

ORDINANCE 86-725

Order Establishing Procedure For City Officers' Election

THE STATE OF TEXAS

CITY OF FULSHEAR

On this the 14th day of JANUARY, 1986, the City Council,

of the City of FULSHEAR, Texas, convened in REGULAR session,

open to the public, at the regular meeting place thereof with the following members present, to-wit:

- EDWARD DOZIER, Mayor,
- FRANCES SMART, Mayor Pro-Tem
- PAT PRESLEY, Alderman
- TOM HARKNESS, Alderman
- CAROLYN H. SMITH, City Secretary

and the following absent: B.G. WALLING AND VIOLA RANDLE, constituting a quorum, and

among other proceedings had were the following:

Alderman FRANCES SMART introduced a resolution and order and moved its adoption. The motion was seconded by Alderman TOM HARKNESS

and the motion carrying with it the adoption of the resolution and order prevailed by the following vote, FRANCES SMART, TOM HARKNESS, AND PAT PRESLEY

AYES: _____

NOES: NONE

The resolution and order are as follows:

Whereas the laws of the State of Texas provide that on the 5th day of APRIL, 1986, there

shall be elected the following officials for this city:

MAYOR
TWO Alderman
(Number of)

Whereas the laws of the State of Texas further provide that the Election Code of the State of Texas is applicable to said election, and in order to comply with said Code, an order should be passed establishing the procedure to be followed in said election, and designating the voting place or places for said election.

THEREFORE, BE IT ORDERED BY THE CITY COUNCIL/COMMISSIONERS

OF THE CITY OF FULSHEAR, TEXAS:

That all independent candidates at the election to be held on the 5th day of APRIL, 1986, for the above mentioned offices file their applications to become candidates with the Mayor of this City at CITY HALL, 6920 KATY-FULSHEAR ROAD, FULSHEAR, TEXAS on or before the 45th day before the date of said election;

That all of said applications shall be substantially in the following form:⁴

To the Mayor of the City of FULSHEAR, Texas:

I hereby request that my name be placed upon the official ballot for the election to be held on the 5th

day of APRIL, 1986, as a candidate for _____ of said City, and I hereby certify that I am eligible to hold such office under the constitution and laws of this state.⁵

My occupation is _____

The county of my residence is _____ County.

My post office address is _____

My age is _____ years. Length of residency in State: _____ years; in above named city: _____ years or months.

I am not disqualified or ineligible to hold the above mentioned office and meet all qualifications therefor. Please place my name on the official ballot as follows:

(print or type candidate's name here)

DATED this the _____ day of _____, 19____.

Name of Candidate

THE STATE OF TEXAS

COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____ who being by me here and now duly sworn upon oath states that all of the facts and information stated in the above application are true and correct.

Signature of Candidate

Subscribed and sworn to before me by the said _____

this the _____ day of _____, 19____ to certify which witness my hand and seal of office.

Notary Public, _____ County, Texas

All candidates shall file with said application the loyalty affidavit required by Article 6.02 of the Election Code.

This city, having ONE election precinct, said election shall be held at the following place in said city:

- 1. In Election Precinct No. 6 at HUGGINS ELEMENTARY SCHOOL Building.
- 2. In Election Precinct No. _____ at _____ Building.²
- 3. In Election Precinct No. _____ at _____ Building.²
- 4. In Election Precinct No. _____ at _____ Building.²

The City Secretary/Clerk¹ is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election.

The order in which the names of the candidates are to be printed on the ballot shall be determined by drawing by the City Secretary as provided by Article 6.05c, Subd. 3, Election Code.

The Mayor shall give notice of this election in accordance with the terms and provisions of Article 4.05 of the Election Code and returns of said notice shall be made as provided in said Article 4.05, and the Mayor shall issue all necessary orders and writs for said election and returns of said election shall be made to the Council/Commissioners¹ immediately after the closing of the polls. Also Art. 29e, V.C.S.

It is further found and determined that in accordance with the order of this governing body the Secretary/Clerk¹ posted written notice of the date, place and subject of this meeting on the bulletin board located in the City Hall, a place convenient and readily accessible to the general public, and said notice having been so posted and remaining posted continuously for at least 72 hours preceding the scheduled time of said meeting. A copy of the return of said posting shall be attached to the minutes of this meeting and shall be made a part thereof for all intents and purposes.

PASSED, APPROVED AND ADOPTED this the 14th day of JANUARY, 1986.

TEST: _____ Mayor

Secretary/Clerk

Strike one not applicable. Strike if not applicable. If Aldermen are elected by the place system, insert the place to be filled. This application is available as a separate form. Order Form 16-2396--Request to Place Name on City Officer Election Ballot. Art. 1.05 of the Election Code and Art. 987.

ORDER FOR CITY OFFICERS' ELECTION

THE STATE OF TEXAS

CITY OF FULSHEAR

I, EDWARD DOZIER

, in my capacity as Mayor of the City of FULSHEAR, Texas, do hereby order that an election be held in said

City on the 5th day of APRIL, 19 86, for the purpose of electing the following officials for said City:

TWO Aldermen
(Number of)

MAYOR

That in accordance with an order adopted by the City Council/Commission of said City, said election shall be held at the following place in said City, and the following named persons are hereby appointed officers for said election.

In Election Precinct No. 6, at HUGGINS ELEMENTARY SCHOOL Building, in said City, with CAROLYN H. SMITH as Presiding Judge, and BARBARA AUSTIN as Alternate Presiding Judge, and said Presiding Judge shall appoint the necessary clerks to assist him which shall not exceed 1 clerks.²

In Election Precinct No. _____, at _____ Building, in said City, with _____ as Presiding Judge, and _____ as Alternate Presiding Judge, and said Presiding Judge shall appoint the necessary clerks to assist him which shall not exceed _____ clerks.³

In Election Precinct No. _____, at _____ Building, in said City, with _____ as Presiding Judge, and _____ as Alternate Presiding Judge, and said Presiding Judge shall appoint the necessary clerks to assist him which shall not exceed _____ clerks.³

In Election Precinct No. _____, at _____ Building, in said City, with _____ as Presiding Judge, and _____ as Alternate Presiding Judge, and said Presiding Judge shall appoint the necessary clerks to assist him which shall not exceed _____ clerks.³

The polls at each of the above designated polling places shall on said election day be open from 7:00 o'clock a.m. to 7:00 o'clock p.m.⁴

CAROLYN H. SMITH is hereby appointed Clerk for absentee voting, and BARBARA AUSTIN and _____ are hereby appointed Deputy Clerks for absentee voting. The absentee voting for the above designated election shall be held at THE CITY HALL, 6920 KATY-FULSHEAR ROAD, FULSHEAR, TEXAS within said City and said place of absentee voting shall remain open for at least eight hours on each day for absentee voting which is not a Saturday, a Sunday, or an official State holiday, beginning on the 20th day and continuing through the 4th day preceding the date of said election. Said place of voting shall remain open between the hours of 9:00 a.m. and 5:00 p.m. on each day for said absentee voting. The above described place for absentee voting is also the absentee clerk's mailing address to which ballot applications and ballots voted by mail may be sent.

In accordance with previous order wherein it was determined that the electronic voting system/voting machines¹ shall be used in the above mentioned election for absentee voting by personal appearance, and in accordance with said order and the Election Code, _____, as Presiding Judge,

and _____, as Clerks, are hereby appointed the Special Canvassing Board for said election.²

Absentee voting, both by personal appearance and by mail, shall be by paper ballots and shall be canvassed by a special canvassing board, and CAROLYN H. SMITH, BARBARA AUSTIN, as Presiding Judge,

and _____, as Clerks, are hereby appointed the Special Canvassing Board for said election.²

That said election shall be held in accordance with the Election Code of this State and only resident qualified voters of said city shall be eligible to vote at said election.

Notice of said election will be given in accordance with the terms and provisions of Article 4.06 of the Election Code and Art. 29e and the City Secretary/Clerk is hereby instructed to have said notice posted and/or published in accordance with said Articles 4.06 and 29e.

That immediately after said election is held, the officers holding the same shall make returns of the result thereof to the Mayor of this city as required by the Election Code of this State.

A copy of this order shall also serve as a writ of election which shall be delivered to the above appointed Presiding Judge, for said election.

Edward Dozier EDWARD DOZIER
Mayor

Carolyn H. Smith
CITY SECY. TREAS.

ATTEST:

ORDER FOR CITY OFFICERS' ELECTION

THE STATE OF TEXAS

CITY OF FULSHEAR

EDWARD DOZIER

I, EDWARD DOZIER, in my capacity as Mayor

of the City of FULSHEAR, Texas, do hereby order that an election be held in said

City on the 5th day of APRIL, 1986, for the purpose of electing the following officials for said City:

MAYOR

TWO Aldermen (Number of)

Blank lines for names of officials.

That in accordance with an order adopted by the City Council/Commission of said City, said election shall be held at the following place in said City, and the following named persons are hereby appointed officers for said election.

In Election Precinct No. 6, at HUGGINS ELEMENTARY SCHOOL Building, in said City, with CAROLYN H. SMITH as Presiding Judge, and BARBARA AUSTIN as Alternate Presiding Judge, and said Presiding Judge shall appoint the necessary clerks to assist him which shall not exceed 1 clerks.

In Election Precinct No. at Building, in said City, with as Presiding Judge, and as Alternate Presiding Judge, and said Presiding Judge shall appoint the necessary clerks to assist him which shall not exceed clerks.

In Election Precinct No. at Building, in said City, with as Presiding Judge, and as Alternate Presiding Judge, and said Presiding Judge shall appoint the necessary clerks to assist him which shall not exceed clerks.

In Election Precinct No. at Building, in said City, with as Presiding Judge, and as Alternate Presiding Judge, and said Presiding Judge shall appoint the necessary clerks to assist him which shall not exceed clerks.

The polls at each of the above designated polling places shall on said election day be open from 7:00 o'clock a.m. to 7:00 o'clock p.m.

CAROLYN H. SMITH is hereby appointed Clerk for absentee voting, and BARBARA AUSTIN and are hereby appointed Deputy Clerks for absentee voting. The absentee voting for the above designated election shall be held at THE CITY HALL, 6920 KATY-FULSHEAR ROAD, FULSHEAR, TEXAS within said City and said place of absentee voting shall remain open for at least eight hours on each day for absentee voting which is not a Saturday, a Sunday, or an official State holiday, beginning on the 20th day and continuing through the 4th day preceding the date of said election. Said place of voting shall remain open between the hours of 9:00 a.m. and 5:00 p.m. on each day for said absentee voting. The above described place for absentee voting is also the absentee clerk's mailing address to which ballot applications and ballots voted by mail may be sent.

In accordance with previous order wherein it was determined that the electronic voting system/voting machines shall be used in the above mentioned election for absentee voting by personal appearance, and in accordance with said order and the Election Code, as Presiding Judge, and as Clerks, are hereby appointed the Special Canvassing Board for said election.

Absentee voting, both by personal appearance and by mail, shall be by paper ballots and shall be canvassed by a special canvassing board, and CAROLYN H. SMITH, BARBARA AUSTIN, as Presiding Judge, and as Clerks, are hereby appointed the Special Canvassing Board for said election.

That said election shall be held in accordance with the Election Code of this State and only resident qualified voters of said city shall be eligible to vote at said election.

Notice of said election will be given in accordance with the terms and provisions of Article 4.06 of the Election Code and Art. 29e and the City Secretary/Clerk is hereby instructed to have said notice posted and/or published in accordance with said Articles 4.06 and 29e.

That immediately after said election is held, the officers holding the same shall make returns of the result thereof to the Mayor of this city as required by the Election Code of this State.

A copy of this order shall also serve as a writ of election which shall be delivered to the above appointed Presiding Judge, for said election.

EDWARD DOZIER Mayor
CAROLYN H. SMITH CITY SECY-TREAS.

ATTEST:

ORDEN DE ELECCION DE FUNCIONARIOS DE LA CIUDAD

EL ESTADO DE TEXAS

CIUDAD DE FULSHEAR

Yo, EDWARD DOZIER en mi capacidad de Alcalde de la Ciudad de FULSHEAR, Texas, ordeno por la presente que se lleve a cabo una eleccion en dicha Ciudad el dia 5th de abril, de 19 86, con el proposito de elegir los siguientes funcionarios para dicha Ciudad:

ALCALDE2

DOS Concejales2

~~DOS COMISIONADOS~~

Que de acuerdo con la orden adoptada por el Consejo de la Ciudad/Corte de Comisionados1 de dicha Ciudad, dicha eleccion debera llevarse a cabo en el siguiente lugar/los siguientes lugares1 en dicha Ciudad, y las siguientes personas son nombradas por la presente oficiales para dicha eleccion.

En el Precinto Electoral Num. 6, en el Edificio HUGGINS ELEMENTARY SCHOOL de dicha Ciudad, con CAROLYN H. SMITH como Juez Presidente, y BARBARA AUSTIN como Alterno al Juez Presidente, y el nombrado Juez Presidente debera nombrar un numero necesario de escribientes que lo asistan no siendo más de 1 escribientes.8

En el Precinto Electoral Num. _____, en el Edificio _____ de dicha Ciudad, con _____ como Juez Presidente, y _____ como Alterno al Juez Presidente, y el nombrado Juez Presidente debera nombrar un numero necesario de escribientes que lo asistan no siendo más de _____ escribientes.8

En el Precinto Electoral Num. _____, en el Edificio _____ de dicha Ciudad, con _____ como Juez Presidente, y _____ como Alterno al Juez Presidente, y el nombrado Juez Presidente debera nombrar un numero necesario de escribientes que lo asistan no siendo más de _____ escribientes.8

En el Precinto Electoral Num. _____, en el Edificio _____ de dicha Ciudad, con _____ como Juez Presidente, y _____ como Alterno al Juez Presidente, y el nombrado Juez Presidente debera nombrar un numero necesario de escribientes que lo asistan no siendo más de _____ escribientes.8

Los sitios de votacion en cada uno de los lugares designados se mantendran abiertos en dicho dia de elecciones de las 7:00 a.m. a las 7:00 p.m.4

A CAROLYN H. SMITH se le nombra Secretario de votacion ausente, y BARBARA AUSTIN se les nombra por esta como Diputados del Secretarios para votacion ausente. La votacion ausente para la eleccion arriba designada se llevara a cabo en CITY HALL dentro de la Ciudad y dicho lugar de votacion ausente se mantendra abierto por lo menos durante ocho horas en cada dia de votacion ausente no siendo sabado, domingo o dia festivo oficial del Estado, principiando 20 dias y continuando hasta el cuarto dia anteriores a la fecha de dicha eleccion. Dicho lugar de votacion se mantendra abierto de las 9:00 a.m. a las 5:00 p.m. horas cada dia de votacion ausente. El lugar arriba descrito para votacion es también la direccion postal del secretario de votacion ausente a la cual se podran enviar por correo solicitudes de boletas y también las boletas con votos.

De acuerdo con orden previa en la cual se determino que se hara uso del sistema electrónico de votacion/de máquinas de votacion1 el la votacion ausente arriba mencionada por presentacion personal, y de acuerdo con dicha orden y el Código Electoral, _____ como Juez Presidente, _____ y _____, como Escribientes, son nombrados por la presente como el Consejo Especial de Escrutinio para dicha eleccion.2

Votacion ausente, por presentacion personal o por correo, se hara en boletas electoras de papel y sera es- crutada por un consejo especial de escrutinio, y CAROLYN H. SMITH como Juez Presidente, BARBARA AUSTIN y _____ como Escribientes, son nombrados por la presente como el Consejo Especial de Escrutinio para dicha eleccion.2

Que dicha eleccion se llevara a cabo de acuerdo con el Código Electoral del Estado y solamente votantes residentes capacitados de dicha ciudad seran elegibles para votar en dicha eleccion.

Aviso de dicha eleccion se hara de acuerdo con los terminos y provisiones del Artículo 4.06 del Código Electoral y el Artículo 29e y al Secretario de la Ciudad/Escribano se le ordena a colocar dicho aviso y/o publicar dicho aviso de acuerdo con los mencionados Artículos 4.06 y 29e.

Que inmediatamente después de haber llevado a cabo dicha eleccion, los oficiales conduciendo la misma deberan rendir informe de los resultados de la misma al Alcalde de esta ciudad como lo requiere el Código Electoral de este Estado.

Una copia de esta orden también servira como orden judicial de eleccion la cual sera entregada al Juez Presidente/Jueces Presidentes1 arriba nombrado(s) para dicha eleccion.

Edward Dozier
Alcalde
Carolyn H. Smith

AN ORDINANCE ADOPTING A PERSONNEL POLICIES MANUAL TO GOVERN
PERSONNEL ADMINISTRATION MATTERS INVOLVING EMPLOYEES OF THE
CITY OF FULSHEAR, TEXAS

WHEREAS, it is necessary to provide for fair and uniform enforcement of personnel administration with regard to all employees of the City of Fulshear,

AND WHEREAS, The City has prepared a personnel policies manual to provide for such enforcement; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS

SECTION 1: That the City Council of the City of Fulshear, Texas, hereby adopts the Personnel Policies Manual dated FEBRUARY 24, 1986 with amendments as may be subsequently approved by the City Council, as the official policy of the City with regard to personnel administration. A copy of the manual shall be attached to this Ordinance as Exhibit A and shall become a part thereof as fully as if set at length herein.

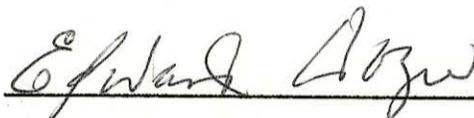
SECTION 2: That all Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of the conflict.

SECTION 3: That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases are separable, and, if any phrase, clause, sentence, paragraph, or section of this Ordinance or the manual adopted herein, shall be declared unconstitutional or invalid by

the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections, since the same would have been enacted by the City Council without the incorporation of unconstitutional or invalid phrases, clauses, sentences, paragraphs, or sections.

SECTION 4: That this Ordinance shall take effect immediately from and after the 24 day of FEBRUARY, 198⁶.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR this 24th day of FEBRUARY, 198⁶.



EDWARD DOZIER, MAYOR

ATTEST:



Carolyn H. Smith, City Secy-Treas.

VOTING:

F.SMART	<u>YES</u>	B.G.WALLING	<u>ABSENT</u>	P.PRESLEY	<u>YES</u>
V.RANDLE	<u>YES</u>	T.HARKNESS	<u>NO</u>		

Order Declaring Result Of City Officers' Election

THE STATE OF TEXAS

CITY OF FULSHEAR

On this the 08th day of APRIL, 1986, the City Council

of the City of FULSHEAR, Texas, convened in REGULAR session open to the public at the regular meeting place thereof with the following members present, to-wit:

- EDWARD DOZIER, Mayor,
- FRANCES SMART, ~~XXXXXX~~ MAYOR PRO-TEM
- VIOLA RANDLE, Alderman,
- B. G. WALLING, Alderman
- PAT PRESLEY, Alderman
- CAROLYN H. SMITH, City Secretary

and the following absent: TOM HARKNESS, constituting a quorum, and among other proceedings had were the following:

Alderman, B. G. WALLING introduced a resolution and order

and moved its adoption. The motion was seconded by Alderman, PAT PRESLEY, and the motion carrying with it the adoption of the resolution and order prevailed by the following vote,

AYES: ALL COUNCIL MEMBERS PRESENT

NOES: none

The resolution is as follows:

There came on to be considered the returns of an election held on the 05th day of APRIL, 1986, for the purpose of electing the hereinafter named officials, and it appearing from said returns, duly and legally made, that there were cast at said election 195 valid and legal votes; that each of the candidates in said election received the following votes:

FOR MAYOR

NAME OF CANDIDATE	TOTAL NUMBER OF VOTES RECEIVED
<u>PAT PRESLEY</u>	<u>40</u>
<u>EDWARD DOZIER</u>	<u>154</u>

FOR ALDERMAN

NAME OF CANDIDATE	TOTAL NUMBER OF VOTES RECEIVED
<u>SETHORA WEST</u>	<u>82</u>
<u>EARLE VONDERGOLTZ</u>	<u>119</u>
<u>VIOLA RANDLE</u>	<u>132</u>
<u>BILL WALLING</u>	<u>03</u>
<u>EMMET ROLLINS</u>	<u>01</u>
<u>TERRY MURPHREE</u>	<u>01</u>
<u>N.T. WOMACK</u>	<u>02</u>

OR

NAME OF CANDIDATE

TOTAL NUMBER OF VOTES RECEIVED

FOR

NAME OF CANDIDATE

TOTAL NUMBER OF VOTES RECEIVED

FOR

NAME OF CANDIDATE

TOTAL NUMBER OF VOTES RECEIVED

FOR

TOTAL NUMBER OF VOTES RECEIVED

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL/COMMISSION OF THE CITY OF
FULSHEAR _____, TEXAS:

That said election was duly called; that notice of said election was given in accordance with law, and that
said election was held in accordance with law, and that EDWARD DOZIER was duly
elected Mayor of said City at said election² and VIOLA RANDLE AND EARLE
VONDERGOLTZ

were duly elected Aldermen/~~Commissioners~~ of said City at said election, and that XXXXX

XXXXXXXXXXXX was duly elected XXXXXXXXXXXX
and said above named parties are hereby declared duly elected to said respective offices, subject to the
taking of their oaths and filing bond as provided by the laws of the State of Texas.

It is further found and determined that in accordance with the order of this governing body the
Secretary/~~City~~ posted written notice of the date, place and subject of this meeting on the bulletin board
located in the City Hall, a place convenient and readily accessible to the general public, and said notice having
been so posted and remaining posted continuously for at least 72 hours preceding the scheduled time of
said meeting. A copy of the return of said posting shall be attached to the minutes of this meeting and shall
be made a part thereof for all intents and purposes.

PASSED, ADOPTED AND APPROVED this the 08th day of APRIL 1986

ATTEST:
Caryn N. Smith
City Secretary

Edward Dozier
Mayor

AN ORDINANCE AMENDING ORDINANCE NO. 86-727 OF THE PERSONNEL MANUAL RELATING TO ATTENDANCE, WORKWEEK OF CITY EMPLOYEES AND OVERTIME COMPENSATION SO AS TO CONFORM WITH THE REQUIREMENTS OF THE FAIR LABOR STANDARDS ACT OF 1938, AS AMENDED; CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR:

Section 1. That Ordinance No. 86-729 amending Ordinance No. 86-727 of the City Personnel Manual of Fulshear, Texas, is hereby amended to read as follows:

(a) Definitions. Unless otherwise indicated, the following words shall, for purposes of this Section, have the following meanings:

(1) Compensatory Time or Compensatory Time off - hours during which eligible employees are not working and which are not counted as hours worked during the applicable workweek for purposes of overtime compensation and for which the employee is compensated at the employee's regular rate.

(2) Eligible Employees - all employees of the City of Fulshear other than exempt and non-covered employees as defined in this subsection and those employees subject to Article 1269m, Texas Revised Civil Statutes and classified as fire protection or law enforcement personnel.

(3) Exempt Employees - all executive, professional, administrative and seasonal recreational employees of the City of Fulshear who are exempted from overtime compensation requirements of the Fair Labor Standards Act of 1938, as amended and the pertinent regulations and opinions interpreting that act and who have been designated as such by the City's Mayor and any Civil Service Commission, that may be subsequently created by the City.

(4) Non-Covered Employees - all employees of the City of Fulshear who:

a. are excluded from coverage under the Fair Labor Standards Act of 1938, as amended, and the regulations and administrative opinions interpreting that act; and

b. are designated as such by the City's Mayor and any Civil Service Commission. In reaching the determinations required

by this Subsection or Subsection 3, above, the Mayor and/or the Civil Service Commission shall be guided by the various criteria which are applied to determine whether overtime must be paid under the wage and hour provisions of the Fair Labor Standards Act of 1938, as amended.

(5) Overtime - time worked in excess of forty (40) hours in a workweek.

(6) Regular Rate of Pay - regular rate of pay shall include: (i) Base Pay; (ii) Longevity Pay and (iii) Shift Differential Pay. The term regular rate of pay shall not include compensation excluded under 7(e) of the Fair Labor Standards Act of 1938, as amended or the interpretative regulations and administrative or judicial opinions construing that section.

(7) Workweek - the workweek shall consist of forty (40) hours of actual work within the consecutive 168 hour period beginning with the day shift on Saturday.

(8) Time Actually Worked or Actual Work - the time the employee is actually on duty and working or on a council declared holiday. Time spent on authorized sick leave, vacation leave, compensatory time off, death in the family leave or any other authorized or unauthorized leave shall not be counted as time actually worked.

(b) All departments of the City of Fulshear shall maintain accurate, complete and permanent records of all employee attendance and time actually worked during each work week. Each department head shall make such reports of attendance and time actually worked as may be prescribed by the Mayor. Department Heads shall certify the correctness of such reports. Such reports shall be forwarded to the City Secretary on a weekly basis.

(c) All eligible employees of the City of Fulshear shall be compensated for working overtime beyond their regularly scheduled workweek by the payment of either monetary compensation at the rate of one and one-half (1-1/2) times their regular rate of pay or compensatory time at the rate of one and one-half (1-1/2) hours for each overtime hour worked. The following shall apply to the payment of overtime compensation:

(1) The Department Head of the Department in which the employee works shall verify that the overtime is needed to complete a required city service or operation.

(2) The Department Head may determine whether overtime shall be paid in cash or compensatory time. Where overtime is paid in cash it shall be paid in the pay period in which it is earned or as soon thereafter as is possible, taking into consideration both the workweek and the payroll system used.

(3) Where the employee is granted compensatory time the following shall apply:

(A) The number of hours of compensatory time which may be accumulated shall not exceed two hundred and forty (240).

(B) Accrued compensatory time which is given must be used within 120 calendar days from the date accrued, provided that it does not unduly disrupt departmental operations.

(C) Eligible employees shall be paid for any overtime hours not taken within 120 days from the date of accrual. Such payment shall be in cash at the rate of one and one half times the greater of: (i) the employee's average regular rate of pay over the employees last three (3) years of employment by the City preceding the date of payment; or (ii) the employees regular rate of pay of the pay period immediately preceding the date of payment. Such payment shall be made in the pay period following expiration of the 120 day period.

(D) Each department shall maintain detailed records for the accumulation and use of compensatory time on a form prescribed by the Mayor.

(E) Accumulated compensatory time shall be used in accordance with the First In-First Out (FIFO) accounting principle.

(F) Any compensatory time accrued prior to April 15, 1986, and not used shall be carried on the records of the Department until such time as it is used by the employee. The employee shall not be entitled to monetary compensation for any compensatory time accrued prior to April 15, 1986.

(d) A department head, or designated subordinate may, subject to the operational requirements of the department, require an employee to work a holiday.

(1) An employee who is scheduled to work on a holiday may be given a day off in the same workweek in lieu of the holiday or the employee shall receive half-pay in addition to regular pay for the hours actually worked on the holiday.

(2) An employee who is called to duty by virtue of an operational emergency on a holiday shall be paid time and one-half (1-1/2) for the time actually worked on such holiday in addition to regular pay for the holiday.

(3) Where an employee's regularly scheduled day off falls on a holiday, the employee shall, subject to the operational requirements of the Department, be given a day off in lieu of the holiday.

(4) For purposes of scheduling a holiday where an employee is unable to take the holiday as specified in (1) or (3) above, a holiday shall have an hour value equal to the number of hours in the employee's regularly scheduled shift or workday. However, for purposes of computation of overtime the holiday shall have a value of eight (8) hours and an employee shall be eligible for overtime only for hours that he or she was on duty and at the workplace.

(5) When a Council declared holiday occurs during any paid leave of absence (vacation, sick time, injury on duty, etc.) the holiday is considered observed and that day's absence will not be charged against the paid leave.

(e) Any employee who is determined to be either professional, executive, or administrative and thereby exempt from the provisions of the Fair Labor Standards Act and as a result not eligible for overtime pay as described in this section, may, notwithstanding any other provision of this section to the contrary, be eligible for compensatory time on a straight time (one (1) hour for one (1) hour) basis upon the recommendation of their department head and the approval of the

Mayor. Compensatory time may be approved subject to the following criteria:

(1) the employee's base salary at the time that the compensatory time is granted may not exceed one thousand five hundred ~~thirty~~^{thirty}-three dollars (\$1,533.00) biweekly;

(2) the overtime work must be performed under extraordinary circumstances, which shall mean additional hours not ordinarily required to perform the employee's regularly assigned tasks including, but not limited to, unscheduled work hours on a council declared holiday or work performed over a confined period of time due an extra project assignment or a condition of emergency;

(3) an employee may not receive more than forty (40) hours of compensatory time hereunder in any calendar year quarter;

(4) compensatory time granted under this subsection and its use shall be reported to the City Secretary in accordance with Subsection (c) (3) (D) above;

(5) any compensatory time granted must be used within one hundred twenty (120) calendar days following the payroll period in which it was earned, and the employee's department head shall afford the employee a reasonable opportunity to use the time within such period. Compensatory time which is not used within such one hundred twenty (120) day period will be forfeited;

(6) compensatory time granted hereunder may not be converted to any other form of leave benefit or be paid as a cash benefit under any circumstances including the death or termination of the employee;

(7) the City Secretary may, subject to the review and approval of the Mayor, issue administrative guidelines to the various department heads for the granting and reporting of such compensatory time.

Section 2. If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons

or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this ordinance are declared to be severable for that purpose.

Section 3. Any ordinance heretofore enacted which is inconsistent, either in whole or in part, with the provisions hereof is expressly repealed to the extent of such inconsistency.

Section 4. This ordinance shall be passed finally on the date of its introduction, this 14th day of April, 1986, and shall take effect on April 14, 1986, following its passage and approval by the Mayor.

PASSED AND APPROVED this the 14th day of April, 1986.

THE CITY OF FULSHEAR, TEXAS

By: Ed Dozier
ED DOZIER
Mayor

ATTEST:
By: Carolyn H. Smith
CAROLYN SMITH
City Secretary

CITY OF FULSHEAR, TEXASTo the Honorable City Council of the City of FULSHEAR:

I submit and introduce to you the ordinance set out below with the request that it be passed finally on the date of its introduction. There exists a public emergency requiring such action and I accordingly request that you pass the same if it meets with your approval.

DATE: JUNE 23, 19 86

E. Mark Logan
Mayor of the City of FULSHEAR

City of FULSHEAR Ordinance No. 86-730

AN ORDINANCE RELATING TO RATES TO BE CHARGED BY HOUSTON LIGHTING & POWER COMPANY FOR ELECTRIC UTILITY SERVICE WITHIN THE CORPORATE LIMITS OF THE CITY OF FULSHEAR, TEXAS; CONTAINING FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR A REPEALER AND FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * *

WHEREAS, on or about March 18, 1986, Houston Lighting & Power Company (the "Company"), filed with the City of FULSHEAR a Statement of Intent and Petition for Authority to Change Rates relating to electric utility service, and proper notice thereof was duly given; and

WHEREAS, by Resolution No. 86-025, the City Council suspended the effective date of such proposed rate increase until July 22, 1986; and

WHEREAS, the City Council, having considered the Company's rate increase at a public hearing for which proper notice was duly given, finds that such request is excessive; and

WHEREAS, the City Council having original jurisdiction over the matter finds that a lesser increase in rates should be prescribed for the Company; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR:

Section 1. The City Council of the City of FULSHEAR hereby finds the requested rates of the Company to be excessive and unreasonable.

Section 2. The City Council hereby approves and adopts the rates, adjustments, and determinations set out in Exhibit "A", attached hereto and incorporated herein for all purposes, and additionally finds and determines the following:

I. Findings

1. Cost of Service

The revenue requirement of the Company is \$3,087,698,000.00. Adjustments were made to Operations & Maintenance Expenses, Fuel Expenses, Purchased Power, Depreciation Expense, Other Taxes, Federal Income Taxes, and the Return component.

a. Operations and Maintenance Expenses

Adjustments to the Company's Operation and Maintenance Expenses amounted to \$45,097,000.00. The major adjustments include a reduction in Salaries and Wages expense of \$4,618,000.00, a reduction of Limestone Operating Expenses of \$1,889,000.00, a reduction in Municipal Street Use Fees of \$7,696,000.00, a reduction in Rate Case Expenses of \$1,059,000.00, elimination of EEI dues of \$331,000.00, a reduction in Gas Operation and Maintenance Expense of \$9,464,000.00, and a reduction for Non-Recurring Maintenance of \$8,550,000.00.

b. Fuel Expenses and Purchased Power

The adjustment of Fuel Expenses is a reduction of \$136,181,000.00. The adjustment to Purchased Power is a reduction of \$40,961,000.00. The Overall Fixed Fuel Factor per KWH is \$0.020386, the Distribution Level Fixed Fuel Factor per KWH is \$0.020854, and the Transmission Level Fixed Fuel Factor per KWH is \$0.019713.

c. Depreciation

The total adjustment to Depreciation Expense is a reduction of \$13,835,000.00.

d. Other Taxes

The total adjustment for all Taxes Other than Federal Income Taxes is a net reduction of \$5,013,000.00.

e. Federal Income Taxes

The adjustment to the Cost of Service for Federal Income Taxes is a reduction of \$65,507,000.00.

f. Return

The rate of return on equity is 14.75 percent. The rate of return on Invested capital is 11.58 percent.

2. Invested Capital

The invested capital is determined to be \$4,764,986,000.00.

3. Adjustments to Invested Capital

The adjustments to invested capital include a reduction of \$5,496,000.00 in Plant in Service, an increase of \$1,243,000.00 in Construction Work in Progress, a reduction of \$2,713,000.00 in Fuel Oil Inventory, a reduction of \$82,702,000.00 in Working Cash Allowance, a reduction of \$64,625,000.00 in Deferred Limestone Cost, a reduction of \$8,880,000.00 in Unrecovered Storm Loss, a reduction of \$29,878,000.00 in Deferred Taxes, and a reduction of \$5,280,000.00 in Other Cost-Free Capital.

4. Revenue Deficiency

The overall revenue deficiency is \$159,759,000.00.

5. Rate Structure

a. Residential

The rate structure for the residential customer class is:

Summer: Customer Charge of \$9.00 per month, which includes 250 kwh
all kwh over 251 kwh at 6.2460¢ per kwh
plus: fuel charge of 2.0854¢ per kwh for all kwh

Winter: Customer Charge of \$9.00 per month, which includes 250 kwh
251-1,000 kwh at 6.2460¢ per kwh
over 1,000 kwh at 2.9655¢ per kwh
plus: fuel charge of 2.0854¢ per kwh for all kwh

b. All Other Customer Classes

The rate structure for all customer classes other than residential is that proposed in the Company's Statement of Intent and Petition for Authority to Change Rates.

II. Related Issues

1. The City Council hereby authorizes the Company to utilize the following deferred accounting treatment for certain expenses related to Limestone Unit 2: Beginning on the commercial in-service date as defined by the Public Utility Commission of Texas ("commercial in-service date") for Limestone Unit 2 and continuing for a period of time ending eighteen (18) months after that in-service date or upon the effective date of rates set as a result of the Company's next filed statement of intent to change rates, whichever ending date is sooner, the Company may place into a deferred account all depreciation expense, tax expense, and operation and maintenance expense incurred during that time period by the Company related to Limestone Unit 2, and upon review, approval, and adjustment of such deferred expenses by the City in the proceeding considering the Company's next filed statement of intent to change rates.

these deferred amounts shall be amortized over a period of ten years from the commercial in-service date of Limestone Unit 2.

The City Council hereby orders the Company, upon the commercial in-service date for Limestone Unit 2, to transfer its total investment in Limestone Unit 2 from Construction Work in Progress to Plant in Service. The City reserves the right to exclude from rate base or other recovery any portion of the expenditures from the plant, AFUDC, capitalized expenses, capitalized depreciation or other capitalized costs related to Limestone Unit 2 that the City determines is not used and useful, has been imprudently spent or incurred, or is in any other way not lawfully includable in rate base or other recovery. The City further reserves the right to determine the reasonableness and prudence of any deferred expenses in the rate order in which rate base treatment for Limestone Unit 2 is requested.

The City Council finds that all of the Company's investment in Limestone Unit 2 as of December 31, 1985, is presently in rate base as Construction Work in Progress.

The City Council hereby orders that the Company shall not, after the date of final passage of this ordinance, accrue any AFUDC on any Limestone Unit 2 investment.

2. The City Council hereby orders the Company, after the date of final passage of this ordinance, to include in reconcilable fuel expense for any fuel purchased from an affiliate only fuel prices at cost, and to exclude any returns on or of equity.

3. The City has incurred expenses for the purpose of conducting investigations, presenting evidence, advising and representing the governing body, and assisting with litigation in connection with the request of the Company to change its rates. The Company shall reimburse the City for the reasonable costs of such services pursuant to Section 24(a) of the Public Utility Regulatory Act, TEX.REV.CIV.STAT.ANN. art. 1446c (Vernon Supp. 1986). The Mayor shall forward to the Company an invoice or invoices for such costs together with a request for reimbursement. The Company shall reimburse the City for such costs incurred within thirty days after having received each such request.

III. Conclusions

1. The City has original jurisdiction over this case pursuant to Section 43 of the Public Utility Regulatory Act.

2. The Company has the burden of establishing its revenue deficiency under its present rates and of establishing the amount of such deficiency that will be collected under its proposed rates pursuant to Section 40 of the Public Utility Regulatory Act.

3. The rates prescribed herein will allow the Company to recover its operating expenses together with a reasonable return on its invested capital, pursuant to provision of Section 39 of the Public Utility Regulatory Act.

4. The rates prescribed herein will permit the Company a reasonable opportunity to earn a reasonable return upon the invested capital used and useful in rendering service to the public over and above its reasonably necessary operating expenses as provided by Section 39(a) of the Public Utility Regulatory Act.

5. The rates for electric service set forth herein provide just and reasonable and not unreasonably preferential, prejudicial, or discriminatory rates, and are sufficient, equitable, and consistent in application to each class of consumer, as provided by Section 38 of the Public Utility Regulatory Act.

Section 3. The City Council hereby determines, prescribes, establishes and authorizes the increased rates for sale or supply of electric service by the Company within the corporate limits of the City of FULSHEAR as set out in this ordinance. Such increased rates shall become effective as to each customer on or no later than the thirtieth day after the date of final passage of this ordinance. The Company shall be authorized to collect such rates until such time as they may be changed, modified, amended or withdrawn in accordance with applicable statutes and ordinances.

Section 4. The City Council hereby authorizes and directs the City Secretary to serve the Company with a certified copy of this ordinance which is the final determination and order of the City.

Section 5. The Company shall, within ten days following the final passage and approval of this ordinance and thereafter whenever required by applicable statutes and ordinances and whenever requested by the Mayor, file a complete schedule of rates and tariffs with the Mayor setting forth all of the Company's rates and charges for utility service then in effect. The Mayor is authorized to review, approve and require revisions to the tariff if he determines it not to be in accordance with this ordinance.

Section 6. Nothing contained in this ordinance shall be construed now or hereafter as limiting or modifying, in any manner, the right and power of the City under the law to regulate the rates and charges of the Company.

Section 7. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict only.

Section 8. In the event that the Company appeals from this order setting electric rates for the Company, the City hereby waives written notice of the hearing before the Public Utility Commission of Texas on such appeal.

With respect to any such appeal, the City Council hereby authorizes the City Attorney or his designees to represent the City and its citizens in any and all matters in connection with such appeal and to take any and all actions necessary and incidental thereto and to the resolution of the matters subject to such appeal, all as may be in the best interests of the City.

Section 9. If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

Section 10. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, TEX.REV.CIV.STAT.ANN. art. 6252-17 (Vernon Supp. 1986); and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally

acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 11. There exists a public emergency requiring that this ordinance be passed finally on the date of its introduction, and the Mayor having in writing declared the existence of such emergency and requested such passage, this ordinance shall be passed finally on the date of its introduction, this 23rd day of JUNE, 1986, and shall be a final order of the City Council upon the subject matter thereof immediately upon its passage and approval by the Mayor.

PASSED this 23rd day of JUNE, A.D. 1986.

APPROVED this 23rd day of JUNE, A.D. 1986.

Edward A. Zuel
Mayor of the City of DULSHEAR

ATTEST:

Carolyn N. Smith
City Secretary

VOTING:

F.SMART <u>Yes</u>	P.PRESLEY <u>Yes</u>	E.VONDERGOLTZ <u>Yes</u>
V.RANDLE <u>Yes</u>	T.HARKNESS <u>Absent</u>	

SCHEDULE 1

HOUSTON LIGHTING & POWER COMPANY
 REVENUE REQUIREMENT
 TEST YEAR ENDED DECEMBER 31, 1985
 (000's)

LINE NO.	DESCRIPTION	PER BOOKS	ADJUSTMENT	HL&P REQUEST	CITY ADJUSTMENT	CITY RATE ORDER
1	OPERATION AND MAINTENANCE	\$594,576	\$11,114	\$605,690	(\$45,097)	\$560,593
2	FUEL	1,420,262	(432,108)	988,154	(136,181)	851,973
3	PURCHASED POWER	442,802	96,454	539,256	(40,961)	498,295
4	DEPRECIATION	177,099	33,488	210,587	(13,835)	196,752
5	OTHER TAXES	140,185	16,507	156,692	(5,013)	151,679
6	INTER ON CUSTOMER DEPOSITS	0	0	2,302	(0)	2,302
7	FEDERAL INCOME TAXES	262,557	77,439	339,996	(65,507)	274,489
8	RETURN	495,883	121,940	617,823	(66,209)	551,614
9	REVENUE REQUIREMENT	<u>\$3,533,364</u>	<u>(\$75,166)</u>	<u>\$3,460,500</u>	<u>(\$372,802)</u>	<u>\$3,087,698</u>

EXHIBIT A

SCHEDULE 2

HOUSTON LIGHTING & POWER COMPANY
 CALCULATION OF INCREASE
 TEST YEAR ENDED DECEMBER 31, 1985
 (000's)

LINE NO.	DESCRIPTION	HL&P REQUEST	CITY ADJUSTMENT	CITY RATE ORDER	TEST YEAR AS ADJUSTED
1	REVENUE REQUIREMENT	\$3,460,500	(\$372,802)	\$3,087,698	\$3,500,255
2	LESS: FUEL REVENUES	(1,265,810)	177,158	(1,088,652)	(1,651,171)
3	MUNICIPAL STREET USE REVENUES	(80,117)	9,069	(71,048)	(84,587)
4	OTHER REVENUES	(25,090)	(1,241)	(26,331)	(22,589)
5	BASE RATE REVENUE REQUIREMENT	\$2,089,483	(\$187,816)	\$1,901,667	\$1,741,908
6	INCREASE IN BASE RATE REVENUES				\$159,759

EXHIBIT A

SCHEDULE 3

HOUSTON LIGHTING & POWER COMPANY
 OPERATIONS & MAINTENANCE EXPENSE ADJUSTMENTS
 TEST YEAR ENDED DECEMBER 31, 1985
 (000'S)

LINE NO.	DESCRIPTION	PER BOOKS	ADJUSTMENT	HL&P REQUEST	CITY ADJUSTMENT	CITY RATE ORDER
1	SALARIES & WAGES	\$226,920	\$14,104	\$241,024	(\$4,618)	\$236,406
2	EMPLOYEE BENEFITS	29,511	(488)	29,023	(816)	28,207
3	LIMESTONE OPERATING EXPENSES	152	12,330	12,482	(1,889)	10,593
4	STORM DAMAGES	2,076	(702)	1,374	0	1,374
5	STORM DAMAGES-5779	238	996	1,234	0	1,234
6	MUNICIPAL STREET USE FEES	98,711	(19,967)	78,744	(7,696)	71,048
7	RATE CASE EXPENSES	498	757	1,255	(1,059)	196
8	EET DUES	414	(83)	331	(331)	0
9	R & D	11,721	1,058	12,779	0	12,779
10	AMORT. OF OTHER DEF. CHARGES	204	0	204	0	204
11	MANAGEMENT AUDIT	0	978	978	(652)	326
12	LEASE AND RENTAL	5,408	278	5,686	(318)	5,368
13	UNCOLLECTIBLE ACCOUNTS	14,419	902	15,321	(947)	14,374
14	ADVERT., CONTR. & DON.	2,803	784	3,587	(13)	3,574
15	LEGISLATIVE ADVOCACY	9	(9)	0	0	0
16	SOCIAL DUES	25	(25)	0	0	0
17	POWER WHEELING	8,677	(6,855)	1,822	(197)	1,625
18	AMORT. OF LIMESTONE DEF. CHRGS	0	7,056	7,056	(7,056)	0
19	OTHER O&M EXPENSES	192,790	0	192,790	0	192,790
20	REDUCTION IN GAS O&M EXP.				(9,464)	(9,464)
21	NEW BILLING PROCEDURES				(255)	(255)
22	ADD'L. LEGISLATIVE ADVOCACY				(17)	(17)
23	UNSUPPORTED & EXCESSIVE OFFICER EXP.				(85)	(85)
24	LEASE & RENTAL EXPENSES				(51)	(51)
25	FUEL REFUND COSTS				(248)	(248)
26	MALAKOFF EXP. TO CWIP				(16)	(16)
27	STP #2 EXP. RECLASS. TO RATE CASE EXP.				(100)	(100)
28	NON-RECURRING MAINTENANCE				(8,550)	(8,550)
29	AFFILIATE CHARGES				(538)	(538)
30	EMPLOYEE STORE EXPENSES				(181)	(181)
	TOTAL EXPENSES	\$594,576	\$11,114	\$605,690	(\$45,097)	\$560,593

EXHIBIT A

SCHEDULE 4

HOUSTON LIGHTING & POWER COMPANY
 SUMMARY OF FUEL COSTS
 TEST YEAR ENDED DECEMBER 31, 1985

LINE NO.	DESCRIPTION	HL&P REQUEST	CITY ADJUSTMENT	CITY RATE ORDER
	FUEL EXPENSE			
1	RECOVERABLE COSTS	\$875,322	(\$121,279)	\$754,043
2	BASE RATE FUEL	112,832	(14,902)	97,930
3	TOTAL FUEL	988,154	(136,181)	851,973
	PURCHASED POWER			
4	RECOVERABLE COSTS	390,488	(55,879)	334,609
5	BASE RATE PURCHASED POWER	148,768	14,918	163,686
6	TOTAL PURCHASED POWER	539,256	(40,961)	498,295
7	TOTAL FUEL AND PURCHASED POWER	\$1,527,410	(\$177,142)	\$1,350,268
8	BASE RATE FUEL	\$261,600	\$16	\$261,616
9	FUEL REVENUE	\$1,265,810	(\$177,158)	\$1,088,652

EXHIBIT A

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SCHEDULE 5

HOUSTON LIGHTING & POWER COMPANY
 INVESTED CAPITAL AND RETURN
 TEST YEAR ENDED DECEMBER 31, 1985
 (000'S)

LINE NO.	DESCRIPTION	HLEP REQUEST	CITY ADJUSTMENT	CITY RATE ORDER
1	PLANT IN SERVICE	\$5,915,823	(\$5,496)	\$5,910,327
2	ACCUMULATED DEPRECIATION	1,201,576	0	1,201,576
3	NET PLANT	4,714,247	(5,496)	4,708,751
4	CONSTRUCTION IN PROGRESS	676,830	1,243	678,073
5	PROPERTY HELD FOR FUTURE USE	3,613	(518)	3,095
6	NUCLEAR FUEL	118,181	(60,370)	57,811
7	FUEL OIL INVENTORY	17,478	(2,713)	14,765
8	WORKING CASH ALLOWANCE	44,454	(82,702)	(38,248)
9	MATERIALS AND SUPPLIES	56,662	0	56,662
10	PREPAYMENTS	15,058	(308)	14,750
11	DEFERRED LINSTONE CHARGES	64,625	(64,625)	0
12	UNRECOVERED STORM LOSSES	8,880	(8,880)	0
13	DEFERRED TAXES	(601,625)	(29,878)	(631,503)
14	PRE-1971 INVESTMENT TAX CREDIT	(6,302)	0	(6,302)
15	CUSTOMERS DEPOSITS	(32,538)	0	(32,538)
16	CUSTOMER ADVANCES FOR CONSTR.	(15,891)	0	(15,891)
17	RESERVE FOR INJURIES	(5,597)	0	(5,597)
18	OTHER COST FREE CAPITAL	(33,562)	(5,280)	(38,842)
19	INVESTED CAPITAL	\$5,024,513	(\$259,527)	\$4,764,986
20	RATE OF RETURN	12.30%	-0.72%	11.58%
21	RETURN	\$617,823	(\$66,209)	\$551,614

EXHIBIT A

PAGE 5 OF 12

SCHEDULE 6

HOUSTON LIGHTING & POWER COMPANY

SUMMARY OF CASH WORKING CAPITAL

WORKING CAPITAL USES	RECOMMENDED AMOUNT	(LEAD)/LAG DAYS	MULTIPLIER (LEAD)/LAG DAYS /365 DAYS	CASH WORKING CAPITAL REQUIREMENT
Revenue Requirement	\$3,087,698	36.25	0.0993	\$306,655
WORKING CAPITAL SOURCES				
Fuel	\$851,973	(29.47)	(0.0807)	(\$68,784)
Purchased Power	498,295	(37.50)	(0.1027)	(51,195)
Other O&M	560,593	(17.54)	(0.0481)	(26,946)
Federal Income Taxes	160,139	(99.91)	(0.2737)	(43,834)
Other Taxes	99,407	(180.54)	(0.4946)	(49,169)
Interest	247,571	(86.13)	(0.2360)	(58,418)
Preferred Dividends	29,391	(46.13)	(0.1264)	(3,715)
ESTIMATED CAPITAL TO FINANCE THE NET LEAD IN RECOVER OF COST OF SERVICE				4,594
Cash Component				1,636
Municipal Franchise Fees	71,048	(228.50)	(0.6260)	(44,478)
CASH WORKING CAPITAL REQUIREMENT				(\$38,248)

EXHIBIT A

PAGE 6 OF 12

SCHEDULE 7

Cost of Capital

Houston Lighting & Power Company
(000s)

Component =====	Balance =====	Percent of Total =====	Cost =====	Wt. Av. Cost of Capital =====
Long Term Debt	\$2,697,412 (a)	43.10%	8.76% (f)	3.78%
Preferred Stock	\$341,348 (b)	5.45%	8.49% (g)	0.46%
Common Equity	\$2,725,464 (c)	43.55%	14.75%	6.42%
ITCs	\$494,082 (d) =====	7.69%	11.58%	0.91% =====
Total	\$6,258,306 (e)	100.00%		11.58%

(a) RFI HOU 7-42 Page 1.
 (b) RFI HOU 7-42 Page 1.
 (c) RFI HOU 7-42 Page 1.
 (d) Response to on-site interrogatory.
 (e) RFI HOU 7-42 Page 1.
 (f) RFI HOU 7-42 Page 3.
 (g) RFI HOU 7-42 Page 5.

SCHEDULE 8

HOUSTON LIGHTING & POWER COMPANY

REVENUE BY RATE CLASS - PER CITY RATE ORDER
Test Year Ending December 31, 1985

Line No.	RATE CLASS	CITY RATE ORDER
1	RS - RESIDENTIAL SERVICE	\$1,153,131
2	MGS - MISCELLANEOUS GENERAL SERVICE	799,810
3	LGS - LARGE GENERAL SERVICE	470,565
4	LOS-A - LARGE OVERHEAD SERVICE (A)	160,990
5	LOS-B - LARGE OVERHEAD SERVICE (B)	326,200
6	TNP - TEXAS-NEW MEXICO POWER COMPANY	58,948
7	IS - INTERRUPTIBLE SERVICE	60,768
8	SPL - STREET AND PROTECTIVE LIGHTING SERVICE	25,394
9	GL - GUARD LIGHTING SERVICE	1,284
10	TOTAL ELECTRIC REVENUES	3,057,090
11	OTHER OPERATING REVENUES	30,608
12	TOTAL OPERATING REVENUES	\$3,087,698

EXHIBIT A

PAGE 8 OF 12

It is determined that Sheet No. E1, Terms and Conditions for Sale fo Electric Service in Section V, Service Rules and Regulations, of the Company's Tarriff for Electric Service shall read as follows:

"Section V-Service Rules and Regulations
Terms and Conditions for Sale of Electric Service

Sheet No. E1
Page 1 of 4

HOUSTON LIGHTING & POWER COMPANY
HL&P 90

TERMS AND CONDITIONS FOR THE SALE OF ELECTRIC SERVICE
APPLICABLE TO RATE SCHEDULES RS, RTD, MGS, LGS, LOS, ISA and ISB

1. Electric service will be supplied in accordance with these terms and conditions (as supplemented by the Company's Service Standards and Service Rules and Regulations which are by reference incorporated herein), and any changes required by law, and in accordance with such applicable rate schedule or schedules as may, from time to time, be established by the Company. However, in the case of Customers whose electrical service requirements are of unusual size or characteristics, additional rate and contract or service arrangements may be required. These terms and conditions constitute a selected list of rules from the Company's Service Rules and Regulations. Upon request, Customer may obtain at any Company office information on Company's policies regarding the extension of service, refusal to serve, service discontinuance, Customer credit, billing and metering.
2. Company will make reasonable provisions to supply steady and continuous electric service, consistent with the Customer's class of service, but does not guarantee the electric service against fluctuations or interruptions. Company will not be liable for any damages occasioned by fluctuations or interruptions unless it be shown that Company has not made reasonable provisions to supply steady and continuous electric service, consistent with the Customer's class of service, and in the event of a failure to make such reasonable provisions Company's liability shall be limited to the cost of necessary repairs of physical damage proximately caused by the service failure to those electrical facilities of Customer which were then equipped with the protective safeguards recommended or required by the then current edition of the National Electrical Code. In no event shall Company be liable for damage occasioned by fluctuations or interruptions or failure to begin supplying electric service, caused by an act of God, the public enemy, unavoidable accident, fire, explosion, strike, riot, war, order of any court or judgment granted in any bona fide adverse legal proceeding, or action or order of any commission or tribunal having jurisdiction in the premises, or, without limitation by the preceding enumeration, any act or thing reasonably beyond its control, or for interruptions (when Customer has been given reasonable notice) which are necessary for inspection, repair or changes in Company's generating equipment or its transmission or distribution system. Company may, without liability therefor, interrupt service to any Customer or Customers in the event of an emergency arising anywhere on the interconnected system of which it is a part, which emergency poses a threat to the area power supply if, in its sole judgment, such action may prevent or alleviate the emergency condition. | T
3. For the mutual protection of the Customer and the Company, only authorized employees of the Company are permitted to make and energize the connections between the Company's service wires and the Customer's service entrance conductors. The Company does not assume any duty of inspecting the Customer's lines, wires, switches or other equipment and will not be | T

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HOUSTON LIGHTING & POWER COMPANY
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responsible therefor. To the extent allowed by law, the customer agrees to defend, indemnify and hold Company and its agents harmless from and against all claims, causes of action, liability, the losses, costs and expenses of any kind for personal injury, death and property damage arising out of or resulting (a) from the design, installation, operation or maintenance of the lines, wires, switches or other equipment on the Customer's side of the point of delivery or (b) from energization by the Customer of the Company's lines through operation of equipment within the Customer's control without 24 hours advance notice to the Company's dispatcher. The obligation to indemnify pursuant to (a) and (b) shall apply without regard to the negligence of the Company or its agents if the negligence of both the Customer and the Company or their respective agents were proximate causes of such personal injury, death or property damage, but shall not apply when proximately caused by the sole negligence of the Company or its agents. | T

4. The Company will supply to one premises only one point of delivery and only one of the standard types of service listed in the Service Standards or one of the available transmission voltages, and Customer's installation is to be so arranged that the Company can measure the Customer's electric service with one meter. The Company will not install and maintain any lines and equipment on the Customer's side of the point of delivery except its meter. The Customer will provide, in accordance with the Company's Service Standards and free of expense to the Company, locations for the installation of the Company's meter and other equipment and acceptable right of way for facilities erected solely to make service available to Customer. The Customer will install and maintain all his wiring and apparatus in accordance with good electric practice, all applicable lawful regulations, and in such condition and manner as not to endanger persons or property, or to cause impairment of the Company's service to the Customer, or its other customers; and the Customer will obtain all necessary permits and certificates of inspection covering his electric installation. The Customer will not permit any other party to use the service supplied to the Customer by the Company, or extend or connect his installation to lines across or under a street, alley, lane, court or other public or private space in order to obtain service for other premises, even though such other premises be owned by the Customer, except in the case of Customer owned street lighting installations.
5. Certain types of equipment used by Customers have electrical characteristics which may cause serious fluctuations of voltage and interfere with the service of the Company to its Customers. In such cases the Company may decline to serve such equipment under the Company's established rate schedules until the Customer having such equipment, has provided at his expense, suitable apparatus to hold to reasonable limits the effect of such fluctuations. Circumstances may require such equipment to be supplied separately from other service, and in such event, the Company may require additional contract arrangements and construction charges and may meter and bill such service separately from other service supplied to the Customer. Where the Customer owns generating equipment and proposes to operate this equipment in parallel with and concurrent

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with electric service supplied by the Company, the Customer must obtain consent from the Company.

6. The duly authorized representatives of the Company are to have access at all reasonable hours to the Customer's premises for the purpose of inspecting Company's wiring and apparatus, erecting, removing or replacing its facilities, reading its meter and for all other purposes connected with the supplying of electric service.
7. Company will upon Customer's request test the accuracy of Company's meter used in the metering of Customer's service. Such test will be free of charge provided Customer has not requested a similar test within a period of four years or in any case if such meter is found to be not accurate within the accuracy standards established by the American National Standards Institute, Incorporated. The maximum charge for testing a residential Customer's meter shall be fifteen dollars (\$15.00). Additional provisions of Company's Meter Policy, including re-billing, are contained in Company's Service Rules and Regulations.
8. The Company may require a deposit, if in accordance with Customer Credit Policy, the credit of an applicant for service has not been established satisfactorily to Company. For permanent residential, commercial and industrial customers, such deposit shall not exceed one-sixth (1/6) of the Customer's estimated annual billings. Company will pay interest on required deposits at an annual rate established in accordance with the provisions of Tex. Rev. Civ. Stat. Ann. art. 1440a (Vernon's Supp. 1985). For amounts held on deposit with the Company prior to January 1, 1986, the annual interest rate shall be 6%. For amounts held on deposit with the Company during calendar year 1986, the annual interest rate shall be 7.29%. ~~If/required/of/deposit/is/made/within/any/30/day/period/of/deposit/for/any/other/cause/~~ The Company reserves the right (subject to Customer Credit Policy) to require an additional deposit, when in accordance with Public Utility Commission rules, the Customer's deposit is insufficient. Any deposit shall not preclude the Company (subject to Service Discontinuance Policy) from terminating the Agreement for Service or suspending the supply of electric service to the Customer for any failure in the performance of the Customer's obligations under the Agreement for Service. Additional provisions of Company's Customer Credit Policy are contained in Company's Service Rules and Regulations. | D
9. Charges for electric service will normally be based on a monthly period of approximately 30 days but not more than twelve (12) bills shall be rendered in any yearly period.
10. In the event Customer's service under this Agreement is suspended (such suspension being subject to Company's Service Discontinuance Policy) because of tampering with Company's meters, bypassing the same, failure to

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pay a delinquent account, failure to comply with deposit or guarantee arrangements (when required by Customer Credit Policy), or, if a reasonable opportunity to remedy the situation, violation of Company's rules pertaining to the use of service in a manner which interferes with the service of others, endangers persons or property, or is due to the operation of nonstandard equipment, all guarantees, minimums and other contract charges for the remainder of the term of the Agreement shall thereupon become due and payable by Customer. Company agrees to accept such sum as and for liquidated damages for such losses as Company may suffer by reason of Customer's breach of the Agreement. An LOS Customer shall have, as an alternative, the right to make payment of such charges or billings as they fall due under the terms of the LOS agreement; provided, however, in the event such LOS Customer shall fail to pay any such charge or billing in a timely manner, Company may then, at its option, require payment of all charges or billings in their total sum for the unexpired term.

11. Upon the expiration of an Agreement for Service, the Company may, without liability for injury or damage, dismantle and remove all facilities installed for the purpose of supplying electric service to the Customer, and shall be under no further obligation to serve the Customer at the point.
12. Agreements for Service shall inure to the benefit of and be binding upon the successors and assigns of the Customer and the Company, but no assignments by the Customer shall be binding upon the Company until accepted in writing by the Company."

EXHIBIT A

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ORDINANCE

86 - 731

PROVIDING FOR NOTICE TO THE CITY COUNCIL OF PROPERTY DAMAGE, PERSONAL INJURY, DEATH, PROVIDING THE TIME AND LOCATION WHERE SUCH NOTICE IS TO BE GIVEN; PROVIDING THAT SUCH NOTICE MAY NOT BE WAIVED; AND PROVIDING THAT THE TIMELY FILING OF NOTICE OF ANY CLAIM AND REFUSAL OF SAME BY THE CITY COUNCIL IS A CONDITION PRECEDENT TO THE INSTITUTION OF ANY SUIT; PROVIDING FOR VERIFICATION OF THE NOTICE OF CLAIM; AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, the City Council is the ultimate repository of authority of the City; and

WHEREAS, the City Council has the management and control of the finances, properties, and the contractual obligations and the policies of the City; and

WHEREAS, in the course of providing the many services to its citizenry, claims in the nature of contract, tort, property damage, personal injury, wrongful death, and equitable relief may from time to time arise; and

WHEREAS, it is in the best interest of the City, the citizenry, and the claimants that the City Council be expeditiously informed of the details of such claims; and

WHEREAS, an expeditious opportunity for the City Council to review and consider the validity of said claims can allow for resolution without resort being made to the already overburdened judiciary; and

WHEREAS, in order to realistically assess the merits of any claim presented to it, the City Council is in need of current, accurate factual documentation from those asserting such claims:

NOW THEREFORE, BE IT ORDAINED THAT:

SECTION 1

The City of FULSHEAR shall never be liable for any claim for property damage or for personal injury, whether such personal injury results in death or not, unless the person damaged or injured, or someone in his behalf, or in the event the injury results in death, the person or persons who may have a cause of action under the law by reason of such death or injury, shall, within sixty (60) days or within six (6) months for good cause shown from the date the damage or injury was received, give notice in writing to the Mayor and City Council of the following facts:

- A. The date and time when the injury occurred and the place where the injured person or property was at the time when the injury was received.
- B. The nature of the damage or injury sustained.
- C. The apparent extent of the damage or injury sustained.
- D. A specific and detailed statement of how and under what circumstances the damage or injury occurred.
- E. The amount for which each claimants will settle.
- F. The actual place of residence of each claimant by street, number, city and state on the date the claim is presented.
- G. In the case of personal injury or death, the names and addresses of all persons who, according to the knowledge or information of the claimant witnessed the happening of the injury or any part thereof and the names of the doctors, if any, to whose care the injured person is committed.

H. In the case of property damage, the location of the damaged property at the time the claim was submitted along with the names and addresses of all persons who witnessed the happening of the damage or any part thereof.

SECTION 2

No suit of any nature whatsoever shall be instituted or maintained against the City of FULSHEAR unless the plaintiff therein shall aver and prove that previous to the filing of the original petition the plaintiff applied to the City Council for redress, satisfaction, compensation, or relief, as the case may be, and that the same was by vote of the City Council refused.

SECTION 3

All notices required by this ordinance shall be effectuated by serving them upon the City Secretary at the following location: 6920 KATY - FULSHEAR ROAD, FULSHEAR, TEXAS 77441

_____ (Do not use post office box address), and all such notices shall be effective only when actually received in the office of the person named above.

SECTION 4

Neither the Mayor, a City Councilmember, or any other officer or employee of the City shall have the authority to waive any of the provisions of this ordinance.

SECTION 5

The written notice required under this ordinance shall be sworn to by the person claiming the damage or injuries or by someone authorized by him to do so on his behalf. Failure to swear to the notice as required herein shall not render the notice fatally defective, but failure to so verify the notice may

be considered by the City Council as a factor relating to the truth of the allegations and to the weight to be given to the allegations contained therein.

SECTION 6

If any provision of this ordinance or the application hereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without defeating the purpose or objective of the provisions, and to this end, the provisions of this ordinance are declared to be severable.

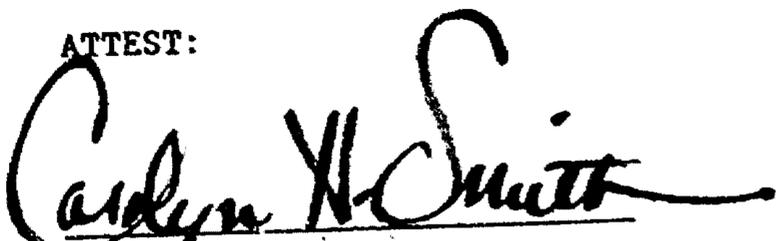
SECTION 7

WHEREAS, an emergency is apparent for the immediate preservation of order and good government that requires this ordinance to become effective at once; therefore, upon passage of this ordinance by a favorable vote of the Council, it shall be effective from and after the date of its passage.

PASSED AND APPROVED this 23rd day of JUNE, 1986.


Mayor

ATTEST:


CITY SECRETARY

VOTING:

F. SMART YES

V. RANDLE YES

P. PRESLEY YES

T. HARKNESS ABSENT

E. VONDERGOLTZ YES

JUNKED VEHICLES

ORDINANCE NO. 86-732

AN ORDINANCE AMENDING ORDINANCE NUMBER 85-717; PROVIDING FOR DEFINITIONS; PROVIDING FOR A FINE OF NOT MORE THAN \$ 200.00 UPON CONVICTION OF A VIOLATION UNDER THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE POSTING AND PUBLISHING NOTICE OF THIS ORDINANCE.

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

I

SECTION I. DEFINITIONS paragraph D. is amended to read as follows:

D. JUNKED VEHICLE means any motor vehicle as defined in Section 1 of Article 827a, Vernon's Texas Penal Code, as amended. This does not include, (1) a vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property, (2) a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or a junkyard, or, (3) unlicensed, operable or inoperable antique and special interest vehicles stored by a collector on his property, provided that the vehicles and the outdoor storage areas are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery or other appropriate means.

II

Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall be fined not more than \$ 200.00 upon conviction of such violation.

III

This Ordinance shall take effect from and after the date of its passage, and all Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

IV

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

IV

The City Secretary is instructed to post and publish notice of this Ordinance as required by law, by publishing only the descriptive caption.

THE CITY OF FULSHEAR

By: Francis Smart
MAYOR

ATTEST:

Carolyn H. Smith
Carolyn H. Smith
City Secretary

VOTING: F. Smart YES P. Presley YES
T. Harkness YES V. Randle YES E. Vondergoltz YES

REGULATING SPEED OF TRAINS

AN ORDINANCE AMENDING ORDINANCE NO. 592 PROVIDING FOR DEFINITIONS REGULATING THE SPEED OF RAILROAD TRAINS THROUGH THE CITY OF FULSHEAR, TEXAS; REGULATING THE SPEED OF RAILROAD TRAINS THROUGH THE CITY OF FULSHEAR, TEXAS AT INTERSECTIONS WITH PUBLIC ROADS, STREETS, HIGHWAYS, RIGHTS OF WAY; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING A SEVERANCE CLAUSE AND PROVIDING AN EFFECTIVE DATE AND POSTING AND PUBLISHING OF CAPTION.

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

I

DEFINITIONS

A. The term railroad track, railroad, railroad train, railroad track is defined pursuant to law and Article 6701(d) et seq. including but not limited to Section (7) V.A.C.S and Articles 6250 et seq., 18 Tex Civ. St. 1925.

B. The term person is defined pursuant to law including but not limited to Article 6701 (d) Sec. 10 et seq.

C. The term public streets, highway and right of way and intersections is defined pursuant to law and Article 6701(d) et seq.

D. All terms not specifically defined shall be construed according to their common usage.

II

OPERATION OF RAILROAD

A. It shall be unlawful for any conductor, engineer, fireman or other person in charge or control of, or operating any railroad train, train of cars, or part thereof, or any locomotive or car belonging to any railroad, to propel or run, or to order or cause to be propelled or run, any such train of cars, or a part thereof, or any such locomotive or car, on a railroad track within the corporate limits of this City at a rate of speed greater than TEN (10) miles per hour.

B. It shall be unlawful for any conductor, engineer, fireman or other person in charge or control of, or operating any railroad train, train of cars, or part thereof, or any locomotive or car belonging to any railroad, to propel or run, or to order or cause to be propelled or run, any such train of cars, or a part thereof, or any such locomotive or car, on a railroad track within the corporate limits of this City at a rate of speed

greater than TEN (10) miles per hour at the intersection of said railroad with any street, public road, highway or right of way.

III

PENALTY

Any conductor, engineer, fireman or other person violating this ordinance shall be guilty of a misdemeanor and upon conviction shall be subject to punishment by fine not exceeding TWO HUNDRED AND NO/100 (\$200.00) DOLLARS.

IV

PUBLISHING AND POSTING

This Ordinance shall be passed and effective upon publishing of the Ordinance as required by law, and all Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

V

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

VI

The City Secretary is instructed to post and publish notice of this Ordinance as required by law, by publishing only the descriptive caption.

PASSED AND APPROVED THIS the 25th day of August, 1986.

THE CITY OF FULSHEAR, TEXAS

By:

Frances Smart

MAYOR PRO-TEM

ATTEST:

By:

Carolyn H. Smith

CAROLYN SMITH
City Secretary

VOTING ALDERMEN:

V. RANDLE	<u>YES</u>
F. SMART	<u>YES</u>
T. HARKNESS	<u>YES</u>
E. VONDERGOLTZ	<u>YES</u>
P. PRESLEY	<u>YES</u>

ORDINANCE NO. 86-734

AN ORDINANCE AMENDING ORDINANCE NO. 579, PROVIDING FOR AN ALTERNATE JUDGE; PROVIDING FOR THE SALARY OF ALTERNATE JUDGE; PROVIDING FOR DUTIES OF ALTERNATE JUDGE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE AND EFFECTIVE DATE; PROVIDING FOR POSTING AND PUBLISHING.

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

That Section 3. Presiding Officer, is amended by adding Sections D, E, F, G, and H, to read as follows:

I

"SECTION 3. PRESIDING OFFICER.

D. The Judge of the Municipal Court as defined in Paragraph A shall be the chief administrative Judge of the Municipal Court.

E. The office of Alternate Judge of the Municipal Court, shall be filled by appointment by the Mayor and confirmation by the Board of Alderman, and he shall be known as the "Judge of the Municipal Court," and hereinafter referred to as "Alternate Judge."

F. The Alternate Judge shall have all the powers and duties of the office of Judge and shall report to the Judge of the Municipal Court as defined in Paragraph A, above.

G. The Alternate Judge shall serve as the Judge of the Municipal Court in the Judge's absence or at the direction of the Judge.

H. The Alternate Judge shall be paid the sum of ONE HUNDRED FIFTY AND NO/100 (\$150.00) DOLLARS, payable monthly."

II

_____ shall serve as Alternate Judge.

III

This Ordinance shall take effect from and after the date of its passage, and all Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

IV

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be

unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

V

The City Secretary is instructed to post and publish notice of this Ordinance as required by law, by publishing only the descriptive caption.

PASSED AND APPROVED this 12th day of September, 1986.

THE CITY OF FULSHEAR, TEXAS

By: Frances Smart
Mayor

ATTES:

By:

Carolyn Smith
CAROLYN SMITH
City Secretary

ALDERMEN VOTING:

V. RANDLE	<u>YES</u>
F. SMART	<u>YES</u>
T. HARKNESS	<u>YES</u>
P. PRESSLEY	<u>YES</u>
E. VONDERGOLTZ	<u>YES</u>

AN ORDINANCE AMENDING ORDINANCE NUMBER 580, DESIGNATING TERRY LANE AS AN URBAN STREET AND SETTING A SPEED LIMIT OF 20 MILES PER HOUR ON TERRY LANE; DESIGNATING CERTAIN INTERSECTIONS AS STOP INTERSECTIONS; PROVIDING FOR THE ERECTION OF STOP SIGNS AT ONE OR MORE ENTRANCES TO DESIGNATED INTERSECTIONS; PROVIDING FOR A FINE OF NOT MORE THAN \$200.00 UPON CONVICTION OF A VIOLATION UNDER THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE; PROVIDING A REPEALER CLAUSE PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR POSTING AND PUBLISHING.

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

I

Section I is amended by adding to Section I A, to read:

"Section I A. The street hereinafter named is hereby expressly designated as a street within an urban district within the City and that the maximum speed limit of 20 miles per hour is established and determined for any vehicle traveling along any portion of the street listed as follows:

Terry Lane."

Section II is amended by adding to Section II to read:

"Section II. The intersections hereinafter named are hereby expressly designated as stop intersections. A stop sign or stop signs shall be erected and maintained on the streets hereinafter names at their intersection with the streets also named, and every vehicle shall stop at such sign or at a clearly marked stop line before entering the hereinafter designated intersection on the streets hereinafter named, except when directed to proceed by a police officer.

On Terry Lane and Oak Lane (1)."

II

The Mayor and Department of Public Works is authorized and instructed to purchase, install, post and maintain the traffic control devices provided by Ordinance No. 580 and all amendments thereto displaying the stops and speed limits provided by this Ordinance to vehicular traffic traveling along such highways post and maintain stop signs along highways within the City of Fulshear, Texas displaying the stops and speeds provided by this Ordinance to vehicular traffic traveling along such highways.

III

Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall be fined not more than \$200.00 upon conviction of such violation; provided however if such person convicted of an offense under this Ordinance which offense is also a violation of the penal laws of the State of Texas, such person shall be subject to the penalties set out in the penal laws of the State of Texas for the offense.

IV

This Ordinance shall take effect from and after the date of its passage, and all Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

V

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

VI

The City Secretary is instructed to post and publish notice of this Ordinance as required by law, by publishing only the descriptive caption.

PASSED AND APPROVED this 22nd day of September, 1986.

THE CITY OF FULSHEAR, TEXAS

By: James Smart
Mayor

ATTEST:

By: Carolyn Smith
CAROLYN SMITH
City Secretary

ADLERMEN VOTING:

FRANCES SMART	<u>YES</u>
PAT PRESLEY	<u>YES</u>
TOM HARKNESS	<u>YES</u>
VIOLA RANDLE	<u>YES</u>
EARLE VONDERGOLTZ	<u>YES</u>

ORDINANCE 86-736

AN ORDINANCE AMENDING ORDINANCE NO. 592 REGULATING THE SPEED OF RAILROAD TRAINS THROUGH THE CITY OF FULSHEAR, TEXAS; REGULATING THE SPEED OF RAILROAD TRAINS THROUGH THE CITY OF FULSHEAR, TEXAS AT INTERSECTIONS WITH PUBLIC ROADS, STREETS, HIGHWAYS, RIGHTS OF WAY; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING A SEVERANCE CLAUSE AND PROVIDING AN EFFECTIVE DATE AND POSTING AND PUBLISHING OF CAPTION.

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

SECTION II A. is amended to read as follows:

II

OPERATION OF RAILROAD

A. It shall be unlawful for any conductor, engineer, fireman or other person in charge or control of, or operating any railroad train, train of cars, or part thereof, or any locomotive or car belonging to any railroad, to propel or run, or to order or cause to be propelled or run, any such train of cars, or a part thereof, or any such locomotive or car, on a railroad track within the corporate limits of this City at a rate of speed greater than Twenty-five (25) miles per hour.

III

PENALTY

Any conductor, engineer, fireman or other person violating this Ordinance shall be guilty of a misdemeanor and upon conviction shall be subject to punishment by fine not exceeding TWO HUNDRED AND NO/100 (\$200.00) DOLLARS.

IV

PUBLISHING AND POSTING

This Ordinance shall be passed and effective upon publishing of the Ordinance as required by law, and all Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

V

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

VI

The City Secretary is instructed to post and publish notice

of this Ordinance as required by law, by publishing only the descriptive caption.

PASSED AND APPROVED THIS the 22nd day of September, 1986.

THE CITY OF FULSHEAR, TEXAS

BY: Frances Smart
FRANCES SMART
MAYOR PRO-TEM

ATTEST:

BY: Carolyn H. Smith
Carolyn H. Smith
City Secretary

VOTING ALDERMAN:

- F. SMART YES
- V. RANDLE YES
- T. HARKNESS YES
- P. PRESLEY YES
- E. VONDERGOLTZ YES

AN ORDINANCE OF THE CITY OF FULSHEAR AUTHORIZING RESPONSE TO EMERGENCY SITUATIONS; PROVIDING A REPEALER AND SEVERABILITY CLAUSE; PROVIDING FOR POSTING AND PUBLISHING AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Supreme Court in a case styled Ron Black vs. Nueces Rural Fire Prevention District No. 2, et al, No. C-4154 before the Supreme Court of Texas has ruled that in the absence of laws or ordinances applicable to emergency actions, there is no exception as provided by Article 6252-19 Section 14(a) suspending the Texas Tort Claims Act for officers, agents and employees responding to emergency situations; and,

WHEREAS, the Texas Supreme Court seems to be of the opinion that a City must enact an ordinance to take advantage of this provision of the Texas Tort Claims Act; NOW THEREFORE,

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

I

Emergency Action. Every Officer, agent or employee of the City, while responding to emergency situations is hereby authorized to act in such manner as to most effectively deal with the emergency. This provision shall prevail over every other ordinance of the City and, to the extent to which the City has the authority to so authorize, over any other law establishing a standard of care in conflict with this section. Neither the City nor the employee shall be liable for any failure to use ordinary care in such emergency.

II

This Ordinance shall take effect from and after the date of its passage, and all Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

III

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining

portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

IV

The City Secretary is instructed to post and publish notice of this Ordinance as required by law, by publishing only the descriptive caption.

PASSED AND APPROVED this 22nd day of September, 1986.

THE CITY OF FULSHEAR, TEXAS
By: Frances Smart
Mayor

ATTEST
By: Carolyn Smith
CAROLYN SMITH
City Secretary

ALDERMEN VOTING:

- | | |
|----------------|------------|
| V. RANDLE | <u>YES</u> |
| F. SMART | <u>YES</u> |
| T. HARKNESS | <u>YES</u> |
| P. PRES LEY | <u>YES</u> |
| E. VONDERGOLTZ | <u>YES</u> |

ORDINANCE AMENDING ORDINANCE NO. 579, FOR PREPARATION AND FILING OF COMPLAINTS; PROVIDING FOR ISSUANCE OF WARRANT UPON FILING OF COMPLAINT; EXECUTION; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A REPEALER CLAUSE AND EFFECTIVE DATE; PROVIDING FOR POSTING AND PUBLISHING.

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

I

SECTION 7. IS AMENDED TO READ AS FOLLOWS:

SECTION 7. PROSECUTIONS TO BE COMMENCED BY COMPLAINT, TO THE EXTENT AS REQUIRED BY LAW; COMPLAINT TO BE SWORN TO AS REQUIRED BY LAW.

Any prosecutions for violations of the Ordinance of the City or violations of the criminal laws of the State of Texas, within the territorial limits of the City, and over which this Court has jurisdiction shall be commenced by Complaint to the extent and as required by law, which shall ~~begin~~^{begin}: "In the name and by authority of the State of Texas," and shall conclude, "Against the peace and dignity of the State," and if the violation is only covered by ordinance, it shall set forth specifically and with reasonable certainty, the particular act or omission with which the defendant is charged with violating and shall be sworn to by the person making the complaint before any officer authorized to administer oaths, or before the Judge, Clerk of the Court, or deputy, City Attorney, Attorney for the City, each of whom, for that purpose shall have power to administer oaths.

II

SECTION 9. IS AMENDED TO READ AS FOLLOWS:

SECTION 9. ISSUANCE OF WARRANT UPON FILING OF COMPLAINT; EXECUTION.

When any Complaint shall be filed as required by law, the Judge shall issue his warrant of arrest which shall be executed by the Chief of Police, or any Policeman in a like manner as similar Process in Justice Court may be executed by the Sheriff; provided, however, if there is no local Policeman employed by the City, the warrant of arrest may be executed by any law enforcement officer of Fort Bend County, Texas, of the State of Texas; and, further provided, that each defendant shall be entitled to at

day's notice of any Complaint against him if such time is demanded or such notice as is required by law. The provision of this ordinance for the issuance of a warrant for arrest shall not apply to any Complaint where the defendant has signed an agreement to appear before the Court on a given day, until after the defendant has failed to appear on the date agreed on. Nothing in the section shall be construed as to prevent the Chief of Police, any Policeman of the City, or any other authorized law enforcement officer from making arrests without warrant for any violation of any law or ordinance of the City, when committed in his presence or view.

III

This Ordinance shall take effect from and after the date of its passage, and all Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

IV

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

V

The City Secretary is instructed to post and publish notice of this Ordinance as required by law, by publishing only the descriptive caption.

PASSED AND APPROVED this the 14 day of October, 1986.

THE CITY OF FULSHEAR, TEXAS

By: Frances Smart
Mayor

ATTEST:
By: Carolyn H. Smith
CAROLYN SMITH
City Secretary

ALDERMEN VOTING:

V. RANDLE	<u>YES</u>
F. SMART	<u>YES</u>
T. HARKNESS	<u>ABSENT</u>
P. PRES LEY	<u>YES</u>
E. VONDERGOLTZ	<u>YES</u>

ORDINANCE 86-739

AN ORDINANCE ADOPTING THE 1987 BUDGET
FOR THE CITY OF FULSHEAR, TEXAS

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

1. The Budget as proposed and presented by the Mayor and Board of Council Members of the City of Fulshear, Texas, for the fiscal year January 01, 1987 through December 31, 1987, is hereby approved and adopted by the City of Fulshear, Texas.
2. The Public Hearing having been duly held on October 27, 1986, at 7:30 p.m., at City Hall, 6920 Katy-Fulshear Rd., Fulshear, Texas, with all persons having been heard, this Ordinance shall take effect and be in full force from and after its adoption.

PASSED AND APPROVED THIS THE 27th day of OCTOBER, 1986.


MAYOR

ATTEST:


Carolyn H. Smith, City Secy-Treas

VOTING:

F. Smart YES, V. Randle YES, T. Harkness YES,
P. Presley YES, Earle Vondergoltz YES

AN ORDINANCE LEVYING TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF FULSHEAR; PROVIDING FOR THE INTEREST AND SINKING FUND FOR THE YEAR 1986; APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE; PROVIDING FOR PENALTIES AND INTEREST AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That there is hereby levied and there shall be collected for the use and support of the municipal government of the City of Fulshear, and to provide Interest and Sinking Fund for the year NINETEEN HUNDRED AND EIGHTY-SIX, upon all property, real, personal, and mixed, within the corporate limits of said City subject to taxation, a tax of 0.4800 CENTS on each One Hundred Dollars (\$100.00) valuation of property, said tax being so levied and apportioned to the specific purpose herein set forth:

- (1) For the maintenance and support of the general government (General Fund) on each One Hundred Dollar (\$100.00) valuation of property, and

SECTION 2. All monies collected under this Ordinance for the specific items therein named, be and the same are hereby appropriated and set apart for the specific purpose indicated in each item and that the Assessor and Collector of Taxes, the City Treasurer and the City Secretary shall keep these accounts so as to readily and distinctly show the amount collected, the amounts expended and the amount on hand at any time, belonging to such funds, it is hereby made the duty of the Tax Assessor and Collector of Taxes and every person collecting money for the City of Fulshear, to deliver to the City

Treasurer and the City Secretary at the time of depositing any monies, a statement showing to what fund such deposit should be made and from what source received. All receipts for the City not specifically apportioned by this Ordinance are hereby made payable to the General Fund of the City.

SECTION 3. All taxes for the year 1986 hereby levied shall become due and payable at the offices of the Tax Assessor/Collector of the City of Fulshear, Texas, on or after the eleventh day of Nov., 1986, and of the taxes levied for said year are not paid on or before January 31 next after becoming due, interest shall be charged upon the gross amount of the taxes due and penalty due until paid at the rate provided by law for each month or fraction thereof thereafter. Said interest shall be, in addition to such penalties, costs of collection and attorney fees as may be thereafter provided for delinquent taxes or as provided by law.

SECTION 4. That this Ordinance shall take effect and be in force from and after its passage.

PASSED AND APPROVED this 11th day of NOVEMBER, 1986.

By: Frances Smart
MAYOR

ATTEST:

Carolyn H. Smith
Carolyn H. Smith, City Secy - Treas.

VOTING:

Frances Smart YES, Viola Randle YES

Tom Harkness YES, Earle Vondergoltz YES

Pat Presley YES

ORDINANCE NO. 86-741

AN ORDINANCE REQUIRING THE HOUSTON LIGHTING & POWER COMPANY TO FILE MODIFIED RATE SCHEDULES TO BE CHARGED IN THE CITY OF FULSHEAR, TEXAS; PROVIDING FOR AN EFFECTIVE DATE FOR SUCH RATE SCHEDULES; PROVIDING CONDITIONS UNDER WHICH SUCH RATE SCHEDULES MAY BE CHANGED, MODIFIED, AMENDED OR WITHDRAWN; CONTAINING FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; REPEALING ANY OTHER ORDINANCE OR PART OR PARTS THEREOF WHICH MAY BE IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

WHEREAS, on March 18, 1986, Houston Lighting & Power Company (HL&P) filed with the City of Fulshear (City) a request to change rates; and

WHEREAS, the City by Ordinance No. 86-730 required HL&P to file modified rate schedules to be effective within the City as of July 18, 1986; and

WHEREAS, the Public Utility Commission of Texas in Docket No. 6765 issued a final order on HL&P's rate request in rural areas on November 7, 1986; and

WHEREAS, HL&P will make effective within the City rates, including revised fuel factors, equal to rates implemented pursuant to the final order in Docket No. 6765 on the same date such rates become effective in areas governed by said final order; and

WHEREAS, HL&P has agreed to waive its right to notice and hearing as to the rate modification required by this ordinance; and

WHEREAS, the City Council is of the opinion that rates equal to those established by the Public Utility Commission in Docket No. 6765 are just and reasonable to both customers and Company; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY:

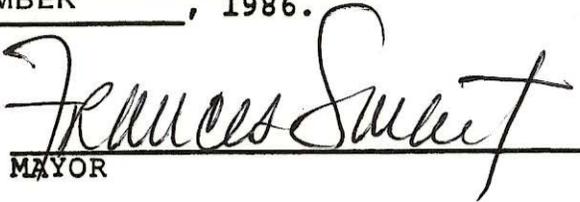
Section 1. The City Council orders HL&P to implement within the City the rate schedules approved by the Public Utility Commission of Texas pursuant to the final order in Docket No. 6765.

Section 2. The rates set forth on such rate schedules are those under which HL&P shall be authorized to render electric service and to collect charges from its customers for the sale of electric power and energy within the City until such time as said rate schedules may be changed, modified, amended or withdrawn as provided by law.

Section 3. The rate schedules filed by HL&P with the City shall be effective on the same date such rates become effective pursuant to the final order in Docket No. 6765 and shall apply to each customer of HL&P within the City for electricity consumed after that date.

Section 4. This ordinance constitutes the final action of the City Council of the City in determining the rates for sale of electric power and energy by HL&P within the City in accordance with Section 42 of the Public Utility Regulatory Act.

PASSED AND APPROVED at a meeting duly convened by
the City Council of the City of Fulshear, Texas,
this the 17th day of NOVEMBER, 1986.


MAYOR

ATTEST:


CITY SECRETARY

VOTING:

FRANCES SMART	<u>YES</u>
VIOLA RANDLE	<u>YES</u>
E. VONDERGOLTZ	<u>YES</u>
PAT PRESLEY	<u>YES</u>
TOM HARKNESS	<u>YES</u>

ORDINANCE NO. 86-742

AN ORDINANCE AMENDING ORDINANCE NUMBER 84-704, PROVIDING FOR PAYMENT TO BUILDING INSPECTOR AND DEPUTY BUILDING INSPECTOR, NAMING THE BUILDING INSPECTOR, NAMING THE DEPUTY BUILDING INSPECTOR; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR POSTING AND PUBLISHING AS REQUIRED BY LAW.

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

I

Paragraph B of subsection (b) of said Ordinance SECTION B, is amended to read as follows:

(b) The Building Inspector or the Deputy Building Inspector, whichever party shall make the inspection provided hereunder, shall be paid a fee of \$20.00 for each Permit issued hereunder, and a fee of \$5.00 for each re-inspection; the total of fees paid to the Building Inspector or Deputy Building Inspector shall never exceed the cumulative total for fees paid to the City of Fulshear, Texas, for that one permit.

II

_____ is appointed the Building Inspector.

_____ is appointed the Deputy Building Inspector.

III

This Ordinance shall take effect from and after the date of its passage, and all Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

IV

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutio-

nality of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

V

The City Secretary is instructed to post and publish notice of this Ordinance as required by law, by publishing only the descriptive caption.

PASSED AND APPROVED this 17th day of November, 1986.

THE CITY OF FULSHEAR, TEXAS

By: *Frances Sullant*
~~F. BOZLER,~~
Mayor

ATTEST

By: *Carolyn W. Smith*
CAROLYN SMITH
City Secretary

ALDERMEN VOTING:

V. RANDLE	<u>YES</u>
F. SMART	<u>YES</u>
T. HARKNESS	<u>YES</u>
P. PRE SLEY	<u>YES</u>
E. VONDERGOLTZ	<u>YES</u>

ORDINANCE NO. 86 - 743

AN ORDINANCE AMENDING ORDINANCE NO. 579, PROVIDING FOR AN TEMPORARY JUDGE; PROVIDING FOR THE SALARY OF TEMPORARY JUDGE; FILLING THE POSITION OF TEMPORARY JUDGE; PROVIDING FOR DUTIES OF TEMPORARY JUDGE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE AND EFFECTIVE DATE; PROVIDING FOR POSTING AND PUBLISHING.

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

That Section 3. Presiding Officer, is amended by adding Sections I, J, K, and L, to read as follows:

I

"SECTION 3. PRESIDING OFFICER.

L. The office of Temporary Judge of the Municipal Court, as created hereunder and as provided by Law shall be filled by appointment by the Mayor and confirmation by the Board of Alderman, and he shall be known as the "Judge of the Municipal Court," and hereinafter referred to as "Temporary Judge."

J. The Temporary Judge shall have all the powers and duties of the office of Judge and shall report to the Judge of the Municipal Court as defined in Paragraph A, above.

K. The Temporary Judge shall serve as the Judge of the Municipal Court in the absence of the Judge, or Alternate Judge or at the direction of the Judge.

L. The Temporary Judge shall be paid the sum of ONE HUNDRED FIFTY AND NO/100 (\$150.00) DOLLARS, payable monthly."

II

THOMAS R. DOUGLASS

shall serve as Temporary Judge.

III

This Ordinance shall take effect from and after the date of its passage, and all Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

IV

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons

or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

V

The City Secretary is instructed to post and publish notice of this Ordinance as required by law, by publishing only the descriptive caption.

PASSED AND APPROVED this 09th day of DECEMBER, 1986.

THE CITY OF FULSHEAR, TEXAS

By: Francis Smart
Mayor Pro-TEM

ATTEST:

By:

Carolyn Smith
CAROLYN SMITH
City Secretary

ALDERMEN VOTING:

V. RANDLE	<u>YES</u>
F. SMART	<u>YES</u>
T. HARKNESS	<u>YES</u>
P. PRESLEY	<u>YES</u>
E. VONDERGOLTZ	<u>NO</u>

ORDINANCE AMENDING ORDINANCE NO. 579, FOR PREPARATION AND FILING OF COMPLAINTS; PROVIDING FOR ISSUANCE OF WARRANT UPON FILING OF COMPLAINT; EXECUTION; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A REPEALER CLAUSE AND EFFECTIVE DATE; PROVIDING FOR POSTING AND PUBLISHING.

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

I

SECTION 7. IS AMENDED TO READ AS FOLLOWS:

SECTION 7. PROSECUTIONS TO BE COMMENCED BY COMPLAINT, TO THE EXTENT AS REQUIRED BY LAW; COMPLAINT TO BE SWORN TO AS REQUIRED BY LAW.

Any prosecutions for violations of the Ordinance of the City or violations of the criminal laws of the State of Texas, within the territorial limits of the City, and over which this Court has jurisdiction shall be commenced by Complaint to the extent and as required by law, which shall ~~begin~~ ^{begin}: "In the name and by authority of the State of Texas," and shall conclude, "Against the peace and dignity of the State," and if the violation is only covered by ordinance, it shall set forth specifically and with reasonable certainty, the particular act or omission with which the defendant is charged with violating and shall be sworn to by the person making the complaint before any officer authorized to administer oaths, or before the Judge, Clerk of the Court, or deputy, City Attorney, Attorney for the City, each of whom, for that purpose shall have power to administer oaths.

II

SECTION 9. IS AMENDED TO READ AS FOLLOWS:

SECTION 9. ISSUANCE OF WARRANT UPON FILING OF COMPLAINT; EXECUTION.

When any Complaint shall be filed as required by law, the Judge shall issue his warrant of arrest which shall be executed by the Chief of Police, or any Policeman in a like manner as similar Process in Justice Court may be executed by the Sheriff; provided, however, if there is no local Policeman employed by the City, the warrant of arrest may be executed by any law enforcement officer of Fort Bend County, Texas, of the State of Texas; and, further provided, that each defendant shall be entitled to at

day's notice of any Complaint against him if such time is demanded or such notice as is required by law. The provision of this ordinance for the issuance of a warrant for arrest shall not apply to any Complaint where the defendant has signed an agreement to appear before the Court on a given day, until after the defendant has failed to appear on the date agreed on. Nothing in the section shall be construed as to prevent the Chief of Police, any Policeman of the City, or any other authorized law enforcement officer from making arrests without warrant for any violation of any law or ordinance of the City, when committed in his presence or view.

III

This Ordinance shall take effect from and after the date of its passage, and all Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

IV

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

V

The City Secretary is instructed to post and publish notice of this Ordinance as required by law, by publishing only the descriptive caption.

ORDINANCE NO. 86-734

AN ORDINANCE AMENDING ORDINANCE NO. 579, PROVIDING FOR AN ALTERNATE JUDGE; PROVIDING FOR THE SALARY OF ALTERNATE JUDGE; PROVIDING FOR DUTIES OF ALTERNATE JUDGE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE AND EFFECTIVE DATE; PROVIDING FOR POSTING AND PUBLISHING.

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

That Section 3. Presiding Officer, is amended by adding Sections D, E, F, G, and H, to read as follows:

I

"SECTION 3. PRESIDING OFFICER.

D. The Judge of the Municipal Court as defined in Paragraph A shall be the chief administrative Judge of the Municipal Court.

E. The office of Alternate Judge of the Municipal Court, shall be filled by appointment by the Mayor and confirmation by the Board of Alderman, and he shall be known as the "Judge of the Municipal Court," and hereinafter referred to as "Alternate Judge."

F. The Alternate Judge shall have all the powers and duties of the office of Judge and shall report to the Judge of the Municipal Court as defined in Paragraph A, above.

G. The Alternate Judge shall serve as the Judge of the Municipal Court in the Judge's absence or at the direction of the Judge.

H. The Alternate Judge shall be paid the sum of ONE HUNDRED FIFTY AND NO/100 (\$150.00) DOLLARS, payable monthly."

II

_____ shall serve as Alternate Judge.

III

This Ordinance shall take effect from and after the date of its passage, and all Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

IV

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be

unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

V

The City Secretary is instructed to post and publish notice of this Ordinance as required by law, by publishing only the descriptive caption.

PASSED AND APPROVED this 12th day of September, 1986.

THE CITY OF FULSHEAR, TEXAS

By: Frances Smart
Mayor

ATTEST:

By: Carolyn Smith
CAROLYN SMITH
City Secretary

ALDERMEN VOTING:

V. RANDLE	<u>YES</u>
F. SMART	<u>YES</u>
T. HARKNESS	<u>YES</u>
P. PRESSLEY	<u>YES</u>
E. VONDERGOLTZ	<u>YES</u>

AN ORDINANCE AMENDING ORDINANCE NO. 579
PROVIDING FOR A WARRANT FEE OF \$25.00;
PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR:

I

SECTION 19. SPECIAL EXPENSES paragraph B. is amended to read as follows:

"SECTION 19. SPECIAL EXPENSES

B. Warrant Fee:

If after due notice any defendant shall fail to appear in Court on the day and at the time set for his appearance, either by citation or in his bond and a warrant is issued for his arrest, a warrant expense of \$25.00, plus all necessary and reasonable expenses incurred in his arrest shall be added and collected in addition to the fine levied by the Court on his conviction."

II

This Ordinance shall become effective upon the date of its approval.

PASSED and APPROVED this the 16th day of January, 1984.

THE CITY OF FULSHEAR, TEXAS
BY: 
JAMIE W. ROBERTS
Mayor

ATTEST:

BY: 
CAROLYN SMITH

ALDERMEN VOTING:

E. DOZIER	<u>AYE</u>
V. RANDLE	<u>AYE</u>
B. G. WALLING	<u>AYE</u>
T. HARKNESS	<u>ABSENT</u>
F. SMART	<u>AYE</u>