



May 19, 2020

3:00 P.M.

CITY COUNCIL

WORKSHOP AGENDA





**NOTICE OF WORKSHOP OF THE CITY COUNCIL OF
THE CITY OF HARKER HEIGHTS, TEXAS
VIA TELECONFERENCE**

The City of Harker Heights

305 Miller's Crossing
Harker Heights, Texas 76548
Phone 254/953-5600
Fax 254/953-5614

Notice is hereby given that, beginning at 3:00 p.m. on Tuesday, May 19, 2020, and continuing from day to day thereafter if necessary, the City Council of the City of Harker Heights, Texas, will conduct a telephonic workshop meeting to contain the spread of COVID-19 in accordance with Governor Abbott's declaration of the COVID-19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act issued on March 16, 2020. The subjects to be discussed are listed in the following agenda:

WORKSHOP AGENDA

I. Presentations by Citizens:

Mayor
Spencer H. Smith

Mayor Protem
Michael Blomquist

City Council
Jennifer McCann
Jackeline Soriano Fountain
John Reider
Jody Nicholas

Citizens who desire to address the Council on any matter may do so during this item. Please understand that while the Council appreciates hearing your comments, State law (Texas Gov't Code §551.042) prohibits them from: (1) engaging in discussion other than providing a statement of specific factual information or reciting existing City policy, and (2) taking action other than directing Staff to place the matter on a future agenda. Please state your name and address for the record and limit your comments to three minutes.

II. New Business:

1. Receive and discuss a presentation regarding the Regulating of Mobile Food Vendors and Mobile Food Vendor Courts. (Planning and Development Director)
2. Receive and discuss a presentation regarding the proposed Resolution from the Board of Directors of the Tax Appraisal District of Bell County that outlines the method for selecting Members of the Appraisal District Board of Directors. (City Manager)

III. Adjournment:

I hereby certify that the above notice of meeting was posted on the window board of City Hall, City of Harker Heights, Texas, a place readily accessible to the general public at all times, on the 15th day of May 2020 by 2:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Juliette Helsham
City Secretary

The public may participate remotely in this meeting by dialing-in using the toll-free number: (877) 309-2073 and use Access Code: 974-993-317.

The public will be permitted to offer public comments telephonically as provided by the agenda. Written questions or comments may be submitted two hours before the meeting to the City Secretary's Office. When submitting your written questions or comments, you must include your Name and Address. Agenda packet and recording of the telephonic meeting will posted on the City of Harker Heights website at www.ci.harker-heights.tx.us.

"Assistive listening devices are available upon request for those with hearing impairments. Please contact the City Secretary 48 hours prior to meeting."

"Pursuant to Chapter 551 of the Government Code the City Council reserves the right to go into Closed Meeting on any item listed above if deemed necessary."



COUNCIL MEMORANDUM

AGENDA ITEM # II-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MAY 19, 2020

**RECEIVE AND DISCUSS A PRESENTATION REGARDING THE
REGULATING OF MOBILE FOOD VENDORS AND MOBILE FOOD VENDOR
COURTS.**

EXPLANATION:

Following a presentation by a citizen to request the City create requirements for mobile food vendors during the April 28, 2020, City Council Meeting, Staff was tasked with investigating the matter and bringing it before the City Council for a workshop and discussion. Staff has researched the Harker Heights Code of Ordinances as well as neighboring municipality requirements for mobile food vendors.

To date, the City has no regulations pertaining specifically to mobile food vendors or food truck courts, and staff must infer requirements from different sections of the Code. These sections include:

- Title VII Transportation Code Chapter 72: Stopping, Standing, and Parking
- Title IX General Regulations Chapter 96: Streets and Sidewalks
- Title IX General Regulations Chapter 100: Special Events
- Title XI Business Regulations Chapter 110: Occupation Tax
- Title XI Business Regulations Chapter 113: Food Establishments
- Title XV Land Usage Chapter 150: Building Regulations
- Title XV Land Usage Chapter 155: Zoning Code

Currently, the City maintains regulations regarding the fire safety of mobile food vendors which are adapted from the International Fire Code and are attached to this report. These regulations are currently stricter than the requirements of neighboring communities and have been the subject of comments to the Planning Department, Fire Department, City Administration, and the Chamber of Commerce. However, staff believes these regulations are necessary to maintain the safety of the food vendors, the public, and surrounding properties as when they occur, accidents involving food trucks can be very dangerous.

Further, Staff believes that there should be regulations for mobile food vendors so that there is equity between them and the numerous brick-and-mortar restaurants in the City. These restaurants represent significant investments in the City through property and sales taxes, their adherence to landscaping and façade requirements, and their employment of local citizens. Staff feels there should be a balance between fostering the entrepreneurship

of starting any mobile business versus the investment represented by constructing and building a permanent structure that is added to the City's identity.

Finally, Staff recognizes the limitations in the Code of Ordinances regulating food truck courts, which continue to rise in popularity and are increasing in number throughout the country. Our current zoning ordinances would not allow their existence as they are frequently seen, because many mobile food courts do not have permanent parking, restroom facilities, or connections to utilities.

Staff believes a unified section of the Code of Ordinances that directly addresses mobile food vendors and mobile food courts would assist businesses, citizens, and public officials in understanding their requirements and responsibilities. As such, Staff seeks guidance from the City Council as to how to further proceed and to what requirements they believe are necessary to encourage business development, protect existing brick-and-mortar restaurants, and maintain a high quality of life for the citizens of Harker Heights.

ATTACHMENT:

1. Fire Department Mobile Food Vendor Fire and Life Safety Requirements



Harker Heights Fire and Rescue – Office of the Fire Marshal

401 Indian Trail ~ Harker Heights, TX 76548
Phone (254) 699-2688 ~ Fax (254) 699-7693 ~ Email: balley@ci.harker-heights.tx.us

MOBILE FOOD VENDOR FIRE AND LIFE SAFETY REQUIREMENTS

All Mobile Food Vendor units are required to have a permit to operate within the City of Harker Heights. The permit must be renewed annually through the Fire Marshal's Office, and must be placed in a visible location on the unit.

Fire Extinguishers

The unit is required to have a 5 lb. (2A-10BC) fire extinguisher. The fire extinguisher must be secured with the manufacturer's approved mount in a conspicuous place within the kitchen area.

The fire extinguisher must be located as close to the primary exit point as practical, a location sign needs to be placed above the fire extinguisher and the fire extinguisher needs to have a current certification tag.

Additionally, cooking operations that produce grease-laden vapors will require a Class K fire extinguisher. The extinguisher must be mounted inside the unit, with an approved Class K fire extinguisher location sign, and have a current certification tag. The Class K fire extinguisher must be located within 30 feet of the commercial cooking equipment.

Mobile Food Vendors with deep fat fryers shall have a Class K fire extinguisher for up to four fryers having a maximum cooking medium capacity of 80 pounds each. Every additional group of four fryers having a maximum cooking capacity of 80 pounds each requires an additional Class K fire extinguisher. For individual fryers exceeding six square feet in surface area, the Class K fire extinguishers will be installed in accordance with the manufacturer's recommendations.

Mobile Food Vendor units with portable generators shall have a 5 lb. (3A-40BC) fire extinguisher in addition to the other fire extinguishers.

All portable fire extinguishers must be serviced, inspected, and tagged annually by a licensed extinguisher company.

Commercial Cooking Operations

Cooking operations that produce grease-laden vapors are required to be exhausted through a commercial vent hood and duct system. The commercial vent hood and duct system must have an automatic fire extinguishing system with a current certification tag.

The automatic fire extinguishing system for the commercial vent hood and duct system must be serviced, inspected, and tagged every 6 months by a licensed extinguisher company.

All deep fat fryers must have a steel baffle between the fryer and surface flames of an adjacent appliance or shall maintain a 16-inch separation distance. The baffle must be eight inches in height.

All deep fat fryers must have a positive closing lid on the fryer with latching mechanisms that secure it in the open and closed positions.

Liquefied Petroleum Gas (LPG)

LPG cylinders must be located and secured on the exterior of the Mobile Food Vendor unit. The cylinders must be open to the atmosphere. If the cylinders are kept in a compartment, the compartment must be separate from the interior food preparation area. Access to the compartment must be from the exterior of the unit and the compartment floor and exterior door must be vented to the atmosphere.

LPG cylinders are required to be properly secured and remain secure by a non-combustible cage, wire rope, or chain.

LPG cylinders must have a ¼-turn shut-off valve located in a readily accessible location on the exterior of the unit. It must be located in an area where it can be reached without endangering the person(s) attempting to turn off the fuel source in the event of fire.

A sign is required to be located near the ¼-turn shut-off valve consisting of three-inch red letters on a white background, which states 'FUEL SHUTOFF'.

All units with LPG cylinders shall post a 'NO SMOKING' sign on the exterior of the unit, next to or directly above the LPG cylinders and in an location visible to the public. The "NO SMOKING" sign must consist of a minimum of four-inch red letters on white background.

LPG hose(s) or pipe(s) must listed by UL, FM, or other approved agency and listed specifically for LPG service. All couplings, fittings, and any other devices shall meet the requirements for LPG service as outlined in the International Fuel Gas Code, NFPA 58 and 54, or be deemed unapproved and removed from service.

LPG tanks located outside the unit must be a minimum of five feet away from the primary means of egress.

Emergency Egress

Mobile Food Vendor units must have a clear, unobstructed interior height over the aisle-way portion of the unit of at least 74 inches from floor to ceiling, and a minimum of 30 inches of unobstructed horizontal aisle space is required.

If the travel distance from any portion of the interior exceeds 15 feet to the primary exit, the unit is required to have a minimum of two exits located remote from each other and arranged as to provide a means of unobstructed travel to the exterior of the unit.

A secondary means of egress shall be located remote of the primary exit door, with an unobstructed minimum passage of 24" X 24" to the outside. The bottom of this secondary means of egress shall not be more than four feet above the unit's floor or a readily accessible horizontal surface capable of supporting a weight of 300 pounds minimum opening to the outside.

The latch mechanism of any exit shall be operable by hand, and shall not require the use of a key or special knowledge for operation from the inside. The secondary exit shall be labeled with the word 'EXIT' with two-inch-minimum red letters on contrasting white background.

Electrical

Mobile Food Vendor units using electrical power for cooling or heating must provide a shutoff or means of disconnect located outside the confines of the unit. The electrical shutoff must be readily accessible and marked with a sign consisting of three-inch red letters on a white background, which states 'ELECTRICAL SHUTOFF'. This shutoff must be placed where it can be readily seen and reached without endangering the person(s) attempting to shut off the power source in the event of a fire or short circuit.

Generator fuel tanks must be of adequate capacity to permit uninterrupted operation during normal operating hours. Generators shall be isolated from contact with the public. Storage of gasoline is not allowed in or near generators.

Refueling of generators must be performed in a location not less than 20 feet from the Mobile Food Vendor unit. Fuel shall be stored in a UL- or FM-approved flammable liquid safety container in an approved location. Generators shall be grounded in an approved method. Generators are not permitted to be refueled while actively vending or in areas occupied by the public.

External electrical cords must be of a type approved for the use for which it is being employed. Electrical cords must have sufficient capacity, all connections must be secured with approved devices (or electrical boxes), and must be properly fused. External power cords must have protective coverings that will protect them from damage by vehicle or foot traffic.

Electrical wiring on the interior and exterior of the Mobile Food Vendor unit must be protected and appropriately installed in compliance with the National Electric Code (NFPA 70).

Other Considerations

Mobile Food Vendor units must comply with State regulations for vehicular travel on the roadway, as well as registration and inspection requirements.

Mobile Food Vendor inspections are completed by appointment at the Harker Heights Fire Department located at 401 Indian Trail Harker Heights, TX.



MOBILE FOOD VENDORS

CITY COUNCIL WORKSHOP

MAY 19, 2020

Presentation Overview

- ❖ Current Mobile Food Vendor Regulations
- ❖ Surrounding City Comparison
- ❖ Proposed Regulations for Mobile Food Vendors
 - Permitted Locations to Vend
 - Duration in any Particular Area
 - Proximity Restrictions
 - Operating on Private Property
- ❖ Proposed Regulations for Food Truck Courts
 - Zoning requirements
 - Required Structures
 - Required Utilities



This Photo by Unknown Author is licensed under [CC BY-NC-ND](#)



This Photo by Unknown Author is licensed under [CC BY](#)



This Photo by Unknown Author is licensed under [CC BY](#)

Current Standards

- ❖ **Title VII Transportation Code Chapter 72: Stopping, Standing, and Parking**
 - **Parking and Blocking Streets**
 - **Heavy Vehicle Regulations**
- ❖ **Title IX General Regulations Chapter 96: Streets and Sidewalks**
 - **Obstructing Streets and Sidewalks**
 - **Parking Trailers in Streets**
- ❖ **Title IX General Regulations Chapter 100: Special Events**
 - **Impacts to Traffic Flow**
 - **Impacts to Pedestrian Movement**
 - **Noise Requirements**
- ❖ **Title XI Business Regulations Chapter 110: Occupation Tax**
 - **Business Registrations**
- ❖ **Title XI Business Regulations Chapter 113: Food Establishments**
 - **Bell County Health Requirements**
- ❖ **Title XV Land Usage Chapter 150: Building Regulations**
 - **International Building Code**
 - **International Fire Code**
- ❖ **Title XV Land Usage Chapter 155: Zoning Code**
 - **Zoning Uses**
 - **Off-street Parking Requirements**

Current Standard Limitations

Current Ordinances do not address regulations for mobile food vendors such as:

- **Permitted Operational Zoning District(s)**
- **Distance from Residences, Schools, or Government Buildings**
- **Distance from Restaurants**
- **Duration at Locations (Parks, City Facilities, Public Streets)**
- **Orientation of Service Windows**
- **Customer Access to the Mobile Food Vendor**

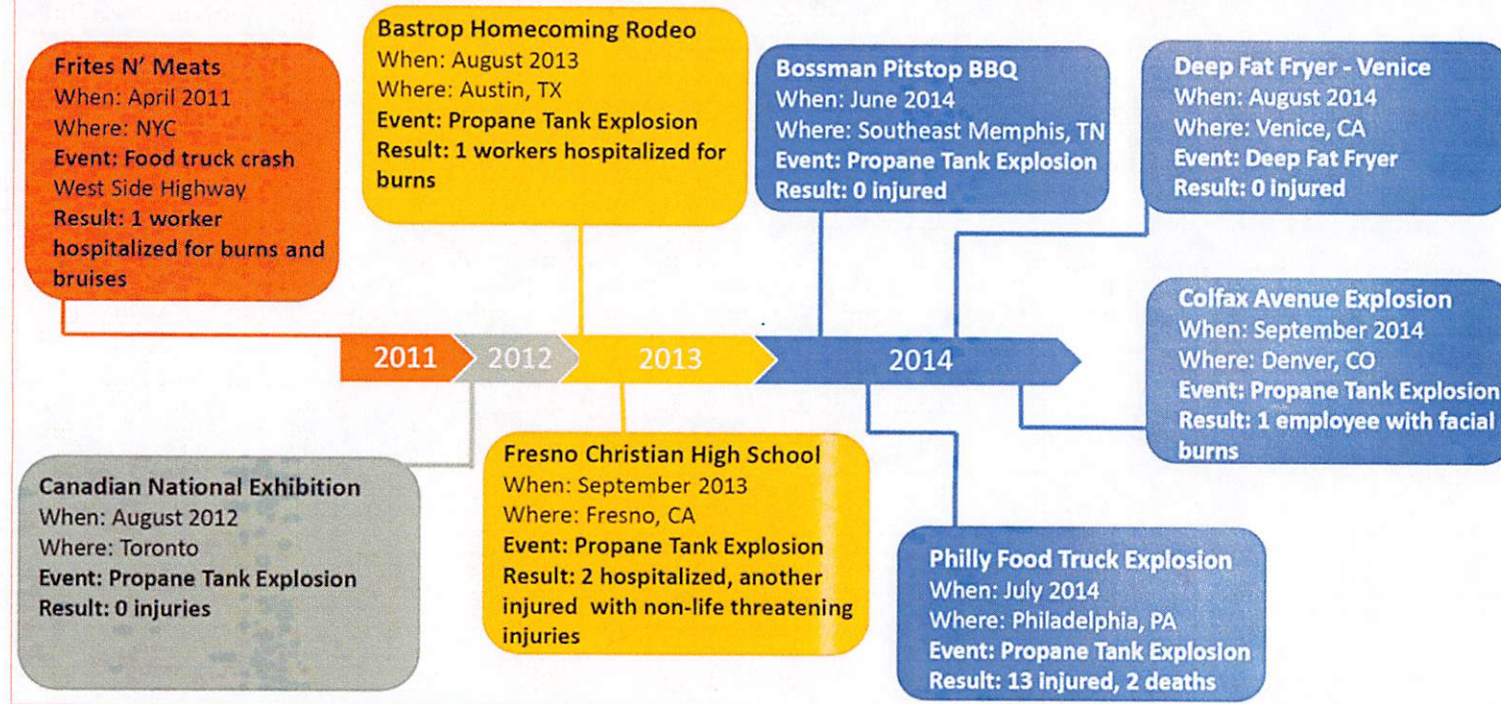


This Photo by Unknown Author is licensed under [CC BY-NC-ND](#)

The Importance of Regulation



Recent Events



This Photo by Unknown
Author is licensed under
CC BY-ND





What Our Neighbor's Have in Place

	Mobile Food Vendor Ord?	Location Permitted to Vend	Duration in Permitted Area	Proximity Restrictions	Operating on Private Property	Food Truck Court Ord?
Killeen	None	Not Specified	Not Specified	Not Specified	Not Specified	None
Temple	None	Commercial/Industrial	Not Specified	20' away from any structure	Permitted w/ Consent from Property Owner	None
Belton	Yes (Ord. 2019-27)	All Except Single Fam. & Two Fam.	Not Specified	10' away from any structure	Not Specified	Yes
Waco	Yes (Ord. 2016-105)	Not Specified	Not Specified	* Below	Permitted w/ Consent from Property Owner	None
Georgetown	Yes	Permitted in Townhouse, Low Density Multi-Family & Commercial/Industrial	Thursday - Sunday	Not Specified	Must be an Accessory to an Existing Primary Use. No More than 2 Mobile Food Vendors at a time – can only operate when primary use is open	Yes

* Waco Restrictions

- If within 200' of property line of residence, public or private school, park, or property owned by gov. entity, applicant shall submit written statement of no objection to the placement of such vendor.
- If within 100' of the property line of a business that provides the same or similar good or service, written consent from proprietor of place of business required.

Proposed Standards Discussion

❖ Additional Permit Requirements?

- FD Mobile Vendor Permit?
- Business Registration?
- Mobile Food Vendor Registration?

❖ Allowed on Streets?

- Restrict by Zoning Districts?
- Street Operation Permit Requirement?
- Ice Cream Trucks?
- “Taco” Trucks?

❖ Distances from Structures?

- Distance from Intersections?
- Distance from Driveways?
- Distance from Restaurants?

❖ Duration at Location?

- Limited Time on Site?
- Limited Days of Operation?

❖ Public Property Restrictions?

- Allowed on City Property?
- Allowed Adjacent to City Property?

❖ Private Property Restrictions?

- Paved?
- Parking?

❖ Special Events?

- Time Limits?
- School Exemptions?
- FD Temporary Permits?

❖ Customer Access?

- Window Orientation away from Street Center?
- Crossing Private Property?
- Trash?
- Hand Washing?



This Photo by Unknown Author is licensed under [CC BY](#)

Mobile Food Court Requirements

Regulations from Various Cities in Texas

**Designated Mobile
Food Park/Court
Manager**

**Parking required at a
ratio of 2 stalls per
mobile food business**

**Must be Located
at least 500' from
any one or two
family residential
zoning**

**Permanent
Restroom
Provided within
500' from each
mobile unit**

**Must Connect to
City Water &
Sewer**

**Primary Use on
the Property**

**Required to be on a
parcel of at least
2,000 sq. ft.**

+

**No less than 2 and no
more than 10 mobile
vendors on a parcel**

**Located on an
Impermeable
Surface (concrete,
rolled asphalt)**

**Shall Not Operate
between the hours of
2 A.M. to 7 A.M.**

Proposed Standards Discussion 2

❖ Zoning?

- Allowed Districts?
- Distance from Districts?
- Parking Ratios?
- Curbside Service?
- Screening?

❖ ICC Requirements?

- Parking/Drive Materials?
- Unit Spacing?
- Certificates of Occupancy?

❖ Infrastructure?

- Temporary Bathrooms?
- Temporary Handwash Stations?
- Water?
- Sewer/FOGs?
- Electric?
- Trash/Dumpster?

❖ Operational Requirements?

- Hours of Operation?
- Days of Operation?
- Manager on Site?
- Public Amenities?
- Maximum/Minimum Units?



This Photo by Unknown Author is licensed under [CC BY-NC-ND](#)



ADDITIONAL DISCUSSION

CITY COUNCIL WORKSHOP

MAY 19, 2020



COUNCIL MEMORANDUM AGENDA ITEM # II-2

From: The Office of the City Manager

5-19-2020

RECEIVE AND DISCUSS A PRESENTATION REGARDING THE PROPOSED RESOLUTION FROM THE BOARD OF DIRECTORS OF THE TAX APPRAISAL DISTRICT OF BELL COUNTY THAT OUTLINES THE METHOD FOR SELECTING MEMBERS OF THE APPRAISAL DISTRICT BOARD OF DIRECTORS.

EXPLANATION:

The Board of Directors of the Tax Appraisal District of Bell County are currently selected under a method that was adopted by the taxing units of Bell County in 1985. However, a recent Texas Attorney General Opinion suggests that action is required by either the Appraisal District Board of Directors or the taxing units to keep the selection method in place. The Board of Directors is seeking the input of the participating taxing units.

Under the current system adopted in 1985, the seven-member board is selected by using the following method:

1. Bell County = Appoint 1 member
2. City of Killeen = Appoint 1 member
3. Killeen ISD = Appoint 1 member
4. City of Temple = Appoint 1 member
5. Temple ISD = Appoint 1 member
6. City of Belton and Belton ISD = Jointly appoint 1 member
7. All other taxing units that were eligible to vote in 1985 = Jointly appoint 1 member
(The City of Harker Heights is included with these taxing units).

If no action is taken, selection of the Board of Directors of the Tax Appraisal District of Bell County will revert to the standard selection methods found in the Texas Tax Code, Section 6.03. Under the Texas Tax Code, the Board of Directors would only have five members and all eligible taxing units would vote for the five members in proportion to their most recent levy.

The Board of Directors of the Tax Appraisal District of Bell County is considering passing a resolution that would maintain the current system adopted in 1985.

Attachments:

1. Bell County District Taxing Unit Allocation Schedule.
2. Proposed Resolution from the Tax Appraisal District of Bell County.
3. Tax Appraisal District of Bell County Resolution (Passed August 29, 1985).
4. Letter from the Chairman of the Board of Directors of the Tax Appraisal District of Bell County.

**Tax Appraisal of Bell County District
Taxing Unit Allocation Schedule
Based on 2018 Tax Levies**

Tax Unit	Appraisal Levy Bell CAD	Percent of Total Levy
Bell County	\$80,210,016	18.5213%
Bell County WCID#3	\$80,165	0.0185%
Academy ISD	\$5,668,548	1.3089%
Bartlett City	\$94,692	0.0219%
Bartlett ISD	\$580,697	0.1341%
Belton City	\$7,383,713	1.7050%
Belton ISD	\$49,545,350	11.4405%
Bio Science District	\$1,055,397	0.2437%
Bruceville-Eddy ISD	\$24,985	0.0058%
Copperas Cove ISD	\$1,033,783	0.2387%
Central Tx College	\$11,605,688	2.6799%
Donahoe Creek	\$13,651	0.0032%
Elm Creek	\$269,903	0.0623%
Florence ISD	\$857,030	0.1979%
Gatesville ISD	\$9,139	0.0021%
Harker Hts-City	\$12,209,672	2.8193%
Holland - City	\$191,910	0.0443%
Holland ISD	\$1,624,458	0.3751%
Killeen - City	\$43,442,967	10.0314%
Killeen ISD	\$96,220,995	22.2184%
Lampasas ISD	\$128,602	0.0297%
Moody ISD	\$687,716	0.1588%
Morgans Pt. Resort	\$1,736,737	0.4010%
Nolanville - City	\$1,218,958	0.2815%
Rogers - City	\$190,797	0.0441%
Rogers ISD	\$2,409,365	0.5563%
Rosebud-Lott ISD	\$107,080	0.0247%
Salado ISD	\$10,344,969	2.3888%
Salado - Village	\$1,189,920	0.2748%
Temple - City	\$31,268,663	7.2202%
Temple ISD	\$54,202,808	12.5160%
Temple College	\$9,566,836	2.2091%
Troy - City	\$701,423	0.1620%
Troy ISD	\$4,467,080	1.0315%
Clearwater UWCD	\$715,109	0.1651%
Bell County MUD 1	\$400,433	0.0925%
Bell County MUD 2	\$24,578	0.0057%
Bell County WCID 6	\$1,585,515	0.3661%
Totals	\$433,069,348	100.0000%

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE TAX APPRAISAL DISTRICT OF BELL COUNTY**

WHEREAS, Texas Tax Code, section 6.031(a) authorizes the Board of Directors of the Tax Appraisal District of Bell County to pass a resolution that increases the number of members on the board of directors and to change the method or procedure for appointing the members to the board of directors from the default provisions contained in Texas Tax Code, section 6.03; and

WHEREAS, the Board of Directors of the Tax Appraisal District of Bell County has operated with seven (7) members, appointed under an alternate method or procedure adopted by the taxing units in 1985; and

WHEREAS, the Texas Attorney General recently opined in TEX. ATTY. GEN. OP. KP-0287 that the appointment of appraisal district board of directors should be determined by Texas Tax Code, section 6.03 absent action taken under Texas Tax Code, section 6.031 subsequent to January 1, 2008; and

WHEREAS, the Board of Directors of the Tax Appraisal District of Bell County believes it is in the public interest to continue the methods and procedures used to select members of the Board of Directors of the Tax Appraisal District of Bell County since 1985;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE TAX APPRAISAL DISTRICT OF BELL COUNTY:

1. That the number of members of the Board of Directors of the Tax Appraisal District of Bell County shall be increased to seven (7) members; and
2. That the method of appointment of the seven (7) members of the Board of Directors of the Tax Appraisal District of Bell County shall be made as follows:
 - a. One member to be appointed by the governing body of the Temple Independent School District;
 - b. One member to be appointed by the governing body of the City of Temple;
 - c. One member to be appointed by the governing body of the Killeen Independent School District;
 - d. One member to be appointed by the governing body of the City of Killeen;

- e. One member to be appointed by the governing body of the County of Bell;
 - f. One member to be jointly appointed by the governing bodies of the Belton Independent School District, and the City of Belton with each entity having one vote in the selection of such member; and
 - g. One member to be appointed by the governing bodies of Academy Independent School District; City of Bartlett, Bartlett Independent School District, Bruceville-Eddy Independent School District, Copperas Cove Independent School District, Central Texas College, Donahoe Creek Watershed Authority, Elm Creek Watershed Authority, Florence Independent School District, Gatesville Independent School District, City of Harker Heights, City of Holland, Holland Independent School District, Lampasas Independent School District, Moody Independent School District, Morgans Point Resort, City of Nolanville, City of Rogers, Rogers Independent School District, Rosebud-Lott Independent School District, Salado Independent School District, Village of Salado, Temple College, City of Troy, Troy Independent School District, Clearwater UWCD, Bell County MUD 1, Bell County MUD 2, Bell County WCID 3, Bell County WCID 6, and any other taxing unit whose territorial limits are located at least partially in Bell County, Texas and who is entitled to vote under Texas Tax Code, section 6.03; and
3. That the Chief Appraiser of the Tax Appraisal District of Bell County shall deliver a copy of this resolution to each taxing unit participating in the Tax Appraisal District of Bell County, and this resolution shall only be effective unless the governing body of a taxing unit that is entitled to vote on the appointment of board members adopts a resolution opposing the change, and files it with the board of directors before September 1, 2020.

The foregoing resolution was and seconded, and thereafter adopted by vote at a meeting of the Tax Appraisal District of Bell County on

_____, 20_____.

Chair

ATTEST:

Secretary

RESOLUTION

WHEREAS, the Legislature of the State of Texas, under the provisions of the Property Tax Code, has provided that, in the election of the Directors of the appraisal district, the governing bodies of the three-fourths (3/4th) of the taxing units, entitled to vote on the appointment of members of the District's Board of Directors, may change the number of members on the Board of Directors and may change the method of selecting the members of the Board of Directors.

WHEREAS, it being the consensus of the governing body of this taxing jurisdiction that the needs of the tax appraisal district would best be served by assuring a geographic distribution of the Directors of the District;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF BELTON,

THAT the CITY OF BELTON invokes this provision of the Property Tax Code and puts the County Clerk of Bell County on notice that the CITY OF BELTON wishes that the three-fourths (3/4th) rule be invoked and that the District's permitted to alter the mode of appointment of the members of the District's Board of Directors and that this be applicable for the tax year 1986, and the tax years thereafter.

BE IT FURTHER RESOLVED that the mode of appointment of the members of the District's Board of Directors shall be as follows, to-wit:

One member to be appointed by the governing body of the Temple Independent School District;

One member to be appointed by the governing body of the City of Temple;

One member to be appointed by the governing body of the Killeen Independent School District;

~~One member to be appointed by the governing body of the City of Killeen;~~

One member to be appointed by the governing body of the County of Bell;

One member to be jointly appointed by the governing bodies of the Belton Independent School District, and the City of Belton each with entity having one vote in the selection of such member.

One member to be appointed by the governing bodies of Academy Independent School District, Bartlett Independent School District, Holland Independent School District, Rogers Independent School District, Troy Independent School District, Moody Independent School District, City of Bartlett, City of Harker Heights, City of Holland, City of Nolanville, City of Rogers, City of Troy and Morgans Point Resort City, with each entity having one vote.

PASSED AND APPROVED IN OPEN MEETING this the 29th day of

August, A. D. 1985.

CITY OF BELTON

BY: Barry Couch

Mayor

ATTEST:

R. K. Utley
City Secretary

RECEIVED

SEP 1 1985

BELL COUNTY
CLERK



Tax Appraisal District of Bell County

Dear Taxing Units,

The seven members of the Board of Directors of the Tax Appraisal District of Bell County are currently selected under a method that was adopted by the taxing units of Bell County in 1985. A recent Texas Attorney General's Opinion suggests that action is required by either the appraisal district Board of Directors or the taxing units to keep this selection method in place.¹ Before acting to re-adopt the selection method, the Board of Directors is seeking the input of the participating taxing units.

Under the current system, Bell County, the City of Killeen, Killeen ISD, the City of Temple, and Temple ISD appoint one member each to the Board of Directors. The City of Belton and Belton ISD jointly appoint one member, and all the other taxing units that were eligible to vote in 1985 jointly appoint the seventh member.²

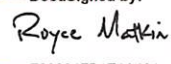
When this procedure was adopted in 1985 the boundaries of the appraisal district extended outside the boundaries of Bell County. The Legislature eliminated overlapping appraisal districts and made all appraisal district's boundaries the same as its county's boundaries effective January 1, 2008.³ According to the Attorney General this invalidated all methods of selecting appraisal district board of director's members that were adopted before January 1, 2008.⁴

If no action is taken, selection of the Board of Directors of the Tax Appraisal District of Bell County will revert to the standard selection methods found in Texas Tax Code, section 6.03. Under this method the Board of Directors would only have five members and all eligible taxing units would vote for the five members in proportion to their most recent levy.⁵ A listing of each taxing unit and the percentage of vote they would get using 2018 levies under the default method is attached for your reference.⁶

The Board of Directors is considering passing a resolution that would leave the selection process the same. A proposed resolution is attached.⁷ If you disagree with this resolution, please contact a current member of the Board of Directors to express your concerns. If the Board does not pass a resolution that is acceptable to all the taxing jurisdictions, the default methods will be used in the future unless three-fourths (3/4ths) of the taxing units pass resolutions adopting a different method for selecting members of the appraisal district Board of Directors.

Your comments and participation in this process are welcome. If you have any questions or concerns please do not hesitate to contact Chief Appraiser Billy White, or any member of the current Board of Directors.

Thank you for your attention to this matter.

DocuSigned by:

F29004FB1E1A401...

Royce Matkin
Chairman, Board of Directors

¹ TEX. ATT. GEN. OP. KP-0287 (Jan. 21, 2020)

² See Resolution of the City of Belton (August 29, 1985) (attached as Exhibit A)

³ Acts 2007, Leg., ch. 648 (H.B. 1010), §§ 1, 5(2), effective January 1, 2008 (codified at TEX. TAX CODE, § 6.02(a))

⁴ TEX. ATT. GEN. OP. KP-0287 (Jan. 21, 2020)

⁵ TEX. TAX CODE, § 6.03

⁶ TAD of Bell County Taxing Unit Allocation Schedule Based on 2018 Tax Levies (attached as Exhibit B)

⁷ See Resolution of the Tax Appraisal District of Bell County (attached as Exhibit C)