

**NOTICE OF REGULAR MEETING OF BOARD OF DIRECTORS OF  
BASTROP ECONOMIC DEVELOPMENT CORPORATION (BEDC)**

**Monday, September 19, 2016 – 6:00 P.M.**

**Bastrop City Hall, 1311 Chestnut Street, Bastrop, Texas**

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*In compliance with the requirements of Chapter 551 of the Texas Government Code, the public is hereby provided notice that it is possible that a quorum or more of the membership of the Bastrop City Council may be in attendance, to observe and/or participate in the above-referenced meeting of the Bastrop Economic Development Corporation.*

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**1. CALL TO ORDER**

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The BEDC Board reserves the right to convene into Executive Session at any time during the meeting regarding any agenda item. In compliance with the Open Meetings Act, Chapter 551 Government Code, Vernon's Texas Code, Annotated, such item, if taken into executive session, would be discussed in closed session under Section 551.071 – Consultations with Attorney – duty to advise on legal matters.

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**2. PUBLIC COMMENT(S)**

**3. REGULAR BUSINESS & PRESENTATIONS**

- 3.1. Recognition of outgoing BEDC Board member Gary Schiff with service award. **(page 3)**
- 3.2. Approval of meeting minutes of the Regular Board Meeting of August 15, 2016. **(page 4)**
- 3.3. Consideration, discussion and possible action on acceptance of the BEDC's financial summary report for period ending August 31, 2016. **(page 8)**
- 3.4. Consideration, discussion and possible action regarding the Bastrop EDC's legal services, including but not limited to: (1) The continued retention or termination of the Law Offices of Jo-Christy Brown P.C. as the attorney for the corporation, (2) Issuance of a Request for Qualifications (RFQ) for legal services and establishing an *ad hoc* committee comprised of the executive committee and executive director to review the submittals and provide a recommendation to the corporation, and (3) Instruct the executive director to retain the necessary legal services on an interim basis should the engagement between the Bastrop EDC and Law Offices of Jo-Christy Brown P.C. terminate and until the corporation engages other legal services. **(page 24)**
- 3.5. Consideration, discussion and possible action on a request to fund water and wastewater infrastructure for a proposed office project, at 2204 Highway 71 East, being developed by Gary Schiff, P.E. **(page 26)**
- 3.6. Consideration, discussion and possible action updating the Board on the Bastrop Independent School District Bond and Tax Ratification Election, to be held on November 8, 2016, including a legal opinion on allowable potential EDC expenditures, related to Corporation's support of Bastrop's educational advancement for enhancement of economic development opportunities. **(page 32)**
- 3.7. Consideration, discussion and possible action on input from the Board and public related to the *ad hoc* Bylaws Committee's proposed draft Ninth Amended Bylaws of the BEDC. **(pg 39)**

**4. UPDATE(S), REPORT(S), AND/OR ANNOUNCEMENT(S)** – The BEDC and City of Bastrop will provide written reports and be available to answer questions from the Board. (Includes items for update, discussion, and/or possible action by the Board of the BEDC)

4.1. BEDC Projects and/or Business Update (**page 53**)

4.2. Main Street Program Monthly Report (**page 56**)

## **5. BOARD INPUT ON FUTURE AGENDAS**

5.1. The following items have been requested for inclusion on future agendas: (**page 62**)

- (a) Alley D Parking/921 Main Street Parking (Trey Job)
- (b) City of Bastrop water and wastewater planning (Joe Beal)
- (c) City of Bastrop potential future annexation planning (Mayor Kesselus)
- (d) Development issues associated with Bastrop's Houston Toad habitat
- (e) Approval of Ninth Amended Bylaws of the BEDC

5.2. Inviting input from the Board of Directors related (but not limited) to issues for possible inclusion on future agendas and/or concerning issues such as BEDC projects, property, economic development prospects, community events, and BEDC business or activities.

## **6. EXECUTIVE SESSION**

6.1. The BEDC Board of Directors will meet in a closed/executive session pursuant to the Texas Government Code, Chapter 551, to discuss the following:

(1) **Section 551.071(1)(A) and Section 551.071(2)** – Consultations with Attorney: (1) threatened and/or contemplated claims, causes, or litigation, and/or (2) matters upon which the Attorney has a duty and/or responsibility to advise or report to the governmental body.

(2) **Section 551.072** – Deliberation about real property: including, *but not limited to*, potential sales, acquisitions, exchanges, leases, dispositions or values of real properties, and/or property owned and/or considered for acquisition, use, lease or conveyance by the BEDC.

(3) **Section 551.087** – Deliberation regarding economic development negotiations: 'Project Tissue', 'Test Tube', 'Arugula', 'Kentucky', 'Apple Orchard', and/or 'Project Big Ben'.

6.2. The BEDC Board of Directors will reconvene into open session to discuss, consider and/or take any action necessary related to the executive sessions noted herein above, and/or regular agenda items, noted above, and/or matters related to same.

## **7. ADJOURNMENT**

### **CERTIFICATE**

I, Angela Ryan, Assistant Director of the Bastrop Economic Development Corporation (BEDC), certify that this Notice of Meeting was posted on the front window of the BEDC offices, 301 Hwy 71 W., Suite 214, at the Bastrop City Hall, 1311 Chestnut Street, and on the BEDC's website on this the 16th day of September 2016 at 5:00 p.m. Copies of this agenda have been provided to those members of the media requesting such information.

*Angela Ryan*

Angela Ryan, BEDC Assistant Director

THE BASTROP ECONOMIC DEVELOPMENT CORPORATION IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS WILL BE PROVIDED UPON REQUEST. PLEASE CALL 512-303-9700.



## **Agenda Item: 3.1**

# **AGENDA MEMORANDUM**

Meeting Date: September 19, 2016

Agenda Item: Recognition of outgoing BEDC Board member Gary Schiff with service award.

Prepared by: Shawn Kirkpatrick, Executive Director

Please join me in thanking Gary for his many years of service on the BEDC Board.



## **Agenda Item: 3.2**

# **AGENDA MEMORANDUM**

Meeting Date: September 19, 2016

Agenda Item: Approval of meeting minutes of the Regular Board Meeting of August 15, 2016.

Prepared by: Angela Ryan, Assistant Director

The draft minutes from the 08/15/16 Regular Board Meeting are attached for the Board's review.

### **Recommendation**

Approve as submitted.

**BASTROP ECONOMIC DEVELOPMENT CORPORATION (BEDC)**  
**BOARD OF DIRECTORS**  
**Minutes of Monthly Meeting, August 15, 2016**  
**Bastrop City Hall, 1311 Chestnut Street, Bastrop, Texas**

The Bastrop Economic Development Corporation (BEDC) met on Monday, August 15, 2016, at 6:00 p.m. at Bastrop City Hall, 1311 Chestnut Street, for the Regular Monthly Meeting.

Board members present were: Steve Mills, Kristi Koch, Mayor Ken Kesselus, Kevin Plunkett, Cam Chavez and Drusilla Rogers. Board members Joe Beal and Marvin Townsend (*ex officio*) were absent. Staff members present: Shawn Kirkpatrick, Angela Ryan, Jean Riemenschneider, Kathy Merrifield and JC Brown, BEDC Attorney.

1. **CALL TO ORDER** – BEDC Board Chair Steve Mills called the Board Meeting to order at 6:00 p.m.
2. **PUBLIC COMMENT(S)** – Gary Schiff distributed an outline and spoke to the Board Members of his vision for the BEDC going forward. Debbie Moore asked to speak about 921 Main St. and Mr. Kirkpatrick informed her there would be an opportunity during Agenda Item 3.8.
3. **REGULAR BUSINESS & PRESENTATIONS**
  - 3.1. The Board welcomed new Board member Kevin Plunkett.
  - 3.2. Approval of meeting minutes of the Special Board Meeting of July 11, 2016, and the Regular Board Meeting of July 18, 2016. Ms. Koch made the motion to approve both sets of minutes as submitted, Mr. Chavez seconded and the motion passed.
  - 3.3. Consideration, discussion and possible action on acceptance of the BEDC's financial summary reports for periods ending June 30, 2016, and July 31, 2016. Mr. Kirkpatrick reviewed both sets of financials. Mr. Chavez made the motion to accept the financial reports as submitted, Ms. Koch seconded and the motion passed.
  - 3.4. Consideration, discussion and possible action on election of BEDC Board Secretary/Treasurer, a position previously held by former Board member Gary Schiff. Ms. Koch made the motion to nominate Mr. Chavez to fill the position, and Mr. Plunkett seconded. Mr. Chavez accepted and the motion passed.
  - 3.5. Consideration, discussion and possible action on an update from Terry Coghlan regarding The Coghlan Group's expansion project in the Bastrop Business and Industrial Park. Mr. Coghlan was present at the meeting and informed the Board the 60,000 sq. ft. expansion is complete and they are moved in. He thanked the EDC for all of their help and support. Mr. Kirkpatrick thanked him for being in Bastrop. No action was required.
  - 3.6. Consideration, discussion and possible action with respect to a Resolution requesting redemption of certain of the City's Combination Tax and Revenue Certificates of Obligation, Series 2008A. Mr. Kirkpatrick explained the resolution would allow the EDC to recommend to the City Council to defease the EDC portion of the 2008 bond, as previously discussed. Ms. Koch made the motion to adopt the resolution, Ms. Rogers seconded and the motion passed.
  - 3.7. Consideration, discussion and possible action on a presentation on FY 2016/2017 staff reporting/chain of communication, roles, duties, and responsibilities, proposed annual Economic Development Strategy, and overview of previous BEDC community development projects. Mr. Kirkpatrick made a presentation illustrating the roles and responsibilities of each BEDC staff member. He defined project types A-G and showed how the current 84 projects fit into the different types. Also included were before and after pictures of past EDC projects from 2000 to present. He concluded by stating there are two driving factors in attracting projects to

Bastrop: sites/buildings and workforce. Ms. Koch asked to see the new Retail and Hospitality & Leisure marketing materials and those were passed around. Ms. Rogers said the presentation was very informative and thanked Mr. Kirkpatrick. Mr. Mills reiterated the need for more housing to draw workforce from Austin. No action was required.

- 3.8. Consideration, discussion and possible action on approval of a Chapter 380 Economic Development Agreement with the City of Bastrop for the acquisition of a portion of the City-owned property located at 921 Main Street, (i.e., approximately 40 x 100 ft. slab portion of the tract that fronts Main Street). Mr. Kirkpatrick gave an update on the status of the lot. Debbie Moore asked about the status of the feasibility study and Sarah O'Brien responded it should be complete by August 22, 2016. Ms. Moore expressed her wish for 921 Main to be a gathering space and asked the Board to keep an open mind when making their decision. Mr. Kirkpatrick informed the Board the Interim City Manager wanted to make some changes to the 380 Agreement, and have the lot surveyed and re-platted first. Ms. Koch made the motion to approve the 380 agreement subject to the City of Bastrop comments, Ms. Rogers seconded and the motion passed.
- 3.9. Consideration, discussion and possible action on a Resolution by the Bastrop Economic Development Corporation authorizing BEDC Board Chair Steve Mills and/or Executive Director Shawn Kirkpatrick to execute all necessary contracts and related documentation necessary to finalize the conveyance of the slab portion of the City-owned property located at 921 Main Street to the BEDC. Ms. Koch made the motion to approve the resolution, Ms. Rogers seconded and the motion passed.
- 3.10. Consideration, discussion and possible action on engineering and architectural services, and other related services, for the portion of the City property located at 921 Main Street to be conveyed by the City to the BEDC, including but not limited to the possible engagement of KSA Engineers, Inc., and/or issuance of Request for Qualifications (RFQ). Mr. Kirkpatrick went over three options for 921 Main and the costs associated with each. Mr. Kirkpatrick said he feels it is important to provide the community all options for the site and related remediation costs: 1) gathering space without a roof, 2) infill without a roof, and 3) building façade with a roof. Mayor Kesselus asked that a fourth option be added, an open space with a roof. Ms. Koch made the motion to engage KSA Engineers for the 921 Main Street Project, with the addition of the fourth option, with the total estimated cost not to exceed \$35,000. Ms. Rogers seconded and the motion passed.
- 3.11. Consideration, discussion and possible action on engineering services, and other related services, for the proposed Loop 150 Trail Expansion Project, including but not limited to the possible engagement of the Bowman Consulting Group and/or issuance of Request for Qualifications (RFQ). Mr. Kirkpatrick explained the project is a multimodal trail running from Eskew Street down Loop 150 to Hwy 71, as shown in the City's draft Comprehensive Plan. He said the goal would be to turn the sidewalk east, and tie it in on the west side of the river. It would eventually provide a trail link to Fisherman's Park and a future park planned for the east side of Hwy 71. Mr. Chavez made the motion to engage Bowman Consulting for the Loop 150 Trail Expansion Project, Mr. Plunkett seconded and the motion passed.

#### **4. PUBLIC HEARING(S)**

- 4.1. At 7:20 p.m. Mr. Mills opened a PUBLIC HEARING to receive input from the general public on the Bastrop Economic Development Corporation's proposed budget for Fiscal Year 2016/2017. Carlos Liriano, owner of Lost Pines Toyota, addressed the Board requesting the BEDC to focus on creating jobs and building apartment units in Bastrop. He would like to see both of these as line items in the BEDC budget. Mr. Mills informed Mr. Liriano that these were

both discussed earlier in the meeting and these are issues the BEDC is working on. At 7:34 p.m., Mr. Mills closed the Public Hearing.

- 4.2. The Bastrop Economic Development Corporation Board of Directors will consider, discuss and take possible action concerning the above item 4.1, i.e., the Public Hearing on the BEDC's proposed budget for Fiscal Year 2016/2017, including but not limited to action to modify the proposed budget and/or to adopt the Fiscal Year 2016/2017 budget, as proposed or modified. Mayor Kesselus made the motion to adopt the proposed budget as presented, Ms. Rogers seconded, and the motion passed.

**5. UPDATE(S), REPORT(S), AND/OR ANNOUNCEMENT(S)** – The BEDC and City of Bastrop provided written reports (included items for update, discussion, and/or possible action by the Board of the BEDC).

- 5.1. BEDC Projects and/or Business Update – Mr. Kirkpatrick's report was included in the Board packet. He reported the office at 903 Main Street had been surveyed.
- 5.2. Main Street Program Monthly Report – Ms. O'Brien's report was included in the packet.

**6. EXECUTIVE SESSION**

- 6.1. At 7:52 p.m., Mr. Mills convened the BEDC Board of Directors into a closed/executive session pursuant to the Texas Government Code, Chapter 551, to discuss the following:

- (1) **Section 551.071(1)(A) and Section 551.071(2)** – Consultations with Attorney: (1) threatened and/or contemplated claims, causes, or litigation, and/or (2) matters upon which the Attorney has a duty and/or responsibility to advise or report to the governmental body.
- (2) **Section 551.072** – Deliberation about real property: including, but not limited to, potential sales, acquisitions, exchanges, leases, dispositions or values of the following real properties: 'Project Tissue' and/or property owned and/or considered for acquisition, use, lease or conveyance by the BEDC.
- (3) **Section 551.087** – Deliberation regarding economic development negotiations: 'Project Tissue', 'Project Valley Stays', and/or 'Project White Foam'.
- (4) **Section 551.074** – Personnel Matters.

- 6.2. At 8:24 p.m., the BEDC Board of Directors reconvened into open session to discuss, consider and/or take any action necessary related to the executive sessions noted herein above, and/or regular agenda items, noted above, and/or matters related to same. No action was taken.

**7. BOARD INPUT ON FUTURE AGENDAS**

- 7.1. Inviting input from the Board of Directors related (but not limited) to issues for possible inclusion on future agendas and/or concerning issues such as BEDC projects, property, economic development prospects, community events, and BEDC business or activities. Mr. Kirkpatrick shared his list for future agenda items. Mr. Kirkpatrick reviewed the list of items for upcoming meeting agendas, which included Industrial Park infrastructure, annexation, water, wastewater, BEDC Bylaws, and Houston Toad Habitat. Mayor Kesselus asked if the Board wanted to discuss the development process and culture. The consensus of the Board was that it would be best suited for a workshop, possibly with Planning & Zoning, or a "think tank".

**8. ADJOURNMENT** – Cam Chavez made the motion to adjourn and Kevin Plunkett seconded. The BEDC Board of Directors adjourned the meeting at 8:36 p.m.



## Agenda Item: 3.3

# AGENDA MEMORANDUM

Meeting Date: September 19, 2016

Agenda Item: Consideration, discussion and possible action on acceptance of the BEDC's financial summary report for period ending August 31, 2016.

Prepared by: Shawn Kirkpatrick, Executive Director

Attached for the Board's review and consideration is the BEDC financial summary report for the period ending August 31, 2016.

### **Recommendation**

Accept the financial report as submitted.



# Bastrop Economic Development Corporation

## Financial Summary For Period Ending August 31, 2016

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Bastrop Economic Development Corporation  
 Summary of Revenues and Expenditures  
 As of August 31, 2016



Fiscal year 2016 is 91.7% complete as of August 31, 2016. These reports provide an unaudited and preliminary snapshot of the BEDC financial information.

☐ Revenues reflect 105% collected over budgeted or \$2,038,481. Revenues during this same time period last year reflected \$1,886,910. Additional analysis concerning revenues are on the next two pages.

☐ Expenses for the BEDC reflect 73.5% spent or \$1,420,227. Expenses during this same time period last year reflected \$1,601,930. Additional analysis concerning the expenses, year to year comparisons, and capital outlay is located within this report.

## Revenues

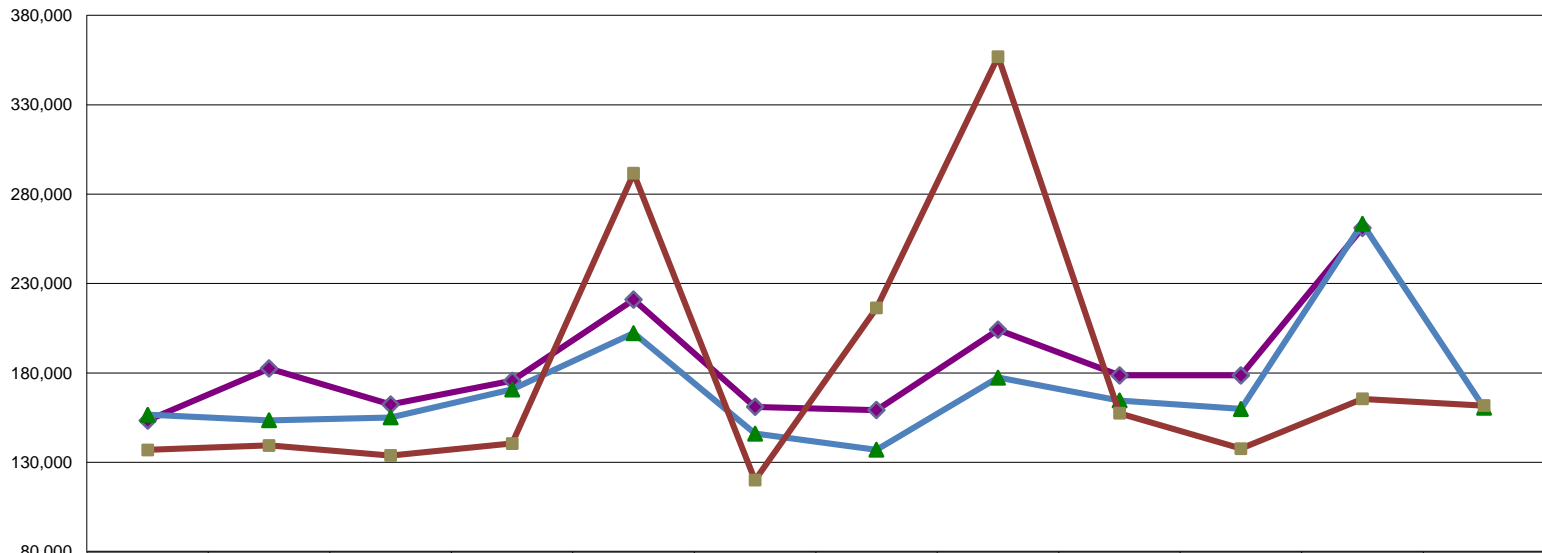
## Expenditures

FY 2016 Budget	FY 2016 Actual	% of FY2016 Budget	FY 2016 Budget	FY 2016 Actual	% of FY2016 Budget
\$ 1,933,000	\$ 2,038,481	105%	\$ 1,933,000	\$ 1,420,227	73.5%

Summary of Revenues  
As of August 31, 2016



- REVENUE: Sales Tax receipts represent 99% of the total budgeted revenue for the BEDC. As such, the line graph will be a good performance indicator as a comparison of sales tax receipts of the two previous fiscal years to the current fiscal year. Other revenue is included within the line graph to include Lease Agreement Income, Interest Income, and Miscellaneous Income.
- The spikes reflected on the graph in FY2014 are tied to specific transactions. These include the reimbursement of expenses from the Combination Tax and Revenue Certificates of Obligation, Series 2013 in February 2014 of \$102,638; and the transfer from Bond Fund proceeds to cover debt service costs in May 2014 of \$200,261.

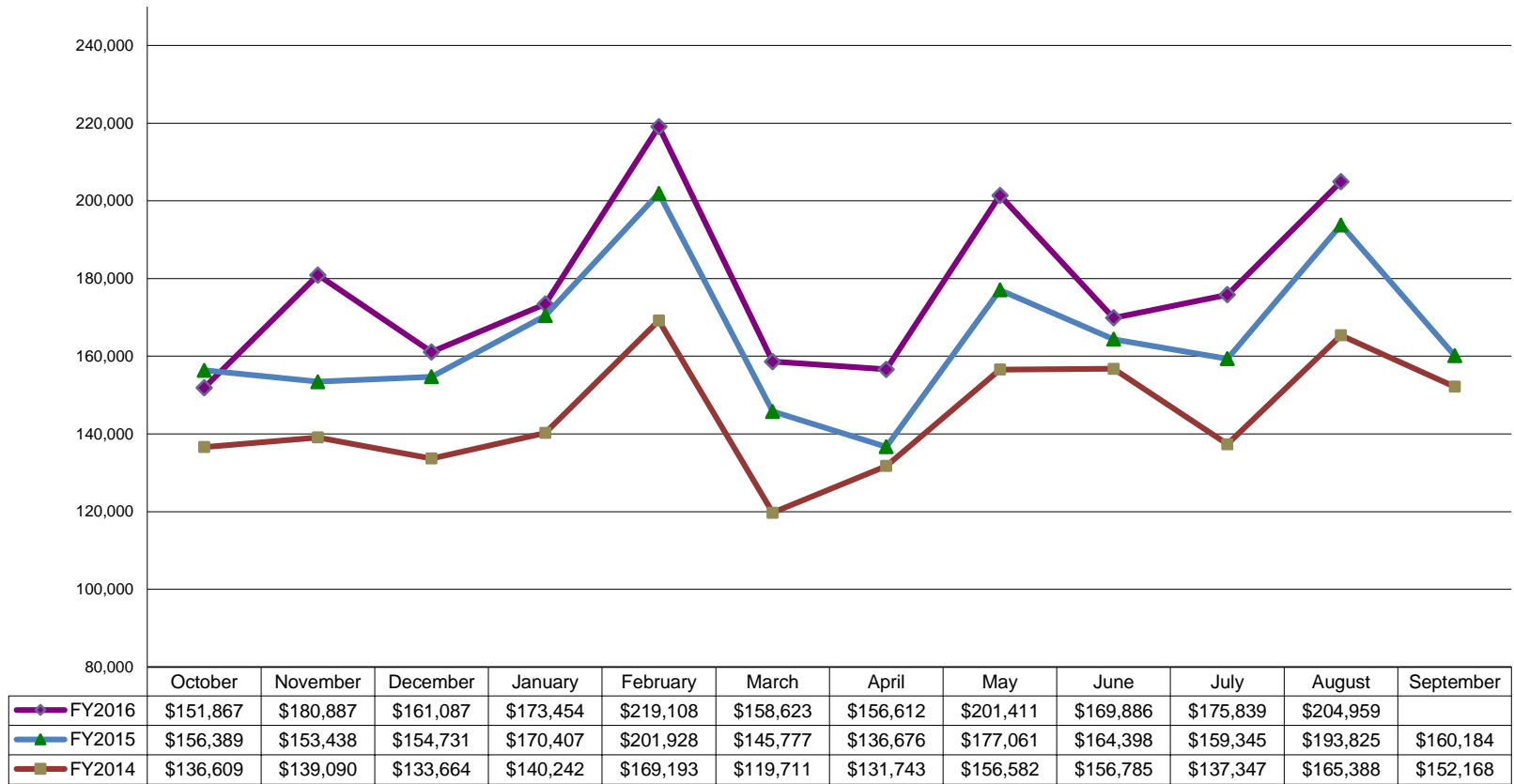


	October	November	December	January	February	March	April	May	June	July	August	September
FY2016	\$153,428	\$182,510	\$162,391	\$175,610	\$221,015	\$161,025	\$159,250	\$204,126	\$178,673	\$178,693	\$261,078	
FY2015	\$156,672	\$153,544	\$155,107	\$170,809	\$202,254	\$146,110	\$137,008	\$177,414	\$164,602	\$159,873	\$263,516	\$160,563
FY2014	\$136,928	\$139,462	\$133,803	\$140,580	\$291,654	\$120,053	\$216,330	\$356,889	\$157,457	\$137,664	\$165,514	\$161,751



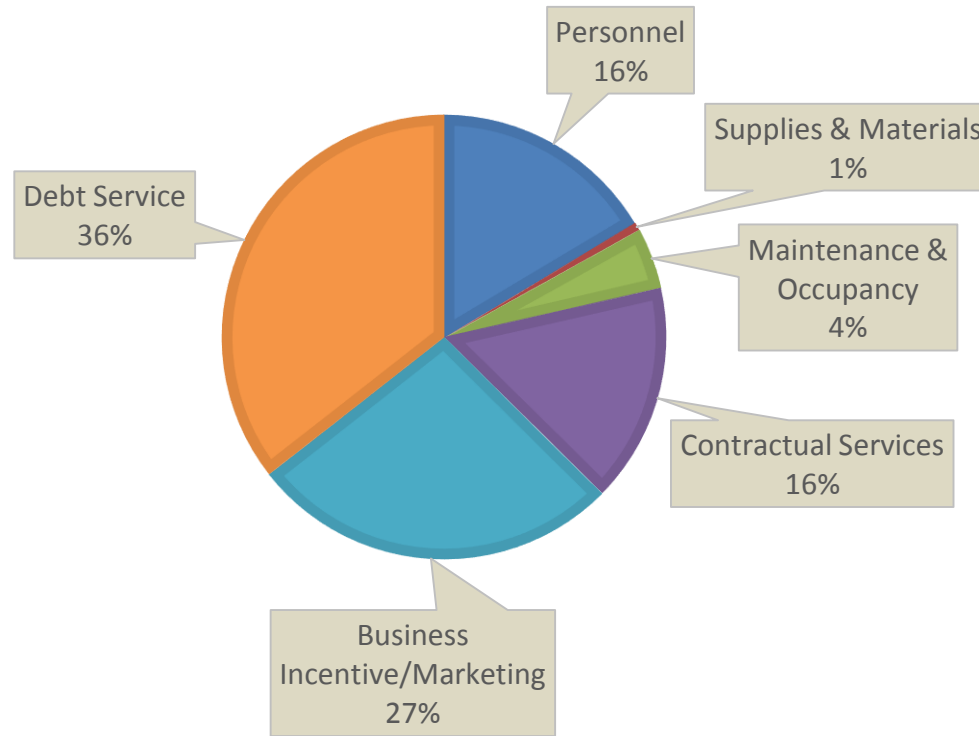
## Sales Tax Revenue Chart As of August 31, 2016

Sales Tax Receipts YTD reflect \$1,953,732 and are more than the prior year to date Sales Tax Receipts of \$1,813,974.



# Expenditure Charts

As of August 31, 2016

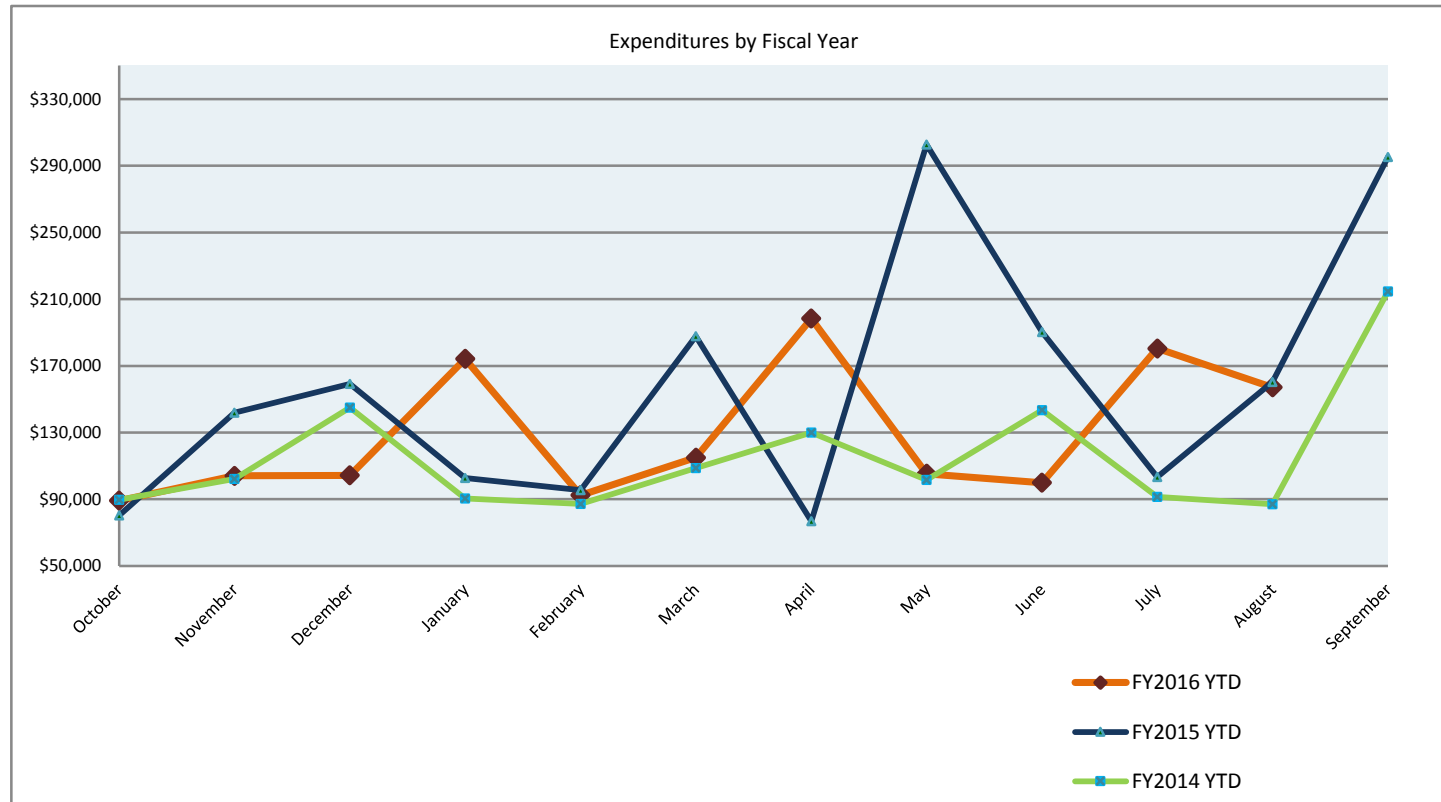


\* Chart reflects FY2016 Fiscal Year-to Date expenses as of August 31, 2016. Data provided by City of Bastrop Finance Department records.



## Expenditure Comparison Graph As of August 31, 2016

EXPENSES: The line graph makes a comparison of the current fiscal year expenses to the last two fiscal year on a monthly basis. The funds' basic operations or fixed expenses should stay relatively flat or fixed on the line graph. The spike in May 2015 is due to the entry required for the donation of the Arena land to the City.






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**BASTROP ECONOMIC DEVELOPMENT CORPORATION FUND**  
**FY 2015-2016 BUDGET**

Audited Fund Balance 9-30-2015	\$ 3,232,997
 <b>FY 2015-2016</b>	
Budgeted Revenues	<u>\$ 1,933,000</u>
Total FY 2016 Resources	\$ 5,165,997
 Budgeted Expenditures:	 <u>\$ (1,933,000)</u>
 Projected Ending Gross Fund Balance 09-30-2016	 \$ 3,232,997

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\* The projected operating balance includes a \$150,000 reduction for designated operating equity.

\*\* In order to maintain a 25% or 90 day balance, the ending operating balance cannot be less than \$483,250. The budgeted expenditures for the Bastrop Economic Development Corporation can only increase \$2,749,747 and the total budgeted expenditures may not exceed \$4,682,747. These figures are subject to change depending upon actual Revenues and Expenditures.

BEDC Financial Statements attached

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FINANCIAL STATEMENT

AS OF: AUGUST 31ST, 2016

601-BASTROP E.D.C. FUND

REVENUES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
<b>TAXES &amp; PENALTIES</b>						
00-00-4005 SALES TAX	1,813,974.32	1,930,000.00	204,958.54	1,953,732.23	( 23,732.23)	101.23
TOTAL TAXES & PENALTIES	1,813,974.32	1,930,000.00	204,958.54	1,953,732.23	( 23,732.23)	101.23
<b>CHARGES FOR SERVICES</b>						
00-00-4047 LEASE AGREEMENT	0.00	0.00	1,150.00	12,650.00	( 12,650.00)	0.00
TOTAL CHARGES FOR SERVICES	0.00	0.00	1,150.00	12,650.00	( 12,650.00)	0.00
<b>OTHER REVENUE</b>						
<b>INTEREST INCOME</b>						
00-00-4400 INTEREST INCOME	1,862.79	1,500.00	1,621.91	11,489.48	( 9,989.48)	765.97
00-00-4401 INTEREST RECEIVED ON NOTES	1,744.87	1,500.00	110.14	1,372.47	127.53	91.50
TOTAL INTEREST INCOME	3,607.66	3,000.00	1,732.05	12,861.95	( 9,861.95)	428.73
<b>MISCELLANEOUS</b>						
00-00-4512 LAND/OTHER SALES	69,327.87	0.00	53,237.01	53,237.01	( 53,237.01)	0.00
00-00-4558 BEDC GRANT RECEIPTS	0.00	0.00	0.00	6,000.00	( 6,000.00)	0.00
TOTAL MISCELLANEOUS	69,327.87	0.00	53,237.01	59,237.01	( 59,237.01)	0.00
<b>TRANSFERS-IN</b>						
<b>OTHER SOURCES</b>						
** TOTAL REVENUE **	1,886,909.85	1,933,000.00	261,077.60	2,038,481.19	( 105,481.19)	105.46

CITY OF BASTROP  
 FINANCIAL STATEMENT  
 AS OF: AUGUST 31ST, 2016

601-BASTROP E.D.C. FUND

EXPENDITURES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
NON-DEPARTMENT =====						
00-NON-PROGRAM =====						
TRANSFERS OUT						
BEDC ADMINISTRATION =====						
00-NON-PROGRAM =====						
PERSONNEL COSTS						
70-00-5101 BEDC OPERATIONAL SALARIES	123,972.69	218,696.00	17,419.69	179,094.83	39,601.17	81.89
70-00-5114 BEDC PRE-EMPLOYMENT EXPEN	11,152.72	0.00	0.00	0.00	0.00	0.00
70-00-5116 LONGEVITY	222.00	500.00	0.00	258.00	242.00	51.60
70-00-5117 OVERTIME	0.00	0.00	0.00	37.50	( 37.50)	0.00
70-00-5150 SOCIAL SECURITY	9,468.14	16,000.00	1,312.46	14,006.75	1,993.25	87.54
70-00-5151 RETIREMENT	16,298.51	21,400.00	1,923.67	19,472.61	1,927.39	90.99
70-00-5155 GROUP INSURANCE	10,381.85	24,912.00	2,080.10	20,115.32	4,796.68	80.75
70-00-5156 WORKER'S COMPENSATION	322.28	1,100.00	0.00	456.86	643.14	41.53
TOTAL PERSONNEL COSTS	171,818.19	282,608.00	22,735.92	233,441.87	49,166.13	82.60
SUPPLIES & MATERIALS						
70-00-5201 OPERATIONAL SUPPLIES (OFFIC	4,200.98	5,500.00	719.74	4,494.90	1,005.10	81.73
70-00-5203 POSTAGE	80.60	480.00	0.00	180.65	299.35	37.64
70-00-5206 OFFICE EQUIPMENT	18,679.74	20,500.00	559.19	3,856.10	16,643.90	18.81
TOTAL SUPPLIES & MATERIALS	22,961.32	26,480.00	1,278.93	8,531.65	17,948.35	32.22
MAINTENANCE & REPAIRS						
70-00-5301 MAINT OF EQUIPMENT	470.00	1,000.00	0.00	309.98	690.02	31.00
70-00-5331 INDUSTRIAL PARK MAINT EXP	0.00	5,000.00	0.00	0.00	5,000.00	0.00
70-00-5345 BUILDING REPAIRS & MAINT.	19,527.54	15,600.00	454.00	13,848.24	1,751.76	88.77
TOTAL MAINTENANCE & REPAIRS	19,997.54	21,600.00	454.00	14,158.22	7,441.78	65.55

## FINANCIAL STATEMENT

AS OF: AUGUST 31ST, 2016

601-BASTROP E.D.C. FUND

EXPENDITURES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
<b>OCCUPANCY</b>						
70-00-5401 COMMUNICATIONS	5,258.78	10,000.00	765.97	8,333.33	1,666.67	83.33
70-00-5402 OFFICE RENTAL	9,000.00	36,000.00	3,000.00	36,000.00	0.00	100.00
70-00-5403 UTILITIES	3,000.86	6,000.00	842.26	4,040.02	1,959.98	67.33
TOTAL OCCUPANCY	17,259.64	52,000.00	4,608.23	48,373.35	3,626.65	93.03
<b>CONTRACTUAL SERVICES</b>						
70-00-5505 PROFESSIONAL SERVICES	69,076.68	50,000.00	1,294.92	48,401.37	1,598.63	96.80
70-00-5525 LEGALS	32,421.99	30,000.00	0.00	19,244.50	10,755.50	64.15
70-00-5530 ENGINEERING	0.00	15,000.00	1,965.00	14,437.50	562.50	96.25
70-00-5540 PROPERTY INSURANCE	960.88	1,000.00	0.00	769.49	230.51	76.95
70-00-5561 CONTRACTUAL SERVICES	4,500.00	6,000.00	500.00	6,000.00	0.00	100.00
70-00-5573 PARKS/RECREATION SUPPORT	36,208.26	0.00	0.00	0.00	0.00	0.00
70-00-5574 CITY CONTRACT FOR SERVICE	0.00	139,000.00	10,585.62	69,276.98	69,723.02	49.84
70-00-5596 MAIN STREET PROG SUPPORT	36,666.63	40,000.00	3,333.33	36,666.63	3,333.37	91.67
70-00-5598 CITY ADMINISTRATIVE SUPPORT	45,833.26	50,000.00	2,132.10	32,136.65	17,863.35	64.27
TOTAL CONTRACTUAL SERVICES	225,667.70	331,000.00	19,810.97	226,933.12	104,066.88	68.56
<b>OTHER CHARGES</b>						
70-00-5603 MARKETING TRAVEL	2,836.49	9,000.00	501.93	6,634.57	2,365.43	73.72
70-00-5604 BUSINESS DEVELOPMENT	6,028.06	9,000.00	1,050.03	7,669.97	1,330.03	85.22
70-00-5605 TRAINING TRAVEL	5,309.90	9,000.00	920.46	8,723.49	276.51	96.93
70-00-5606 AUTO ALLOWANCE - STAFF	2,307.70	0.00	0.00	0.00	0.00	0.00
70-00-5610 ISSUANCE COST	6,372.50	0.00	0.00	0.00	0.00	0.00
70-00-5611 BILLBOARDS	11,400.00	7,500.00	0.00	7,500.00	0.00	100.00
70-00-5615 DUES, SUBSCRIPTIONS & PUBLI	7,790.04	9,550.00	576.00	9,222.54	327.46	96.57
70-00-5631 BONDS FOR BEDC OFFICERS	242.00	1,000.00	0.00	626.97	373.03	62.70
70-00-5633 LOCAL/MISC ADV & SPONSORSHI	19,158.46	15,000.00	705.88	9,874.54	5,125.46	65.83
70-00-5634 NATIONAL ADV & MARKETING	29,505.00	40,000.00	500.00	15,483.55	24,516.45	38.71
70-00-5638 SPL PROJECTS-DOWNTOWN GRANT	4,080.79	0.00	0.00	0.00	0.00	0.00
70-00-5640 SPL PROJ-REDEVELOPMENT GRAN	0.00	49,000.00	2,607.90	2,607.90	46,392.10	5.32
70-00-5641 SPL EDUC & WORKFORCE DEVELO	0.00	10,000.00	2,555.80	5,661.43	4,338.57	56.61
70-00-5642 SPL ENTREPRENEURIAL/SM BUS	0.00	5,000.00	1,081.26	2,416.26	2,583.74	48.33
70-00-5644 380 AGREEMENT REIMBURSEMENT	212,342.49	320,000.00	0.00	239,079.19	80,920.81	74.71
70-00-5645 WATER RIGHTS PROP FUNDING	0.00	60,000.00	0.00	0.00	60,000.00	0.00
70-00-5646 SPECIAL PROJ/INCENTIVES	73,646.00	48,500.00	37,372.85	37,372.85	11,127.15	77.06
70-00-5648 SPL PROJECTS - BUS OUTREACH	7,915.38	0.00	0.00	0.00	0.00	0.00
70-00-5655 EQUIPMENT RENTAL	1.53	50.00	0.00	0.00	50.00	0.00
70-00-5689 OPPORTUNITY AUSTIN	0.00	10,000.00	10,000.00	10,000.00	0.00	100.00
70-00-5700 TARGETED MARKETING	3,961.87	25,500.00	4,750.98	20,813.56	4,686.44	81.62
TOTAL OTHER CHARGES	392,898.21	628,100.00	62,623.09	383,686.82	244,413.18	61.09

FINANCIAL STATEMENT

AS OF: AUGUST 31ST, 2016

601-BASTROP E.D.C. FUND

EXPENDITURES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
<b>CONTINGENCY</b>						
70-00-5900 CONTINGENCY	0.00	43,626.16	0.00	0.00	43,626.16	0.00
70-00-5999 DONATED ASSETS	203,000.00	0.00	0.00	0.00	0.00	0.00
TOTAL CONTINGENCY	203,000.00	43,626.16	0.00	0.00	43,626.16	0.00
<b>CAPITAL OUTLAY</b>						
70-00-6012 OFFICE EQUIPMENT	8,300.00	0.00	0.00	0.00	0.00	0.00
70-00-6060 REAL PROPERTY	1,173.21	0.00	0.00	0.00	0.00	0.00
TOTAL CAPITAL OUTLAY	9,473.21	0.00	0.00	0.00	0.00	0.00
<b>DEBT SERVICE</b>						
70-00-7133 C OF O SERIES 2013 PRINCIPL	37,711.63	76,230.00	6,416.67	70,583.34	5,646.66	92.59
70-00-7134 C OF O SERIES 2013 INTEREST	93,647.62	100,926.00	8,417.42	92,591.59	8,334.41	91.74
70-00-7137 C OF O SERIES 2010 PRINCIPA	38,170.00	42,334.00	3,527.83	38,806.13	3,527.87	91.67
70-00-7138 C OF O SERIES 2010 INTEREST	32,039.37	33,494.00	2,791.17	30,702.84	2,791.16	91.67
70-00-7152 GO REFUNDING SER 2014 INT	4,445.28	6,326.00	0.00	0.00	6,326.00	0.00
70-00-7501 C OF O SERIES 2008A PRINCIP	18,933.75	21,263.00	1,666.67	18,333.34	2,929.66	86.22
70-00-7502 C OF O SERIES 2008A, INTERE	10,815.75	10,766.84	1,500.50	16,505.50	( 5,738.66)	153.30
TOTAL DEBT SERVICE	235,763.40	291,339.84	24,320.26	267,522.74	23,817.10	91.82
<b>TRANSFERS OUT</b>						
TOTAL 00-NON-PROGRAM	1,298,839.21	1,676,754.00	135,831.40	1,182,647.77	494,106.23	70.53
<b>ADMINISTRATION</b>						
=====						
<b>CAPITAL OUTLAY</b>						
=====						
<b>DEBT SERVICE</b>						
70-10-7097 INTEREST EXPENSE ON FNB NOT	161.43	500.00	0.00	3,145.13	( 2,645.13)	629.03
70-10-7603 BOND PRINCIPAL 2006	201,666.63	235,000.00	19,583.33	215,416.63	19,583.37	91.67
70-10-7604 BOND INTEREST 2006	28,314.00	20,746.00	1,728.83	19,017.13	1,728.87	91.67
TOTAL DEBT SERVICE	230,142.06	256,246.00	21,312.16	237,578.89	18,667.11	92.72
TOTAL ADMINISTRATION	230,142.06	256,246.00	21,312.16	237,578.89	18,667.11	92.72

BEDC INDUSTRIAL PARK

=====

FINANCIAL STATEMENT

AS OF: AUGUST 31ST, 2016

601-BASTROP E.D.C. FUND

EXPENDITURES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
MAINTENANCE & REPAIRS						
70-71-5301 PARK MAINTENANCE	72,948.26	0.00	0.00	0.00	0.00	0.00
TOTAL MAINTENANCE & REPAIRS	72,948.26	0.00	0.00	0.00	0.00	0.00
CONTRACTUAL SERVICES	_____	_____	_____	_____	_____	_____
CAPITAL OUTLAY	_____	_____	_____	_____	_____	_____
TRANSFERS OUT	_____	_____	_____	_____	_____	_____
TOTAL BEDC INDUSTRIAL PARK	72,948.26	0.00	0.00	0.00	0.00	0.00
TOTAL BEDC ADMINISTRATION	1,601,929.53	1,933,000.00	157,143.56	1,420,226.66	512,773.34	73.47
*** TOTAL EXPENSES ***	1,601,929.53	1,933,000.00	157,143.56	1,420,226.66	512,773.34	73.47

\*\*\* END OF REPORT \*\*\*

BALANCE SHEET

AS OF: AUGUST 31ST, 2016

601-BASTROP E.D.C. FUND

ACCOUNT# TITLE

ASSETS

=====

00-00-1010	BEDC OPERATING ACCT	165,714.78
00-00-1012	TEXAS CLASS	1,504,711.40
00-00-1100	TEXPOOL	1,574,235.79
00-00-1135	DREYFUS MM ACCT	996.57
00-00-1141	CERTIFICATE OF DEPOSIT FN	500,000.00
00-00-1224	ACCT RECEIVABLE-SALES TAX	324,797.59
00-00-1272	NOTES RECEIVABLE-GARMENT	64,584.02
00-00-1274	NOTES RECEIVABLE-GTG-LOAN	21,332.64
00-00-1275	NOTES RECEIVABLE-GTG-LOAN	20,886.05
00-00-1276	NOTES RECEIVABLE-GTG-LOAN	502.09
00-00-1420	EQUIPMENT	8,300.77
00-00-1440	BUILDING IMPROVEMENTS	49,785.27
00-00-1460	FIXED ASSETS - BUILDING	921,879.73
00-00-1470	FIXED ASSETS - LAND	845,253.05
00-00-1480	FIXED ASSETS - INFRASTRUC	2,253,147.18
00-00-1490	CONST IN PROGRESS-INFRAST	5,240.18
00-00-1499	ACCUMULATED DEPRECIATION(	1,579,901.19)
00-00-1575	DEFERRED OUTFLOWS-PENSION	15,195.00
00-00-1576	DEFERRED OUTFLOWS-ACTUARI	501.00
00-00-1577	DEFERRED OUTFLOWS-DEFICIT	3,617.00

6,700,778.92

TOTAL ASSETS

6,700,778.92

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BALANCE SHEET

AS OF: AUGUST 31ST, 2016

601-BASTROP E.D.C. FUND

ACCOUNT# TITLE

LIABILITIES & FUND BALANCE

=====

00-00-2029	INSURANCE PAYABLE	0.30	
00-00-2080	NOTES PAYABLE-CITY-WTR PR	420,000.00	
00-00-2081	NOTES PAYABLE-CITY-TDC	39,584.03	
00-00-2101	BONDS PAYABLE CURRENT POR	463,246.00	
00-00-2102	TAX/REV 2006 BOND PAYABLE	215,000.00	
00-00-2105	BONDS PAYABLE-CURRENT YR (	45,631.32)	
00-00-2125	ACCRUED INTEREST PAYABLE	26,642.94	
00-00-2127	ACCRUED EXPENSES-OTHER	38,439.22	
00-00-2235	DEFFERRED REVENUE-TOWER	56,350.00	
00-00-2356	DUE TO OTHER GOVERNMENTS	3,760,538.44	
00-00-2850	NET PENSION LIABLIITY	70,293.00	
00-00-2870	COMPENSATED ABSENCES PAYA	8,064.85	
			5,052,527.46
	TOTAL LIABILITIES		5,052,527.46
	SURPLUS (DEFICIT)	618,254.53	
00-00-3000	NET ASSETS	171,585.58	
00-00-3119	DESIGNATED OPERATING	150,000.00	
00-00-3400	CONTRIBUTED CAPITAL	521,695.50	
00-00-3502	RESTRICTED - JAMCO	73,644.00	
00-00-3503	RESTRICTED-GOOD SOUL BREW	9,700.00	
00-00-3505	RESTRICTED-COGLAN GRP	10,000.00	
00-00-3506	RESTRICTED-ELLIOTT PARTNE	37,372.85	
00-00-3507	RESTRICTED - AEI TECHNOLO	55,999.00	
	TOTAL EQUITY		1,648,251.46
	TOTAL LIABILITIES & FUND EQUITY		6,700,778.92

=====



## Agenda Item: 3.4

# AGENDA MEMORANDUM

Meeting Date: September 19, 2016

Agenda Item: Consideration, discussion and possible action regarding the Bastrop EDC's legal services, including but not limited to: (1) The continued retention or termination of the Law Offices of Jo-Christy Brown P.C. as the attorney for the corporation, (2) Issuance of a Request for Qualifications (RFQ) for legal services and establishing an *ad hoc* committee comprised of the executive committee and executive director to review the submittals and provide a recommendation to the corporation, and (3) Instruct the executive director to retain the necessary legal services on an interim basis should the engagement between the Bastrop EDC and Law Offices of Jo-Christy Brown P.C. terminate and until the corporation engages other legal services.

Prepared by: Shawn A. Kirkpatrick, Executive Director

Board members have requested having a discussion related to EDC legal services.

In order to accommodate all possibilities, this agenda item was crafted to incorporate the retention or termination of JC Brown as legal counsel, issuance of an RFQ and formation of an *ad hoc* committee to make a recommendation to the EDC Board, and retention of interim legal counsel, if needed.

EDCs address this issue in a multitude of ways. Most engage an attorney to represent the EDC in most – if not all – day-to-day legal matters of the corporation. The two most prevalent legal services scenarios are (1) engagement of the contract City attorney/firm and/or (2) engagement of separate legal counsel/firm. Both have their own benefits and disadvantages. At this time, I would advise the Board to refrain from engaging the contract Interim City Attorney.

It is not uncommon for multiple law firms to represent an EDC related to conflicts of interest, needing a specialized firm and/or for specific projects. This budget year alone the Bastrop EDC has used three law firms for various matters of the corporation: primarily, JC Brown for day-to-day and project related legal matters, Christine Files related to a real estate matter, and Charlie Zech as third party counsel to advise the ad hoc bylaws committee.

In the governance structure of the EDC, as it exists today, the engagement of legal services is not clearly defined as either the role of the EDC Board or Executive Director. Hence, legal counsel represents and serves the corporation. A previous EDC Board desired to have JC Brown represent the corporation and agreed to



engage her firm's services. Staff has scoured the records and has not been able to locate where this engagement was memorialized in writing.

### **Recommendation**

Staff **does not** provide recommendation related to the retention or termination of the Law Offices of Jo-Christy Brown P.C.

Staff **does** provide a recommendation that the corporation retain legal counsel to assist the Executive Director in day-to-day legal matters.

Staff **does** provide a recommendation to maintain the status quo of legal counsel representing the corporation and continue to provide the Executive Director the ability to engage other legal counsel within the financial policies of the corporation.

Staff **does** provide the recommendation that should the EDC Board terminate the Law Offices of Jo-Christy Brown P.C. that the Board approve issuance of a Request for Qualifications (RFQ) for legal services.

Staff **does** provide a recommendation that the EDC Board authorize the Executive Director to engage interim legal counsel until the corporation engages other legal services.



## Agenda Item: 3.5

# AGENDA MEMORANDUM

Meeting Date: September 19, 2016

Agenda Item: Consideration, discussion and possible action on a request to fund water and wastewater infrastructure for a proposed office project, at 2204 Highway 71 East, being developed by Gary Schiff, P.E.

Prepared by: Shawn A. Kirkpatrick, Executive Director

Gary Schiff, P.E. is developing an office project at 2204 Hwy 71 East. The pre-development meeting with city staff was held last week and an extension of City (water) fire-flow and wastewater are (maybe) necessary. The EDC was not present at the meeting.

Attached are Mr. Schiff's request and proposed project and Trey Job's, Director of Public Works, estimate for the cost of extending service.

EDC staff received the initial project details Thursday, September 15, 2016, from Mr. Schiff and Mr. Job. The EDC process for evaluating potential projects has not been completed.

### Recommendation

Refer the project to EDC staff to fully evaluate the project, economic impact analysis, proposed economic incentives, and potential performance agreement.

**Angela Ryan**

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**From:** Gary Schiff <gschiff@schiffinterests.com>  
**Sent:** Wednesday, September 14, 2016 11:25 AM  
**To:** Shawn Kirkpatrick  
**Cc:** Angela Ryan  
**Subject:** Agenda Item - 2204 Hwy. 71 East Office Park

Shawn,

Per our discussion this morning, please add my request for financial assistance on agenda for next Monday. I will come and address the Board on the justifications for BEDC assisting with the costs of extending sewer and fire protection water services to my planned office building development. The office development address is 2204 Highway 71 East. The current plans include 10,000 square feet of new office space. If you want, I can send you preliminary drawings to be included in the packet.



Thanks,

Gary S. Schiff, PE  
3101 Hwy. 71 East  
Suite 200  
Bastrop, TX 78602  
512-321-6060  
Cell: 512-789-3874

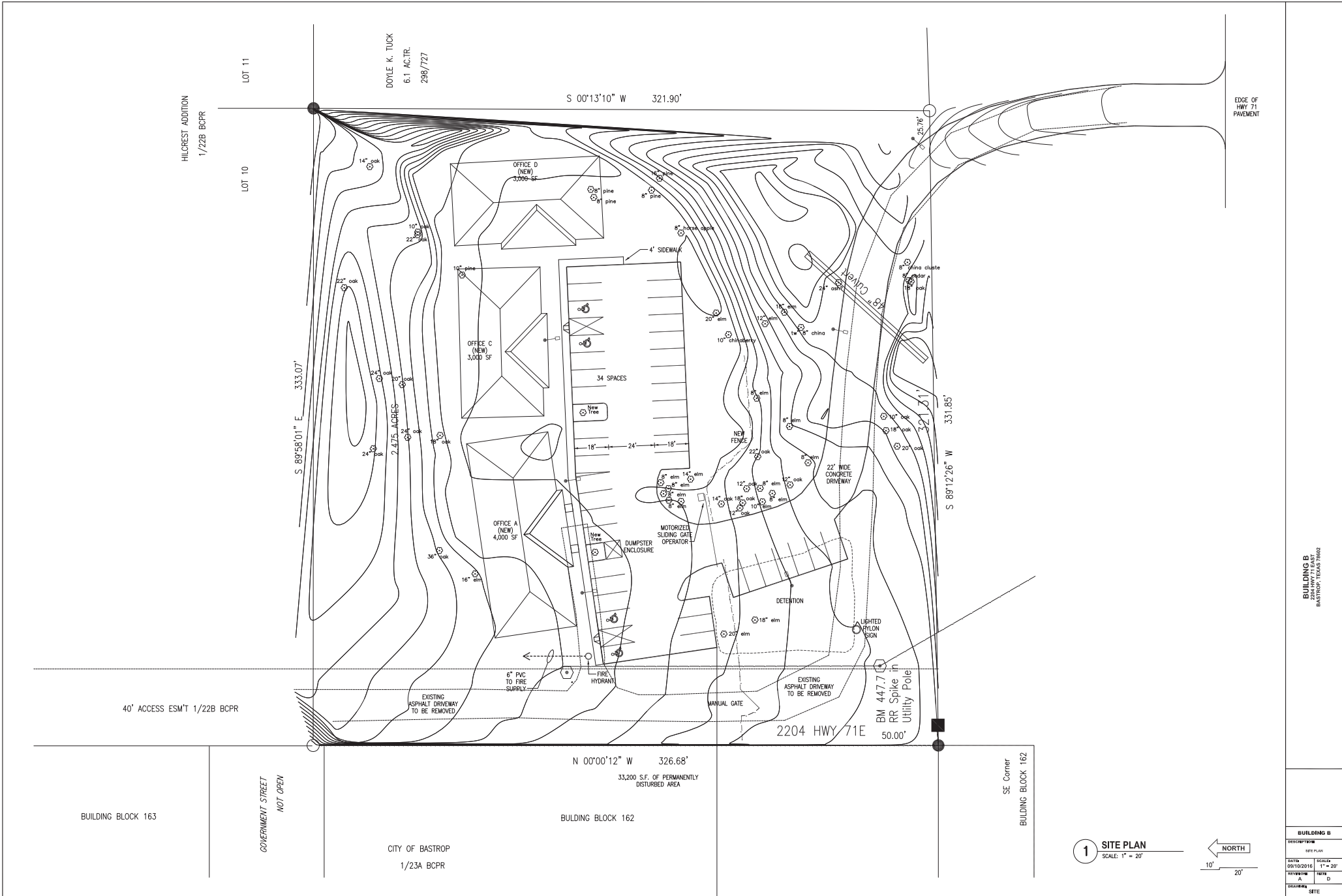


This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)



-  6" Water line for domestic water and fire protection (Approximately 600 feet long) – City Estimate \$40,000
-  8" Sewer line (Approximately 1,200 feet long) – City Estimate \$70,000

**2204 Highway 71 East Office Building Development (R24013)**



BUILDING B  
2204 HWY 71E EAST  
BASTROP, LOUISIANA 70601

BUILDING B	
DESCRIPTION	SITE PLAN
DATE	09/10/2016
REVISION	A
SCALE	1" = 20'
DRAWN BY	Q
SITE	

1 SITE PLAN  
SCALE: 1" = 20'



BUILDING BLOCK 163

GOVERNMENT STREET  
NOT OPEN

CITY OF BASTROP  
1/23A BCPR

BUILDING BLOCK 162

SE Corner  
BUILDING BLOCK 162

N 00°00'12" W 326.68'  
33,200 S.F. OF PERMANENTLY  
DISTURBED AREA

2204 HWY 71E  
50.00'

BM 447.7  
RR Spike in  
Utility Pole

EXISTING ASPHALT DRIVEWAY  
TO BE REMOVED

MANUAL GATE

DETECTION

DUMPSTER  
ENCLOSURE

MOTORIZED  
SLIDING GATE  
OPERATOR

NEW TREE

NEW FENCE

34 SPACES

4' SIDEWALK

OFFICE D  
(NEW)  
3,000 SF

OFFICE C  
(NEW)  
3,000 SF

OFFICE A  
(NEW)  
4,000 SF

DOYLE K. TUCK  
6.1 AC.TR.  
298/727

LOT 11

LOT 10

HILCREST ADDITION  
1/22B BCPR

S 89°58'01" E 333.07'

2.475 ACRES

S 00°13'10" W 321.90'

S 89°12'26" W 331.85'

EDGE OF  
HWY 71  
PAVEMENT

40' ACCESS ESM'T 1/22B BCPR

8" PVC TO FIRE  
SURPLY

FIRE HYDRANT

EXISTING ASPHALT DRIVEWAY  
TO BE REMOVED

LIGHTED FLUON  
SIGN

**Angela Ryan**

---

**From:** Trey Job  
**Sent:** Thursday, September 15, 2016 2:03 PM  
**To:** Shawn Kirkpatrick; Angela Ryan  
**Subject:** Estimate for Schiff development  
**Attachments:** \_ags\_c9a806ef09134f91bf1914b8ac879471.pdf

The property shown on the map is the proposed sight of Mr. Schiff's future development, two areas have been highlighted for a possible location of new utilities. It is the responsibility of the developer to pay all cost associated with the offsite utilities although if it is beneficial to the system to increase the line sizes of infrastructure the increase in cost can be shared.

Waste water improvements will include approximately 1200' of 8" SDR 26 wastewater main @ 45.00 a LF three main holes at \$7,500.00 each for a total \$ 76,500.00

Water improvements will include approximately 1200' of 12" C-900 water main @ \$55.00 a LF and four fire hydrants at \$1,500 each for a total of \$ 73,200.00.

This bid exclude survey and engineering and is based on recent cost estimate provided to the public works division for upcoming projects and has not been calculated by a professional engineer.

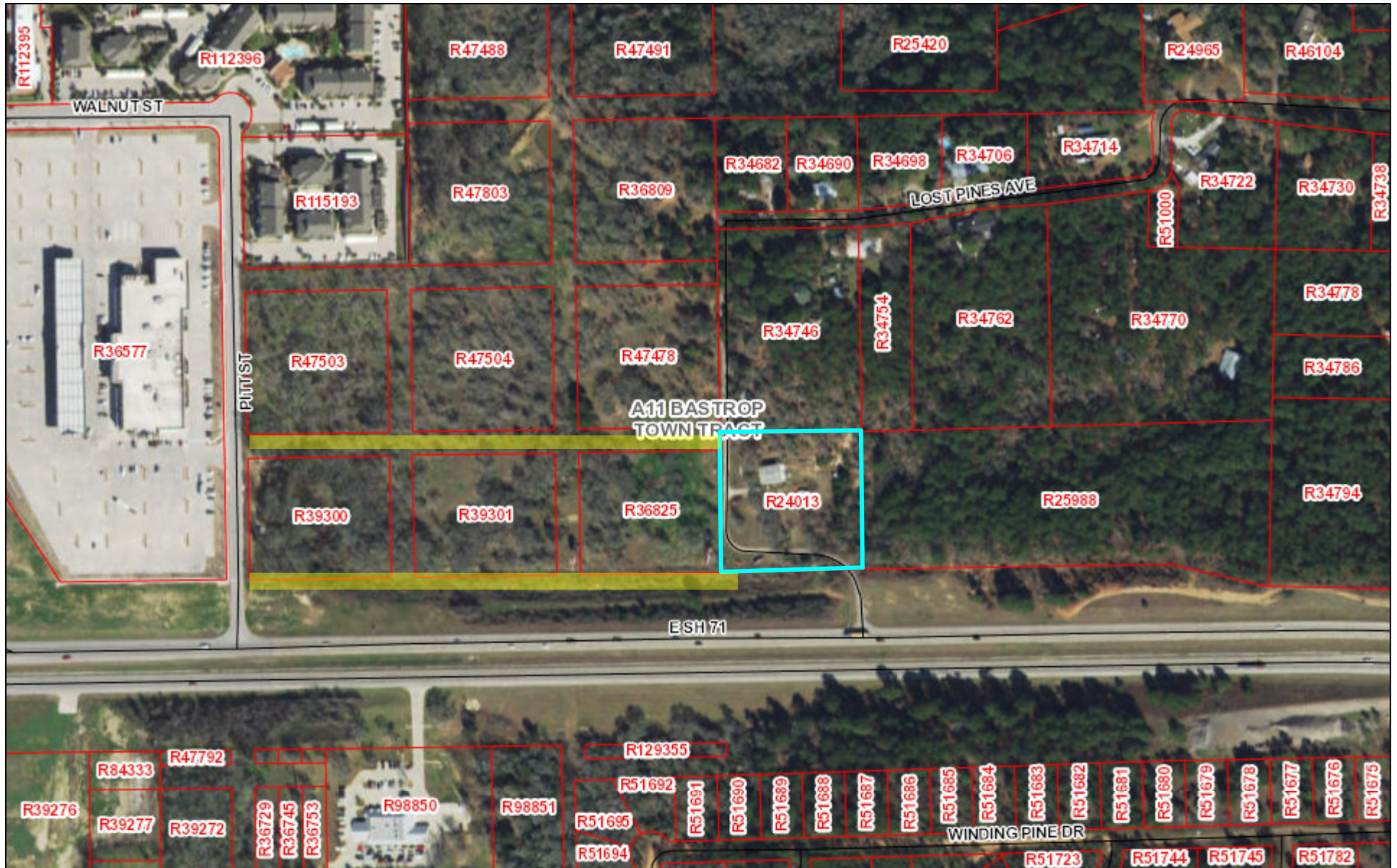


**Trey Job, CPM**  
**Director**  
**Public Works, Parks, & Utilities**  
**City of Bastrop, Texas**

Main 512-332-8920 | Fax 512-321-1313  
[tjob@cityofbastrop.org](mailto:tjob@cityofbastrop.org) | [www.cityofbastrop.org](http://www.cityofbastrop.org)  
P.O. Box 427 - 1209 Linden Street, Bastrop, Texas 78602



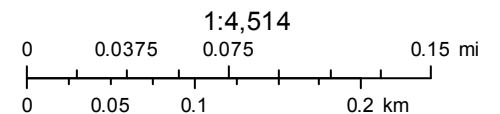
# Schiff development



September 15, 2016

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

- Parcels
- Abstracts
- Roads



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and

Bastrop County Appraisal District & BIS Consulting - [www.bisconsultants.com](http://www.bisconsultants.com)

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



## Agenda Item: 3.6

# AGENDA MEMORANDUM

Meeting Date: September 19, 2016

Agenda Item: Consideration, discussion and possible action updating the Board on the Bastrop Independent School District Bond and Tax Ratification Election, to be held on November 8, 2016, including a legal opinion on allowable potential EDC expenditures, related to Corporation's support of Bastrop's educational advancement for enhancement of economic development opportunities.

Prepared by: Shawn A. Kirkpatrick, Executive Director

Board member has requested having a discussion related to supporting the Bastrop ISD Bond and Tax Ratification Election.

JC Brown is preparing a legal opinion of allowable expenses related to this matter.

The EDC legally cannot fund the Bond & TRE Election Political Action Committee (PAC).

Attached is the information provided by the school district related to the election.

Education and Workforce development continues to be the top site selection criteria as it relates to available talent. Secondly, the quality of the school district is an important location decision for companies relocating and attracting talent to our community.

As such, the EDC can support the effort through educating the community on the importance of these factors and importance of a quality school district and benefits related to economic development.

### Recommendation

Authorize the Executive Director, in consultation with legal counsel, to support the Bastrop ISD Bond & TRE Election through the legal means available to the EDC within the financial controls and current FY 2015-2016 and adopted FY 2016-2017 budgets.



# **Bastrop ISD**

## **2016 Tax Ratification and Bond Election**

### **Frequently Asked Questions**

This document contains commonly asked questions and answers about the Tax Ratification Election and the Bond Election to be held on November 8, 2016. It will be updated regularly as we receive questions from the general public or other stakeholders who have an interest in Bastrop ISD.

---

At a special called meeting on August 22, 2016, the Bastrop ISD Board of Trustees approved a Tax Ratification Election (TRE) and a Bond Election. A TRE is required when a school district raises the tax rate above its rollback rate. The funds raised by this increase would offset funding shortages in both state and local funding. A Bond is needed to address continued enrollment growth, aging buildings, and academic progress throughout the District.

#### **About Bastrop ISD**

Bastrop ISD is a growing, diverse school district of 10,278 students and nearly 1,300 employees. BIRD has 15 campuses and serves approximately 450 square miles in Bastrop County.

#### **What is a TRE?**

Texas law requires school districts to calculate two tax rates -- the effective tax rate and the rollback tax rate -- after the district receives the certified appraisal rolls or certified property value estimates from the certified appraiser. Generally, if a school board adopts a tax rate above its rollback tax rate, it must hold an election to ratify that rate. If a majority of the votes cast in the election favor the proposition, the tax rate for the current year is the rate adopted by the board. If the proposition is not approved, then the board may not adopt a tax rate for the current year that exceeds the rollback rate.

#### **Why is this TRE being considered?**

A successful TRE provides additional Maintenance and Operations (M&O) dollars the district needs to operate without adding extra debt. The TRE allows the district to address the operational and instructional needs of students and teachers identified by the long-range facilities planning team. Specifically, a TRE of 13 cents provides the district access to \$4.28 million dollars in local tax revenue and \$2.97 million in additional state funding assistance BIRD otherwise would not be able to access. The needed funding would be utilized to:

- Increase teacher compensation in order to attract and retain the most talented teachers and prevent them from being recruited away.
- Provide additional classrooms to deal with the increasing growth in student enrollment, which is projected to be 13,200 by 2026.
- Ensure adequate funding for the additional operational costs that accompany growth (e.g., teachers and classroom supplies).
- Increase safety and security measures throughout the district (e.g., expand police force, cameras, access controls, vestibule construction and monitoring systems).
- Handle maintenance and operational needs of existing aging buildings and infrastructure (e.g., roofing replacements/repair, mechanical systems (e.g. HVAC), and beautification of grounds and facilities).
- Increase technology and innovation throughout the district (e.g., hardware/software to support 21st century teaching and learning practices, access for students, digital media, network redundancy and innovative instructional practices).

### **How would the TRE and Bond elections affect my taxes?**

The M&O tax rate would change to \$1.17 from the current \$1.04 per \$100 valuation and the Interest and Sinking (I&S) tax rate would change to \$0.440 from the current \$0.401. The proposed combined tax increase on an average valued Bastrop ISD home of \$144,017 represents an average increase in monthly property taxes of about \$16.76 per month over last year. (Taxable value assumes a \$25,000 homestead exemption). Individual homeowners may see a different impact to their annual tax bill depending on the value of their home. Taxpayers on frozen rolls (over the age of 65 who have filed the appropriate exemptions) will not see any impact to their taxes.

### **What is each additional penny of the TRE worth to Bastrop ISD?**

Each additional penny in local tax collected is worth \$329,106 in additional funding, and each additional penny in state equalization aid is worth \$228,209 for a total of \$557,315 per penny. Therefore, a TRE of 13 cents provides the district access to \$4.28 million dollars in local tax revenue and \$2.97 million in additional state funding assistance BISS otherwise would not be able to access. That is a total of \$7.25 million dollars to meet the increasing needs of the district.

### **Why is BISS facing the need to call for a TRE?**

In 2006-07 the Texas Legislature established a compressed tax rate (CTR). However, it is important to note that the "tax compression" did not provide for a viable offset plan to make up the difference in the funding loss for Texas school districts. Specifically, the BISS M&O rate was reduced from \$1.50 in 2005-06 to \$1.04 by 2007-08. The maximum tax rate allowable today without voter approval is still \$1.04 per \$100 of valuation, despite an increase in costs, students and growth.

Since the start of school in 2008, BISS has grown by more than 1,500 students but has not received a viable offset in funding lost from the state to cover the increase in costs associated with that growth.

The additional 13 cents in M&O monies would generate \$7.25 million in revenue, helping the district remain financially sound into the future. The alternative to raising the M&O tax rate to cover the increasing needs of the district would be to continue to reduce expenditures by the same amounts.

### **Is the district in support of this TRE/Bond?**

The district, by law, can only give factual information about this topic. We cannot take a "for" or "against" position on the proposed tax election. Our FAQ document is only an attempt to answer questions that have been posed to us.

**Have any other districts called for a TRE?** Yes. Since 2007, 423 school districts have successfully completed TREs to meet their respective operational needs of students and teachers. In 2015, the passage rate was 92.7% of all TREs held throughout the state. A few recent examples in our area include:

- Elgin in 2011
- Smithville in 2011
- Georgetown in 2012
- Hutto in 2012
- San Marcos in 2014

### **What is a school bond?**

A school bond is similar to a promissory note. It is a promise to pay back a certain amount of money that is being borrowed for a specific use, and it will be paid back with interest. There are state and federal laws and regulations on how school districts issue bonds and how the bond proceeds can be used. School districts may issue bonds to pay for construction, acquisition and renovations of school buildings; acquisition of sites for school buildings; purchasing equipment for school buildings and buying buses. School bonds are used as a primary source for school districts to help pay for costly school facilities projects.

### **When was last time Bastrop ISD had a bond election?**

It has been nine years since BISD held a bond election. In May 2007, the voters approved a bond election for \$97.72 million.

**Who decided what projects would be in this bond proposal? What is the amount?**

The bond project list was determined by the Bastrop ISD Long Range Facilities Planning Committee, which was comprised of a cross section of our community. The committee included parents, business leaders, interested citizens, and BISD staff. The 35-member committee met throughout the 2015-16 school year and studied enrollment trends and projections and established construction and renovation needs for the next 10 years. Based on the information studied, the committee prepared the bond recommendation to the Bastrop ISD Board of Trustees anticipated to accommodate growth for the next 10 years. The committee collectively decided which bond projects were a priority for bond funding and the estimated cost of those projects. The proposed bond amount is \$75 million.

**Does this bond proposal address school renovations?**

Yes. The bond proposal is based on a 10-year enrollment projection that includes major school refurbishment projects for the following campuses:

- Conversion and renovations to Cedar Creek Intermediate to become new Elementary #7
- Conversion and renovations to Bastrop Intermediate to become new Mina Elementary School
- Repurposing of the current Mina facility to accommodate Genesis HS and Colorado River Collegiate Academy (CRCA)
- Cedar Creek Middle School expansion and refurbishment to accommodate growth (1,000 students)
- Bastrop Middle School expansion and refurbishment to accommodate growth (1,000 students)
- Installation of artificial surface and track improvements at both Bastrop Middle and Cedar Creek Middle Schools
- Repurpose former BHS West Campus to become new Middle School #3 for growth (1,000 students)
- Installation of artificial surface at Erhard Field and Bastrop High School practice facility to accommodate both BHS and Middle School #3
- Cedar Creek High School Expansion to accommodate growth (2,400 students)
- New Central Warehouse Facility to consolidate and adequately accommodate maintenance and operations
- Furniture upgrades at campuses for innovation, instruction and workplace purposes
- Renovations to district facilities to expand CTE/Pathway offerings
- Technology infrastructure improvements

In some cases, work is combined for economy of scale or in response to immediate repair. Examples include replacing roofs, air-conditioning equipment, updating fire alarms or energy management systems and site improvements for increasing infrastructure needs.

**Will athletic facilities be upgraded?**

Yes. Upgrades to athletic facilities that are proposed include artificial surface and track upgrades at Cedar Creek Middle School and Bastrop Middle School. Bastrop Middle School also is scheduled to have a weight room expansion and refurbishment. Middle School #3 will have a new multipurpose competition gymnasium. Installation of artificial surface at Erhard field will meet the increasing need for practice fields for both Bastrop High School and Middle School #3. Bastrop High School practice field will have an artificial surface installed allowing for more practice activities (e.g., band and Special Olympics) to be accommodated.

**Is there money set aside for technology?**

Yes. Our current operating budget cannot support large technology purchases without taking dollars away from other instructional programs. This bond package includes needed improvements to technology infrastructure, bandwidth and additional equipment to support classroom technologies needed for 21st Century learning.

### **Is any of the proposed bond funding dedicated to teachers or instruction?**

Yes. The bond proposition includes many items that will enhance both teaching and instruction.

Some examples are:

- District wide grade level realignment to PK-5 Elementary Schools and 6-8 Middle Schools
- The majority of the technology initiative is related to instruction (upgrading wireless connectivity, increased access for teachers and students, enhancing innovative instructional practices and professional development for teachers).
- Repurposing of Intermediate schools expanding classroom space to meet state standards and allowing for better instructional settings in the Elementary Schools
- Renovation of Bastrop Middle and Cedar Creek Middle School, expanding classroom space to meet state standards and allowing for better instructional settings in the Middle Schools
- Repurposing of BHS West Campus for Middle School #3 to accommodate Middle School Growth
- Furniture upgrades at campuses for innovation, instruction and workplace purposes
- Renovations to district facilities to expand CTE/Pathway offerings
- Additionally, teachers and students will be impacted by bond funds used to replace aging heating/cooling equipment and energy management controls.

Funding to hire more teachers or increase teacher pay is not an allowable cost for a bond proposition. However, the proposed TRE will provide the necessary funding for maintenance and operations, teachers salaries/raises and retention.

### **Has Bastrop ISD been a good steward of bond dollars?**

Since the District's last bond election in 2007, school property taxes have declined.

Bastrop ISD has a very strong history of strong fiscal management. The district has been awarded the Platinum level Texas Comptroller Leadership Circle for the past five years for financial transparency. The BISSD bond ratings were most recently upgraded in October of 2014 by Standard and Poor's Ratings Services from A+ to our current AA-. In 2010 the District's rating according to Moody's Rating Agency was upgraded to Aa3.

For 13 consecutive years, Bastrop ISD has earned the highest rating of "Superior Achievement" in the state's Schools FIRST (Financial Integrity Rating System of Texas) program. This rating shows that Bastrop ISD's schools are accountable not only for student learning, but also for achieving results cost effectively and efficiently. The report is based on staff, student and budget data that the financial services team submits annually to the Texas Education Agency.

Additionally, Bastrop ISD's debt management practices have resulted in a savings of \$29.5 million over the last five years.

### **When will this bond be decided?**

Voters will decide during the general election on Tuesday, November 8, 2016 whether to approve Bastrop ISD's TRE and \$75 million bond proposal.

### **When and where do I vote?**

The last day to register to vote for the General Election is Tuesday, October 11, 2016. Early voting will be Monday, October 24, 2016 through Friday, November 4, 2016. The link below will provide the early voting locations and voting hours.

<http://www.bastropvotes.org/wp-content/uploads/2013/03/Early-Voting-Schedule-1.pdf>

The link below will provide the polling locations and voting hours for Election Day (November 8).

<http://www.bastropvotes.org/wp-content/uploads/2013/03/Election-Day-Polling-Locations.pdf>

### **Why is the district recommending that 5th grade be at the elementary school level and that 6th grade be at the middle school level (i.e., reconfiguration)?**

The primary reason the district is recommending grade reconfiguration is because we believe it is in the best interests of students. This belief is supported by researchers who have concluded that:

- increased transitions are correlated to a decline in student academic performance and self-esteem, perhaps because a 5th grader who is transitioning to a new school is adjusting both to the onset of puberty and to a new school as opposed to dealing with just one change at a time;
- that having at least three grades on a campus is optimum for student engagement/achievement, as well as teacher professional development and practice; and
- that positive social and emotional results occur when upper elementary students remain at the lower school level where they are the oldest students as opposed to transitioning to being the youngest students on campus. The positive social and emotional results appear to impact the younger students as well.

In numerous studies, students who were the top of an elementary configuration (whether 5th graders in a K-5 school, 6th graders in a K-6 school, or 8th graders in a K-8 school) all performed better on standardized tests than their counterparts who were the youngest in a school configuration. Fifth grade students who attend intermediate schools might be at an academic disadvantage compared to fifth graders who attend elementary schools. This data holds true in studies where math, reading, and science standardized tests were examined.

A secondary reason the district is recommending grade reconfiguration is because we believe it is financially responsible given the enrollment growth the district has and is projected to continue experiencing.

Maintaining the current configuration will necessitate building four types of buildings (elementary, intermediate, middle, high) as opposed to three (elementary, middle, high).

### **There are two Bastrop ISD measures on the ballot. What will happen if one passes and the other one fails?**

The TRE and the bond are separate measures on the ballot; however, they are somewhat connected and dependent upon each other. If the voters pass the \$75 million bond measure but not the TRE, then the district would have to make significant adjustments in its operations to address its current needs in addition to the new operational expenses that would accompany the repurposing and construction of planned facilities from the bond. In addition, the district would have to reconsider how they would accomplish teacher and staff pay raises as well as other needs planned for the TRE pennies. In another example, if the voters pass the TRE but not the bond issue, then that leaves the district the flexibility to address some of its operational needs through the additional annual revenue but not to address the longer-term needs that were the focus of the bond. The District would then have to try again in the next election for a bond.

### **What will be the order of the projects outlined in the bond election?**

The order of the projects will be determined by priority with facilities directly impacting students being first in line. In addition, because grade reconfiguration is a central component of the bond, many of the projects would have to be simultaneous, with start and end dates coinciding.

**Will having a third middle school ease overcrowding?**

Yes. An expected benefit to expanding to three middle schools is to spread out the overall student population on each of those campuses. Bastrop ISD seeks to maintain a low student to teacher ratio on average, and in most cases, our classrooms are smaller than what is found in many other school districts. However, we do have situations where that isn't the case, and we are hopeful that the additional middle school will alleviate those overcrowded classrooms that do exist.

**Can seven elementary schools feed into three middle schools?**

Yes, based upon current enrollment and projected growth, the planned three middle school model (with grades 6-8) will accommodate the children from the seven elementary schools (with grades prek-5).

**How will zoning be affected?**

The situation that Bastrop ISD faces with expanding at the elementary and middle school levels but not at the high school level is not uncommon. It's a factor in districts like Bastrop that are growing and expected to continue growing. Like all challenges we face here in Bastrop ISD, we will address zoning in a practical and student-centered manner when that time comes.

As it currently stands, the feeder pattern for Bastrop and Cedar Creek are evenly split. Three elementary schools, one intermediate, and one middle school all feed into one high school. Having an odd number of elementary schools and an odd number of middle schools will require that we examine our zoning patterns and based upon growth, population trends, and demographic data, re-draw the boundary lines for those campuses. In some cases, there may be no change at all. In other cases, there would be significant change. For students who are in athletics or in other competitive arenas at the middle school level, they would compete under that middle school mascot while attending that school. These students would know in advance which of them would eventually attend Bastrop High School as a Bear and which of them would attend Cedar Creek High School as an Eagle.



## Agenda Item: 3.7

# AGENDA MEMORANDUM

Meeting Date: September 19, 2016

Agenda Item: Consideration, discussion and possible action on input from the Board and public related to the *ad hoc* Bylaws Committee's proposed draft Ninth Amended Bylaws of the BEDC.

Prepared by: Shawn A. Kirkpatrick, Executive Director

The *ad hoc* bylaws committee has released the draft ninth amended bylaws for public review. A public input session is scheduled for Monday, September 26<sup>th</sup>, from 5:30 p.m. to 7:00 p.m. at the Bastrop Chamber of Commerce conference room.

With the amount of codification to develop the draft ninth amended bylaws a redline version is not currently available.

The goal of the committee was to develop bylaws that first and foremost complied with the Texas Local Government Code Chapters 501-505 and EDC Articles of Incorporation. Second, the committee focused on those governance items that clarified local common practice in compliance with the LGC Ch. 501-505 and Articles. Third, several items were omitted for the Board to address periodically through resolution, policies, or Board preference.

As an example (and this only a hypothetical example), the corporation may restate the Articles every ten years, amend the bylaws every five years and revise local policies every year. As an example of a local policy, the Board may feel the need to hold meetings on Thursdays instead of the current Monday. That future Board should accomplish the change through a policy change in lieu of a bylaws amendment. The decision of the specific date, time and location of Board meetings should be a decision of every future Board.

Written comments from the Board are preferred to allow staff to consolidate the Board and public input into a single document for review.

### Recommendation

No recommendation provided.



# The BEDC Needs Your Input!

Please join the BEDC Staff for a public input session on the draft Ninth Amended Bylaws.

Where: Bastrop Chamber of Commerce, 927 Main Street

When: Monday, September 26, from 5:30 p.m. to 7:00 p.m.

It's an informal, "come and go" event to get the public's input and answer any questions about the proposed Bylaws.

If you're unable to attend, please provide your written comments to [info@bastropedc.org](mailto:info@bastropedc.org), or to:

Bastrop EDC  
301 Hwy 71 W., Ste. 214  
Bastrop, TX 78602

Copies of the documents can be downloaded at this link: [bastropedc.org/BEDCBylawsInput](http://bastropedc.org/BEDCBylawsInput) or picked up at the Bastrop Chamber office, City Hall, or BEDC. (Please reference the article and section number in your comments.)





# Draft BEDC Bylaws



## Ninth Amended Bylaws of the Bastrop Economic Development Corporation

Draft document for public input

*(Please reference the article and section number in your comments.)*

**Thank you for your input!**

## DRAFT DOCUMENT

**NINTH AMENDED BYLAWS OF  
THE BASTROP ECONOMIC DEVELOPMENT CORPORATION  
OF THE CITY OF BASTROP, TEXAS  
A NON-PROFIT CORPORATION**

These bylaws (referred to as the “Bylaws”) govern the affairs of the Bastrop Economic Development Corporation, a public instrumentality and a non-profit corporation (hereinafter referred to as the “Corporation”) created under Section 4B of the Development Corporation Act of 1979, Local Government Code, Subchapter A, Sections 501.001 and 505.001, *et seq.*, as amended (hereinafter referred to as the “Act”).

**ARTICLE I  
PURPOSE AND POWERS**

**Section 1. Purpose.** The Corporation is incorporated for the purposes set forth in Article IV of its Articles of Incorporation, the same to be accomplished on behalf of the City of Bastrop, Texas (the “City”), as its duly constituted authority and instrumentality in accordance with the Act.

**Section 2. Powers.** The Corporation shall have all of the express and implied powers set forth and conferred in its Articles of Incorporation, in the Act, and in other applicable law.

**ARTICLE II  
BOARD OF DIRECTORS**

**Section 1. Number and Terms of Office.**

- (a) The affairs of the Corporation shall be managed and controlled by a Board of Directors (the “Board”) and, subject to the restrictions imposed by law, by the Articles of Incorporation, the Act, and by these Bylaws, the Board shall exercise all of the powers of the Corporation.
- (b) The Board shall consist of seven (7) Directors, each of whom shall be appointed by and serve at the pleasure of the City Council (the “Council”) of the City of Bastrop.
- (c) Directors are appointed for terms of two (2) years each. Directors may be reappointed for three (3) additional terms, for a total of four (4) terms, not to exceed eight (8) years.
  - 1. Seats on the Board shall be numbered one (1) through seven (7), with the terms of odd numbered seats expiring in June of odd numbered years, and even numbered seats expiring in June of even numbered years.
- (d) Any director may be removed from office by the Council at will, with or without cause.
- (e) In the event of a vacancy on the Board, the City Council shall make an appointment to fill the remainder of the unexpired term.

**Section 2. Qualifications.**

- (a) The City Council shall appoint the Directors of the Corporation.
  - 1. Six (6) of the Directors shall be persons who are not members of the City Council of Bastrop.
  - 2. Officers and employees of the City of Bastrop are not qualified to serve on the Board.
- (b) The City Council shall consider an individual's experience, accomplishments, and education background in appointing Directors to the Board to ensure that the interests and concerns of all segments of the community are considered.
- (c) Each Director shall have at least one (1) of the following qualifications:
  - 1. Experience in management or in an executive capacity.
  - 2. Experience in the evaluation of financial and business records and projections.
  - 3. Experience in economic development matters.
  - 4. Education, training, or experience useful to the Corporation's purposes.
- (d) Directors of the Board shall be:
  - 1. A resident of the City of Bastrop and reside within corporate city limits; except that
  - 2. A maximum of three Directors may be a resident within the City of Bastrop's extended extraterritorial jurisdiction (ETJ).
- (e) Each Director shall be capable of obtaining appropriate bonding in compliance with Article V.

**Section 3. Resignations.**

- (a) Director resignations shall be made in writing and shall take effect immediately upon its receipt by the chair or the Executive Director. The acceptance of a resignation shall not be necessary to make it effective unless expressly so provided in the resignation.
- (b) Any Director who files for elected office shall automatically resign from the Board, with the exception of elected officials then serving on the Board and seeking reelection to the same office. Such automatic resignation shall take effect upon the Director filing an application for candidacy.

**Section 4. Meetings of Directors.**

- (a) The Board shall annually set regular meeting dates and times at such place or places and time in the corporate city limits as the Board may determine; provided, however, in the absence of any such determination by the Board or in the event of a conflict, the Board chair shall select a reasonable place in which to hold the meeting.

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- (b) The annual meeting of the Board shall be held at a date and time determined by the chair.
- (c) The chair in consultation with the vice-chair and Executive Director may call a special meeting of the Board.
- (d) Directors shall be expected to regularly attend all Board meetings. Special consideration can be granted for absences for good cause. The Council shall be advised of and may remove any Director who is absent from three (3) consecutive regular or special meetings, or 66% of total meetings.
- (e) Any Director may request an item be placed on the agenda by delivering the same in writing to the Executive Director no later than ten (10) days prior to the date of the Board meeting.

**Section 5. Open Meetings Act.**

All meetings and deliberations of the Board shall be called, convened, held and conducted, in accordance with the requirements of the Texas Open Meetings Act.

**Section 6. Quorum.**

A majority of the Directors shall constitute a quorum for the conduct of official business of the Corporation. The act of a majority of the Directors present at a meeting at which a quorum is in attendance shall constitute the act of the Board and of the Corporation, unless the act of a greater number is required by law, or is otherwise required within these Bylaws. A Director may not vote by proxy.

**Section 7. Conduct of Business.**

- (a) At the meetings of the Board, matters pertaining to the business of the Corporation shall be considered in accordance with the rules of procedure as from time to time may be prescribed by the Board by resolution.
- (b) At all meetings of the Board, the chair shall preside and, in the absence of the chair, in the order of availability, the vice-chair, the treasurer or the secretary shall exercise the powers of the chair.

**Section 8. Committees of the Board.**

The Board may constitute from time to time committees of the Board that are deemed necessary or appropriate. No such committee shall have independent authority to act for or in the stead of the Board.

**Section 9. Compensation of Directors.**

Directors shall not receive any salary or compensation for their service as Directors. However, they may be reimbursed for their actual reasonable expenses incurred in the performance of their

duties hereunder. The policy regulating payment of reasonable actual expenses incurred in performance of official duty shall be determined by the Board.

### **Section 10. Conflicts of Interest.**

The Directors are subject to the City's Code of Ethics, set forth in the City's Code of Ordinances, Article 1.15, *et seq.*, and shall conform thereto for purposes of addressing potential and/or actual conflicts of interest.

### **Section 11. Gifts.**

The Board may accept on behalf of the Corporation, any contribution, gift, bequest, or devise for the general purposes or for any special purposes of the Corporation. Directors may not receive personal gifts valued above \$50.

### **Section 12. Ex officio Members.**

The City Manager and/or Mayor of Bastrop may be appointed by the City Council to be a non-voting *ex officio* member of the Board, and may attend all meetings of the Board. When the City Manager and/or Mayor participate in Board activities as a non-voting *ex officio* member, his or her participation shall not count towards a quorum.

## **ARTICLE III OFFICERS**

### **Section 1. Titles and Term of Office.**

- (a) The officers of the Corporation shall be a Chair, Vice-Chair, Secretary, and Treasurer. Any two (2) offices may be held by the same person, except the office of Chair of the Board. Terms of office shall be one (1) year with the right of an officer to be reelected.
- (b) All officers shall be subject to removal from office at any time by a vote of the majority of the Board.
- (c) A vacancy in the office of any officer shall be filled by a vote of the majority of the Board.
- (d) Neither the office of chair or vice-chair may be held by a member of the City Council.

### **Section 2. Powers and Duties of the Chair.**

The chair of the Board shall:

- (a) Preside over all meetings of the Board.
- (b) Have the right to vote on all matters coming before the Board.

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- (c) Have the authority to, upon seventy-two (72) hour notice to the Directors, call a special meeting of the Board, when in his or her judgment such meeting is required.
- (d) Have the authority to appoint ad hoc committees of the Board, which may address issues of a temporary nature of concern or which have a temporary effect on the business of the Board.
- (e) Have the authority to appoint advisory committees to the Board to further the overall development plan of the Board.
- (f) Shall sign with the co-signature of the secretary, any document which the Board has approved, unless the execution of said document has been expressly delegated to some other officer or agent of the Corporation by appropriate Board resolution, by a specific provision of these Bylaws, or by statute.
- (g) In general, the Chair of the Board shall perform all duties incident to the office, and such other duties as shall be prescribed from time to time by the Board.

**Section 3. Vice-Chair.**

In the absence of the chair, or in the event of his or her inability to act, the vice-chair shall perform the duties of the chair. When so acting, the vice-chair shall have all power of and be subject to all the same restrictions as those incumbent upon the chair. The vice-chair shall also perform other duties as from time to time may be assigned to him or her by the chair.

**Section 4. Secretary.**

The secretary shall keep the minutes of all proceedings of the Board and make a proper record of the same, which shall be attested by the secretary. The secretary shall keep such books as may be required by the Board and shall perform such other duties as may be required by the Board. The secretary shall cause notices to be posted of all Board meetings in accordance with the Texas Open Meetings Act.

**Section 5. Treasurer.**

The treasurer shall, in general, perform all the duties incident to that office and such other duties as from time to time may be assigned to him or her by the chair of the Board or the Board in general. The treasurer shall receive and give receipt for money due and payable to the Corporation and shall deposit such monies received by the Corporation, in accordance with Article IV of these Bylaws, if such monies are not directly deposited in the Corporation's accounts.

**Section 6. Assistant Secretaries and Assistant Treasurers.**

The Board may appoint assistant secretaries and assistant treasurers as it may consider desirable, who shall in general perform such duties as may be assigned to them by the Secretary or the Treasurer, or by the Chair or the Board. The assistant secretaries and assistant treasurers need not necessarily be Directors.

**Section 7. Executive Director.**

- (a) The Board shall employ an Executive Director, who shall be the Chief Executive Officer of the Corporation and who shall serve at the will and pleasure of the Board.
- (b) The Executive Director shall have responsibility for all day-to-day activities of the Corporation, and shall be responsible for all applicable administrative requirements of its Articles of Incorporation, these Bylaws, and the Act, as amended.
- (c) The Executive Director may have a staff to assist in the carrying out of his responsibilities.
- (d) The Board shall develop a job description for the Executive Director position, a performance review schedule and criteria for review, and shall review the performance of the Executive Director based upon the schedule and criteria.
- (e) The Executive Director and staff shall be required to follow all other current Personnel Policies of the City of Bastrop, and for such purposes, the Executive Director shall be under the same provisions as those for the City Manager.

**ARTICLE IV  
FUNCTIONAL CORPORATE DUTIES AND REQUIREMENTS**

**Section 1. Program of Work.**

- (a) It shall be the duty and obligation of the Board to develop, prepare, finance, and implement a Program of Work with the objective and for the purpose of developing and diversifying the economic, recreational, educational and cultural aspects of the City.
- (b) The Board shall periodically submit reports to the City Council as to the status of its activities in carrying out the Program of Work.

**Section 2. Annual Corporate Budget.**

The Board shall cause to be prepared, and shall submit to the City Council of the City, a budget for the forthcoming fiscal year, and in accordance with the annual budget preparation schedule set forth by the City Manager. The budget shall be submitted to the City Manager for inclusion in the annual budget presentation to the City Council. The budget proposed for adoption shall include the projected operating expenses, and such other budgetary information as shall be useful to or appropriate for the Board and the City Council. No budget amendments shall become effective without City Council approval. No expenditures of funds shall be made unless such expenditure is provided for in the Corporation's budget approved by the City Council.

**Section 3. Contracts for Service.**

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- (a) The Corporation may contract with any qualified and appropriate person, association, corporation or governmental entity to perform and discharge designated tasks which will aid or assist the Board in the performance of its duties.
- (b) No such contract shall ever be approved or entered into which seeks or attempts to divest the Board of its discretion and policy-making functions.

**Section 4. Books, Records, and Audits.**

- (a) The Corporation shall keep and properly maintain, in accordance with generally accepted accounting principles, complete books, records, accounts, and financial statements pertaining to its corporate funds, activities, and affairs.
- (b) The Corporation shall cause its books, records, accounts, and financial statements to be audited at least once each fiscal year by an outside, independent auditing and accounting firm approved by the Corporation. Such audit shall be at the expense of the Corporation.
- (c) All books, records, accounts, and financial statements shall be kept and administered in accordance with the Texas Public Information Act, Chapter 552, Texas Government Code.

**Section 5. Deposit and Investment of Corporate Funds.**

- (a) All funds of the Corporation shall be deposited on a regular basis, consistent with generally accepted accounting practices, in a local bank that is a depository of the City, which shall be federally insured and shall be selected following procedures and requirements for selecting a depository as set forth in Chapter 105 of the Local Government Code. All deposits shall be properly accounted for as deposits of the Corporation.
- (b) Temporary and idle funds, which are not needed for immediate obligations of the Corporation, shall be maintained on deposit in the Corporation's depository, or may be invested in any other legal manner in compliance with the Internal Financial Control Policies of the Corporation and City Investment Policy.
- (c) All proceeds from loans or from the issuance of bonds, notes, or other debt instruments ("Obligations") issued by the Corporation shall be deposited and invested as provided in the resolution, order, indenture, or other documents authorizing or relating to their execution or issuance.

**Section 6. Expenditures of Corporate Money.**

The monies of the Corporation, including sales and use taxes collected pursuant to the Act, monies derived from the repayment of loans, rents received from the lease or use of property, the proceeds from the investment of funds of the Corporation, the proceeds from the sale of property, and the proceeds derived from the sale of Obligations, may be expended by the Corporation for any of the purposes authorized by the Act, subject to the following limitations:



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- (a) Expenditures from the proceeds of Obligations shall be identified and described in the orders, resolutions, indentures, or other agreements submitted to and approved by the City Council prior to the execution of loan or financing agreements or the sale and delivery of the Obligations, to the purchasers thereof required by Section 7 of this Article;
- (b) Expenditures that may be made from a fund created with the proceeds of Obligations, and expenditures of monies derived from sources other than the proceeds of Obligations, may be used for the purposes of financing or otherwise providing one or more "Projects", as defined in the Act. The specific expenditures shall be described in a resolution or order of the Board, and shall be made only after the approval thereof by the City Council;
- (c) All checks, drafts, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Corporation shall be handled in compliance with the finance and payment policies, and applicable Codes, of the City of Bastrop, Texas, as amended from time to time.

**Section 7. Issuance of Obligations.**

Any debt issuance issued by the Corporation shall be in accordance with the statute governing this corporation, but in any event, no debt issuance shall be issued without approval of the City Council, after review and comment by the City's bond counsel and financial advisor.

**ARTICLE V  
MISCELLANEOUS PROVISIONS****Section 1. Principal Office.**

- (a) The principal office of the Corporation shall be located at 301 Highway 71 West, Suite 214, Bastrop, Texas.
- (b) The Corporation shall have and shall continually designate a registered agent at its Registered Office, as required by the Act.

**Section 2. Fiscal Year.**

The fiscal year of the Corporation shall be the same as the fiscal year of the City.

**Section 3. Surety Bonds.**

The chair, vice-chair, and treasurer of the Board shall give an official bond in the sum of not less than One Hundred Thousand and no/100 Dollars (\$100,000). The bonds referred to in this section shall be considered for the faithful accounting of all monies and things of value coming into the hands of such officers. The bonds shall be procured from some regularly accredited surety company authorized to do business in the State. The premiums thereafter shall be paid by the Corporation. A copy of each officer's bond shall be filed with the Secretary of State.

**Section 4. Indemnification of Directors, Officers, and Employees.**

- (a) The Directors shall authorize the Corporation to pay or reimburse any current or former director or officer of the Corporation for any costs, expenses, fines, settlements, judgments, and other amounts, actually and reasonably incurred by such person in any action, suit, or proceeding to which he or she is made a party by reason of holding such position as officer or director; provided, however, that such officer or director shall not receive such indemnification if he be finally adjudicated in such instance to be liable for gross negligence or intentional misconduct in office. The indemnification herein provided shall also extend to good faith expenditures incurred in anticipation of, or preparation for, threatened or proposed litigation. The Board may, in proper cases, extend the indemnification to cover the good faith settlement of any such action, suit, or proceedings, whether formally instituted or not.

**Section 5. Legal Construction.**

These Bylaws shall be construed in accordance with the laws of the State of Texas.

**Section 6. Severability.**

If any provision or section of these Bylaws is held to be invalid, illegal or unenforceable in any respect, the invalidity, illegality or unenforceability shall not affect any other provision, and the Bylaws shall be construed as if the invalid, illegal, or unenforceable provision had not been included in the Bylaws.

**ARTICLE VI  
EFFECTIVE DATE AND APPROVAL****Section 1. Effective Date.**

These Bylaws shall become effective upon the occurrence of the following events:

- (1) the adoption of these Bylaws by the Board, and
- (2) the approval of the Bylaws by the City Council.

**Section 2.**

These Ninth Amended Bylaws of the Bastrop Economic Development Corporation were approved and adopted at a meeting of the Board of the Bastrop Economic Development Corporation, held on \_\_\_\_\_, 20\_\_\_\_.

---

Steve Mills, Chair of the BEDC

Approved and adopted at a meeting of the City Council held on \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Ken Kesselus, Mayor of Bastrop, Texas

Attest:

\_\_\_\_\_  
Ann Franklin, City Secretary

DRAFT



## Agenda Item: 4

# AGENDA MEMORANDUM

Meeting Date: September 19, 2016

Agenda Item: UPDATE(S), REPORT(S), AND/OR ANNOUNCEMENT(S) – The BEDC and City of Bastrop will provide written reports and be available to answer questions from the Board. (Includes items for update, discussion, and/or possible action by the Board of the BEDC)

Prepared by: Shawn A. Kirkpatrick, Executive Director

A memo is attached with BEDC Staff updates as well as a report from the Main Street Program. Other updates may be presented at the Board meeting.

### **Recommendation**

No action required.



September 16, 2016

## Memorandum

To: Board of Directors

Cc: Marvin Townsend, Interim City Manager  
JC Brown, BEDC Attorney

From: Shawn A. Kirkpatrick, Executive Director

Subject: BEDC Update

### Meetings since last report (08/12/2016):

Meeting - Bill Thompson, SBDC	Conference Call - Bowman
Meeting - Bastrop City Council	Conference Call - Real Estate Broker
Conference Call - PR	Conference Call - CBRE Hotel Study
Meeting - BRE, Quality Inn	Meeting - Water/Wastewater/Annexation
Marketing Event - Retail Live! Austin	Conference Call - SWCA re: Houston Toad
Mornings on Main Street	Meeting - Sarah O'Brien
Conference Call - RCLCO	Meeting - Website Redesign
Meeting - Square One	Meeting - Bastrop Comprehensive Plan
Meeting - Project Woody	Meeting - Bowman
Meeting - County Judge	Meeting - BEST EDC
Meeting - BRE, Edward Jones	Meeting - City Hall Staff Meeting
Meeting - Developer	Meeting - Health Benefit Fair
Meeting - Sarah O'Brien	Meeting - Site Visit
Meeting - Digg Commercial	Meeting - Site Visit
Meeting - Comp Plan Committee	Meeting - Chamber Resource Committee
Meeting - Planning and Zoning	Meeting - Bastrop City Council
BEST Breakfast	Mktg Trip - Great States Investment Summit
Meeting - BEST Economic Dev't	Mktg Trip - Northern CA with Opp Austin - Jean
Conference Call - Lance McNeill	Mktg Trip - Chicago IMTS/site consultants - Jean
Meeting - Marketing	Conference Call - Sarah O'Brien
Event - Parks & Rec End-of-Summer	Meeting - BEDC Staff Meeting
Meeting - Joe Beal	Meeting - BEDC Board Meeting
Meeting - BRE Visit	

### Staff Report

Over the next couple of months this report will be changing to be more data-orientated. Please have patience as staff develops the systems to efficiently produce the report. If there is particular information you would like see included please get with Shawn or Angela.

### Copper Shot Distillery

The EDC has been providing technical assistance to the Todees for several months. The Conditional Use Permit was recommended at P&Z and approved at Council. This is an exciting addition to The Crossing on Alley B.

### Caledonia Cottage Quilt Shop

The EDC provided technical assistance to the owner when she was researching opening her shop. We are excited to see her shop opening on Main Street.

### 903 Main Street office

Mr. Sartain has closed on the property and completed the demo. This will be the last report on the project.

### 921 Main Street (City-Owned Property)

The City of Bastrop is in the process of surveying the property to provide a legal description for the Chapter 380 Agreement. The Texas Historical Commission has submitted the draft Town Square Initiative report to the EDC and Main Street. Comments are being prepared.

### **Items for Future Board Meetings**

This has been moved to another memo included in the packet.

### **Education and Workforce Development**

#### Bastrop Job and Career Fair (Informal Committee)

City, Chamber, EDC, and TWC are in the final planning stages for the event. The Bastrop Career and Job Fair will be on Saturday, October 1, from 9 a.m. to 1 p.m. at the Bastrop Convention Center.

#### Bastrop Youth Career Day (Informal Committee)

Planning will begin in the coming months. This event takes about 9 months of planning.

### **Business Retention and Expansion (BRE)**

#### Bastrop Redevelopment Program (Informal Committee)

Sarah O'Brien at Main Street is working on developing the framework for the program.

#### BRE Outreach (since last meeting)

Formal – 1

Informal – 2

Outreach Events – 3

### **Marketing and Recruiting**

Virtual Building Program/Optimized Sites

This program continues to move forward and the data center site in the BIP is at engineering to have an optimized site plan.

#### Aerial Focus

This project has been completed and is at press.

#### Aerial Drone Video

September/October timeframe – Neon Cloud will be in Bastrop to shoot the video to produce a 3-5 minute promotional video related to economic development in Bastrop.

#### Website Redesign

The update is complete and awaiting uploading the front page and internal banner pictures. Should go live in the next couple weeks.

#### Target Market Flyers

Staff has developed additional flyers for manufacturing, hospitality & leisure and retail. Work has begun on the last targeted industry flyer, IT & Technology.

#### International Council of Shopping Centers (ICSC)

The Bastrop EDC, along with Bastrop County, Elgin, and Smithville, will be collaboratively marketing at ICSC's Texas Conference & Deal Making, October 5-7 in Dallas.

#### Industrial Asset Management Council (IAMC)

This event is geared toward corporate real estate and site consultants engaged in commercial and industrial development. As a member of Team Texas, the BEDC is a sponsor of the event, which will be in Indianapolis, Indiana, October 8-12. Additionally, through the collaboration of EDCs in the state of Texas, the TEDC hosts a networking dinner.

#### Texas Economic Development Council (TEDC) Annual Conference

The TEDC Annual Conference provides training and education on current economic development trends. This year's event will be October 19-21 in San Antonio.

#### ED Vacation

Executive Director will be on vacation Saturday, November 12<sup>th</sup> to Tuesday, November 15<sup>th</sup>.

# Bastrop Main Street Program

Economic Development Activities

September 13<sup>th</sup>, 2016

## Downtown Property & Business Updates:



Caledonia Cottage Quilt Shop participated in September's First Friday Art Walk, they should be open for business later this month.



Tough Cookie Bakery is now open at the Crossing serving a variety of delicious treats featuring both vegan and gluten free recipes!



Van Gogh & Paint is open in their new location, 717 Chestnut.

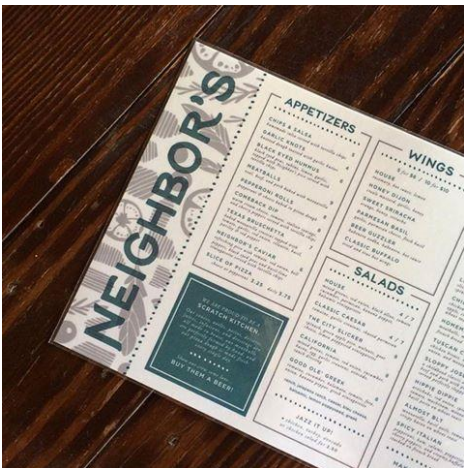




Construction work has begun on the Maxine's expansion, and Bastrop Properties is currently finalizing plans for several of their properties downtown.



Owners Sean & Abbie Neighbors celebrated their one year anniversary of owning Cripple Creek.



Viejos & Neighbor's debuted new menu's.



Donna's by Design celebrate their facelift with a ribbon cutting.



Art Connections celebrated 5 years in business with a ribbon cutting.

## Main Street Director Activities:

Our fall Downtown Discussion series launched featuring tours, lunches, happy hours and breakfasts.

Attended Georgetown's downtown Breakfast Bite Series.

Attended Chamber, BEDC, HLC, 1832 Farmer's Market Board meetings.

Appointed Staff Liaison for Vision Task Force.

Visited with local hoteliers.

Currently working on 2017 Marketing Plan for implementation until the DMO is in place.

Coordinating DMO Prox site visit featuring, 12 one on one meetings, 11 focus groups and one public forum.

Working with Race Texas for a Spring 2017 Half Marathon.

Texas Main Street State Coordinator Debra Drescher was in town for our September Art Walk.

Finalized BIG reimbursement program

Working with Heibing PR Agency, through the Bastrop Marketing Corporation to promote 4<sup>th</sup> quarter events.

Met with La Grange Main Street & Tourism Director

Met with BTX Entertainment

Finalizing progress report for the lot adjacent to the Convention Center to present to Council.

Working on a proposal for activating the Culinary and Cultural Arts District.

Attended Chamber Luncheon and Gumbo Friday.

Attended the I-10 Community Alliance monthly meeting in Smithville.

City Council, Main Street Advisory Board & COMP Plan meetings.

During the month of August #downtownbastrop garnered 1,004 new facebook fans and 79 new instagram followers.

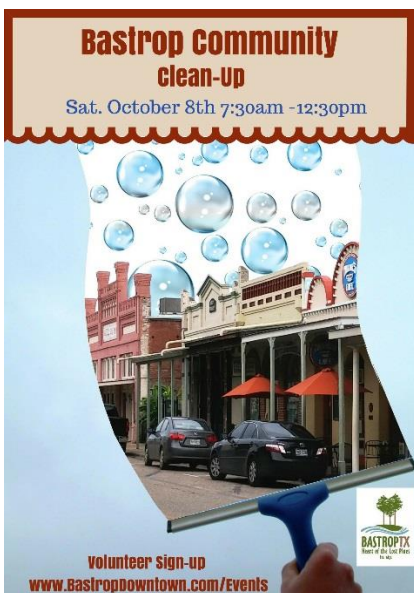
Our website [www.bastropdowntown.com](http://www.bastropdowntown.com) features a robust events listing, and we added a new page highlighting relocating your business or residence downtown.

## Main Street Events:

We are gearing up for a very busy fall season!



Our online Photo Contest #historicallyhippics launches September 16<sup>th</sup> and runs through the middle of October. \$500 in cash prizes will be awarded and the winning entries will be featured at November's Art Walk at Studio Espavo.



We are hosting a downtown clean up on October 8<sup>th</sup> to spruce up the downtown district in time for the busy Festival season.

BASTROP 2016

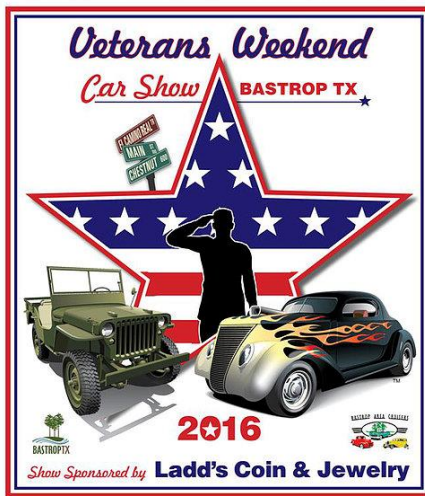
# TRICK OR TREAT TRAIL

## FISHERMAN'S PARK

MONDAY, OCTOBER 31<sup>ST</sup> 5-8 PM

Halloween is taking a different direction this year. Activities will be focused at Fisherman's Park. This is a joint effort of Bastrop Main Street, YMCA, Ministerial Alliance, Parks Department and the Public Library.

**BASTROP AREA CRUISERS presents:**  
**"HEROES & HOTRODS" Bastrop's 11<sup>th</sup> Annual**



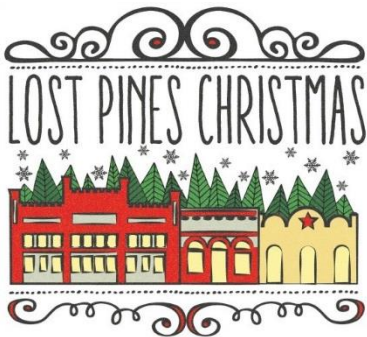
**Fri. Nov. 11<sup>th</sup> - Cruise In, Street Opens - 4 PM**

**Sat. Nov. 12<sup>th</sup> - Car Show 7 AM - 3 PM**

For more information, see backside of this sheet and/or go to:  
[WWW.BASTROPAREACRUISERS.COM](http://WWW.BASTROPAREACRUISERS.COM)

Contact: Bo Godfrey 512-801-2722 or Bill Szelag 512-745-6999

The Veterna's Day Car Show is right around the corner. Bastrop Main Street is assiting with promotions and logistics for the event.

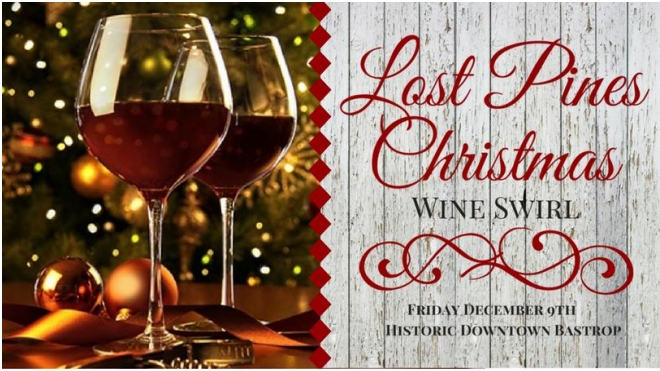


DBA & Main Street are hard at work coordinatig activitie for Lost Pines Christmas.  
[www.lostpineschristmas.com](http://www.lostpineschristmas.com) is being updated constantly with event information.



y.

This year’s event will kick off with our inaugural Wassail Fest, celebrating Small Business Saturday where downtown merchants brew up their best wassail and vie for the coveted trophy.



This year’s Swirl will take place on a Friday night, and committee members are ramping up efforts to make this year’s event the best yet. Only 400 tickets will be sold. Tickets go on sale in early October.



Our Spring Table on Main Event is shaping up nicely! We have partnerships secured with BISD, HEB and local restaurants with more on the horizon! Only 150 tickets are available for this event, and we are predicting it will sell out.



## Agenda Item: 5.1

# AGENDA MEMORANDUM

Meeting Date: September 19, 2016

Agenda Item: Board input on future agendas, items previously requested.

Prepared by: Shawn A. Kirkpatrick, Executive Director

### **(a) Alley D Parking/921 Main Street Parking (Trey Job)**

The City of Bastrop is in the final design and estimating for the planned Alley D parking lot, expecting to release a request for proposal (RFP) in the fourth quarter of 2016. In reviewing the potential gap in current funding, Trey Job, Director of Public Works, has inquired with EDC staff about the EDC participating in the project.

With the Alley D parking lot connection to the 921 Main Street project, the EDC staff has communicated to Mr. Job that from the staff level the EDC would have interest in participating. The ultimate 921 Main Street project plan is yet to be defined, yet looking at it as an infill project, there will be a need for downtown parking spaces. Staff has offered for consideration by the City \$75,000 in project funding in exchange for 10 downtown parking space credits.

Staff has requested the City provide engineering and design, opinion of probable cost (OPC) estimate, other funding sources, and timeline for the project. The EDC will need to fund the project through a budget amendment to the FY 2016-2017 budget, which would include approval by the EDC Board, EDC public hearing, 60 day statutory funding period, and two readings of the City Council.

Unless otherwise instructed, staff will bring a complete project package including the funding agreement and budget amendment necessary for EDC Board approval.

### **(b) City of Bastrop water and wastewater planning (Joe Beal) and (c) City of Bastrop potential future annexation planning (Mayor Kesselus)**

Angela Ryan and I met with City staff, including Trey Job, Director of Public Works; Melissa McCollum, Director of Planning; and Wesley Brandon, City Engineer, to discuss both agenda items.

With the recent changes at the City, the collective thought was that additional thresholds needed to be achieved prior to providing an update on the water and wastewater planning.

It has been stated publically the XS Ranch water well permit is anticipated to go before the Lost Pines Groundwater District sometime in the next couple of months. The XS Ranch well permit hearing is critical to the City of Bastrop's long-term water supply. The elevated water tower at Hwy 20 and Hwy 71 is under design and is a City of Bastrop funded project. I have not been provided an update for the request for proposal (RFP) issuance timeframe.

The City has internal conversations ongoing related to the wastewater path forward. The City is also having conversations about Certificate of Convenience and Necessity (CCN) related to water service and fire flow in potential areas of development inside and adjacent to corporate boundaries.

All of these items really influence potential involuntary annexation, and a clearer direction on future water and wastewater service needs to occur before in-depth discussions are held on potential annexation areas.

Again, collectively the group agreed more information is needed to provide a complete update to the EDC Board.

**(d) Development issues associated with Bastrop's Houston Toad habitat**

The City and EDC were asked to evaluate the City of Bastrop's Houston Toad habitat. Staff had a conference call with an environmental engineering firm that has a "team of experts" on the Houston Toad. There are two options available which will take an extensive amount of resources in time and money. All options are currently under evaluation.

**(e) Approval of Ninth Amended Bylaws of the BEDC**

The *ad hoc* bylaws committee has released the draft ninth amended bylaws for Board and public review and comment. The Board and public will have an opportunity at the September 19th meeting to provide comments. A more detailed memo is included earlier in the packet under item 3.7.

**Recommendation**

No action required.