

**AGENDA
BENBROOK CITY COUNCIL
FRIDAY, SEPTEMBER 28, 2007
911 WINSCOTT ROAD, BENBROOK, TEXAS
6:00 P.M.
SPECIAL MEETING
COUNCIL CHAMBERS
ALL AGENDA ITEMS ARE SUBJECT TO FINAL ACTION**



I. CALL TO ORDER

II. REPORTS OF CITY MANAGER

A. GENERAL

- G-1735 Adopt Ordinance approving budget figures for Fiscal Year 2007-2008
- G-1736 Ratify property tax revenue reflected in the 2007-2008 budget
- G-1737 Adopt Ordinance fixing and levying ad valorem tax for 2007

III. ADJOURNMENT

ORDINANCE NO. 1248
APPROPRIATION ORDINANCE

AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, APPROVING BUDGET FIGURES FOR THE FISCAL YEAR 2007 THROUGH 2008; APPROVING AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007, AND ENDING SEPTEMBER 30, 2008, AND MAKING APPROPRIATIONS FOR EACH DEPARTMENT, PROJECT AND ACCOUNT; ACCEPTING AND APPROVING THE EMPLOYEE CIVIL SERVICE CLASSIFICATIONS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE AND SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Manager of the City of Benbrook, Texas, (hereinafter referred to as the "City"), submitted a budget proposal to the City Council prior to the beginning of the fiscal year, and in said budget proposal set forth the estimated revenues and expenditures; and

WHEREAS, the City Manager of the City has filed with the City Secretary a budget outlining all proposed expenditures of the government of the City for the fiscal year beginning October 1, 2007 and ending September 30, 2008 (hereinafter referred to as the "Budget"); and

WHEREAS, the attached Budget, specifically sets forth each of the various projects which appropriations are delineated in the Budget, and the estimated amount of money carried in the Budget for each of such projects; and

WHEREAS, the Budget has been filed with the City Secretary for, at least, thirty (30) days before the date the City Council makes its tax levy for the fiscal year and such Budget has been available for inspection by any taxpayer; and

WHEREAS, the public notices of public hearings on the proposed annual Budget, stating the date, time, place and subject matter of such public hearing, were given as required by the laws of the State of Texas; and

WHEREAS, such public hearings were held by the City Council of the City on said Budget on September 6, 2007 and on September 20, 2007, at which time said Budget was fully considered, and interested taxpayers were heard by said City Council; and

WHEREAS, the City Council has studied the Budget and listened to the comments of the taxpayers at the public hearings held therefore and has determined that the Budget attached hereto is in the best interest of the City and that same should be approved and adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF

BENBROOK, TEXAS, THAT:

SECTION I

All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION II

The attached Budget consisting of revenues and expenses of the City for conducting the affairs thereof for the ensuing fiscal year beginning October 1, 2007 and ending September 30, 2008, as modified by the City Council, be, and the same is, in all things, adopted and approved as the Annual Budget of the City for the fiscal year, beginning the 1st day of October, 2007 and ending the 30th day of September, 2008; and there is hereby appropriated the funds indicated herein for such projects, operations, activities, purchases and other expenditures proposed in the Budget.

SECTION III

Pursuant to the laws of the State of Texas and Article 6, Section 6.03 of the City Charter, there be, and is hereby incorporated for the operating expenditures, the following sums of money for the following purposes for the fiscal year beginning October 1, 2007 and ending September 30, 2008.

<u>DIVISION</u>	<u>AMOUNT</u>
General Government	\$ 1,262,083
Staff Services	589,866
Public Safety	7,038,146
Public Services	2,639,442
Community Development	927,465
Debt Service Fund	<u>1,240,563</u>
TOTAL OPERATING EXPENDITURES	\$13,697,565
TRANSFERS - OUT	375,000
TOTAL EXPENDITURES AND TRANSFERS OUT	\$14,072,565

Any necessary transfers between accounts and departments are hereby authorized, approved and appropriated.

SECTION IV

The City Manager shall file or cause to be filed a true and correct copy of this Ordinance, along with the approved Budget attached hereto, with the City Secretary and in the office of the County Clerk of Tarrant County, Texas, as required by State Law.

SECTION V

Pursuant to the laws of the State of Texas, and specifically Section 143.004, the City held

an election to adopt Chapter 143 - Municipal Civil Service of the Local Government Code, wherein it was approved to provide civil service status and protection therefrom to all police officers employed by the City. In compliance with Section 143.021 of the Local Government Code which provides that a municipality's governing body shall establish, by ordinance, the classification of all civil service employees, including the number of positions in each classification, the City hereby establishes its classification of civil service employees for the fiscal year beginning October 1, 2007 and ending September 30, 2008, as stated below and as more fully described in the Cost Center Summary contained in the Annual Budget.

<u>Classification</u>	<u>Number of Authorized Positions</u>
Assistant Police Chief	1.0
Police Lieutenant	3.0
Police Sergeant	4.0
Police Detective	5.0
Police Patrol Officer	<u>27.0</u>
TOTAL CIVIL SERVICE POSITIONS	40.0

SECTION VI

Any and all ordinances and resolutions, rules, regulations, policies or provisions in conflict with the provisions of this Ordinance are hereby repealed and rescinded to the extent of conflict therewith.

SECTION VII

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION VIII

The necessity of adopting and approving a proposed Budget for the next fiscal year as required by the laws of the State of Texas requires that this Ordinance shall take effect immediately from and after its passage, and it is accordingly so ordained.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Benbrook, Tarrant County, Texas, on this 28th day of September, 2007, at a meeting open to the public after notice thereof being given as required by law.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary

APPROVED AS TO FORM AND LEGALITY:

City Attorney

Date: _____

Adopted: _____

Effective: _____



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 09/20/07	REFERENCE NUMBER: G-1736	SUBJECT: Ratify Property Tax Revenue Reflected in the 2007-08 Budget	PAGE: 1 of 1
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BACKGROUND:

H.B. 3195, approved in the recent legislative session, affects the 2007-08 Budget adoption process. H.B. 3195 brings truth-in-taxation disclosure concepts forward in time into the budget process. Any budget to be enacted after September 1, 2007 must meet the following requirement regarding property tax revenue: "Adoption of a budget that raises more property revenue than was generated the previous year requires two votes by the City Council: (a) one vote to adopt the budget and (b) a separate vote to ratify the property tax revenue increase reflected in the budget."

This budget will raise more total property taxes than last year's budget by \$427,477 and 5.09%, and of that amount \$173,083 is tax revenue to be raised from new property added to the roll this year.

RECOMMENDATION:

It is recommended that the City Council ratify the property tax revenue increase reflected in the 2007-08 Budget.

SUBMITTED BY: CITY MANAGER	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
		DATE:

ORDINANCE NO. 1249

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS, FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008, AND FOR EACH YEAR THEREAFTER UNTIL OTHERWISE PROVIDED, AT THE RATE OF \$0.6975 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUE ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF BENBROOK, TEXAS, AS OF JANUARY 1, 2007, TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND TO PROVIDE AN INTEREST IN DEBT SERVICE FUNDS ON ALL OUTSTANDING DEBTS OF THE CITY; DIRECTING THE ASSESSMENT THEREOF; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST THEREON; PROVIDING FOR PLACE OF PAYMENT; PROVIDING FOR APPROVAL OF THE TAX ROLLS PRESENTED TO THE CITY COUNCIL; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Benbrook, Texas (hereinafter referred to as the "City") hereby finds that the tax for the fiscal year beginning October 1, 2007, and ending September 30, 2008, hereinafter levied for current expenses of the City and the general improvements of the City and its property must be levied to provide the revenue requirements of the budget for the ensuing year; and

WHEREAS, the City Council has approved by a separate ordinance adopted on the 20th day of September, 2007, the budget for the fiscal year beginning October 1, 2007, and ending September 30, 2008; and

WHEREAS, all statutory and constitutional requirements concerning the levying and assessing of ad valorem taxes have been complied with.

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

SECTION I

All of the above premises are found to be true and correct and are incorporated into the

body of this ordinance as if copied in their entirety.

SECTION II

The ad valorem tax appraisal roll and effective tax rate information as presented by the assessor to the City Council for the tax year 2007, be and is hereby, in all things, approved and adopted.

SECTION III

There is hereby levied and ordered to be assessed and collected for the fiscal year beginning October 1, 2007, and ending September 30, 2008, and for each fiscal year thereafter until it be otherwise provided by and ordained on all taxable property, real, personal and mixed, situated within the corporate limits of the City, and not exempt from taxation by the Constitution of the State and valid State laws, an ad valorem tax rate of \$0.6975 for the general operations of the City on each One Hundred Dollars (\$100.00) assessed value of taxable property, and shall be apportioned and distributed as follows:

- (a) For the purpose of defraying the current expenses of the municipal government of the City (a General Fund), a tax of \$0.599067 of each One Hundred Dollars (\$100.00) assessed value of all taxable property within the City.

- (b) For the purpose of creating a Debt Service Fund to pay the interest and principal on all outstanding debts of the City, not otherwise provided for, a tax of \$0.098433 on each One Hundred Dollars (\$100.00) assessed value of all taxable property within the City.

SECTION IV

All monies collected and hereby apportioned are set apart for the specific purposes indicated herein and the funds shall be accounted for in such a manner as to readily show balances at any time.

SECTION V

All ad valorem taxes shall become due and payable on October 1, 2007, and all ad valorem taxes for the year shall become delinquent after January 31, 2008. There shall be no discount for payment of taxes prior to said January 31, 2008. A delinquent tax shall incur all penalty and interest authorized by Chapter 33 of the State Property Tax Code.

SECTION VI

Taxes are payable at the Office of the Tarrant County Tax Assessor/Collector by submitting payment to Betsy Price, County Tax-Assessor-Collector. The County shall have available all rights and remedies provided by law for the enforcement of the collection of taxes levied under this Ordinance.

SECTION VII

The tax rolls, as presented to the City Council, together with any supplement thereto, be, and the same are hereby approved.

SECTION VIII

There is hereby affixed on each and every item of property a lien for the said purpose of securing the certain payment of the taxes assessed against said item or property and said lien shall continue to exist against any item of property upon which a tax is assessed hereunder and to such tax, together with all interest and all penalty, shall be paid.

SECTION IX

There is hereby levied and ordered collected an annual occupation tax of twenty-five (25) percent on the State occupational tax on each and every occupation subject to an occupational tax under the laws of the State of Texas.

SECTION X

Any and all ordinances and resolutions, rules, regulations, policies or provisions in conflict with the provisions of this Ordinance are hereby repealed and rescinded to the extent of conflict therewith.

SECTION XI

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION XII

The necessity of affixing and levying municipal ad valorem taxes of the City for the next fiscal year as required by the laws of the State of Texas requires that this Ordinance shall take effect immediately from and after its passage, and it is accordingly so ordained.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Benbrook, Tarrant County, Texas, on this 28th day of September, 2007, at a meeting open to the public after notice thereof being given as required by law.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM AND LEGALITY:

City Attorney

Date: _____

Adopted: _____

Effective: _____