUND INFORMATION:

Section 52.004 of the Local Government Code provides that the City Council of a Type A city shall, as soon as practical after the beginning of each municipal year, designate a public newspaper of the City to be the official newspaper until another is selected.

Sec. 52.004. OFFICIAL NEWSPAPER. (a) As soon as practicable after the beginning of each municipal year, the governing body of the municipality shall contract, as determined by ordinance or resolution, with a public newspaper of the municipality to be the municipality's official newspaper until another newspaper is selected.

(b) The governing body shall publish in the municipality's official newspaper each ordinance, notice, or other matter required by law or ordinance to be published.

The newspaper that has been used in the past to provide official notices for the city is the *Wise County Messenger*. Staff has also used the *Denton Record Chronicle* for notices required in Denton County. Staff recommends approval of the resolution.

FINANCIAL CONSIDERATION:

The City must pay for the publishing cost for all required public notices, election notices, passage of certain ordinances, and any other required matters. The annual amount varies and is based on the activities of the City. In Fiscal Year 2021-22 the City paid approximately \$10,237.40, in required newspaper notice publishings.

RECOMMENDED MOTIONS:

I move to **Approve/Deny** a Resolution designating the *Wise County Messenger* as the Official Newspaper for Year 2023.

ATTACHMENT(S):

1. Resolution 202301-02-109



**CITY OF NEW FAIRVIEW, TEXAS
RESOLUTION NO. 202301-02-109**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW FAIRVIEW, TEXAS,
DESIGNATING THE WISE COUNTY MESSENGER AS THE OFFICIAL NEWSPAPER OF
THE CITY OF NEW FAIRVIEW, TEXAS, FOR YEAR 2023; AND PROVIDING AN
EFFECTIVE DATE**

WHEREAS, Section 52.004 of the Local Government Code provides that the City Council shall, as soon as practical after the beginning of each municipal year, designate a public newspaper of the city to be the official newspaper until another is selected; and,

WHEREAS, the City Council of the City of New Fairview desires to officially designate the official public newspaper of the City;

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

SECTION 1: The City Council of the City of New Fairview hereby designates *The WISE COUNTY MESSENGER*, a public newspaper in and of the City of New Fairview, Wise and Denton Counties, Texas, as the official newspaper of said City, the same to continue as such until another is selected, and shall cause to be published therein all ordinances, notices and other matters required by law or by ordinance to be published.

SECTION 2: The City Manager is hereby given authority to designate *The WISE COUNTY MESSENGER*, for said newspaper to become the official newspaper of the City of New Fairview.

SECTION 3: This resolution shall become effective immediately upon its passage.

PASSED AND APPROVED this the 3rd day of January 2023.

JOHN T. TAYLOR, Mayor

ATTEST:

Brooke Boller, City Secretary



CITY COUNCIL AGENDA MEMO

Prepared By: Brooke Boller, City Secretary

January 3, 2023

Ordering of the Election

DESCRIPTION:

Discuss, consider, and act on a Resolution calling a general/special election for the office of Mayor and City Members Place 2 and Place 4 to be held May 6, 2023, as well as a special election for an unexpired term for City Council Member Place 5 and 3 to be held May 6, 2023; authorizing execution of a joint election agreement with the Wise County Elections Administration and Denton County Administration to conduct the election; and provide procedures to conduct the election as well as resolving other matters incident and related thereto.

BACKGROUND INFORMATION:

The City of New Fairview is expecting to receive applications to run for the Council and/or Mayor necessitating the city to call an election and prepare a ballot for May 6, 2023. Staff has worked with the Wise and Denton County elections offices to determine cost and locations.

FINANCIAL CONSIDERATION:

Estimated cost for Election Day is \$1,200 - \$1,500.

RECOMMENDED MOTIONS:

I move to **Approve/Deny** a Resolution calling a general/special election for the office of Mayor and City Members Place 2 and Place 4 to be held May 6, 2023, as well as a special election for an unexpired term for City Council Member Place 5 and 3 to be held May 6, 2023; authorizing execution of a joint election agreement with the Wise County Elections Administration and Denton County Administration to conduct the election; and provide procedures to conduct the election as well as resolving other matters incident and related thereto.

ATTACHMENT(S):

1. Resolution 202301-01-108

RESOLUTION NO. 202301-01-108

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW FAIRVIEW, TEXAS, CALLING A GENERAL ELECTION FOR THE OFFICES OF CITY COUNCIL MEMBERS, THE MAYOR, PLACE 2 AND PLACE 4. TO BE HELD MAY 6, 2023; AND A SPECIAL ELECTION FOR AN UNEXPIRED TERM FOR CITY COUNCIL MEMBERS, PLACE 3 AND PLACE 5 TO BE HELD MAY 6, 2023; AUTHORIZING EXECUTION OF A JOINT ELECTION AGREEMENT WITH THE WISE AND DENTON COUNTY ELECTIONS ADMINISTRATORS TO CONDUCT THE ELECTION; AND PROVIDING PROCEDURES TO CONDUCT THE ELECTION

WHEREAS, the City of New Fairview, Texas (“City”) is a Type A general law municipality governed by Chapter 6 of the Texas Local Government Code; and

WHEREAS, the Texas Election Code establishes May 6, 2023, as the uniform election date for the general election for the City; and

WHEREAS, it is the City Council’s intent that the election be conducted jointly with other political subdivisions of Wise County and be administered by the Wise County Elections Administrator in accordance with the provisions of the Texas Election Code; and

WHEREAS, it is City Council’s intent that the City accept the Wise County Election Administration’s use of the direct recording electronic voting system, which has been certified by the Secretary of State in accordance with the Texas Election Code and approved by the United States Department of Justice; and

WHEREAS, the meeting at which this Resolution is considered is open to the public as required by law, and public notice of the time, place and purpose of said meeting was given as required by Section 551.043 of the Texas Government Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW FAIRVIEW, TEXAS:

SECTION 1. ORDER FOR GENERAL ELECTION. The City Council hereby calls and orders a general municipal election to be held on May 6, 2023 between the hours of 7:00 a.m. to 7:00 p.m. for the purpose of electing three (3) persons to serve on City Council, The Mayor, Place 2 and Place 4 to serve from May 2023 until May 2025, or until their successors are duly elected and qualified.

SECTION 2. ORDER FOR SPECIAL ELECTION. The City Council hereby calls and orders a special municipal election to be held on May 6, 2023, between the hours of 7:00 a.m. to 7:00 p.m. for the purpose of electing two (2) persons to fill unexpired terms for City Council, Place 3, Place 5, from May 2023 until May 2024, or until their successor is duly elected and qualified.

SECTION 3. FILING FOR OFFICE. Qualified persons may file as candidates for the general election by filing applications each weekday in the office of the City Secretary during regular office hours of 9:00 a.m. to 5:00 p.m. beginning January 18, 2023 and ending February 17, 2023.

SECTION 4. MAIL BALLOTS. Applications requesting a ballot by mail for either early voting or election day voting shall be mailed to: Sabra Srader, Election Administrator, at 200 S. Trinity or P.O. Box 1597, Decatur, Texas 76234 or Frank Phillips, Election Administrator, at P.O. Box 1720, Denton, TX, 76202 . Applications for early voting ballot by mail must be received no later than the close of business on April 25, 2023.

SECTION 5. EARLY VOTING. Early voting by personal appearance will be conducted on the following dates and times beginning April 24, 2023 and ending May 2, 2023. The main early voting location is the Elections Office, 200 S. Trinity Street, Decatur, TX 76234 or 701 Kimberly Drive, Denton, TX, 76208.

April 24, 2023	Monday	8:00 a.m.-5:00 p.m.
April 25, 2023	Tuesday	7:00 a.m.-7:00 p.m.
April 26, 2023	Wednesday	8:00 a.m.-5:00 p.m.
April 27, 2023	Thursday	8:00 a.m.-5:00 p.m.
April 28, 2023	Friday	8:00 a.m.-5:00 p.m.
May 1, 2023	Monday	8:00 a.m.-5:00 p.m.
May 2, 2023	Tuesday	7:00 a.m.-7:00 p.m.

SECTION 6. ELECTION DAY. The elections shall be held jointly with other political subdivisions of Wise and Denton County on Saturday, May 6, 2023, between the hours of 7:00 a.m. and 7:00 p.m.

SECTION 7. JOINT ELECTION CONTRACT. Prior to the election, the City anticipates that it will enter into an agreement for election services with both Wise and Denton County Elections Administrators. The Mayor is hereby authorized to execute a Joint Election Contract with both Wise and Denton County Elections Administrators for the conduct of a joint election to be held on May 6, 2023, and to execute any amendments.

SECTION 8. ELECTION NOTICES. The City Secretary is hereby authorized and instructed to file, publish and/or post, in the time and manner prescribed by law all notices required to be so

filed, published, or posted in connection with these elections and to provide and furnish ballot wording to the County election officials.

SECTION 9. APPOINTMENT OF ELECTION OFFICIALS. All election officials, including but not limited to the Early Voting Clerk and election judges, shall be the officials appointed to such positions by Wise County, and to the extent required by law, are hereby so appointed.

SECTION 10. DIRECT RECORDING SYSTEM. In accordance with Section 123.001 of the Texas Election Code, the Direct Recording Electronic Voting Systems approved by the Secretary of State are hereby adopted for the election on May 6, 2023.

SECTION 11. ACCESSIBLE VOTING SYSTEM. Section 61.012 of the Code requires that the City must provide at least one accessible voting system in each polling place used in Texas election on or after January 1, 2006. The City shall use, in Early Voting and Election Day Voting, a voter assist terminal as approved by the Secretary of State.

SECTION 12. ELECTION MATERIALS. The election materials specified in the Texas Election Code shall be printed in both English and Spanish for use at the polling places and for early voting for the election and provisions shall be made for oral assistance to Spanish speaking voters.

SECTION 13. ELECTION RESPONSIBILITY. The City shall contract with the Wise County Elections Administrators to perform all duties normally performed by the City Secretary in regular elections with respect to early voting, election day voting, and preparing the official ballots.

SECTION 14. The election shall be conducted in accordance with the Texas Election Code and the Constitution of the State of Texas.

PASSED AND APPROVED this 3rd day of January 2023, by a vote of __ayes __nays and __abstentions, at a regular meeting of the City Council of the City of New Fairview, Texas.

John Taylor, Mayor

ATTEST:

Brooke Boller, City Secretary