

**PUBLIC NOTICE**  
**TOWN OF HICKORY CREEK**  
**REGULAR MEETING OF THE TOWN COUNCIL**  
**1075 RONALD REAGAN AVENUE**  
**March 21, 2017; 6:30 P.M.**

Notice is hereby given as required by Title 5; Chapter 551.041 of the Government Code that the Town Council of the Town of Hickory Creek will hold their regular meeting on March 21, 2017; at 6:30 P.M., in the Council Chambers of the Town Hall Building located at 1075 Ronald Reagan Avenue. "NOTE: If, during the course of the meeting, any discussion of any item on the agenda should be held in a closed meeting, the Council will conduct a closed meeting in accordance with the TEXAS OPEN MEETING ACT, TEX. GOVT. CODE, Chapter 551, Sub-Chapters (d) and (e)". The agenda follows:

**Regular Session:**

**A. Call to Order**

**Roll Call**

**Invocation**

**Pledge of Allegiance to the U.S. and Texas Flags**

**Presentation of Awards**

**Items of Community Interest:** Pursuant to Texas Government Code Section 551.0415 the town council may report on the following: expressions of thanks, congratulations, or condolence; an honorary or salutary recognition of an individual; a reminder about an upcoming event organized or sponsored by the governing body; and announcements involving an imminent threat to the public health and safety of people in the municipality or county that has arisen after the posting of the agenda.

**Public Comment:** This item allows the public an opportunity to address the council. To comply with the provisions of the Open Meetings Act, the town council cannot discuss or take action on items brought before them not posted on the agenda. Please complete a request if you wish to address the town council. Comments will be limited to three minutes.

**Business:**

**B. Public Hearing:**

1. Public Hearing: To hear public opinion regarding a request for a replat of Lots 1R and 2R, Block A of Hickory Heights Subdivision, being 2.136 acres in the J. Hicks Survey A-567 and the M.E.P. & P.R.R. Co. Survey A-915, Town of Hickory Creek, Denton County, Texas. The property is located in the 3000 block of Maynard Road.
2. Public Hearing: To hear public opinion regarding a request for a replat of Lake Cities Polaris Addition, Lots 1, 2, and 3 Block A, 5.01 acres out of the Lowry Cobb Survey, Abstract No. 284, Town of Hickory Creek, Denton County, Texas. The property is located at 6060 North Stemmons Freeway.

3. Public Hearing: To hear public opinion regarding an ordinance of the Town of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 14: Zoning, Exhibit A Zoning Ordinance, Article XXIII Nonconforming Uses and Structures to provide an amortization process for legal nonconforming uses.
4. Public Hearing: To hear public opinion regarding an ordinance of the Town of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 14: Zoning, Exhibit A Zoning Ordinance, Article III: Definitions and Article XXIV: Vehicle Parking Regulations.

**C. Consent Agenda Items:**

1. February 2017 Council Meeting Minutes
2. February 2017 Financial Statements

**D. Regular Agenda Items:**

1. Consider and act on a final plat of Lots 1R and 2R, Block A of Hickory Heights Subdivision, being 2.136 acres in the J. Hicks Survey A-567 and the M.E.P. & P.R.R. Co. Survey A-915, Town of Hickory Creek, Denton County, Texas.
2. Consider and act on a resolution of the Town of Hickory Creek, Texas authorizing the issuance of a water well drilling permit for 3014 Maynard Road, Hickory Creek, Texas.
3. Consider and act on a replat of Lake Cities Polaris Addition, Lots 1, 2, and 3 Block A, 5.01 acres out of the Lowry Cobb Survey, Abstract No. 284, Town of Hickory Creek, Denton County, Texas. The property is located at 6060 North Stemmons Freeway.
4. Consider and act on an appointment to the Economic Development Corporation.
5. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 14: Zoning, Exhibit A Zoning Ordinance, Article XXIII Nonconforming Uses and Structures to provide an amortization process for legal nonconforming uses.
6. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 14: Zoning, Exhibit A Zoning Ordinance, Article III: Definitions and Article XXIV: Vehicle Parking Regulations.
7. Consider and act on an ordinance cancelling the May 6, 2017 General Election.
8. Consider and act on nomination of the 2016 Hickory Creek Business of the Year.
9. Consider and act on nomination of the 2016 Hickory Creek Citizen of the Year.
10. Consider and act on nomination of the 2016 Hickory Creek Scholar of the Year.
11. Consider and act on nomination of the 2016 Hickory Creek Sportsman of the Year.
12. Consider and act on the First Amendment of Development Agreement by and among the Town of Hickory Creek, Texas, Alan H. Goldfield and Shirley M. Abernathy successors in interest to AS Gold LP, and CTMGT Turbeville, LLC.
13. Consider and act on a resolution of the Town of Hickory Creek, Texas approving amendments to the Town of Hickory Creek Personnel Policy Manual.

14. Discussion regarding possible annexation and related financing issues pertaining to Hickory Creek Public Improvement District No. 1 and No. 2.
15. Consider and act on SPAN Transit Services.
16. Discussion regarding current road and sidewalk projects.

**E. Executive Session:** The Town Council will convene into executive session pursuant to Chapter 551 of the Texas Government Code Section 551.071, Consultation with City Attorney and other legal counsel on matters in which the duty of the attorney(s) to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, or on matters pertaining to pending or contemplated litigation

1. Discussion regarding an Off-Site Facilities Agreement between the Town of Hickory Creek, LCMUA, Westwood Residential and the Brown family for development of infrastructure to serve a 24.56 acre tract of land within the Town's extraterritorial jurisdiction.

**F. Reconvene into Open Session:**

1. Discussion and possible action regarding matters discussed in executive session.

**G. Adjournment:**

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# Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. A.1

Call to Order



# Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. A.2

Roll Call



# Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. A.3

Invocation



# Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. A.4

Pledge of Allegiance to the U.S. and Texas Flags



## Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. A.5

Presentation of Awards

The following award will be presented:

Michael Gividen will be presented a plaque of appreciation for his service on the Economic Development Corporation.





## Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. A.6

Items of Community Interest: Pursuant to Texas Government Code Section 551.0415 the town council may report on the following: expressions of thanks, congratulations, or condolence; an honorary or salutary recognition of an individual; a reminder about an upcoming event organized or sponsored by the governing body; and announcements involving an imminent threat to the public health and safety of people in the municipality or county that has arisen after the posting of the agenda.



## Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. A.7

Public Comment: This item allows the public an opportunity to address the council. To comply with the provisions of the Open Meetings Act, the town council cannot discuss or take action on items brought before them not posted on the agenda. Please complete a request if you wish to address the town council. Comments will be limited to three minutes.



## Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. B.1

Public Hearing: To hear public opinion regarding a request for a replat of Lots 1R and 2R, Block A of Hickory Heights Subdivision, being 2.136 acres in the J. Hicks Survey A-567 and the M.E.P. & P.R.R. Co. Survey A-915, Town of Hickory Creek, Denton County, Texas. The property is located in the 3000 block of Maynard Road.

**NOTICE OF A PUBLIC HEARING OF THE  
TOWN COUNCIL OF THE  
TOWN OF HICKORY CREEK, TEXAS**

Notice is hereby given that the Town of Hickory Creek Town Council will hold a public hearing on March 21, 2017 at 6:30 p.m. in the Council Chambers of the Town Hall Building located at 1075 Ronald Reagan Avenue, Hickory Creek, Texas to receive public input regarding the following:

A request for a replat of Lots 1R and 2R, Block A of Hickory Heights Subdivision, being 2.136 acres in the J. Hicks Survey A-567 and the M.E.P. & P.R.R. Co. Survey A-915, Town of Hickory Creek, Denton County, Texas. The property is located in the 3000 block of Maynard Road.

All interested parties are invited to attend and participate. A map of the location of the property and a description of the request is available at Town Hall.



## Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. B.2

Public Hearing: To hear public opinion regarding a request for a replat of Lake Cities Polaris Addition, Lots 1, 2, and 3 Block A, 5.01 acres out of the Lowry Cobb Survey, Abstract No. 284, Town of Hickory Creek, Denton County, Texas. The property is located at 6060 North Stemmons Freeway.

**NOTICE OF A PUBLIC HEARING OF THE  
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A request for a replat of Lake Cities Polaris Addition, Lots 1, 2, and 3 Block A, 5.01 acres out of the Lowry Cobb Survey, Abstract No. 284, Town of Hickory Creek, Denton County, Texas. The property is located at 6060 North Stemmons Freeway.

All interested parties are invited to attend and participate. A map of the location of the property and a description of the request is available at Town Hall.



## Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. B.3

Public Hearing: To hear public opinion regarding an ordinance of the Town of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 14: Zoning, Exhibit A Zoning Ordinance, Article XXIII Nonconforming Uses and Structures to provide an amortization process for legal nonconforming uses.

**NOTICE OF A PUBLIC HEARING OF THE  
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All interested parties are invited to attend and participate.





# Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. B.4

Public Hearing: To hear public opinion regarding an ordinance of the Town of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 14: Zoning, Exhibit A Zoning Ordinance, Article III: Definitions and Article XXIV: Vehicle Parking Regulations.

**NOTICE OF A PUBLIC HEARING OF THE  
TOWN COUNCIL OF THE  
TOWN OF HICKORY CREEK, TEXAS**

Notice is hereby given that the Town of Hickory Creek Town Council will hold a public hearing on March 21, 2017 at 6:30 p.m. in the Council Chambers of the Town Hall Building located at 1075 Ronald Reagan Avenue, Hickory Creek, Texas to receive public input regarding the following:

An ordinance of the Town of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 14: Zoning, Exhibit A Zoning Ordinance, Article III: Definitions and Article XXIV: Vehicle Parking Regulations.

All interested parties are invited to attend and participate.



# Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. C.1

February 2017 Council Meeting Minutes

**STATE OF TEXAS  
COUNTY OF DENTON  
TOWN OF HICKORY CREEK**

The town council of the Town of Hickory Creek, Texas convened in a regular session on February 21, 2017 at 6:30 p.m. in the council chambers, located at 1075 Ronald Reagan Avenue. Notice of the meeting was posted as required by Title 5, Chapter 551 of the Texas Government Code. The following members were present and constituted a quorum of members:

Lynn Clark, Mayor  
Tracee Elrod, Councilmember Place 1  
Richard DuPree, Councilmember Place 2  
Ian Theodore, Councilmember Place 5

Absent: Chris Gordon, Councilmember Place 3  
Paul Kenney, Mayor Pro Tem

Also in attendance were:

John M. Smith, Jr., Town Administrator  
Kristi K. Rogers, Town Secretary  
Carey Dunn, Chief of Police  
Lance Vanzant, Town Attorney

Mayor Clark called the meeting to order at 6:30 p.m.

Councilmember Theodore gave the invocation.

Mayor Clark led the Pledge of Allegiance to the U.S. and Texas Flags.

**Proclamation**

Mayor Clark acknowledged and sincerely thanked Mr. Larry Bowery for responding to those in need and for his devotion to his fellowman.

Mayor Clark proclaimed March 7, 2017 as “IHOP’s National Pancake Day and Shriners Hospitals for Children Day.”

Mayor Clark proclaimed the week of March 19<sup>th</sup> – March 25<sup>th</sup>, 2017 as “Poison Prevention Week”

**Items of Community Interest**

The Texas Oklahoma Patriot Shootout (T.O.P.S.) fishing tournament will be held April 28, 2017 and April 29, 2017.

**Public Comment**

There were no speakers for public comment.

**Item B - Public Hearing**

**B (1) Public Hearing: To hear public opinion regarding a request submitted by Willis Logan for a replat of Lots 9 and 10 in the Point Vista Addition creating Lot 9R, Block 1, Point Vista addition, 0.248 acres situated in the W. Hammonds Survey, Abstract #405, Town of Hickory Creek, Denton County, Texas. The property is located at the eastern end of Point Vista Drive.**

Mayor Clark called the public hearing to order at 6:39 p.m. With no one wishing to speak, the public hearing was closed at 6:39 p.m.

**Item C – Consent Agenda Items**

1. January 2017 Council Meeting Minutes
2. January 2017 Financial Statements
3. Consider and act on an agreement for professional engineering services for the TCEQ MS4 Annual Report.
4. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 3: Building Regulations; Article 3.02 Technical and Construction Standards; Division 1: Generally, by adding a new section.
5. Consider and act on a Cooperative Agreement between the U.S. Army Corp of Engineers and the Town of Hickory Creek for increased law enforcement services for Lewisville Lake 2017.

**Motion:** made by Councilmember Theodore to approve consent agenda Items C1 and C5 as presented. Motion seconded by Councilmember Elrod.

**Ayes:** Councilmember Elrod, Councilmember DuPree and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**Item D – Regular Agenda Items**

**D (1) - Consider and act on a final plat of Shadow Creek Estates Phase II described as Lots A3, A5 & 21R, Block A; Lots C3 & 3 through 12, Block C; Lots 1 through 8, Block D; Lots 13R, 1 through 18, Block E, being 15.710 acres of land situated in the M.E.P. & P.R.R Co. Survey, Abstract No. 915, Town of Hickory Creek, Denton County, Texas and a replat of Harbor Grove Estates Section II Lot 13, Block K, being .220 acres of land situated in the John Maloney Survey, Abstract No. 819, Town of Hickory Creek, Denton County, Texas and a replat of Shadow Creek Estates Phase I Lot 21, Block A, being 0.213 acres of land situated in the M.E.P. & P.R.R Co. Survey, Abstract No. 915, Town of Hickory Creek, Denton County, Texas**

**Motion:** made by Councilmember Elrod to approve Item D (1). Motion seconded by Councilmember DuPree.

**Ayes:** Councilmember Elrod, Councilmember DuPree and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (2) - Consider and act on a minor replat of lots 6A-1 and 7A in the Country Oak Estates Addition, 7.90 acres out of the S. Linthicum Survey, Abstract #1600, Town of Hickory Creek, Denton County, Texas**

**Motion:** made by Councilmember DuPree to approve Item D (2) as presented. Motion seconded by Councilmember Theodore.

**Ayes:** Councilmember Elrod, Councilmember DuPree and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (3) - Consider and act on a replat of Lots 9 and 10 in the Point Vista Addition creating Lot 9R, Block 1, Point Vista Addition, 0.248 acres situated in the W. Hammonds Survey, Abstract #405, Town of Hickory Creek, Denton County, Texas. The property is located at the eastern end of Point Vista Drive.**

**Motion:** made by Councilmember Elrod to approve Item D (3) as presented. Motion seconded by Councilmember DuPree.

**Ayes:** Councilmember Elrod, Councilmember DuPree and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (4) - Consider and act on terminating an agreement for PID administrative services between MuniCap Inc. and the Town of Hickory Creek.**

**Motion:** made by Councilmember Elrod to terminate the agreement for PID administrative services between MuniCap Inc. and the Town of Hickory Creek. Motion seconded by Councilmember DuPree.

**Ayes:** Councilmember Elrod, Councilmember DuPree and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (5) - Consider and act on an agreement for Hickory Creek Public Improvement District No. 1 Administration Services between PIDWorks, LLC. and the Town of Hickory Creek.**

**Motion:** made by Councilmember Theodore to approve an agreement for Hickory Creek Public Improvement District No. 1 Administration Services between PIDWorks, LLC. and the Town of Hickory Creek. Motion seconded by Councilmember DuPree.

**Ayes:** Councilmember Elrod, Councilmember DuPree and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (6) - Consider and act on an agreement for Hickory Creek Public Improvement District No. 2 Administration Services between PIDWorks, LLC. and the Town of Hickory Creek.**

**Motion:** made by Councilmember Elrod to approve an agreement for Hickory Creek Public Improvement District No. 2 Administration Services between PIDWorks, LLC. and the Town of Hickory Creek. Motion seconded by Councilmember Theodore.

**Ayes:** Councilmember Elrod, Councilmember DuPree and Councilmember Theodore.  
**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (7) - Consider and act on the Second Amendment to an Interlocal Cooperation Agreement between Denton County, Texas and the Town of Hickory Creek, Texas associated with the reconstruction of Main Street.**

**Motion:** made by Councilmember Theodore to approve the Second Amendment to an Interlocal Cooperation Agreement between Denton County, Texas and the Town of Hickory Creek, Texas associated with the reconstruction of Main Street. Motion seconded by Councilmember Elrod.

**Ayes:** Councilmember Elrod, Councilmember DuPree and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (8) - Discussion regarding the Town's Code of Ordinances, Chapter 4: Business Regulations; Article 4.06 Oil and Gas Wells.**

A discussion was held regarding the distance requirements for the development of property adjacent to existing oil and gas wells.

**D (9) - Consider and act on the Annual Racial Profiling Report for 2016.**

Chief Cary Dunn presented the Annual Racial Profiling Report for 2016.

**Motion:** made by Councilmember DuPree to accept the Annual Racial Profiling Report for 2016 as presented. Motion seconded by Councilmember Theodore.

**Ayes:** Councilmember Elrod, Councilmember DuPree and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (10) - Consider and act on nomination of the 2016 Hickory Creek Business of the Year.**

No action taken.

**D (11) - Consider and act on nomination of the 2016 Hickory Creek Citizen of the Year.**

No action taken.

**D (12) - Consider and act on nomination of the 2016 Hickory Creek Scholar of the Year.**

No action taken.

**D (13) - Consider and act on nomination of the 2016 Hickory Creek Sportsman of the Year.**

No action taken.

**D (14) - Discussion regarding the Boys & Girls Club of North Central Texas Kids and Tail Waggers event to be held on March 25, 2017.**

Discussion was held regarding Kids and Tail Waggers.

**D (15) - Discussion regarding the 2017 Texas Oklahoma Patriot Shootout (T.O.P.S.) to be held April 28th and 29th, 2017.**

Discussion was held regarding Texas Oklahoma Patriot Shootout (T.O.P.S.).

**D (16) - Discussion regarding Mayor of the Day program.**

Mayor Clark, in cooperation with the Lake Dallas Independent School District, will recognize a student chosen by the school district as Mayor of the Day during a council meeting.

**D (17) - Discussion regarding current road and sidewalk projects.**

John Smith, town administrator, provided an overview to council regarding current road and sidewalk projects.

**Item E - Executive Session: The Town Council convened into executive session at 7:39 p.m. pursuant to Chapter 551 of the Texas Government Code Section 551.071, Consultation with City Attorney and other legal counsel on matters in which the duty of the attorney(s) to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, or on matters pertaining to pending or contemplated litigation.**

1. Discussion regarding certain real property legally described as A1163A J.W. Simmons, TR 37, 19.795 Acres located (South of Swisher Road, East of Ronald Reagan Avenue, North of Turbeville Road and West of Point Vista Road.)
2. Consider and Act on an Off-Site Facilities Agreement between the Town of Hickory Creek, LCMUA, Westwood Residential and the Brown family for development of infrastructure to serve a 24.56-acre tract of land within the Town's extraterritorial jurisdiction.

**Item F - Reconvene into Open Session: The Town Council reconvened into open session at 8:49 p.m.**

No action taken.

**Item G – Adjournment**

**Motion:** made by Councilmember Elrod to adjourn the meeting. Motion seconded by Councilmember Theodore.

**Ayes:** Councilmember Elrod, Councilmember DuPree and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**



**Town of Hickory Creek**  
**February 21, 2017**  
**Page 6**

The meeting did then stand adjourned at 8:50 p.m.

Approved:

Attest:

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Lynn C. Clark, Mayor  
Town of Hickory Creek

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Kristi K. Rogers, Town Secretary  
Town of Hickory Creek



# Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. C.2

February 2017 Financial Statements

Town of Hickory Creek  
**Balance Sheet**  
As of February 28, 2017

	<u>Feb 28, 17</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
BOA - Animal Shelter Fund	17,452.06
BOA - Building Security	11,860.18
BOA - Court Technology	53.93
BOA - Drug Forfeiture	9,108.12
BOA - Drug Seizure	0.02
BOA - General Fund	516,898.49
BOA - Parks and Recreation	54,928.12
BOA - Payroll	260.00
BOA - Police State Training	3,876.06
Logic Animal Shelter Facility	9,003.79
Logic Harbor Ln-Sycamore Bend	324,299.54
Logic HC PID No.1 Road	8,581.58
Logic HC PID No.1 Safety	35,269.70
Logic Hickory Creek PID No. 1	150,693.29
Logic Hickory Creek PID No. 2	20,119.84
Logic Investment Fund	3,836,274.81
Logic Street & Road Improvement	2,574,754.24
Logic Turbeville Road	201,979.48
<b>Total Checking/Savings</b>	<u>7,775,413.25</u>
<b>Total Current Assets</b>	7,775,413.25
<b>Other Assets</b>	
Harbor Lane/Sycamore Bend Road	<u>-346,500.00</u>
<b>Total Other Assets</b>	<u>-346,500.00</u>
<b>TOTAL ASSETS</b>	<u><u>7,428,913.25</u></u>
<b>LIABILITIES &amp; EQUITY</b>	0.00

Town of Hickory Creek  
**Profit & Loss**  
February 2017

	<u>Feb 17</u>
<b>Ordinary Income/Expense</b>	
<b>Income</b>	
<b>Ad Valorem Tax Revenue</b>	
4002 M&O	107,194.09
4004 M&O Penalties & Interest	373.78
4006 Delinquent M&O	7.19
4008 I&S Debt Service	102,962.42
4010 I&S Penalties & Interest	284.28
	<hr/>
<b>Total Ad Valorem Tax Revenue</b>	210,821.76
<b>Building Department Revenue</b>	
4102 Building Permits	33,169.56
4106 Contractor Registration	450.00
4108 Final Plat	1,450.00
4112 Health Inspections	1,380.00
4124 Sign Permits	5.00
	<hr/>
<b>Total Building Department Revenue</b>	36,454.56
<b>Franchise Fee Revenue</b>	
4204 Charter Communications	9,829.46
4206 CenturyLink	1,064.04
4212 Waste Management	1,608.73
	<hr/>
<b>Total Franchise Fee Revenue</b>	12,502.23
<b>Interest Revenue</b>	
4302 Animal Shelter Interest	6.97
4304 Building Security Interest	0.18
4308 Drug Forfeiture Interest	0.14
4314 Logic Investment Interest	2,710.30
4320 Logic Street/Road Improv.	1,917.69
4322 Logic Turbeville Road	150.42
4326 PD State Training Interest	0.06
4328 Logic Harbor/Sycamore Bend	241.54
	<hr/>
<b>Total Interest Revenue</b>	5,027.30
<b>Miscellaneous Revenue</b>	
4502 Animal Adoption & Impound	200.00
4508 Annual Park Passes	1,670.25
4530 Other Receivables	270.07
4536 Point Vista Park Fees	455.00
4550 Sycamore Bend Fees	1,954.00
	<hr/>
<b>Total Miscellaneous Revenue</b>	4,549.32
<b>Municipal Court Revenue</b>	
4602 Building Security Fee	938.43
4604 Citations	66,460.38
4606 Court Technology	1,251.24
4612 State Court Costs	24,042.39
	<hr/>
<b>Total Municipal Court Revenue</b>	92,692.44

Town of Hickory Creek  
**Profit & Loss**  
February 2017

	<u>Feb 17</u>
<b>Sales Tax Revenue</b>	
4702 Sales Tax General Fund	101,690.03
4704 Sales Tax Road Maintenance	20,338.01
4706 Sales Tax 4B Corporation	40,676.01
	<hr/>
<b>Total Sales Tax Revenue</b>	162,704.05
	<hr/>
<b>Total Income</b>	524,751.66
	<hr/>
<b>Gross Profit</b>	524,751.66
<b>Expense</b>	
<b>Capital Outlay</b>	
5010 Street Maintenance	3,550.28
5012 Streets & Road Improvement	1,489.27
5020 Main Street Reconstruction	-104,248.91
	<hr/>
<b>Total Capital Outlay</b>	-99,209.36
<b>Debt Service</b>	
5106 2012 Refunding Bond Series	12,617.50
5108 2012 Tax Note Series	2,863.50
	<hr/>
<b>Total Debt Service</b>	15,481.00
<b>General Government</b>	
5202 Bank Service Charges	40.00
5206 Computer Hardware/Software	5,000.00
5208 Copier Rental	265.92
5210 Dues & Memberships	15.00
5212 EDC Tax Payment	40,676.01
5216 Volunteer/Staff Events	2,118.53
5218 General Communications	101.90
5222 Office Supplies & Equip.	104.72
5224 Postage	971.99
5228 Town Council/Board Expense	215.17
5232 Travel Expense	30.96
	<hr/>
<b>Total General Government</b>	49,540.20
<b>Municipal Court</b>	
5312 Court Technology	790.08
5318 Merchant Fees/Credit Cards	-1,228.64
5330 Warrant Roundup	143.35
5332 Warrants Collected	-4,313.87
	<hr/>
<b>Total Municipal Court</b>	-4,609.08
<b>Parks and Recreation</b>	
5402 Events	95.00
5408 Tanglewood Park	162.83
5414 Tree City USA	160.32
5416 Town Hall Park	139.95
	<hr/>
<b>Total Parks and Recreation</b>	558.10
<b>Parks Corps of Engineer</b>	

Town of Hickory Creek  
**Profit & Loss**  
February 2017

	<u>Feb 17</u>
5432 Arrowhead	467.48
5434 Harbor Grove	149.27
5436 Point Vista	818.16
5438 Sycamore Bend	5,124.21
<b>Total Parks Corps of Engineer</b>	<b>6,559.12</b>
<b>Personnel</b>	
5502 Administration Wages	18,546.22
5504 Municipal Court Wages	7,026.73
5506 Police Wages	40,721.23
5507 Police Overtime Wages	701.88
5508 Public Works Wages	12,896.96
5509 Public Works Overtime Wage	84.43
5510 Health Insurance	13,986.70
5514 Payroll Expense	1,184.87
<b>Total Personnel</b>	<b>95,149.02</b>
<b>Police Department</b>	
5602 Auto Gas & Oil	2,075.32
5604 Auto Lease	9,764.00
5606 Auto Maintenance & Repair	277.76
5612 Computer Hardware/Software	1,937.71
5626 Office Supplies/Equipment	518.29
5634 Travel Expense	97.52
5636 Uniforms	232.23
5640 Training & Education	80.00
5646 Community Outreach	35.64
<b>Total Police Department</b>	<b>15,018.47</b>
<b>Public Works Department</b>	
5708 Animal Control Vet Fees	435.86
5710 Auto Gas & Oil	784.42
5714 Auto Maintenance/Repair	27.00
5720 Dues & Memberships	15.00
5724 Equipment Maintenance	74.85
5728 Equipment Supplies	757.59
5732 Office Supplies/Equipment	208.21
5742 Uniforms	179.66
<b>Total Public Works Department</b>	<b>2,482.59</b>
<b>Services</b>	
5804 Attorney Fees	6,385.79
5812 Document Management	70.90
5814 Engineering	5,063.61
5824 Library Services	50.00
5826 Municipal Judge	900.00
5828 Printing	22.99
5832 Computer Technical Support	4,978.00
5838 DCCAC	4,153.00

Town of Hickory Creek  
**Profit & Loss**  
February 2017

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	<u>Feb 17</u>
<b>Total Services</b>	21,624.29
<b>Utilities &amp; Maintenance</b>	
5902 Bldg Maintenance/Supplies	4,303.25
5904 Electric	2,315.88
5906 Gas	282.06
5908 Street Lighting	2,859.20
5912 Water	1,260.23
	<hr/>
<b>Total Utilities &amp; Maintenance</b>	11,020.62
<b>Total Expense</b>	<hr/> 113,614.97
<b>Net Ordinary Income</b>	<hr/> 411,136.69
<b>Net Income</b>	<hr/> <hr/> <b>411,136.69</b>

Town of Hickory Creek  
**Budget vs. Actual Year to Date 41.65%**  
 October 2016 through February 2017

	Oct '16 - Feb 17	Budget	% of Budget
<b>Ordinary Income/Expense</b>			
<b>Income</b>			
<b>Ad Valorem Tax Revenue</b>			
4002 M&O	792,874.56	844,833.00	93.8%
4004 M&O Penalties & Interest	1,057.55	4,300.00	24.6%
4006 Delinquent M&O	1,389.76	7,100.00	19.6%
4008 I&S Debt Service	761,297.89	811,482.00	93.8%
4010 I&S Penalties & Interest	608.53	3,700.00	16.4%
4012 Delinquent I&S	1,405.13	3,300.00	42.6%
<b>Total Ad Valorem Tax Revenue</b>	<b>1,558,633.42</b>	<b>1,674,715.00</b>	<b>93.1%</b>
<b>Building Department Revenue</b>			
4102 Building Permits	117,688.71	200,000.00	58.8%
4104 Certificate of Occupancy	500.00	600.00	83.3%
4106 Contractor Registration	2,325.00	4,125.00	56.4%
4108 Final Plat	2,722.76	0.00	100.0%
4110 Final Site Plan	0.00	0.00	0.0%
4112 Health Inspections	3,680.00	10,120.00	36.4%
4116 Overweight Vehicles	0.00	0.00	0.0%
4118 Preliminary Plat	0.00	0.00	0.0%
4120 Preliminary Site Plan	0.00	0.00	0.0%
4122 Septic Permits	425.00	2,125.00	20.0%
4124 Sign Permits	75.00	500.00	15.0%
4126 Special Use Permit	0.00	200.00	0.0%
4128 Variance Fee	250.00	300.00	83.3%
4130 Vendor Fee	0.00	225.00	0.0%
4132 Alarm Permit Fees	100.00	1,800.00	5.6%
<b>Total Building Department Revenue</b>	<b>127,766.47</b>	<b>219,995.00</b>	<b>58.1%</b>
<b>Franchise Fee Revenue</b>			
4202 Atmos Energy	0.00	25,100.00	0.0%
4204 Charter Communications	19,175.94	34,500.00	55.6%
4206 CenturyLink	2,197.83	5,200.00	42.3%
4208 CoServ	2,255.89	4,200.00	53.7%
4210 Oncor Electric	127,996.40	134,500.00	95.2%
4212 Waste Management	16,185.87	32,000.00	50.6%
<b>Total Franchise Fee Revenue</b>	<b>167,811.93</b>	<b>235,500.00</b>	<b>71.3%</b>
<b>Interest Revenue</b>			
4302 Animal Shelter Interest	34.49	0.00	100.0%
4304 Building Security Interest	0.97	0.00	100.0%
4306 Court Technology Interest	0.00	0.00	0.0%
4308 Drug Forfeiture Interest	0.80	0.00	100.0%
4310 Drug Seizure Interest	0.02	0.00	100.0%
4312 General Fund Interest	0.00	0.00	0.0%
4314 Logic Investment Interest	12,288.75	6,200.00	198.2%
4320 Logic Street/Road Improv.	8,100.04	2,000.00	405.0%
4322 Logic Turbeville Road	743.08	500.00	148.6%
4324 Parks & Recreation	0.00	0.00	0.0%
4326 PD State Training Interest	0.33	0.00	100.0%
4328 Logic Harbor/Sycamore Bend	1,193.10	300.00	397.7%
<b>Total Interest Revenue</b>	<b>22,361.58</b>	<b>9,000.00</b>	<b>248.5%</b>
<b>Interlocal Revenue</b>			
4402 Corp Contract Current Year	0.00	34,000.00	0.0%
<b>Total Interlocal Revenue</b>	<b>0.00</b>	<b>34,000.00</b>	<b>0.0%</b>



Town of Hickory Creek  
**Budget vs. Actual Year to Date 41.65%**  
 October 2016 through February 2017

	Oct '16 - Feb 17	Budget	% of Budget
<b>Miscellaneous Revenue</b>			
4502 Animal Adoption & Impound	2,645.00	7,000.00	37.8%
4506 Animal Shelter Donations	1,452.20	1,000.00	145.2%
4508 Annual Park Passes	6,519.72	20,000.00	32.6%
4510 Arrowhead Park Fees	494.00	30,000.00	1.6%
4512 Beer & Wine Permit	0.00	60.00	0.0%
4514 Cobra Premiums	0.00	0.00	0.0%
4516 Corp Parks Prior Year Rev	0.00	24,520.00	0.0%
4518 Drug Forfeiture	0.00	0.00	0.0%
4520 Drug Seizure	0.00	0.00	0.0%
4522 EDC Payment/Ronald Reagan	0.00	45,778.00	0.0%
4524 Fund Balance Reserve	0.00	0.00	0.0%
4526 Mineral Rights	182.87	200.00	91.4%
4528 NSF Fees	25.00	100.00	25.0%
4530 Other Receivables	2,734.13	7,100.00	38.5%
4534 PD State Training	0.00	0.00	0.0%
4536 Point Vista Park Fees	1,119.00	5,000.00	22.4%
4546 Street Bond Proceeds	0.00	0.00	0.0%
4550 Sycamore Bend Fees	5,243.00	10,000.00	52.4%
4554 Building Security Fund Res	0.00	0.00	0.0%
4556 Court Tech Fund Reserve	0.00	13,535.00	0.0%
4558 Harbor Lane/Sycamore Bend	0.00	0.00	0.0%
<b>Total Miscellaneous Revenue</b>	<b>20,414.92</b>	<b>164,293.00</b>	<b>12.4%</b>
<b>Municipal Court Revenue</b>			
4602 Building Security Fee	4,016.97	10,285.00	39.1%
4604 Citations	262,237.91	550,000.00	47.7%
4606 Court Technology	5,355.96	13,640.00	39.3%
4612 State Court Costs	98,480.46	242,000.00	40.7%
<b>Total Municipal Court Revenue</b>	<b>370,091.30</b>	<b>815,925.00</b>	<b>45.4%</b>
<b>Sales Tax Revenue</b>			
4702 Sales Tax General Fund	398,801.74	903,125.00	44.2%
4704 Sales Tax Road Maintenance	79,760.35	180,625.00	44.2%
4706 Sales Tax 4B Corporation	159,520.70	361,250.00	44.2%
4708 Sales Tax Mixed Beverage	11.35	350.00	3.2%
<b>Total Sales Tax Revenue</b>	<b>638,094.14</b>	<b>1,445,350.00</b>	<b>44.1%</b>
<b>Total Income</b>	<b>2,905,173.76</b>	<b>4,598,778.00</b>	<b>63.2%</b>
<b>Gross Profit</b>	<b>2,905,173.76</b>	<b>4,598,778.00</b>	<b>63.2%</b>
<b>Expense</b>			
<b>Capital Outlay</b>			
5010 Street Maintenance	27,712.08	180,625.00	15.3%
5012 Streets & Road Improvement	506,336.33	0.00	100.0%
5020 Main Street Reconstruction	-393,798.52	0.00	100.0%
<b>Total Capital Outlay</b>	<b>140,249.89</b>	<b>180,625.00</b>	<b>77.6%</b>
<b>Debt Service</b>			
5106 2012 Refunding Bond Series	12,617.50	150,236.00	8.4%
5108 2012 Tax Note Series	2,863.50	120,728.00	2.4%
5110 2015 Refunding Bond Series	63,350.00	311,700.00	20.3%
5112 2015 C.O. Series	64,800.00	274,600.00	23.6%
<b>Total Debt Service</b>	<b>143,631.00</b>	<b>857,264.00</b>	<b>16.8%</b>
<b>General Government</b>			

Town of Hickory Creek  
**Budget vs. Actual Year to Date 41.65%**  
 October 2016 through February 2017

	Oct '16 - Feb 17	Budget	% of Budget
5202 Bank Service Charges	227.00	500.00	45.4%
5204 Books & Subscriptions	167.50	300.00	55.8%
5206 Computer Hardware/Software	10,293.64	15,000.00	68.6%
5208 Copier Rental	1,809.65	3,500.00	51.7%
5210 Dues & Memberships	306.94	2,000.00	15.3%
5212 EDC Tax Payment	159,520.70	361,250.00	44.2%
5214 Election Expenses	0.00	4,000.00	0.0%
5216 Volunteer/Staff Events	5,524.78	7,500.00	73.7%
5218 General Communications	9,289.77	15,500.00	59.9%
5222 Office Supplies & Equip.	1,311.43	2,000.00	65.6%
5224 Postage	2,593.65	6,000.00	43.2%
5226 Community Cause	146.93	4,000.00	3.7%
5228 Town Council/Board Expense	1,860.76	3,600.00	51.7%
5230 Training & Education	930.00	2,000.00	46.5%
5232 Travel Expense	1,136.09	1,000.00	113.6%
5234 Staff Uniforms	0.00	1,000.00	0.0%
<b>Total General Government</b>	<b>195,118.84</b>	<b>429,150.00</b>	<b>45.5%</b>
<b>Municipal Court</b>			
5302 Books & Subscriptions	0.00	100.00	0.0%
5304 Building Security	666.18	10,285.00	6.5%
5312 Court Technology	4,846.08	27,175.00	17.8%
5314 Dues & Memberships	140.00	200.00	70.0%
5318 Merchant Fees/Credit Cards	-3,772.62	0.00	100.0%
5322 Office Supplies/Equipment	594.21	1,500.00	39.6%
5324 State Court Costs	111,103.47	242,000.00	45.9%
5326 Training & Education	50.00	550.00	9.1%
5328 Travel Expense	21.97	1,400.00	1.6%
5330 Warrant Roundup	143.35	1,500.00	9.6%
5332 Warrants Collected	-4,654.16	0.00	100.0%
<b>Total Municipal Court</b>	<b>109,138.48</b>	<b>284,710.00</b>	<b>38.3%</b>
<b>Parks and Recreation</b>			
5402 Events	3,300.82	3,000.00	110.0%
5404 Marketing	0.00	500.00	0.0%
5406 Professional Dues	0.00	400.00	0.0%
5408 Tanglewood Park	44,233.24	12,500.00	353.9%
5410 Travel and Training	0.00	1,000.00	0.0%
5412 KHCB	100.00	1,000.00	10.0%
5414 Tree City USA	934.41	1,000.00	93.4%
5416 Town Hall Park	4,430.91	8,000.00	55.4%
<b>Total Parks and Recreation</b>	<b>52,999.38</b>	<b>27,400.00</b>	<b>193.4%</b>
<b>Parks Corps of Engineer</b>			
5432 Arrowhead	3,569.81	12,000.00	29.7%
5434 Harbor Grove	306.77	4,000.00	7.7%
5436 Point Vista	2,436.72	12,000.00	20.3%
5438 Sycamore Bend	6,705.62	42,000.00	16.0%
5440 Public Works Services	0.00	25,000.00	0.0%
<b>Total Parks Corps of Engineer</b>	<b>13,018.92</b>	<b>95,000.00</b>	<b>13.7%</b>
<b>Personnel</b>			
5502 Administration Wages	101,787.77	240,705.00	42.3%
5504 Municipal Court Wages	38,610.01	91,190.00	42.3%
5506 Police Wages	228,479.37	559,090.00	40.9%
5507 Police Overtime Wages	1,905.72	12,000.00	15.9%
5508 Public Works Wages	71,157.41	164,665.00	43.2%

Town of Hickory Creek  
**Budget vs. Actual Year to Date 41.65%**  
 October 2016 through February 2017

	Oct '16 - Feb 17	Budget	% of Budget
5509 Public Works Overtime Wage	1,117.03	2,500.00	44.7%
5510 Health Insurance	61,501.71	186,150.00	33.0%
5512 Longevity	10,023.00	10,024.00	100.0%
5514 Payroll Expense	6,726.28	16,500.00	40.8%
5516 Employment Exams	230.00	750.00	30.7%
5518 Retirement (TMRS)	31,910.24	122,715.00	26.0%
5520 Unemployment (TWC)	70.11	3,500.00	2.0%
5522 Workman's Compensation	25,855.34	26,383.00	98.0%
<b>Total Personnel</b>	<b>579,373.99</b>	<b>1,436,172.00</b>	<b>40.3%</b>
<b>Police Department</b>			
5602 Auto Gas & Oil	9,808.59	20,780.00	47.2%
5604 Auto Lease	9,764.00	9,764.00	100.0%
5606 Auto Maintenance & Repair	11,347.47	10,000.00	113.5%
5608 Auto New Equipment	0.00	5,000.00	0.0%
5610 Books & Subscriptions	317.00	400.00	79.3%
5612 Computer Hardware/Software	20,878.73	35,100.00	59.5%
5614 Crime Lab Analysis	450.00	1,000.00	45.0%
5616 Drug Forfeiture	13,827.50	0.00	100.0%
5618 Dues & Memberships	235.00	400.00	58.8%
5626 Office Supplies/Equipment	1,975.66	2,000.00	98.8%
5630 Personnel Equipment	1,376.27	2,000.00	68.8%
5632 Radios	0.00	0.00	0.0%
5634 Travel Expense	169.77	2,000.00	8.5%
5636 Uniforms	628.49	4,000.00	15.7%
5640 Training & Education	950.00	4,000.00	23.8%
5642 Auto Purchase	0.00	0.00	0.0%
5644 Citizens on Patrol	286.56	1,000.00	28.7%
5646 Community Outreach	116.10	2,000.00	5.8%
<b>Total Police Department</b>	<b>72,131.14</b>	<b>99,444.00</b>	<b>72.5%</b>
<b>Public Works Department</b>			
5702 Animal Control Donation	0.00	1,000.00	0.0%
5704 Animal Control Equipment	0.00	600.00	0.0%
5706 Animal Control Supplies	603.86	1,000.00	60.4%
5708 Animal Control Vet Fees	2,142.90	6,000.00	35.7%
5710 Auto Gas & Oil	4,098.09	10,000.00	41.0%
5712 Auto Lease	0.00	0.00	0.0%
5714 Auto Maintenance/Repair	5,480.42	15,000.00	36.5%
5716 Beautification	264.59	56,708.00	0.5%
5718 Computer Hardware/Software	0.00	500.00	0.0%
5720 Dues & Memberships	115.00	350.00	32.9%
5722 Equipment	0.00	6,000.00	0.0%
5724 Equipment Maintenance	1,943.99	8,000.00	24.3%
5726 Equipment Rental	-267.79	1,000.00	-26.8%
5728 Equipment Supplies	2,231.91	6,500.00	34.3%
5732 Office Supplies/Equipment	696.49	800.00	87.1%
5734 Radios	1,105.08	3,600.00	30.7%
5738 Training	989.00	800.00	123.6%
5740 Travel Expense	21.39	1,000.00	2.1%
5742 Uniforms	1,055.17	2,800.00	37.7%
5748 Landscaping Services	27,222.12	28,500.00	95.5%
<b>Total Public Works Department</b>	<b>47,702.22</b>	<b>150,158.00</b>	<b>31.8%</b>
<b>Services</b>			
5802 Appraisal District	2,571.23	10,500.00	24.5%
5804 Attorney Fees	24,292.48	40,000.00	60.7%

Town of Hickory Creek  
**Budget vs. Actual Year to Date 41.65%**  
 October 2016 through February 2017

	Oct '16 - Feb 17	Budget	% of Budget
5806 Audit	12,000.00	12,000.00	100.0%
5808 Codification	375.00	1,500.00	25.0%
5812 Document Management	490.10	1,000.00	49.0%
5814 Engineering	10,972.96	40,000.00	27.4%
5816 General Insurance	32,629.10	33,795.00	96.6%
5818 Inspections	18,384.00	35,000.00	52.5%
5820 Fire Service	292,584.50	611,405.00	47.9%
5822 Legal Notices/Advertising	111.30	2,500.00	4.5%
5824 Library Services	275.00	500.00	55.0%
5826 Municipal Judge	3,600.00	10,800.00	33.3%
5828 Printing	739.98	1,600.00	46.2%
5830 Tax Collection	1,555.92	1,600.00	97.2%
5832 Computer Technical Support	14,323.00	27,000.00	53.0%
5838 DCCAC	197.96	4,153.00	4.8%
5840 Denton County Dispatch	0.00	28,427.00	0.0%
5844 Helping Hands	0.00	300.00	0.0%
<b>Total Services</b>	<b>415,102.53</b>	<b>862,080.00</b>	<b>48.2%</b>
<b>Special Events</b>			
6004 Fourth of July Celebration	0.00	4,500.00	0.0%
6008 Tree Lighting	3,343.38	5,000.00	66.9%
<b>Total Special Events</b>	<b>3,343.38</b>	<b>9,500.00</b>	<b>35.2%</b>
<b>Utilities &amp; Maintenance</b>			
5902 Bldg Maintenance/Supplies	41,848.51	80,000.00	52.3%
5904 Electric	16,478.08	28,000.00	58.9%
5906 Gas	683.81	1,500.00	45.6%
5908 Street Lighting	13,897.30	29,000.00	47.9%
5910 Telephone	9,748.33	21,575.00	45.2%
5912 Water	3,775.29	7,200.00	52.4%
<b>Total Utilities &amp; Maintenance</b>	<b>86,431.32</b>	<b>167,275.00</b>	<b>51.7%</b>
<b>Total Expense</b>	<b>1,858,241.09</b>	<b>4,598,778.00</b>	<b>40.4%</b>
<b>Net Ordinary Income</b>	<b>1,046,932.67</b>	<b>0.00</b>	<b>100.0%</b>
<b>Net Income</b>	<b>1,046,932.67</b>	<b>0.00</b>	<b>100.0%</b>

**Town of Hickory Creek**  
**Expenditures over \$1,000.00**  
 February 2017

Type	Date	Num	Name	Amount
<b>Ordinary Income/Expense</b>				
<b>Expense</b>				
<b>Capital Outlay</b>				
<b>5010 Street Maintenance</b>				
Bill	02/21/2017	Invoi...	B & G Chemical	1,735.30
Bill	02/21/2017	Invoi...	B & G Chemical	1,772.30
Total 5010 Street Maintenance				3,507.60
<b>5012 Streets &amp; Road Improvement</b>				
Bill	02/21/2017	Invoi...	Half Associates, Inc.	1,489.27
Total 5012 Streets & Road Improvement				1,489.27
<b>5020 Main Street Reconstruction</b>				
Deposit	02/16/2017		Deposit	-108,657.41
Bill	02/21/2017	Invoi...	Half Associates, Inc.	4,408.50
Total 5020 Main Street Reconstruction				-104,248.91
Total Capital Outlay				-99,252.04
<b>Debt Service</b>				
<b>5106 2012 Refunding Bond Series</b>				
Check	02/06/2017	3297	BBVA Compass Bank	12,617.50
Total 5106 2012 Refunding Bond Series				12,617.50
<b>5108 2012 Tax Note Series</b>				
Check	02/06/2017	3296	BBVA Compass Bank	2,863.50
Total 5108 2012 Tax Note Series				2,863.50
Total Debt Service				15,481.00
<b>General Government</b>				
<b>5206 Computer Hardware/Software</b>				
Check	02/27/2017	3310	SyncSys LLC.	5,000.00
Total 5206 Computer Hardware/Software				5,000.00
<b>5212 EDC Tax Payment</b>				
Check	02/13/2017	3301	Hickory Creek Economic Development	40,676.01
Total 5212 EDC Tax Payment				40,676.01
<b>5216 Volunteer/Staff Events</b>				
Check	02/07/2017	Debit	CHECKCARD 0207 PALIOS OF HICKO	1,220.00
Total 5216 Volunteer/Staff Events				1,220.00
Total General Government				46,896.01
<b>Municipal Court</b>				
<b>5332 Warrants Collected</b>				
Deposit	02/27/2017		Deposit	-1,203.00
Bill	02/21/2017	Invoi...	McCreary, Veselka, Bragg and Allen, P.C.	4,642.71

**Town of Hickory Creek**  
**Expenditures over \$1,000.00**  
 February 2017

Type	Date	Num	Name	Amount
			Total 5332 Warrants Collected	3,439.71
			Total Municipal Court	3,439.71
			<b>Parks Corps of Engineer</b>	
			<b>5438 Sycamore Bend</b>	
Check	02/27/2017	1061	Owens Welding & Fabrication Inc.	4,216.00
			Total 5438 Sycamore Bend	4,216.00
			Total Parks Corps of Engineer	4,216.00
			<b>Police Department</b>	
			<b>5602 Auto Gas &amp; Oil</b>	
Check	02/28/2017	Debit	WEX INC DESFLEET DEBI	2,075.32
			Total 5602 Auto Gas & Oil	2,075.32
			<b>5604 Auto Lease</b>	
Check	02/07/2017	3298	North Dallas Bank & Trust	9,764.00
			Total 5604 Auto Lease	9,764.00
			<b>5612 Computer Hardware/Software</b>	
Bill	02/21/2017	Invoi...	Tyler Technologies	1,701.71
			Total 5612 Computer Hardware/Software	1,701.71
			Total Police Department	13,541.03
			<b>Services</b>	
			<b>5804 Attorney Fees</b>	
Bill	02/21/2017	9975...	Hayes, Berry, White & Vanzant	5,671.89
			Total 5804 Attorney Fees	5,671.89
			<b>5814 Engineering</b>	
Bill	02/21/2017	Invoi...	Half Associates, Inc.	5,004.46
			Total 5814 Engineering	5,004.46
			<b>5832 Computer Technical Support</b>	
Check	02/28/2017	3311	MiTech Services, LLC	2,066.00
Bill	02/21/2017	Invoi...	MiTech Services, LLC	2,912.00
			Total 5832 Computer Technical Support	4,978.00
			<b>5838 DCCAC</b>	
Check	02/14/2017	3303	CACDC	4,153.00
			Total 5838 DCCAC	4,153.00
			Total Services	19,807.35
			<b>Utilities &amp; Maintenance</b>	
			<b>5902 Bldg Maintenance/Supplies</b>	
Check	02/09/2017	3300	Nathan Sprabary	3,808.00

12:49 PM  
03/15/17  
Accrual Basis

Town of Hickory Creek  
**Expenditures over \$1,000.00**  
February 2017

Type	Date	Num	Name	Amount
			Total 5902 Bldg Maintenance/Supplies	3,808.00
			<b>5904 Electric</b>	
Check	02/15/2017	Debit	MidAmerican Energy	2,237.61
			Total 5904 Electric	2,237.61
			<b>5908 Street Lighting</b>	
Check	02/15/2017	Debit	MidAmerican Energy	2,708.07
			Total 5908 Street Lighting	2,708.07
			Total Utilities & Maintenance	8,753.68
			Total Expense	12,882.74
			Net Ordinary Income	-12,882.74
			<b>Net Income</b>	<b>-12,882.74</b>



TOWN OF HICKORY CREEK  
 ATTN KRISTI K ROGERS  
 1075 RONALD REAGAN AVE  
 HICKORY CREEK TX 75065-7633

**MONTHLY STATEMENT OF ACCOUNT**

**ACCOUNT:** 1668276007

**ACCOUNT NAME:** ANIMAL SHELTER FACILITY

**STATEMENT PERIOD:** 02/01/2017 - 02/28/2017

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 0.9716%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 44 DAYS AND THE NET ASSET VALUE FOR 2/28/17 WAS 1.000273.

**MONTHLY ACTIVITY DETAIL**

TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
	BEGINNING BALANCE			8,997.09
02/28/2017	MONTHLY POSTING	9999888	6.70	9,003.79
	ENDING BALANCE			9,003.79

**MONTHLY ACCOUNT SUMMARY**

BEGINNING BALANCE	8,997.09
TOTAL DEPOSITS	0.00
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	6.70
ENDING BALANCE	9,003.79
AVERAGE BALANCE	8,997.09

**ACTIVITY SUMMARY (YEAR-TO-DATE)**

ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
ANIMAL SHELTER FACILITY	0.00	0.00	14.06







TOWN OF HICKORY CREEK  
 ATTN KRISTI K ROGERS  
 1075 RONALD REAGAN AVE  
 HICKORY CREEK TX 75065-7633

**MONTHLY STATEMENT OF ACCOUNT**

**ACCOUNT:** 1668276009

**ACCOUNT NAME:** HARBOR LANE - SYCAMORE BEND

**STATEMENT PERIOD:** 02/01/2017 - 02/28/2017

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 0.9716%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 44 DAYS AND THE NET ASSET VALUE FOR 2/28/17 WAS 1.000273.

MONTHLY ACTIVITY DETAIL				
TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
	BEGINNING BALANCE			324,058.00
02/28/2017	MONTHLY POSTING	9999888	241.54	324,299.54
	ENDING BALANCE			324,299.54

MONTHLY ACCOUNT SUMMARY	
BEGINNING BALANCE	324,058.00
TOTAL DEPOSITS	0.00
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	241.54
ENDING BALANCE	324,299.54
AVERAGE BALANCE	324,058.00

ACTIVITY SUMMARY (YEAR-TO-DATE)			
ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
HARBOR LANE - SYCAMORE BEND	0.00	0.00	506.68





TOWN OF HICKORY CREEK  
ATTN KRISTI K ROGERS  
1075 RONALD REAGAN AVE  
HICKORY CREEK TX 75065-7633

### MONTHLY STATEMENT OF ACCOUNT

ACCOUNT: 1668276011

ACCOUNT NAME: PID NO 1 ROAD

STATEMENT PERIOD: 02/01/2017 - 02/28/2017

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 0.9716%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 44 DAYS AND THE NET ASSET VALUE FOR 2/28/17 WAS 1.000273.

MONTHLY ACTIVITY DETAIL				
TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
	BEGINNING BALANCE			8,575.18
02/28/2017	MONTHLY POSTING	9999888	6.40	8,581.58
	ENDING BALANCE			8,581.58

MONTHLY ACCOUNT SUMMARY	
BEGINNING BALANCE	8,575.18
TOTAL DEPOSITS	0.00
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	6.40
ENDING BALANCE	8,581.58
AVERAGE BALANCE	8,575.18

ACTIVITY SUMMARY (YEAR-TO-DATE)			
ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
PID NO 1 ROAD	0.00	0.00	13.42





TOWN OF HICKORY CREEK  
 ATTN KRISTI K ROGERS  
 1075 RONALD REAGAN AVE  
 HICKORY CREEK TX 75065-7633

**MONTHLY STATEMENT OF ACCOUNT**

**ACCOUNT:** 1668276012

**ACCOUNT NAME:** PID NO 1 SAFETY

**STATEMENT PERIOD:** 02/01/2017 - 02/28/2017

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 0.9716%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 44 DAYS AND THE NET ASSET VALUE FOR 2/28/17 WAS 1.000273.

MONTHLY ACTIVITY DETAIL				
TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
	BEGINNING BALANCE			35,243.42
02/28/2017	MONTHLY POSTING	9999888	26.28	35,269.70
	ENDING BALANCE			35,269.70

MONTHLY ACCOUNT SUMMARY	
BEGINNING BALANCE	35,243.42
TOTAL DEPOSITS	0.00
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	26.28
ENDING BALANCE	35,269.70
AVERAGE BALANCE	35,243.42

ACTIVITY SUMMARY (YEAR-TO-DATE)			
ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
PID NO 1 SAFETY	0.00	0.00	55.11





TOWN OF HICKORY CREEK  
 ATTN KRISTI K ROGERS  
 1075 RONALD REAGAN AVE  
 HICKORY CREEK TX 75065-7633

**MONTHLY STATEMENT OF ACCOUNT**

**ACCOUNT:** 1668276008

**ACCOUNT NAME:** PID NO 1

**STATEMENT PERIOD:** 02/01/2017 - 02/28/2017

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 0.9716%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 44 DAYS AND THE NET ASSET VALUE FOR 2/28/17 WAS 1.000273.

MONTHLY ACTIVITY DETAIL				
TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
	BEGINNING BALANCE			150,581.04
02/28/2017	MONTHLY POSTING	9999888	112.25	150,693.29
	ENDING BALANCE			150,693.29

MONTHLY ACCOUNT SUMMARY	
BEGINNING BALANCE	150,581.04
TOTAL DEPOSITS	0.00
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	112.25
ENDING BALANCE	150,693.29
AVERAGE BALANCE	150,581.04

ACTIVITY SUMMARY (YEAR-TO-DATE)			
ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
PID NO 1	0.00	0.00	235.46

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT LOGIC PARTICIPANT SERVICES AT 1-800-895-6442





TOWN OF HICKORY CREEK  
 ATTN KRISTI K ROGERS  
 1075 RONALD REAGAN AVE  
 HICKORY CREEK TX 75065-7633

**MONTHLY STATEMENT OF ACCOUNT**

**ACCOUNT:** 1668276010

**ACCOUNT NAME:** PID NO 2

**STATEMENT PERIOD:** 02/01/2017 - 02/28/2017

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 0.9716%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 44 DAYS AND THE NET ASSET VALUE FOR 2/28/17 WAS 1.000273.

MONTHLY ACTIVITY DETAIL				
TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
	BEGINNING BALANCE			20,104.88
02/28/2017	MONTHLY POSTING	9999888	14.96	20,119.84
	ENDING BALANCE			20,119.84

MONTHLY ACCOUNT SUMMARY	
BEGINNING BALANCE	20,104.88
TOTAL DEPOSITS	0.00
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	14.96
ENDING BALANCE	20,119.84
AVERAGE BALANCE	20,104.88

ACTIVITY SUMMARY (YEAR-TO-DATE)			
ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
PID NO 2	0.00	0.00	31.40





TOWN OF HICKORY CREEK  
 ATTN KRISTI K ROGERS  
 1075 RONALD REAGAN AVE  
 HICKORY CREEK TX 75065-7633

**MONTHLY STATEMENT OF ACCOUNT**

**ACCOUNT:** 1668276001

**ACCOUNT NAME:** INVESTMENT FUND

**STATEMENT PERIOD:** 02/01/2017 - 02/28/2017

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 0.9716%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 44 DAYS AND THE NET ASSET VALUE FOR 2/28/17 WAS 1.000273.

MONTHLY ACTIVITY DETAIL				
TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
	BEGINNING BALANCE			3,033,564.51
02/08/2017	ACH DEPOSIT	6079362	800,000.00	3,833,564.51
02/28/2017	MONTHLY POSTING	9999888	2,710.30	3,836,274.81
	ENDING BALANCE			3,836,274.81

MONTHLY ACCOUNT SUMMARY	
BEGINNING BALANCE	3,033,564.51
TOTAL DEPOSITS	800,000.00
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	2,710.30
ENDING BALANCE	3,836,274.81
AVERAGE BALANCE	3,633,564.51

ACTIVITY SUMMARY (YEAR-TO-DATE)			
ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
INVESTMENT FUND	800,000.00	0.00	5,192.32





TOWN OF HICKORY CREEK  
 ATTN KRISTI K ROGERS  
 1075 RONALD REAGAN AVE  
 HICKORY CREEK TX 75065-7633

**MONTHLY STATEMENT OF ACCOUNT**

**ACCOUNT:** 1668276005

**ACCOUNT NAME:** RESIDENTIAL STREET & RD IMPROV

**STATEMENT PERIOD:** 02/01/2017 - 02/28/2017

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 0.9716%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 44 DAYS AND THE NET ASSET VALUE FOR 2/28/17 WAS 1.000273.

**MONTHLY ACTIVITY DETAIL**

TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
	BEGINNING BALANCE			2,572,836.55
02/28/2017	MONTHLY POSTING	9999888	1,917.69	2,574,754.24
	ENDING BALANCE			2,574,754.24

**MONTHLY ACCOUNT SUMMARY**

BEGINNING BALANCE	2,572,836.55
TOTAL DEPOSITS	0.00
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	1,917.69
ENDING BALANCE	2,574,754.24
AVERAGE BALANCE	2,572,836.55

**ACTIVITY SUMMARY (YEAR-TO-DATE)**

ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
RESIDENTIAL STREET & RD IMPROV	0.00	0.00	4,022.75





TOWN OF HICKORY CREEK  
 ATTN KRISTI K ROGERS  
 1075 RONALD REAGAN AVE  
 HICKORY CREEK TX 75065-7633

**MONTHLY STATEMENT OF ACCOUNT**

**ACCOUNT:** 1668276002

**ACCOUNT NAME:** TURBEVILLE RD IMPROVEMENT FUND

**STATEMENT PERIOD:** 02/01/2017 - 02/28/2017

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 0.9716%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 44 DAYS AND THE NET ASSET VALUE FOR 2/28/17 WAS 1.000273.

**MONTHLY ACTIVITY DETAIL**

TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
------------------	-------------	---------------------	--------------------	---------

	BEGINNING BALANCE			201,829.06
02/28/2017	MONTHLY POSTING	9999888	150.42	201,979.48
	ENDING BALANCE			201,979.48

**MONTHLY ACCOUNT SUMMARY**

BEGINNING BALANCE	201,829.06
TOTAL DEPOSITS	0.00
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	150.42
ENDING BALANCE	201,979.48
AVERAGE BALANCE	201,829.06

**ACTIVITY SUMMARY (YEAR-TO-DATE)**

ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
TURBEVILLE RD IMPROVEMENT FUND	0.00	0.00	315.57







## Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.1

Consider and act on a final plat of Lots 1R and 2R, Block A of Hickory Heights Subdivision, being 2.136 acres in the J. Hicks Survey A-567 and the M.E.P. & P.R.R. Co. Survey A-915, Town of Hickory Creek, Denton County, Texas.



February 22, 2017  
AVO 32010

Mr. John Smith  
Town of Hickory Creek  
1075 Ronald Reagan Ave  
Hickory Creek, Texas 75065

**RE: Hickory Heights – Final Plat of Block A, Lots 1R & 2R – 2<sup>nd</sup> Review**

Dear Mr. Smith:

Halff received the revised Replat for Hickory Heights Lots 1R & 2R, dated February 10, 2017, on February 21, 2017 from the Town. The applicant is revising the existing dividing lot line between the subject lots.

**Halff Associates has no additional comments at this time.**

Feel free to contact me with any questions or comments at (972) 956-0801.

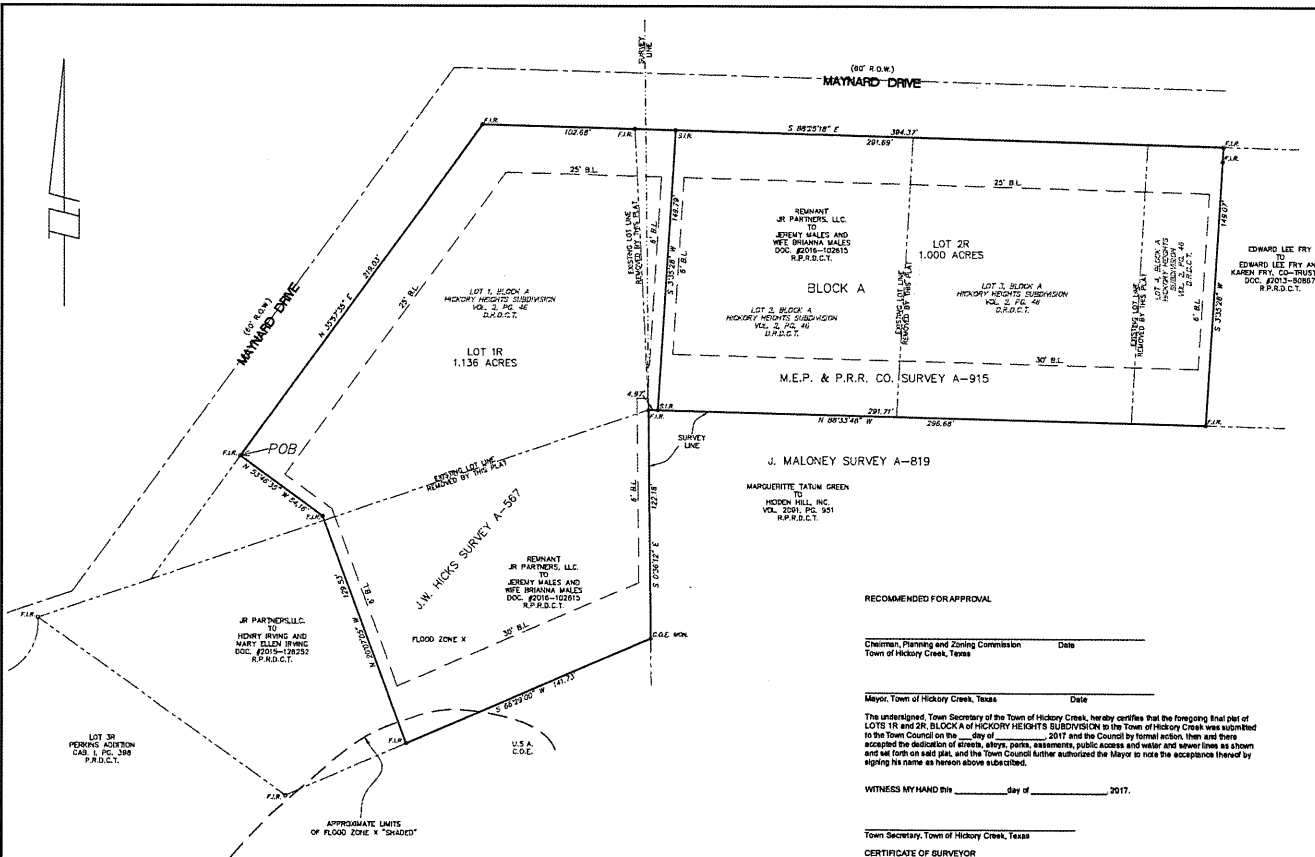
Sincerely,

**HALFF ASSOCIATES, INC.**  
TBPE Firm No. F-312

A handwritten signature in blue ink, appearing to read "Jay Reissig", is written over a faint, light blue rectangular stamp.

Jay Reissig, PE

C: Town of Hickory Creek  
Halff File



**OWNER'S CERTIFICATE AND DEDICATION**

STATE OF TEXAS  
 COUNTY OF DENTON WHEREAS WE, Jeremy Males and Brianna Males are the owners of that certain lot, tract, or parcel of land situated in the J. Hicks Survey Abstract Number 567 and the M.E.P. and P.R.R. Company Survey Abstract Number 915 in the Town of Hickory Creek, Denton County, Texas, being a part of Lot 1 and all of Lots 2 and 3 and a part of Lot 4, Block A of Hickory Heights Subdivision, an addition to the Town of Hickory Creek, Denton County, Texas, according to the plat thereof recorded in Volume 2, Page 46, (now held in Cabinet A, Page 17, Plat Records, Denton County, Texas, and being a part of real certain tract of land conveyed by deed from J.R. Partners LLC to Jeremy Males and wife, Brianna Males recorded under Document Number 2015-10225, Real Property Records, Denton County, Texas and being more particularly described as follows:

BEING: an iron rod found for corner in the south line of said Maynard Drive, a public roadway having a right-of-way of 60.2 feet, said point being the northeast corner of that certain tract of land conveyed by deed from J.R. Partners LLC to Henry Irving and Mary Ellen Irving recorded under Document Number 2015-12625, Real Property Records, Denton County, Texas;

THENCE N 50° 07' 30" E, 210.03 feet with said south line of said Maynard Drive to an iron rod found for corner; THENCE S 68° 12' 18" E, 304.37 feet with said south line of said Maynard Drive to an iron rod found for corner, said point being the northwest corner of that certain tract of land conveyed by deed from Edward Lee Fry to Edward Lee Fry and Karen Fry, Co-Trustees recorded under Document number 2013-40667, Real Property Records, Denton County, Texas;

THENCE S 03° 30' 28" W, 146.07 feet with the west line of said Fry tract to an iron rod found for corner in the north line of the J. Maloney Survey Abstract Number 810 and to the north line of that certain tract of land conveyed by deed from Margarita Yatum Dreen to Hidden Hill, Inc. recorded in Volume 2091, Page 951, Real Property Records, Denton County, Texas;

THENCE N 68° 12' 18" E, 206.89 feet with said north line of said Maloney Survey and with said north line of said Hidden Hill tract to an iron rod found corner, said point being the northwest corner of said Maloney Survey and the northwest corner of said Hidden Hill tract;

THENCE S 00° 36' 12" E, 122.16 feet with the west line of said Maloney Survey and with the west line of said Hidden Hill tract to a United States Army Corps of Engineers monument for corner in the north line of a tract of land conveyed by deed to the United States of America;

THENCE S 61° 30' 00" W, 141.73 feet with said north line of said U.S.A. tract to an iron rod found for corner, said point being the southeast corner of said Irving tract;

THENCE N 20° 07' 30" W, 120.53 feet with the east line of said Irving tract to an iron rod found for corner; THENCE N 53° 40' 35" W, 54.16 feet with said east line of said Irving tract to the PLACE OF BEGINNING and containing 2.136 acres of land.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS THAT WE, the aforesaid do hereby adopt this plat designating the herein above tract as LOTS 1R and 2R, BLOCK A of HICKORY HEIGHTS SUBDIVISION, being a replat of Lots 1 through 4, Block A of Hickory Heights Subdivision, an addition to the Town of Hickory Creek, Denton County, Texas, and do hereby dedicate to the public use forever all utility easements, drainage easements, and streets as shown hereon. All and any public utilities shall have the full right to remove and keep removed all growths which may endanger or interfere with the construction, maintenance, or efficiency of its respective systems on the utility easement for the purpose of constructing, reconstructing, repairing, protecting, maintaining and adding to or removing all or part of its respective systems without the necessity at anytime of procuring the permission of anyone.

WITNESS MY HAND this \_\_\_\_ day of \_\_\_\_\_, 2017

Jeremy Males  
 STATE OF TEXAS  
 COUNTY OF DENTON  
 This instrument was acknowledged before me on \_\_\_\_\_, 2017 by Jeremy Males.

NOTARY PUBLIC  
 STATE OF TEXAS  
 My commission expires \_\_\_\_\_

WITNESS MY HAND this \_\_\_\_ day of \_\_\_\_\_, 2017

Brianna Males  
 STATE OF TEXAS  
 COUNTY OF DENTON  
 This instrument was acknowledged before me on \_\_\_\_\_, 2017 by Brianna Males.

NOTARY PUBLIC  
 STATE OF TEXAS  
 My commission expires \_\_\_\_\_

OWNER/DEVELOPER  
 JEREMY MALES  
 3031 MAYNARD DRIVE  
 HICKORY CREEK, TX 75065  
 (817) 455-3286  
 SURVEYOR  
 LANDMARK SURVEYORS  
 4238 - 35 N  
 DENTON, TEXAS 76207  
 (940) 382-4016

**RECOMMENDED FOR APPROVAL**

Chairman, Planning and Zoning Commission Date \_\_\_\_\_  
 Town of Hickory Creek, Texas

Mayor, Town of Hickory Creek, Texas Date \_\_\_\_\_

The undersigned, Town Secretary of the Town of Hickory Creek, hereby certifies that the foregoing final plat of LOTS 1R and 2R, BLOCK A of HICKORY HEIGHTS SUBDIVISION in the Town of Hickory Creek was submitted to the Town Council on the \_\_\_\_ day of \_\_\_\_\_, 2017 and the Council by formal action, then and there accepted the dedication of streets, alleys, parks, easements, public access and water and sewer lines as shown and set forth on said plat, and the Town Council further authorized the Mayor to note the acceptance thereof by signing his name as hereon above subscribed.

WITNESS MY HAND this \_\_\_\_ day of \_\_\_\_\_, 2017.

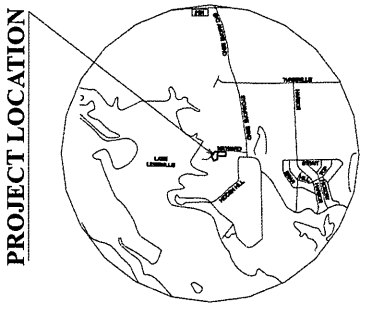
Town Secretary, Town of Hickory Creek, Texas

**CERTIFICATE OF SURVEYOR**

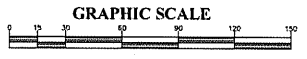
I, the undersigned, a registered professional land surveyor in the State of Texas, do hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

Jerrod D. Yreman  
 Registered Professional Land Surveyor No. 4501

- NOTES:
1. The purpose of this Replat is to reconfigure four platted lots into two platted lots. No new lots are being created by this plat.
  2. All monuments are 1/2" steel rods unless otherwise noted, and are tied to the existing subdivision as noted in the legal description of the dedication of this plat.
  3. There are no utility easements being created by this plat.
  4. The flood zone designation of the property is Zone "X, shaded" and Zone "C" as shown according to the Flood Insurance Rate Map for Denton County, Texas and incorporated Area, Panel Number 48121C053G dated April 18, 2011, as published by the Federal Emergency Management Agency.



**VICINITY MAP**  
 SCALE 1" = 2000'



**LEGEND**  
 B.L. = BUILDING LINE  
 D.L. = DRAINAGE EASEMENT  
 F.L.A. = FLOOD INSURANCE RATE MAP  
 S.P. = SET FROM ROAD  
 R.O.W. = RIGHT OF WAY

**LANDMARK SURVEYORS, L.L.C.**  
 4238 - 35 NORTH DENTON, TEXAS 76207  
 (940) 382-4016  
 FAX (940) 387-9784  
 TX REGISTRATION NO. 10836  
 LICENSED PROFESSIONAL SURVEYOR  
 DRAWN BY: BDL, SCALE: 1"=200', DATE: 11/22/2017 JOB NO. 13293

**PROJECT LOCATION**



## Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.2

Consider and act on a resolution of the Town of Hickory Creek, Texas authorizing the issuance of a water well drilling permit for 3014 Maynard Road, Hickory Creek, Texas.

**TOWN OF HICKORY CREEK  
RESOLUTION NO. 2017- 0321-1**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
HICKORY CREEK, TEXAS, AUTHORIZING THE ISSUANCE OF A  
WATER WELL DRILLING PERMIT FOR 3014 MAYNARD ROAD,  
HICKORY CREEK, TEXAS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, The Town of Hickory Creek (“The Town”), Texas is a Type A General Law municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to enabling legislation of the State of Texas;

**WHEREAS**, Double D Drilling has submitted a request for a permit to drill a water well at 3014 Maynard Road, legally described as Lot 2R, Block A, Hickory Heights Addition, Hickory Creek, Texas, for the purpose of installing a water well that will provide water to the residents of the property.

**WHEREAS**, the Town Council has determined water service can be provided for the location and purpose.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE  
TOWN OF HICKORY CREEK, TEXAS:**

**SECTION 1**

The foregoing recitals stated in the preamble are found to be true and correct and are deemed incorporated into the body of this resolution as if copied herein in their entirety.

**SECTION 2**

The request for a water well permit submitted by Double D Drilling at the location of 3014 Maynard Road, Hickory Creek, Texas, is hereby granted.

**PASSED AND APPROVED** by the Town Council of the Town of Hickory Creek, Texas this 21st day of March, 2017.

\_\_\_\_\_  
Lynn C. Clark., Mayor  
Town of Hickory Creek, Texas

ATTEST:

---

Kristi K. Rogers, Town Secretary  
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

---

Lance Vanzant, Town Attorney  
Town of Hickory Creek, Texas



March 16, 2017  
AVO 32010

Mr. John Smith  
Town of Hickory Creek  
1075 Ronald Reagan Ave  
Hickory Creek, Texas 75065

**RE: Tucker Water Well Permit**

Dear Mr. Smith:

Halff received the Water Well Permit Application for 3014 Maynard Road, or Lot 2R Block A of the Hickory Heights Addition on March 7, 2017. The applicant is Mark and April Tucker. The contractor is Double D Drilling. The following are our comments regarding the received application:

There are no further comments for the well permit, all request presented in the first response letter have been addressed and satisfy the requirements set forth by the Town of Hickory Creek. Driller shall ensure erosion control measures as indicated on the second submittal are in place prior to any drilling activities.

Feel free to contact me with any questions or comments at (972) 956-0801.

Sincerely,

**HALFF ASSOCIATES, INC.**

TBPE Firm No. F-312

A handwritten signature in blue ink, appearing to read "Jay Reissig", is written over a faint, light blue grid background.

Jay Reissig, PE

C: Town of Hickory Creek  
Halff File

**Lake Cities**  
**MUNICIPAL UTILITY AUTHORITY**



March 9, 2017

via email [chris.chaudior@hickorycreek-tx.gov](mailto:chris.chaudior@hickorycreek-tx.gov)

Town of Hickory Creek

Attn: Chris Chaudior, Community Development/Code Enforcement

1075 Ronald Reagan Ave

Hickory Creek, Texas 75225

RE: Water Well Application at 3014 Maynard Rd, Hickory Creek, Texas

Ms. Chaudior:

Lake Cities Municipal Utility Authority (LCMUA) formally recognizes and supports the application for the installation of a water well at 3014 Maynard Rd, Hickory Creek, Texas with the Town of Hickory Creek (the Town). Upon approval by the Town, LCMUA would like a copy of any issued permits for this water well for our files.

All construction will need to be made in accordance with LCMUA's Development Standards to include inspection coordination during the construction process and submission of the log report from drilling.

The Applicant should also provide information to the North Texas Groundwater Conservation District (the District) prior to construction per Senate Bill 2497 of the 81<sup>st</sup> Texas Legislature Session in 2009. The District's website address is [www.northtexasgcd.org](http://www.northtexasgcd.org).

Should you need any further information, please contact us at 940.497.2999.

Sincerely,

A handwritten signature in black ink that reads 'Mike Fairfield'.

Mike Fairfield  
General Manager

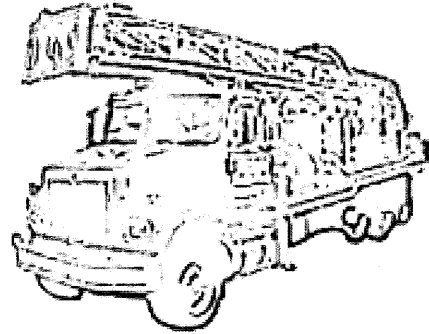
501 N Shady Shores Dr  
Lake Dallas, TX 75065  
Phone: 940.497.2999  
Fax: 940.497.2926



# DOUBLE D DRILLING

P.O. Box 483, Lewisville Texas 75067  
Cell (972) 834-6982

E-mail: dalechepulis@hotmail.com  
Texas Lic. # 54840



Town of Hickory Creek  
1075 Ronald Reagan Ave.  
Hickory Creek, TX 75065

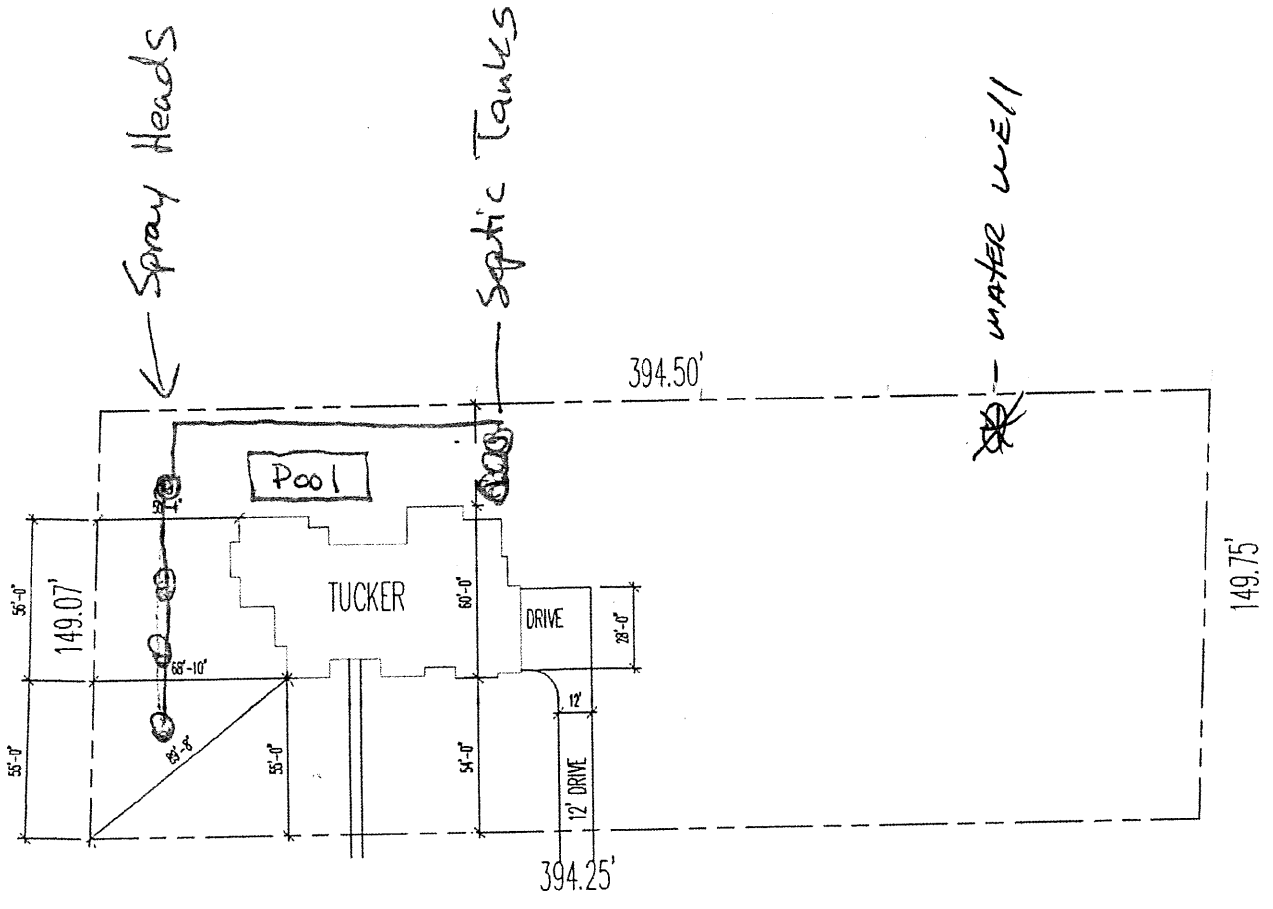
March 7, 2017

To whom it may concern,

Per attached documentation, please allow Mark Tucker to have has water well drilled at the specified location. We will pressure cement off the top 100 feet of the well in accordance with this chapter of the TDLR.

Thanks,

Dale Chepulis



MAYNARD DRIVE

## SITE PLAN

LOT 2,3,4  
 BLOCK A  
 HICKORY HEIGHTS  
 HICKORY CREEK  
 DENTON COUNTY  
 SCALE 1" = 60'-0"

(f) Inactive License Status

- (1) The fee for an inactive license -- No charge.
- (2) The fee to renew a license marked 'inactive' is the renewal fee as stated in subsection (b).
- (3) The fee to change from an inactive license to an active license is \$25.

**76.90. Disciplinary Actions.** *(Effective January 3, 1999, 23 TexReg 13059; amended effective December 5, 1999, 24 TexReg 10858; section repealed effective November 8, 2001, 26 TexReg 8814; new section effective November 8, 2001, 26 TexReg 8814; amended effective December 1, 2003, 28 TexReg 10468; amended effective October 1, 2004, 29 TexReg 9183; amended effective March 1, 2013, 38 TexReg 1142)*

If a person violates the Texas Occupations Code, Chapters 51, 1901 and 1902, or a rule or order of the executive director or commission, proceedings may be instituted to impose administrative sanctions and/or recommend administrative penalties in accordance with the Code or Texas Occupations Code, Chapter 51, and Chapter 60 of this title.

**76.100. Technical Requirements--Locations and Standards of Completion for Wells.** *(Effective January 3, 1999, 23 TexReg 1305; section repealed effective November 8, 2001, 26 TexReg 8814; new section effective November 8, 2001, 26 TexReg 8814; amended effective December 1, 2003, 28 TexReg 10468; amended effective October 1, 2004, 29 TexReg 9183; amended effective December 1, 2006, 31 TexReg 9604; amended effective March 1, 2013, 38 TexReg 1142; section repealed effective September 15, 2014, 39 TexReg ----; new section effective September 15, 2014, 39 TexReg 7090; amended effective January 1, 2016, 40 TexReg 8756)*

(a) Wells shall be completed in accordance with the following specifications and in compliance with the local groundwater conservation district rules or incorporated city ordinances.

- (1) Siting Method. A well shall be located a minimum horizontal distance of one hundred fifty (150) feet from any concentrated sources of potential contamination such as, but not limited to, existing or proposed livestock or poultry yards, cemeteries, pesticide mixing/loading facilities, and privies, except in the case of monitoring, dewatering, piezometer, and recovery wells which may be located where necessity dictates. A well shall be located a minimum horizontal distance of one hundred (100) feet from an existing or proposed septic system absorption field, septic system spray area, a dry litter poultry facility and fifty (50) feet from any adjacent property line provided the well is located at the minimum horizontal distance from the sources of potential contamination.
- (2) A well shall be located a minimum horizontal distance of fifty (50) feet from any water-tight sewage and liquid-waste collection facility except in the case of monitoring, dewatering, piezometer, and recovery wells which may be located where necessity dictates.
- (3) A well shall be located at a site not generally subject to flooding; provided however, that if a well must be placed in a flood-prone area, it shall be completed with a watertight sanitary well seal, so as to maintain a junction between the casing and pump column, and a steel sleeve extending a minimum of thirty-six (36) inches above ground level and twenty-four (24) inches below the ground surface.
- (4) A driller is not required to adhere to the property line distance requirements if:
  - (A) the well is located within a groundwater conservation district, and the district's rules regulate the spacing of wells;
  - (B) the well is located on property that has restrictions regulating the spacing of wells and on-site sewage systems; or
  - (C) public wastewater treatment is provided and utilized by the owner.

(b) Alternative siting methods

- (1) Unless the well is drilled within the Edwards Aquifer, the distances given for separation of wells from sources of potential contamination in subsection (a)(1) may be decreased to a minimum of fifty (50) feet provided the well is cemented with positive displacement technique to a minimum of one hundred (100) feet to surface or the well is tremie pressure filled to the depth of one hundred (100) feet to the surface

provided the annular space is three inches larger than the casing. For wells less than one hundred (100) feet deep, the cement slurry, bentonite grout, or bentonite column shall be placed to the top of the production zone. In areas of shallow, unconfined groundwater aquifers, the cement slurry, bentonite grout, or bentonite column need not be placed below the production zone. In areas of shallow, confined groundwater aquifers having artesian head, the cement slurry, bentonite grout, or bentonite column need not be placed below the top of the water-bearing strata.

- (2) A well is cemented with positive displacement technique to a minimum of one hundred (100) feet to surface or the well is tremie pressure filled to the depth of one hundred (100) feet to the surface provided the annular space is three (3) inches larger than the casing may encroach up to five (5) feet of the property line. For wells less than one hundred (100) feet deep, the cement slurry, bentonite grout, or bentonite column shall be placed to the top of the producing layer. In areas of shallow, unconfined groundwater aquifers having artesian head, the cement slurry, bentonite grout, or bentonite column need not be placed below the top of the water production zone.

(c) Drilling the well

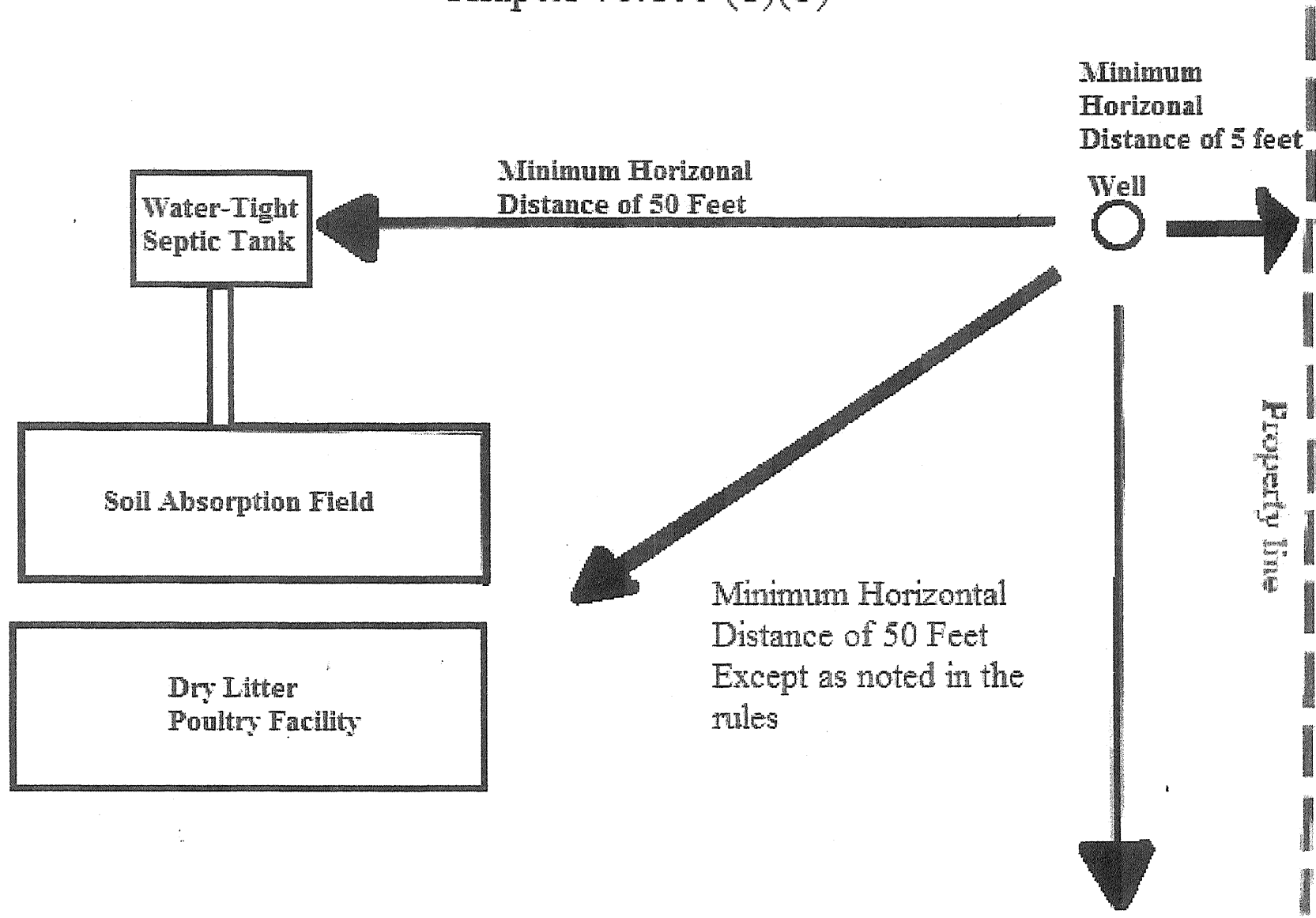
- (1) All wells shall be completed so that aquifers or zones containing waters that differ in chemical quality are not allowed to commingle through the borehole casing annulus or the filter pack and cause quality degradation of any aquifer or zone. When aquifers or zones of lesser quality are overlying the production aquifer or zone, the borehole annulus shall be pressure grouted with bentonite or cement from the top of the production zone back to the surface unless formations make total grouting impossible or impractical. In this case the entire borehole annulus which is groutable shall be grouted and sealed including proper surface annular grouting and completion.
- (2) The well casing shall be capped or completed in a manner that will prevent pollutants from entering the well.
- (3) Each licensee shall use potable water in drilling fluids.
- (4) Each licensed well driller drilling, deepening, or altering a well shall keep any drilling fluids, tailings, cuttings or spoils contained in such a manner so as to prevent spillage onto any property not under the jurisdiction or control of the well owner without the property owner's written consent.
- (5) Each licensed well driller drilling, deepening, or altering a well shall prevent the spillage of any drilling fluids, tailings, cuttings or spoils into any body of surface water.
- (6) A test well that is drilled for exploring for groundwater shall not be open at the surface or allowing water zones of different chemical qualities to commingle and must be completed or plugged within six (6) months of drilling.
- (7) Water wells located within public water supply system sanitary easements must be constructed to public well standards pursuant to 30 TAC Chapter 290.

(d) Casing the well

- (1) The driller casing a well shall install a watertight pipe, temporarily or permanently to maintain the hole sidewalls against caving, advance the borehole, and in conjunction with cementing and/or bentonite grouting, confine the groundwater to their respective aquifer or zone of origin, to prevent surface contaminant infiltration.
- (2) - The following casing materials must be used:
  - (A) Plastic casing--National Sanitation Foundation (WSF-WC) or American Society of Testing Material (ASTM) F-480 minimum SDR 26 approved water well casing;
  - (B) Steel casing--New ASTM A-53 Grade or better, and have a minimum weight and thickness of American National Standards Institute (ANSI) schedule 10;

# Alternative Well Siting

Chapter 76.100 (1)(b)



Minimum Horizontal Distance of 50 Feet From Any Other Concentrated Sources of Potential Contamination



## Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.3

Consider and act on a replat of Lake Cities Polaris Addition, Lots 1, 2, and 3 Block A, 5.01 acres out of the Lowry Cobb Survey, Abstract No. 284, Town of Hickory Creek, Denton County, Texas. The property is located at 6060 North Stemmons Freeway.



February 27, 2017  
AVO 32010

Mr. John Smith  
Town of Hickory Creek  
1075 Ronald Reagan Ave  
Hickory Creek, Texas 75065

**RE: Lake Cities Polaris – Preliminary Re-Plat of Block 1, Lots 1, 2, & 3**

Dear Mr. Smith:

Halff received the Preliminary Re-Plat for Lake Cities Polaris, dated February 27, 2017, on February 27, 2017 from the Town. The applicant is subdividing the existing property into 3 lots that are owned by Drake & Hen LLC and Duke Retail Properties LLC.

**Plat Comments:**

1. The interior radius of the fire lane shown as curve C10 does not meet the Town's minimum radius requirement of 26'. [\(This comment was addressed and the plat attached meets the radius requirement.\)](#)

Feel free to contact me with any questions or comments at (972) 956-0801.

Sincerely,

**HALFF ASSOCIATES, INC.**  
TBPE Firm No. F-312

A handwritten signature in blue ink, appearing to read "Jay Reissig".

Jay Reissig, PE

C: Town of Hickory Creek  
Halff File

- LEGEND:**
- P.O.B. PLACE OF BEGINNING
  - F.I.R. FOUND IRON ROD
  - S.L.R. SET CAPPED IRON ROD UNDISCOVERED "X" 3/16" 3/16"
  - P.A.C.C.T. PLAT RECORDS, DENTON COUNTY, TEXAS
  - D.R.C.C.T. DEED RECORDS, DENTON COUNTY, TEXAS
  - R.O.W./R.W. RIGHT-OF-WAY
  - P.O. POWER POLE
  - L.P. LIGHT POLE
  - W.W. WATER METER
  - W.V. WATER VALVE
  - F.I. FIRE HYDRANT
  - D.R.T. DIRT
  - S.S. SANITARY SEWER LINE
  - S.S.W. SANITARY SEWER MAINLINE
  - W. 6" WATER LINE
  - C.E. US ARMY CORPS OF ENGINEERS MOUNDART
  - F. FENCE
  - T. TADPOB MARKER
  - G. GRATE POLET
  - P. PAINTED STRIPS

**OWNER'S CERTIFICATE.**

I, **DRAKE & HEY, LLC AND DUXIE REAL PROPERTIES LLC** HEREBY CERTIFY THAT WE ARE THE OWNERS OF THAT TRACT OF LAND CONTAINED BY SPECIAL WARRANTY DEED AS RECORDED IN COUNTY CLERK DOCUMENT NO. 2014-01848, DEED RECORDS, DENTON COUNTY, TEXAS AND SAID TRACT IS BEING SUBMITTED TO THE CITY OF HICKORY CREEK, TEXAS FOR CONSIDERATION FOR THE CITY OF HICKORY CREEK, TEXAS. WE HEREBY CERTIFY THAT WE HAVE FULL AND COMPLETE TITLE TO SAID TRACT OF LAND AND THAT WE HAVE THE RIGHT TO CONVEY SAID TRACT OF LAND TO THE CITY OF HICKORY CREEK, TEXAS. WE HEREBY CERTIFY THAT WE HAVE FULL AND COMPLETE TITLE TO SAID TRACT OF LAND AND THAT WE HAVE THE RIGHT TO CONVEY SAID TRACT OF LAND TO THE CITY OF HICKORY CREEK, TEXAS. WE HEREBY CERTIFY THAT WE HAVE FULL AND COMPLETE TITLE TO SAID TRACT OF LAND AND THAT WE HAVE THE RIGHT TO CONVEY SAID TRACT OF LAND TO THE CITY OF HICKORY CREEK, TEXAS.

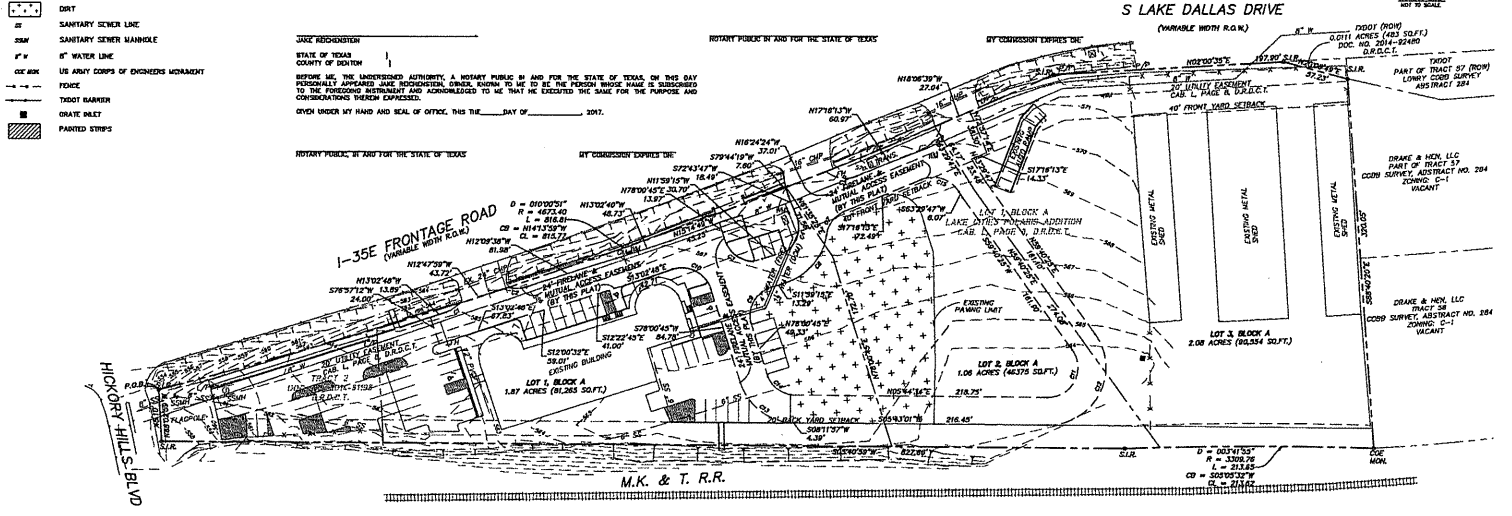
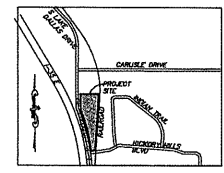
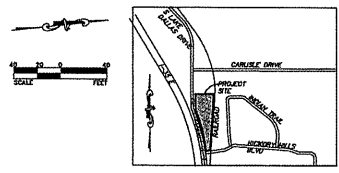
**STATE OF TEXAS**  
**COUNTY OF DENTON**

**NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS**

**YVON LISBAC, JR.**  
 REGISTERED PROFESSIONAL LAND SURVEYOR

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED **YVON LISBAC, JR.** KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.



**OWNER'S DECLARATION**

STATE OF TEXAS  
 COUNTY OF DENTON

**DRAKE & HEY, LLC AND DUXIE REAL PROPERTIES LLC** ARE THE OWNERS OF THAT TRACT OF LAND CONTAINED BY SPECIAL WARRANTY DEED AS RECORDED IN COUNTY CLERK DOCUMENT NO. 2014-01848, DEED RECORDS, DENTON COUNTY, TEXAS AND SAID TRACT IS BEING SUBMITTED TO THE CITY OF HICKORY CREEK, TEXAS FOR CONSIDERATION FOR THE CITY OF HICKORY CREEK, TEXAS.

BEFOREME AT A SET CAPPED IRON ROD UNDISCOVERED "X" 3/16" 3/16" FOR CORNER AT THE INTERSECTION OF THE EASTERN LINE OF I-35E FRONTAGE ROAD (VARIABLE WIDTH ROAD) WITH THE NORTHERLY LINE OF HICKORY HILLS ROAD (UNDEVELOPED WIDTH ROAD), SAID CORNER BEING THE BEGINNING OF A CURVE TO THE LEFT.

THENCE ALONG SAID CURVE TO THE LEFT, BEARING A CENTRAL ANGLE OF 109.071°, A RADIUS OF 215.00', AN ARC LENGTH OF 68.44', AND A CHORD LENGTH OF 121.73', WHICH BEARS N17°13'17" W WITH THE EAST LINE OF SAID I-35E FRONTAGE ROAD (VARIABLE WIDTH ROAD) TO A SET CAPPED IRON ROD FOR CORNER UNDISCOVERED "X" 3/16" 3/16".

THENCE N07°00'45" W CONTINUING WITH THE EAST LINE OF SAID I-35E FRONTAGE ROAD (VARIABLE WIDTH ROAD), A DISTANCE OF 187.00' TO A SET CAPPED IRON ROD FOR CORNER UNDISCOVERED "X" 3/16" 3/16", SAID CORNER BEING THE SOUTH CORNER OF A 0.1111 ACRE TRACT OF LAND AS RECORDED IN COUNTY CLERK DOCUMENT NO. 2014-1848, DEED RECORDS, DENTON COUNTY, TEXAS.

THENCE S07°00'45" W CONTINUING WITH THE EAST LINE OF SAID I-35E FRONTAGE ROAD (VARIABLE WIDTH ROAD), A DISTANCE OF 67.25' TO A SET CAPPED IRON ROD UNDISCOVERED "X" 3/16" 3/16" FOR CORNER, SAID CORNER BEING IN THE NORTH LINE OF LOT 1, BLOCK A, LAKE CITIES POLARIS, A PLAT LATER APPROVED TO THE CITY OF HICKORY CREEK, AS RECORDED IN CABINET L, PAGE 8, PLAT RECORDS, DENTON COUNTY, TEXAS.

THENCE S07°00'45" W CONTINUING WITH THE EAST LINE OF SAID I-35E FRONTAGE ROAD (VARIABLE WIDTH ROAD), A DISTANCE OF 330.75', AN ARC LENGTH OF 33.83', AND A CHORD LENGTH OF 33.83', WHICH BEARS N07°00'45" W WITH THE WEST LINE OF SAID BLOCK A, LAKE CITIES POLARIS, A PLAT LATER APPROVED TO THE CITY OF HICKORY CREEK, AS RECORDED IN CABINET L, PAGE 8, PLAT RECORDS, DENTON COUNTY, TEXAS.

THENCE S07°00'45" W CONTINUING WITH THE WEST LINE OF SAID BLOCK A, LAKE CITIES POLARIS, A PLAT LATER APPROVED TO THE CITY OF HICKORY CREEK, AS RECORDED IN CABINET L, PAGE 8, PLAT RECORDS, DENTON COUNTY, TEXAS, A DISTANCE OF 627.00' TO A SET CAPPED IRON ROD UNDISCOVERED "X" 3/16" 3/16" FOR CORNER, SAID CORNER BEING IN THE NORTH LINE OF SAID HICKORY HILLS BLVD (UNDEVELOPED WIDTH ROAD).

THENCE N07°00'45" W TRAVELING THE NORTH LINE OF SAID HICKORY HILLS BLVD (UNDEVELOPED WIDTH ROAD), A DISTANCE OF 483.00' BACK TO THE PLACE OF BEGINNING AND CONTAINING SAID ACRES (181.194 SQ.FT.) OF LAND.

Curve #	Length	Radius	Delta	Chord length	Chord bearing
C4	34.38	25.00	075°13'08"	31.91	N09° 24' 41" W
C8	56.87	50.00	084°58'09"	53.68	S44° 23' 20" E
C9	38.67	28.00	085°17'01"	35.20	S51° 35' 46" E
C10	41.32	28.00	091°04'11"	37.11	S32° 38' 38" W
C7	25.03	28.00	057°13'35"	24.98	S48° 15' 59" E
C3	34.48	26.28	075°14'43"	33.04	N45° 21' 03" E
C1	14.97	26.00	032°3'38"	14.72	N29° 29' 48" W
C2	14.69	26.00	032°3'38"	14.50	N02° 01' 51" E
C5	28.26	26.00	062°17'41"	26.09	N49° 24' 12" W
C6	28.22	26.00	062°17'41"	26.09	N12° 44' 12" E
C13	38.22	50.00	087°77'24"	35.41	S44° 21' 38" W
C14	28.37	26.00	062°30'52"	26.88	N41° 58' 20" E
C11	37.21	26.00	126°04'08"	46.35	N03° 17' 31" W
C12	110.02	50.00	128°04'08"	89.13	S57° 17' 31" E
C15	38.65	26.00	080°46'01"	33.69	S23° 08' 47" W

RECOMMENDED FOR APPROVAL

CITYMAN, PLANNING AND ZONING COMMISSION  
 CITY OF HICKORY CREEK, TEXAS

DIVE

SEWERAGE DISTRICT

- THE BASIS OF BEGINNING IS THE EASTERN LINE OF S LAKE DALLAS DRIVE (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) (EAST NORTH) 07°00'45" EAST AS RECORDED IN CABINET L, PAGE 8, PLAT RECORDS, DENTON COUNTY, TEXAS.
- THE PORTIONS OF THIS PROPERTY LIES WITHIN THE CITY OF HICKORY CREEK, TEXAS. THE CITY OF HICKORY CREEK, TEXAS IS THE LOCAL GOVERNMENT AUTHORITY FOR THE CITY OF HICKORY CREEK, TEXAS. THE CITY OF HICKORY CREEK, TEXAS IS THE LOCAL GOVERNMENT AUTHORITY FOR THE CITY OF HICKORY CREEK, TEXAS.

**PRELIMINARY REPLAT**  
**OF**  
**LAKE CITIES POLARIS**  
**LOTS 1, 2 & 3, BLOCK A**  
**ZONED: C-1**  
**5.01 ACRES**  
**OUT OF THE**  
**LOWRY COBB SURVEY, ABSTRACT NO. 284**  
**CITY OF HICKORY CREEK, DENTON COUNTY, TEXAS**  
 DATE: FEBRUARY 28, 2017

**DRAKE & HEY, LLC**  
 & **DUXIE REAL PROPERTIES LLC**  
 300 WED COBB LINES  
 LAKE DALLAS, TEXAS, 75063  
 CONTRACT-JACK WOODRUM  
 PHONE: (972) 444-0963

**YVON LISBAC, JR.**  
 6000 BELTWAY DR.  
 DALLAS, TEXAS, 75249  
 CONTACT: YVON LISBAC, JR.  
 PHONE: (972) 481-8187





## Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.4

Consider and act on an appointment to the Economic Development Corporation.

Place 2 with a term expiring December 2018, is vacant due to the fact Michael Gividen did not wish to be reappointed.

Nate Prevost would like to be considered for appointment.



## Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.5

Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 14: Zoning, Exhibit A Zoning Ordinance, Article XXIII Nonconforming Uses and Structures to provide an amortization process for legal nonconforming uses.

**TOWN OF HICKORY CREEK  
ORDINANCE NO. 2017-03-759**

**AN ORDINANCE OF THE TOWN OF HICKORY CREEK, TEXAS AMENDING THE TOWN'S CODE OF ORDINANCES, CHAPTER 14: ZONING, EXHIBIT A ZONING ORDINANCE, ARTICLE XXIII: NONCONFORMING USES AND STRUCTURES; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR FINDINGS; PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Hickory Creek is a Type A General Law Municipality located in Denton County, Texas created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, Title 7, Chapter 211.003 of the Texas Local Government Code empowers a municipality to, among other things, establish and amend zoning districts, classifications of land use, adopt a comprehensive plan to regulate the use of land and open spaces, adopt and amend zoning regulations, regulate population density, and regulate the use and location of buildings; and

**WHEREAS**, the Town Planning and Zoning Commission and Town Council have held the requisite public hearings; and

**WHEREAS**, the Town Council, in its legislative discretion has concluded that the revisions to the zoning ordinance as indicated herein should be adopted.

**NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS:**

**SECTION 1  
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2**  
**FINDINGS**

After due deliberations, the Town Council has concluded that the adoption of this Ordinance is in the best interest of the Town of Hickory Creek, Texas, and of the public health, safety and welfare.

**SECTION 3**  
**AMENDMENTS**

3.01 That Chapter 14: Zoning, Exhibit A Zoning Ordinance, Article XXIII: Nonconforming Uses and Structures, is hereby amended to read as follows:

**“SECTION 1. Intent of Provisions:**

(1) Existence of Nonconformities.

(a) The purpose of this Article XXIII is to establish provisions for the allowance and potential alteration of uses, lots and/or structures that do not conform to currently applicable standards or regulations but were in conformance with standards in place at the time of their inception and have been rendered nonconforming due to a change in the applicable standards and regulations.

(i) Nonconformities occur in two (2) general categories, or combinations thereof:

(A) Nonconforming lots and structures as described in Section 2(1)(a) (Legal Nonconforming). For example, a nonconforming lot can be nonconforming as to lot area or dimension requirement; and, a nonconforming structure can be nonconforming as to setback, yard or height lot area or dimension requirement.

(B) Nonconforming uses are uses as described in Section 2(1)(a) (Legal Nonconforming).

(ii) It is the declared intent of this Article XXIII that nonconforming uses and structures eventually be eliminated and be required to comply with the regulations of this Ordinance, having due regard for the property rights of the person affected, the public welfare and the character of the surrounding area.

(2) Limit Incompatibility. It is further the intent of this Article XXIII that nonconforming uses shall not be:

(a) Enlarged upon,

(b) Expanded or extended, or

(c) Used as a basis for adding other structures or uses prohibited elsewhere in the same district.

(3) Incompatible Uses. Notwithstanding anything to the contrary herein, nonconforming uses are hereby declared incompatible with the permitted uses in the districts involved.

**SECTION 2:** Establishment of Legal Nonconforming Status.

(1) Existence. For purposes of interpretation of this Article XXIII, any uses, structures and/or lots that, in whole or part, are not in conformance with current zoning standards shall be considered as follows:

(a) Legal Nonconforming. Those uses, structures or lots that in whole or part are not in conformance with current zoning standards but were legally established at a prior date at which time they were in conformance with applicable standards. Such uses, structures or lots may be maintained or potentially altered subject to the provisions of this Article XXIII.

(b) Illegal Status. Those uses, structures or lots that, in whole or part, are not in conformance with current zoning standards and were not in conformance with applicable standards at the time of their inception shall not be considered nonconforming, but shall be considered illegal uses, structures or lots and shall not be approved for any alteration or expansion, and shall undertake necessary remedial measures to reach conformance with current standards, or be discontinued.

(2) Time of Adoption. Any use, platted lot and/or structure is a lawful use at the time of the adoption of any amendment to this Ordinance, but by such amendment is placed in a district wherein such use, platted lot and/or structure is not otherwise permitted shall be deemed legal nonconforming.

(3) Annexation. If a use, platted lot and/or structure was in existence at the time of annexation to the Town of Hickory Creek, Texas, and has since been in regular and continuous use shall be deemed legal nonconforming.

**SECTION 3:** Burden of Demonstration. The burden of establishing that any nonconformity is a legal nonconformity as defined in this Article XXIII is borne by the owner or proponent of such nonconformity.

**SECTION 4:** Continuing Lawful Use of Property and Existence of Structures.

(1) Abandonment of Nonconforming Use. If a nonconforming use on a particular parcel of land shall cease operations for a period of more than six (6) months, then such nonconforming use shall be deemed to be permanently abandoned. For the purpose of

this paragraph, to "cease operations" means to intentionally terminate operations of the nonconforming use. Any nonconforming use that does not involve a permanent type of structure or operation and that is moved from the premises shall be considered to have been abandoned.

(2) Prohibited Expansion or Reoccupation. A nonconforming use or structure shall not be expanded, reoccupied with another nonconforming use or increased as of the effective date of this Ordinance, except as provided in Section 6 (Expansion of Nonconforming Uses and Structures).

(3) Single Family Residential Uses.

(a) Conforming single family residential uses on platted lots approved prior to February 28, 2017, which may now be nonconforming due to stricter standards, shall be deemed in conformance with this Ordinance as long as the use of the lot is allowed in the respective district.

(b) Only the lot size, depth, setbacks and width shall be allowed to be less than the regulations prescribed in the zoning district in which it is located. All other regulations of this Ordinance shall be met, or the lot shall be considered nonconforming.

(4) Existing Platted Lots are Conforming Lots. Any existing vacant lot platted prior to February 28, 2017, that was legally conforming, shall be deemed a conforming lot.

#### **SECTION 5: Changing Uses and Nonconforming Rights.**

(1) Nonconforming Use to Conforming Use. Any nonconforming use may be changed to a conforming use, and once such change is made, the use shall not be changed back to a nonconforming use.

(2) Nonconforming Use to another Nonconforming Use. A nonconforming use may not be changed to another nonconforming use.

(3) Conforming Use in a Nonconforming Structure. Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use provided the following criteria are met:

(a) Regardless of whether the land upon which the nonconforming structure is located has been previously platted, in any way, no conforming use may be operated within said nonconforming structure unless and until any and all dedications and conveyances (whether in fee simple, by easement or otherwise) are dedicated, conveyed and granted to the Town of Hickory Creek, Texas in accordance with Chapter 10 (Subdivision Ordinance Adopted), as amended, of the Town of Hickory Creek's Code of Ordinances, and in the form reasonably required by the Town of Hickory Creek;

(b) Compliance with Article 3.100 (Construction Codes), as amended, of the Town of Hickory Creek's Code of Ordinances; and

(c) Compliance with the process outlined in Section 6 (Expansion of Nonconforming Use and Structures).

NOTWITHSTANDING THE FOREGOING SECTION 5(3) (CONFORMING USE IN A NONCONFORMING STRUCTURE), CHAPTER 245, TEX. LOC. GOV'T CODE, AS AMENDED, ("CHAPTER 245") SHALL NOT APPLY TO THE REQUIREMENTS SET FORTH IN THIS SECTION 5(3). IF A CLAIM IS MADE AGAINST THE TOWN UNDER CHAPTER 245 WITH REGARD TO THIS SECTION 5(3), THE OPTION SET FORTH IN THIS SECTION 5(3) SHALL NOT APPLY AND/OR BE MADE AVAILABLE TO AN APPLICANT SEEKING RELIEF UNDER SECTION 5(3).

**SECTION 6:** Expansion of Nonconforming Uses and Structures. An expansion of a nonconforming use or structure is allowed in accordance with the following.

(1) Nonconforming Use Expansion in Existing Building. A nonconforming use located within a building may be extended throughout the existing building, provided:

(a) No structural alteration may be made on or in the building except those required by law to preserve such building in a structurally sound condition.

(b) The number of dwelling units or rooms in a nonconforming residential use shall not be increased so as to exceed the number of dwelling units or rooms existing at the time said use became a nonconforming use.

(2) Nonconforming Use Prohibited from Expansion beyond Existing Building. A nonconforming use within a building shall not be extended to occupy any land outside the building.

(3) Off-Street Loading and Parking. A nonconforming use of land or building shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the time the land or building became a nonconforming use, except to provide off-street loading or off-street parking space.

(4) Residential Lot Exemption. The minimum residential lot areas for the various zoning districts shall be in accordance with their respective districts except that a lot having less area than herein required which was an official "lot of record" prior to February 28, 2017, may be used for a single family dwelling.

(5) Reuse of Abandoned or Vacant Buildings by Conforming Uses Allowed. Buildings or structures that have been vacant or abandoned for more than six (6) months and do not meet the current area regulations or development standards shall be allowed to be re-occupied by a conforming use, provided the applicant complies with the requirements of

Section 5(3) (Conforming Use in a Nonconforming Structure) and Section 6 (Expansion of Nonconforming Use and Structures).

**SECTION 7: Restoration of Nonconforming Structures.**

(1) Total Destruction. If a nonconforming structure is destroyed by fire, the elements or other cause, it may not be rebuilt except to conform to the provisions of this Ordinance.

(2) Partial Destruction. In the case of partial destruction of a nonconforming structure not exceeding fifty-one percent (51%) of its total appraised value as determined by the Denton County Appraisal District, reconstruction will be permitted, but the existing square footage or function of the nonconforming structure cannot be expanded.

**SECTION 8: Movement of Nonconforming Structures.**

(1) Relocation of a Nonconforming Structure within a Platted Lot. Nonconforming structures may be relocated within the same platted lot.

(2) Compliance. Nonconforming structures shall comply with all setback and screening requirements.

**SECTION 9: Completion of Structures.** Nothing herein contained shall require any change in the plans, construction or designated use of the following.

(1) Approved Building. A building or structure for which a building permit has been issued or a Site Plan approved prior to February 28, 2017.

(2) Building in the Approval Process. A building or structure for which a complete application for a building permit was accepted by the Chief Building Official on or before the effective date of these regulations; provided, however, that such building permit shall comply with all applicable ordinances in effect on the date such application was filed.

**SECTION 10: Amortization of Nonconforming Uses.**

(1) Initiation of Compliance Case. Any person who resides or owns real property in the Town may request that the Town Council establish a compliance date for a nonconforming use. Additionally, the Town Council by its own initiation may institute proceeding to consider and establish a compliance date for a non-conforming use.

(2) Public Hearing Process. Upon receiving a request under Section 10(1) (Initiation of Compliance Case), Town staff shall schedule the First Public Hearing before the Town Council.

(a) First Public Hearing. The Town Council shall hold a public hearing to determine whether the continued operation of the nonconforming use will have an adverse effect on nearby properties; it shall schedule a second public hearing to



establish a compliance date for the nonconforming use; otherwise, it shall not. In determining whether the continued use will have an adverse effect on nearby properties, the Town Council shall consider the following factors:

- (i) The character of the surrounding neighborhood.
  - (ii) The degree of incompatibility of the use to the zoning district in which it is located.
  - (iii) The manner in which the use is being conducted.
  - (iv) The hours of operation of the use.
  - (v) The extent to which continued operation of the use may threaten public health or safety.
  - (vi) The environmental impact of the use's operations, including but not limited to the impacts of noise, glare, dust and odor.
  - (vii) The extent to which public disturbances and nuisances may be created or perpetuated by continued operation of the use.
  - (viii) The extent to which traffic or parking problems may be created or perpetuated by continued operation of the use.
  - (ix) Any other factors relevant to the issue or whether continued operation of the use will adversely affect nearby properties.
  - (x) Notwithstanding anything to the contrary herein, the Town Council cannot amortize a use described in Section 2(1) (Temporary Zoning Annexed Territory).
- (b) Second Public Hearing.

(i) If the Town Council has determined at the first public hearing that the nonconforming use will have an adverse effect on nearby properties, it shall hold a second public hearing to establish a compliance date for the nonconforming use under a plan whereby the owner's actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period. The following factors must be considered by the Town Council in determining a reasonable amortization period:

- (A) The owner's capital investment in structures, fixed equipment and other assets (excluding inventory and other assets that may be

feasibly transferred to another site) on the property before the time the use became nonconforming.

(B) Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases and discharge of mortgages.

(C) Any return on investment since inception of the use, including net income and depreciation.

(D) The anticipated annual recovery of investment, including net income and depreciation.

(E) A reasonable wind-up period for the nonconforming use.

(ii) If the Town Council, at the first public hearing, requests financial documentation and/or records from the owner relating to the factors listed directly above, the owner shall provide said documents and/or records at least thirty (30) days before the second public hearing. If the owner does not provide said documentation and/or records, the Town Council is authorized to make its determination of a compliance date based upon any reasonably available public records, as well as public testimony at the hearing. Failure by owner to provide the requested financial documents and/or records shall not prevent the Town Council from setting a compliance date.

**SECTION 11:** Ceasing Operations. If the Town Council establishes a compliance date for a nonconforming use, the use must cease operations on that date and it may not operate thereafter unless it becomes a conforming use.

**SECTION 12:** Termination, Abandonment or Change in Ownership. When such nonconforming use is terminated, abandoned, or ownership is changed or transferred, all future users or new owners must obtain permission from appropriate governing bodies of the Town of Hickory Creek for continued or different nonconforming uses.

**SECTION 13:** Definitions. For purposes of this Article XXIII, "owner" means the owner of the nonconforming use at the time of the Town Council's determination of a compliance date for the nonconforming use.

**SECTION 14:** Finality of Decisions.

(1) Decisions that Cannot be Immediately Appealed. A decision by the Town Council that the continued operation of a nonconforming use will have an adverse effect on neighboring property, and the Town Council's decision to schedule a second public hearing to establish a compliance date is final and cannot be immediately appealed.

(2) Decision to Deny a Request to Establish a Compliance Date. A decision by the Town Council to deny a request to establish a compliance date is final.

(3) Decision Setting a Compliance Date. A decision by the Town Council setting a compliance date is final.

3.02 All other articles, chapters, sections, subsections, paragraphs, sentences, phrases and words, are not amended but are hereby ratified and affirmed.

#### **SECTION 4** **CUMULATIVE REPEALER**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

#### **SECTION 5** **SAVINGS**

All rights and remedies of the Town of Hickory Creek, Texas are expressly saved as to any and all violations of the provisions of the Town's Code of Ordinances or of any other ordinance affecting nonconforming uses and structures, which have been secured at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

#### **SECTION 6** **SEVERABILITY**

The provisions of this Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the Town shall promptly promulgate new revised provisions in compliance with the authority's decision or enactment.

**SECTION 7**  
**ENGROSSMENT AND ENROLLMENT**

The Town Secretary is hereby directed to engross and enroll this Ordinance by copying the exact Caption and Effective Date clause in the minutes of the Town Council and by filing this Ordinance in the Ordinance records of the Town.

**SECTION 8**  
**EFFECTIVE DATE**

This Ordinance shall become effective from and after its date of passage in accordance with law.

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED** by the Town Council of the Town of Hickory Creek, Texas, this the 21st day of March, 2017.

---

Lynn C. Clark, Mayor  
Town of Hickory Creek, Texas

ATTEST:

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Kristi K. Rogers, Town Secretary  
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

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Lance Vanzant, Town Attorney  
Town of Hickory Creek, Texas



## Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.6

Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 14: Zoning, Exhibit A Zoning Ordinance, Article III: Definitions and Article XXIV: Vehicle Parking Regulations.

**TOWN OF HICKORY CREEK  
ORDINANCE NO. 2017-03-760**

**AN ORDINANCE OF THE TOWN OF HICKORY CREEK, TEXAS AMENDING THE TOWN'S CODE OF ORDINANCES, CHAPTER 14: ZONING, EXHIBIT A ZONING ORDINANCE, ARTICLE III: DEFINITIONS AND ARTICLE XXIV: VEHICLE PARKING REGULATIONS; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR FINDINGS; PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Hickory Creek is a Type A General Law Municipality located in Denton County, Texas created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, Title 7, Chapter 211.003 of the Texas Local Government Code empowers a municipality to, among other things, establish and amend zoning districts, classifications of land use, adopt a comprehensive plan to regulate the use of land and open spaces, adopt and amend zoning regulations, regulate population density, and regulate the use and location of buildings; and

**WHEREAS**, the Town Planning and Zoning Commission and Town Council have held the requisite public hearings; and

**WHEREAS**, the Town Council, in its legislative discretion has concluded that the revisions to the zoning ordinance as indicated herein should be adopted.

**NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS:**

**SECTION 1  
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2**  
**FINDINGS**

After due deliberations, the Town Council has concluded that the adoption of this Ordinance is in the best interest of the Town of Hickory Creek, Texas, and of the public health, safety and welfare.

**SECTION 3**  
**AMENDMENTS**

3.01 That Chapter 14: Zoning, Exhibit A Zoning Ordinance, Article III: Definitions, is hereby amended to add the following definition to be alphabetized with the existing terms:

**“Article III Definitions**

“(74) PARKING SPACE: Open space or garage space reserved exclusively for the parking of an automobile vehicle that has a minimum rectangular area of nine (9) feet in width and eighteen (18) feet in length.”

3.02 That Chapter 14: Zoning, Exhibit A Zoning Ordinance, Article XXIV: Vehicle Parking Regulations, Section 2 is hereby amended read as follows:

“**SECTION 2:** In all zoning districts, all parking spaces shall be as listed and the standard minimum parking space shall be no less than nine (9) feet by eighteen (18) feet.”

3.03 All other articles, chapters, sections, subsections, paragraphs, sentences, phrases and words, are not amended but are hereby ratified and affirmed.

**SECTION 4**  
**CUMULATIVE REPEALER**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

**SECTION 5**  
**SAVINGS**

All rights and remedies of the Town of Hickory Creek, Texas are expressly saved as to any and all violations of the provisions of the Town's Code of Ordinances or of any other ordinance affecting zoning, which have been secured at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

**SECTION 6**  
**SEVERABILITY**

The provisions of this Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the Town shall promptly promulgate new revised provisions in compliance with the authority's decision or enactment.

**SECTION 7**  
**ENGROSSMENT AND ENROLLMENT**

The Town Secretary is hereby directed to engross and enroll this Ordinance by copying the exact Caption and Effective Date clause in the minutes of the Town Council and by filing this Ordinance in the Ordinance records of the Town.

**SECTION 8**  
**EFFECTIVE DATE**

This Ordinance shall become effective from and after its date of passage in accordance with law.

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED** by the Town Council of the Town of Hickory Creek, Texas, this the 21<sup>st</sup> day of March, 2017.

---

Lynn C. Clark, Mayor  
Town of Hickory Creek, Texas



ATTEST:

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Kristi K. Rogers, Town Secretary  
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

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Lance, Vanzant, Town Attorney  
Town of Hickory Creek, Texas



## Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.7

Consider and act on an ordinance cancelling the May 6, 2017 General Election.

**TOWN OF HICKORY CREEK  
ORDINANCE NO. 2017-03-761**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK DECLARING UNOPPOSED CANDIDATES IN THE MAY 6, 2017 GENERAL TOWN ELECTION; PROVIDING FOR DECLARATION OF OFFICE; PROVIDING FOR CANCELLATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Hickory Creek, Texas is a Type “A” General Law Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the general election for the Town of Hickory Creek, as set forth by the Texas Election Code, was called to be held on May 6, 2017 for the purpose of electing Town Council members to fill the following terms on the Town of Hickory Creek Town Council: Place 1, Place 3 and Place 5; each term being for a period of two years.; and

**WHEREAS**, the Town Secretary has certified in writing that there is no proposition on the ballot, that no person has made a declaration of write-in candidacy, and that each candidate on the ballot is unopposed for election to office; and

**WHEREAS**, under these circumstances, Subchapter C, Chapter 2, Election Code, authorizes the town council to declare the candidates elected to office and cancel the election.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, THAT:**

**SECTION 1  
DECLARATION OF OFFICE**

The following candidates, who are unopposed in the May 6, 2017 general town election, are declared elected to office, and shall be issued certificates of election following the time the election would have been canvassed:

Tracee Elrod	Council Place 1
Chris Gordon	Council Place 3
Ian Theodore	Council Place 5

**SECTION 2  
CANCELLATION**

The May 6, 2017 General Town Election is canceled, and the Town Secretary is directed to cause a copy of this Ordinance to be posted on Election Day at each polling place that would have been used in the election.

**SECTION 3**  
**SEVERABILITY**

The provisions of this Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the Town shall promptly promulgate new revised provisions in compliance with the authority's decision or enactment.

**SECTION 4**  
**EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage and approval.

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED** by the Town Council of the Town of Hickory Creek, Texas this 21<sup>st</sup> day of March, 2017.

APPROVED:

\_\_\_\_\_  
Lynn C. Clark., Mayor

ATTEST:

\_\_\_\_\_  
Kristi K. Rogers, Town Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Lance Vanzant, Town Attorney



## Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017  
From: Kristi Rogers - Town Secretary  
Subject: Agenda Item No. D.8

Consider and act on nomination of the 2016 Hickory Creek Business of the Year.

The following businesses were nominated for 2016 Hickory Creek Business of the Year:

IHop  
Rice Pot  
Starbucks



## Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017  
From: Kristi Rogers - Town Secretary  
Subject: Agenda Item No. D.9

Consider and act on nomination of the 2016 Hickory Creek Citizen of the Year.

The following citizens have been nominated for 2016 Hickory Creek Citizen of the Year:

Melissa Hentschel  
Susan Irwin  
Porter Walker



## Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.10

Consider and act on nomination of the 2016 Hickory Creek Scholar of the Year.

Lake Dallas High School recommended Corina Marin and Andrea Peters for 2016 Hickory Creek Scholar of the Year.



## Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.11

Consider and act on nomination of the 2016 Hickory Creek Sportsman of the Year.

Lake Dallas High School recommended Amy Howard and Garren Schantz for 2016 Hickory Creek Sportsman of the Year.





## Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.12

Consider and act on the First Amendment of Development Agreement by and among the Town of Hickory Creek, Texas, Alan H. Goldfield and Shirley M. Abernathy successors in interest to AS Gold LP, and CTMGT Turbeville, LLC.

**AFTER RECORDING, PLEASE RETURN TO:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Attn: \_\_\_\_\_

**FIRST AMENDMENT OF DEVELOPMENT AGREEMENT**

**THIS FIRST AMENDMENT OF DEVELOPMENT AGREEMENT** (this "**First Amendment**") is made and entered into as of the 21<sup>st</sup> day of March, 2017 (the "**Effective Date**") by and among the **TOWN OF HICKORY CREEK, TEXAS** (the "**Town**"), **ALAN H. GOLDFIELD** and **SHIRLEY M. ABERNATHY** successors in interest to **AS GOLD LP**, a Texas limited partnership ("**AS Gold**"), and **CTMGT TURBEVILLE, LLC**, a Texas limited liability company ("**CTMGT Turbeville**"), collectively referred to herein as the "**Parties**" and, each, a "**Party**," with reference to the following facts:

**W I T N E S S E T H:**

**WHEREAS**, AS Gold, as owner, and the Town entered into that certain Development Agreement dated effective November 15, 2011 and recorded on December 14, 2011, as Instrument Number 2011-119347 in the Official Records of Denton County, Texas (the "**Development Agreement**"); and

**WHEREAS**, on or about December 19, 2011, AS Gold conveyed to CTMGT Turbeville that certain tract or parcel of land referenced in the Development Agreement as Tract 1 North (herein so called), and concurrently therewith, by way of that certain Assignment of Development Agreement dated as of December 19, 2011 and recorded on December 21, 2011, as Document Number 2011-121834 in the Official Records of Denton County, Texas (the "**Assignment**"), AS Gold assigned all of its rights, titles, interests, liabilities and obligations in and to the Development Agreement related to Tract 1 North to CTMGT Turbeville; and

**WHEREAS**, on or about December 19, 2011, AS Gold conveyed to CTMGT Turbeville that certain tract or parcel of land referenced in the Development Agreement as Tract 3 North (herein so called), and concurrently therewith, by way of that certain Assignment of Development Agreement dated as of December 19, 2011 and recorded on December 21, 2011, as Document Number 2011-121834 in the Official Records of Denton County, Texas (the "**Assignment**"), AS Gold assigned all of its rights, titles, interests, liabilities and obligations in and to the Development Agreement related to Tract 3 North to CTMGT Turbeville; and

**WHEREAS**, on or about April 30, 2012, AS Gold conveyed to T Chateau Event Center, LLC that certain tract or parcel of land referenced in the Development Agreement as Tract 2 - North (herein so called); and

**WHEREAS**, Alan H. Goldfield and Shirley M. Abernathy and CTMGT Turbeville are the current parties comprising the Owner of the Property (as such terms are defined in the Development Agreement); and

**WHEREAS**, the Development Agreement, as affected by the Assignment, is hereinafter referred to as the "**Agreement**"; and

**WHEREAS**, the Parties wish to amend the Agreement in accordance with the terms set forth herein;

**NOW, THEREFORE**, in consideration of the mutual covenants set forth herein and other good and valuable consideration, the receipt and sufficiency of which the Parties hereby acknowledge, the parties agree as follows:

1. **Incorporation of Recitals.** The foregoing recitals form a material part of this First Amendment and are incorporated herein as if fully rewritten and restated at length herein.

2. **Capitalized Terms; Captions.** Except as otherwise expressly provided herein, capitalized terms used in this First Amendment shall have the definitions ascribed to such terms in the Agreement. The captions set forth herein are for convenience only, shall not be deemed part of this First Amendment and in no way define, limit, extend or describe the scope or intent of any provisions hereof.

3. **Agreement.**

(a) The title of Section 6.2 shall be amended to read as follows:

**"Strategic Partnership Agreement; Exceptions."**

(b) Section 6.2 shall be amended to add a new subsection (d) which shall read as follows:

"(d) Within seven (7) days of the receipt by Owner of the first Certificate of Occupancy for any commercial improvement, including bed and breakfast establishments, on Tract 2 North, unless otherwise agreed to between Owner and the Town, Owner shall submit to the Town a petition for voluntary full purpose annexation of Tract 2 North. After submission of such petition to the Town, Owner shall make diligent efforts to timely and fully comply with the completion of any documentation and/or other assistance required by the Town in the course of the annexation process. If for any reason the Owner fails to timely submit a petition for annexation as described above in this subsection (d), the Town may initiate full purpose annexation of the Tract 2 North pursuant to Texas Local Government Code Chapter 43, Subchapter C-1, or other such provisions governing voluntary annexation of land as may then exist. After submission to the Town, Owner shall be deemed to have expressly and irrevocably consented to full purpose annexation of Tract 2 North. Owner further agrees that, upon the occurrence of the full purpose annexation as contemplated by this subsection (d), such annexation by the Town shall be deemed voluntary, and not subject to the requirements and procedures for an annexation plan as set forth by the Texas Local Government Code 43.052, or successor statute. No provision contained herein shall serve to delegate or contravene the Town council's legislative discretion."

(c) The first sentence in Section 3 of **Exhibit C** to the Agreement is hereby deleted in its entirety and the following substituted in lieu thereof:

"The Property may be developed with high density residential development and commercial development, as follows [and all such development shall allow for the on-premises sale and consumption of alcohol consistent with applicable law]:"

(d) Section 3(a)(vi) of **Exhibit C** to the Agreement is hereby deleted in its entirety and the following substituted in lieu thereof:

"Country clubs (to clarify, the foregoing use shall include, without limiting the generality thereof, (1) restaurants, (2) public and private event venues, (3) convention centers, and/or (4) sporting facilities (e.g., tennis, golf, etc.) common to country clubs);"

(e) Sections 3(a)(ix) and 3(a)(x) of **Exhibit C** to the Agreement are hereby deleted in their entirety and the following substituted in lieu thereof:

"(ix) Public or private parks, trails, and similar recreational uses (to clarify, the foregoing uses shall include, without limiting the generality thereof, public and private sporting and gaming events);

(x) Hotel, hospitality resort and/or public/private event venues, which may include, without limitation, (1) restaurants, (2) public and private event venues, (3) convention centers, (4) public and private sporting and recreational facilities (e.g., tennis, golf, etc.), (5) hotel and apartment hotel, and/or (6) other amenities commonly provided at four, five and/or six star hotels; and

(xi) Home occupations as an accessory use to a permitted principal use."

(f) The first sentence in Section 3(b) of **Exhibit C** to the Agreement is hereby deleted in its entirety and the following substituted in lieu thereof:

"High density residential development" means one or more of the following uses: detached single family residential (including, but not limited to, zero lot line homes), attached single family residential, duplex, multi-family residential, hotels (e.g., all-suite, extended stay, etc.) and bed and breakfast establishments."

4. **Estoppel.** There are no obligations of any Party under the Agreement that are in default or, with the giving of notice or passage of time would cause such Party to be in default. To the best knowledge and belief of the Town, CTMGT Turbeville and AS Gold, each Party is in compliance with its respective duties and obligations under the Agreement.

5. **Successors and Assigns.** This First Amendment shall be binding upon and shall inure to the benefit of the Parties hereto and their respective heirs, legal representative, successors

and assigns. Successors-in-interest to the Parties, whether now existing or hereafter occurring, may rely upon and enforce the Agreement, as modified hereby, with regards to the property owned by such successor.

6. **Conflicts.** In the event of a conflict or ambiguity between the Agreement and this First Amendment, the terms of this First Amendment shall control.

7. **Counterparts; Authority.** This First Amendment may be executed in multiple counterparts, each of which when executed and delivered shall be deemed an original and all of which together shall constitute one and the same instrument. The undersigned represents and warrant, respectively, that such Parties have the authority to enter into this First Amendment.

8. **Entire Agreement.** The Agreement, as modified by this First Amendment, constitutes the entire agreement of the Parties hereto with respect to the subject matter hereof and supersedes all prior agreements and understandings, both written and oral, among the Parties, or any of them, with respect to the subject matter hereof.

9. **Ratification.** Except as expressly modified by this First Amendment, all of the terms set forth in the Agreement are hereby ratified and confirmed and remains in full force and effect.

10. IN WITNESS WHEREOF, the Parties hereto have caused this First Amendment to be executed as of the Effective Date.

**ATTEST:**

**TOWN:**

TOWN OF HICKORY CREEK

By: \_\_\_\_\_

Name: Kristi K. Rogers

Title: Town Secretary

By: \_\_\_\_\_

Name: Lynn C. Clark

Title: Mayor

**APPROVED AS TO FORM AND LEGALITY:**

By: \_\_\_\_\_

Name: Lance Vanzant

Title: Town Attorney

STATE OF TEXAS §

COUNTY OF DENTON §

This instrument was acknowledged before me on this \_\_\_\_ day of March, 2017, by LYNN C. CLARK, the Mayor of the TOWN OF HICKORY CREEK, TEXAS, on behalf of said town.

\_\_\_\_\_  
Notary Public, State of Texas

By: \_\_\_\_\_

Name: Alan H. Goldfield

STATE OF TEXAS           §  
  §  
COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on this \_\_\_\_\_ day of March, 2017, by ALAN H. GOLDFIELD,

\_\_\_\_\_  
Notary Public, State of Texas

By: \_\_\_\_\_  
Name: Shirley M. Abernathy

STATE OF TEXAS           §  
  §  
COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on this \_\_\_\_\_ day of March, 2017, by SHIRLEY M. ABERNATHY.

\_\_\_\_\_  
Notary Public, State of Texas

**CTMGT TURBEVILLE:**

CTMGT TURBEVILLE, LLC,  
a Texas limited liability company

By: Centamtar Terras, LLC,  
a Texas limited liability company,  
its Manager

By: CTMGT, LLC,  
a Texas limited liability company,  
its Manager

By: \_\_\_\_\_  
Name: Mehrdad Moayedi  
By: Manager

STATE OF TEXAS           §  
  §  
COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on this \_\_\_\_ day of March, 2017, by MEHRDAD Moayedi, the Manager of CTMGT, LLC, a Texas limited liability company, the Manager of CENTAMTAR TERRAS, LLC, a Texas limited liability company, in its capacity as Manager of CTMGT Turbeville, LLC, on behalf of said limited liability company.

\_\_\_\_\_  
Notary Public, State of Texas



The undersigned, T. Chateau Event Center, LLC, hereby approves this First Amendment, and further acknowledges and agrees to be bound by the terms and conditions contained in the Development Agreement, as modified by this First Amendment.

**T. CHATEAU EVENT CENTER, LLC:**

T. Chateau Event Center, LLC  
a Texas limited liability company

By:

By: \_\_\_\_\_

Name: Zaffar Tabani

By: \_\_\_\_\_

STATE OF TEXAS §

§

COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on this \_\_\_\_ day of March, 2017, by ZAFFAR TABANI, the \_\_\_\_\_ of T. Chateau Event Center, LLC, a Texas limited liability company, on behalf of said limited company.

\_\_\_\_\_  
Notary Public, State of Texas



## Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.13

Consider and act on a resolution of the Town of Hickory Creek, Texas approving amendments to the Town of Hickory Creek Personnel Policy Manual.

**TOWN OF HICKORY CREEK  
RESOLUTION NO. 2017- 0321-2**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
HICKORY CREEK, TEXAS APPROVING AMENDMENTS TO THE  
TOWN OF HICKORY CREEK PERSONNEL POLICY MANUAL.**

**WHEREAS**, the Town of Hickory Creek adopted the Town of Hickory Creek Personnel Policy Manual on March 20 2007, and amended the manual on March 17, 2009 providing rules and procedures governing all employees of the Town; and

**WHEREAS**, periodic updates, amendments or revisions are necessary in order to address changes to the Town's employment policies initiated by state or federal law changes as well as Town-initiated updates; and

**WHEREAS**, it has hereby been determined by the Town Council of the Town of Hickory Creek that is it in the best interest and welfare of the Town of Hickory Creek and its employees to approve said updates and amendments of the Town Personnel Policy Manual as attached in Exhibit "A" hereto.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF  
THE TOWN OF HICKORY CREEK, TEXAS:**

**SECTION 1**

That, the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

**SECTION 2**

That, the Town Council of the Town of Hickory Creek, Texas hereby approves certain amendments, revisions and updates to the Town of Hickory Creek Personnel Policy Manual as attached in Exhibit "A" attached hereto.

**PASSED AND APPROVED** this the 21<sup>st</sup> day of March, 2017.

---

Lynn C. Clark., Mayor  
Town of Hickory Creek, Texas

ATTEST:

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Kristi K. Rogers, Town Secretary  
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

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Lance Vanzant, Town Attorney  
Town of Hickory Creek, Texas



# Town of Hickory Creek

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PERSONNEL POLICY MANUAL



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## **CHAPTER 1 – TOWN POLICIES**

### **Section 1.1** **Introduction**

The purpose of the personnel policy manual is to promote understanding, cooperation, efficiency and unity, all of which come through the systematic application of established procedures in personnel management and administration; and to provide a uniform policy for all employees, with all the benefits such a program ensures. This manual is designed to acquaint all employees with the Town and provide information about working conditions, employee benefits, and policies affecting employment. Employees should read, understand, and comply with all provisions of the manual. It describes many responsibilities as an employee and outlines the programs developed by the Town to benefit employees. It is not intended to give specific guidelines for every conceivable personnel action, but rather help assure fair and consistent treatment. Because of the variety of services performed by the Town, it may be necessary for individual departments to establish codes of conduct, rules and regulations, and policies and procedures to accomplish departmental responsibilities. All such departmental rules/policies may be more restrictive, but not less restrictive than the policies. An employee who violates departmental code of conduct, rules, policy or procedure is subject to disciplinary action.

The Town reserves the authority to modify, revoke, interpret, or terminate any or all the rules and regulations specified in the personnel policy manual in whole or in part, at any time, with or without notice. The issuance of the personnel policy manual does not constitute an express or implied contract between the Town of Hickory Creek and its employees. Town supervisory personnel shall not make any representation to employees or applicants concerning the terms or conditions of employment with the Town of Hickory Creek which are not consistent with the personnel policy manual.

### **Section 1.2** **At-Will Employment**

Employment with the Town of Hickory Creek is on an at-will basis. Employment with the Town is for no fixed or definite term. At-will employment means that both the employee and/or the Town have the right to terminate employment at any time, with or without notice, and with or without cause. No agreement or promise regarding an employee's terms or conditions of employment is binding on the Town unless such agreement is in writing, approved by the Town Council, and signed by the Mayor. This personnel policy manual does not constitute a contract of employment. Nothing in this personnel policy manual is intended to alter the continuing at-will status of employment with the Town.

### **Section 1.3** **Equal Opportunity Employer**

The Town is an equal opportunity employer. Discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, daily working conditions, training, awards, compensation and benefits, disciplinary measures or any other aspect of employment because of age, race, color, religion, sex, national origin, disability, genetics, veteran's status or other unlawful basis, is prohibited.

## **Section 1.4** **Sexual and Other Unlawful Harassment**

All Town employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens, and vendors. This means that each employee must be respectful of others and act professionally. Town employees are also prohibited from engaging in unlawful harassment of other employees, citizens, vendors, and all other third parties.

### **Sexual Harassment**

All types of sexual harassment are prohibited. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; or
- submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Sexual harassment does not require sexual attraction or interest. This policy prohibits sexual advances and requests for sexual favors, sexual jokes and innuendo; comments about bodies, sexual prowess, sexual preferences, sexual experiences or sexual deficiencies; leering, whistling, or touching; verbal abuse of a sexual nature, including insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures, including nudity and pornography; and all inappropriate conduct of a sexual nature, whether it be physical, verbal or visual conduct.

### **Other Prohibited Harassment**

In addition to the Town's prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by law is also prohibited.

Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited.

This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, cell phone or other electronic devices, social media, and/or the Internet, such as YouTube and Facebook. Harassment of any nature, when based on race, religion, color, sex, national origin, age or disability, genetics, veteran status, citizenship or any other characteristic protected by law is prohibited and will not be tolerated.

This policy applies to Town employees, citizens, vendors, and other visitors to the workplace.

### **Mandatory Reporting**

The Town requires that employees report all perceived incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that harassment has occurred or has been subjected to conduct prohibited by this policy must report it immediately to:

- the Department Head;
- the Town Administrator; or
- the Mayor.

Any supervisor, manager, or department head who becomes aware of possible conduct prohibited by this policy must immediately advise the department head and /or the Town Administrator. A formal Complaint Form is available from the Town Administrator.

Under this policy, an employee may report to and/or contact the Town Administrator, without regard to the employee's normal chain of command:

John M. Smith, Jr.  
Town Administrator  
1075 Ronald Reagan Avenue  
Hickory Creek, TX 75065  
940-497-2528  
469-463-2656  
john.smith@hickorycreek-tx.gov  
Voice messages or e-mails may be left at any time.

### **Investigation**

All reports of prohibited conduct will be investigated promptly and in as confidential a manner as possible. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation and to maintain confidentiality.

### **Retaliation Prohibited**

Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.

## **Responsive Action**

Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal, will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were untruthful, fabricated or exaggerated or when employees are untruthful during an investigation.

## **Section 1.5** **Drug and Alcohol Use Policy/Testing**

It is the desire of the Town to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.

### **Prohibition Against Alcohol and Illegal and Unauthorized Drugs**

While on Town premises, while on duty, while conducting Town-related business or other activities off premises, while driving a Town-owned or leased vehicle, or while operating or using other Town-owned or leased property or equipment, no employee may use, possess, distribute, sell, or have a detectable amount of alcohol in his/her system (.02) (except under the limited circumstances described below), inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.

The use of alcohol by a Town employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. Further, an employee on duty or conducting Town business, including Town-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol. No employee in his or her work-related capacity should ever be impaired because of the excessive use of alcohol. Town employees may not bring alcoholic beverages on Town premises, including parking lots adjacent to Town work areas, and may not store or transport alcohol in a Town-owned or leased vehicle.

### **Prohibition Against Illegal and Unauthorized Drug-Related Paraphernalia**

This policy also prohibits the use, possession, distribution and sale of drug-related paraphernalia while on Town premises, while on duty, while conducting Town-related business or other activities off premises, while driving a Town-owned or leased vehicle, or while operating or using other Town-owned or leased property or equipment. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.

## **Permissive Use of Prescribed and Over-The-Counter Drugs**

The legal use of prescribed and over-the-counter drugs is permitted while on Town premises, while on duty, while conducting Town-related business or other activities off premises, while driving a Town-owned or leased vehicle, or while operating or using other Town-owned or leased property or equipment only if it does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

### **Police Department Employees**

Certain Town Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy under certain limited conditions. Additional guidelines may be established by Police Department operating procedures.

### **Mandatory Disclosure by Employees**

Employees taking prescription medication and/or over-the-counter medication must report such use to either their Department Director or to the Town Administrator if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of his or her job (or operate a vehicle, property or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.

### **Employees Who Are Called Out**

Employees who are aware they are subject to being called out are expected to be fit for duty upon reporting to work. Any employee who is called out is governed by this policy. If a situation occurs where the employee called out has a detectable amount of alcohol in his/her system (.02) or has a presence in the system of drugs, such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty. The employee will not be required to report to work.

### **Mandatory Reporting of Arrests and Convictions**

Employees must notify their immediate supervisor and the department head, in writing, of any alcohol or drug-related arrest and/or convictions (including a plea of *nolo contendere*) or deferred adjudication, for a violation occurring off duty and/or in the workplace no later than twenty-four (24) hours after the arrest and/or conviction.

## **Off-Duty Conduct**

The Town may take disciplinary action, up to and including termination of employment, if an employee's off-duty use of or involvement with drugs or alcohol is damaging to the Town's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use or involvement adversely affects the employee's job performance. Any employee reporting to work under the influence of illegal drugs or with a detectable amount of alcohol (.02 bac or higher) may be disciplined, up to and including termination.

## **Rehabilitation/Treatment**

1. It is the Town's desire to assist employees who voluntarily request assistance with alcohol or drug dependency. For Town support and assistance, however, an employee must acknowledge the problem and seek and accept counseling and/or rehabilitation before it impairs job performance and/or jeopardizes the employee's employment.
2. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The leave of absence may be granted in the Town's sole discretion. Factors considered by the Town in deciding whether to grant leave include: the length of the employee's employment with the Town; the employee's prior work and disciplinary history; the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program; the reputation of the program and the likelihood of a successful outcome; the employee's compliance with Town policies, rules, and prohibitions relating to conduct in the workplace; and the resulting hardship on the Town due to the employee's absence. Unless otherwise required by law, it is the Town's policy to grant such a leave of absence only once during the course of an employee's employment with the Town.
3. The cost of any rehabilitation or treatment may be covered under the Town's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.
4. During time off for a Town-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, or other accrued paid leave time.
5. If the employee successfully completes the prescribed rehabilitation or treatment, the Town will make reasonable efforts to return the employee to the prior position or one of similar pay and status. However, employment with the Town following a Town-approved leave for rehabilitation or treatment is conditioned on the following:
6. Initial negative test for drugs and/or alcohol before returning to work;
7. A written release to return to work from the Town-approved rehabilitation or treatment facility/program;

8. Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the Town-approved rehabilitation or treatment program, if applicable;
9. In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the Town during the two years following the employee's return to work following treatment; and
10. The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the Town Administrator. The employee must meet with the Town Administrator to discuss the terms of continued employment and sign a formal agreement before returning to work.

### **Policy Violations**

Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. The Police Department may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the Town Administrator to receive assistance or referrals to appropriate resources in the community.

## **TESTING**

### **Types of Tests**

Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, Intoxilyzer, blood, or other generally-accepted testing procedure.

### **Testing of Applicants**

All applicants to whom a conditional offer of employment has been made will be required to submit to testing for alcohol and illegal and unauthorized drugs.

A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the Town.

### **Testing of Employees**

1. Employees may be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or accident or "near miss," when reasonable suspicion exists, or in connection with any required treatment or rehabilitation. The Town may conduct random testing on employees holding safety-sensitive positions.

2. Police Department employees are also subject to any applicable Departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.
3. For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia, or credible reports of drug use even if anonymously provided) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee's behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).
4. Tests will be paid for by the Town. To the extent possible, testing will normally be done during the employee's normal work time.
5. Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including termination.
6. A positive test result is a violation of the Town's Drug and Alcohol Use Policy and will result in disciplinary action up to and including termination of employment.  
  
Any employee who is terminated for violation of the Town's Drug and Alcohol Use Policy is ineligible for future employment with the Town.
7. The Town has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. Please see the Town's Drug and Alcohol Policy for DOT Employees for additional information.

### **Testing Procedures**

1. All testing must normally be authorized in advance by both the employee's department head and the Town Administrator. If the department head is unavailable within a reasonable period of time, the Town Administrator may, with sole discretion, authorize the testing of an employee. If the Town Administrator is unavailable within a reasonable period of time, the department head may, with sole discretion, authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable factors which led the supervisor to suspect that the employee is has any detectable amount of alcohol or illegal/unauthorized drugs. Testing should be arranged as soon as possible after the supervisor's articulable observations.



2. If an employee's conduct resulted in a work place accident, injury or "near miss," or reasonable suspicion exists to believe that the employee has violated the Town's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated Town representative may be required to stay with the employee during the testing process. The Town may, in its discretion, reassign the employee or put the employee on administrative leave until the test results are received. The Town will make arrangements to have the employee transported home after the testing.
3. All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the Town. All positive test results will be subject to confirmation testing.
4. Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by the Town Administrator; supervisors and managers on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the Town.

## **DRUG AND ALCOHOL POLICY FOR DOT EMPLOYEES**

### **Employees/Applicants Subject to Testing**

Town employees who drive a Commercial Motor Vehicle (CMV) requiring a Commercial Driver's License (CDL) as part of their job duties are subject to alcohol and drug testing as required by the U.S. Department of Transportation (DOT), and the Federal Motor Carrier Safety Administration and as outlined in this policy. The employee's supervisor or the Town Administrator will advise the employee if the employee is subject to DOT testing and the terms of this policy.

Employees who are not required by DOT to hold a CDL are not subject to this policy. Applicants for employment for a position requiring a CDL are also subject to testing under this policy.

Employees covered by this policy are also required to comply with the Town's Drug and Alcohol Use Policy. In other words, this DOT Drug and Alcohol Policy is in addition to, not in lieu of, the provisions of the Town's general Drug and Alcohol Use Policy. DOT tests will be completely separate from non-DOT tests in all respects. DOT tests take priority and will be conducted and completed before a non-DOT test is begun. All drug and alcohol testing performed under this DOT Policy will comply with applicable DOT procedures. If this policy conflicts with DOT regulations in any way, the DOT regulations will govern.

An employee subject to the provisions of this policy may be a person employed by the Town, a contractor engaged by the Town or an employee of such contractor. Refer to Attachment A for a listing of Town positions currently subject to the testing provisions of this policy. The list of job titles on Attachment A may change as job responsibilities change or as new jobs are added to the Town's work force. Employees required by DOT to hold a CDL, due to the type of equipment they operate, are subject to this policy whether or not this list is immediately updated to include their job titles. Employees who hold these jobs are required to carry their CDLs when they are at work or are operating Town equipment.

### **Prohibited Alcohol Use**

**On-duty and Pre-duty Use.** Reporting for, or remaining on, duty requiring the performance of safety-sensitive functions is prohibited under the following conditions:

- While having a breath alcohol concentration of 0.04 or more as indicated via breath test;
- While using alcohol; or
- Within 4 hours after using alcohol.

**Use Following An Accident.** An employee required to take a post-accident alcohol test pursuant to this policy is prohibited from using alcohol for 8 hours following the accident, or until undergoing a post-accident alcohol test, whichever occurs first.

### **Prohibited drug use**

Illicit use of drugs by safety sensitive drivers is prohibited both on and off duty. An employee may not report for duty or remain on duty when using or after use of any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee's ability to safely operate a CMV. An employee may not report for duty, remain on duty or perform a safety sensitive function if the employee tests positive for controlled substances or has adulterated or substituted a test specimen.

### **Required alcohol and drug tests**

DOT requires the following testing for covered drivers: pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up testing. Before conducting any required dot testing, the town will notify the driver that the alcohol or drug test is required by DOT regulations.

### **Pre-employment Testing**

Drug and alcohol tests will be conducted after a conditional offer of employment is made, but before actually performing safety-sensitive functions for the first time. These tests are also required when employees are promoted, demoted or transferred into a safety sensitive driver position.

## **Post-accident testing**

Drug and alcohol tests will be conducted after accidents in which the driver's performance could have contributed to the accident (as determined by a citation for a moving traffic violation) and for all fatal accidents even if the driver is not cited for a moving traffic violation. Post-accident testing must be conducted as soon as practicable on all surviving drivers following an occurrence involving a CMV operating on a public road in commerce, as follows:

- When the employee is issued a moving traffic violation citation and one or more of the vehicles involved is disabled and must be towed from the scene;
- When the employee is issued a moving traffic violation citation and any person involved in the accident is injured to the extent that he/she requires and receives immediate medical treatment away from the scene of the accident; or
- In an accident involving a fatality, testing will be performed on anyone who was performing safety sensitive functions with respect to the vehicle.

An employee subject to post-accident testing must remain readily available for such testing or will be deemed by the Town to have refused to test. Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

In post-accident situations, the Town may substitute a blood or breath alcohol test for a urine drug test, so long as the test is performed by state or local law enforcement officials using procedures required by their jurisdictions, provided such test results are received directly from the local jurisdiction or the driver. A positive post-accident test administered by law enforcement will result in the same action as a positive post-accident test performed at the Town's behest.

**Post-Accident Alcohol Testing.** If alcohol testing cannot be administered within 2 hours of one of the above listed occurrences, a written statement explaining why the alcohol test was not promptly administered must be provided to the Town Administrator by the appropriate supervisor. If alcohol testing cannot be administered within 8 hours after the occurrence, the Town will cease attempts to administer an alcohol test and document the reasons the alcohol test was not administered. This report must be promptly forwarded to the Town Administrator.

**Post-Accident Drug Testing.** A driver will be drug tested as soon as practicable but not later than 32 hours after one of the above listed occurrences. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Town Administrator.

## **Reasonable Suspicion Testing**

Reasonable suspicion drug and alcohol testing is conducted when a trained supervisor has reason to believe that an employee is in violation of this policy. The reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee; the observations may also include indications of the chronic and withdrawal effects of controlled substances. The supervisor must consult with the department head (or designee) and affirm the basis of the suspicion. If the department head concurs, the employee will be required to undergo testing only after consultation with the Town Administrator. A written report of the reasonable suspicion observations must be prepared by the supervisor(s) who made the observation within 24 hours of the observed behavior or before the results of tests are released, whichever is earlier. This report must be promptly forwarded to the Town Administrator.

**Reasonable Suspicion Alcohol Testing.** Reasonable suspicion alcohol testing is permitted only if the reasonable suspicion observation is made during, just before, or just after, the period of the work day the employee is required to be in compliance with this policy. An employee may be directed to undergo reasonable suspicion testing only while the employee is performing, just before performing, or just after performing, safety sensitive functions. If alcohol testing cannot be administered within 2 hours after the reasonable suspicion observation, a written statement that explains why the alcohol test was not promptly administered must be given to the Town Administrator. If alcohol testing cannot be administered within 8 hours after the observation, the Town will cease attempts to administer an alcohol test and the appropriate supervisor must immediately document the reasons that the alcohol test was not administered; this report must be promptly forwarded to the Town Administrator.

Notwithstanding the absence of a reasonable suspicion alcohol test under this policy, an employee may not report for duty or remain on duty requiring the performance of safety sensitive functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse. In such instances, the employee will not be permitted to perform or continue to perform safety sensitive functions until:

- An alcohol test measures the employee's alcohol concentration at less than 0.02; or
- 24 hours have elapsed since the reasonable suspicion observation was made.

**Reasonable Suspicion Drug Testing.** A driver will be drug tested as soon as practicable but not later than 32 hours after the reasonable suspicion observation. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Town Administrator.

## **Random Testing**

Drivers are selected for random, unannounced drug and alcohol testing using a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employee's Social Security number, payroll identification number, or other comparable identifying numbers. Each driver subject to this policy will have an equal chance of being tested each time random selections are made. The number of drivers randomly selected will be in accordance with applicable DOT regulations. Each driver randomly selected for testing will be tested during the selection period. Dates and times for random testing are unannounced and spread reasonably throughout the calendar year. Each driver selected for random testing must proceed to the test site immediately after notification; if, however, the driver is performing a safety-sensitive function, other than driving a CMV, at the time of notification, the Town will instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible. A driver will be randomly tested for alcohol just before, during, or just after performing, safety sensitive functions; random testing for drugs does not have to be conducted in immediate time proximity to performing safety sensitive functions.

## **Return-To-Duty and Follow-Up Testing**

Return-to-duty tests are conducted when a driver who has violated DOT's prohibited drug and alcohol standards returns to performing safety sensitive duties. Follow-up tests are unannounced, and at least 6 tests must be conducted in the first 12 months after a driver returns to duty; follow-up tests may be extended for up to 60 months following a driver's return to duty. Drug tests must be negative and alcohol tests must demonstrate a breath alcohol level of less than 0.02. The driver will pay all costs associated with return-to-duty testing. When applicable, the Town will follow all applicable DOT regulations in requiring return-to-duty and follow-up testing. The Town is not, however, required to hire an applicant or continue the employment of a driver who has violated DOT drug and alcohol regulations or this policy and it is the policy of the Town not to do so. Thus, return-to-duty and follow-up tests are generally applicable only for those seeking assistance as set out in this manual and, based on individual circumstances, for those who may have had an alcohol concentration of 0.02 or greater, but less than 0.04.

## **Refusal to Test**

An employee who refuses to be tested in any of the above circumstances, who obstructs the testing process, or who tampers/alters a specimen will not be permitted to perform or continue to perform safety sensitive functions and will likely be terminated. An applicant who does one of these prohibited acts will not be hired. Except in the case of pre-employment testing, a refusal to test includes the failure to appear for testing within a reasonable time, as well as failure to remain at the testing site until the testing process is complete.

Failure to test also includes the failure to provide the required sample with no adequate medical explanation, and the failure to cooperate with any part of the testing process (e.g., refusing to empty pockets when asked to do so, behaving in a confrontational way that disrupts the collection process, or failure to undergo a medical exam or evaluation as directed by the physician medical review officer (MRO) as part of the verification process).

## **Additional Information About Alcohol Testing**

**Consequences of a Positive Alcohol Test.** An employee who is tested and has an alcohol concentration of 0.04 or greater will be removed from safety sensitive functions and may be terminated. An employee who is tested and has an alcohol concentration of .02 to .039 will not be permitted to perform safety sensitive functions for a minimum of 24 hours and will be disciplined, up to and including termination. If not terminated, then the employee will receive a mandatory referral to a substance abuse professional. Any non-compliance with the treatment recommendations of the substance abuse professional will result in disciplinary action, up to and including termination.

**Alcohol Testing Procedures.** A trained breath alcohol technician will conduct alcohol tests. If the alcohol concentration is 0.02 or greater, a second confirmation test will be conducted in accordance with DOT regulations, the results of which will determine any actions taken. Any result of less than 0.02 alcohol concentration is considered a “negative” test. The second, confirmation test results determine if the employee is in violation of this policy. Testing procedures that ensure accuracy, reliability and confidentiality of test results will be followed pursuant to DOT regulations.

## **Additional Information About Drug Testing**

**Drug Testing Procedures.** Drug testing is conducted by analyzing a driver’s urine specimen at a lab certified by the U.S. Department of Health and Human Services. The driver provides a specimen in a location that affords privacy and the “collector” seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug-testing lab. “Split” urine specimens provide drivers with an opportunity for a second test, if needed. If the driver challenges the validity of the test, then the employee has 72 hours to request that the split specimen be sent for testing to another certified lab approved by the Town Administrator. The second test will be at the driver’s own expense.

**Drugs Tested For.** DOT requires testing for the following drugs:

- Marijuana (THC)
- Cocaine
- Amphetamines
- Opiates
- Phencyclidine (PCP)

A screening test is performed first. If it is positive for one or more of these drugs, then a confirmation test is performed. Whenever the terms “drug,” “drugs” or “controlled substances” are used in this policy, they refer to the substances listed above. The Town will not test for any other substances under this policy. The Town may, however, (1) test for other controlled substances pursuant to its general Drug and Alcohol Use Policy; or (2) modify the list of DOT tested drugs at the direction of DOT.

**Review of Drug Test Results.** All positive drug test results are reviewed and interpreted by a physician medical review officer (MRO) before they are reported to the Town. If the lab reports a positive result to the MRO, the MRO will contact the driver (either in person or by phone) and will conduct an interview to determine if there is an alternative medical explanation for the drug(s) found in the driver's urine specimen. If the driver provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug(s), the drug test result is reported as a negative to the Town.

**Consequences of a Positive Drug Test.** A driver will be removed from safety sensitive duties and placed on unpaid administrative leave if the test returns a positive for drugs. The removal cannot take place until the MRO has interviewed the driver and determined that the positive test resulted from the unauthorized use of a controlled substance. A confirmed positive drug result will result in termination of employment.

### **Confidentiality**

Test results may be released only to the driver, designated Town officials, a substance abuse professional, laboratory officials or a medical review officer. Records will also be made available to a subsequent employer or other identified person upon the driver's specific written request. Test results will not be released to others except as required by law or expressly authorized in the applicable DOT regulations (e.g., the decision maker in a lawsuit, appeal or administrative proceeding initiated by or on behalf of the driver and arising from a positive DOT drug or alcohol test or refusal to test; this includes workers' compensation and unemployment proceedings). All test results will be kept in a confidential file by the Town Administrator. Management and supervisory personnel who are authorized to have access to alcohol and drug testing results must maintain complete confidentiality regarding this information. Town employees who make a reasonable suspicion observation or who witness an accident must also maintain confidentiality. Breach of confidentiality relating to test results, or any other related matters, will likely result in disciplinary action, up to and including termination of employment.

### **Information From Prior Employers**

For new hires, promotions and transferred employee-drivers seeking to perform safety sensitive functions for the first time, the Town is required, with the driver's written consent, to obtain information from previous employers regarding alcohol test results of 0.04 or greater, verified positive drug test results, refusals to test (including verified adulterated or substituted drug test results), and any other violation of DOT drug and alcohol testing regulations within the two years prior to the date of the driver's application, promotion or transfer. Affected individuals must sign a Breath Alcohol and Drug Testing Results Request. The Town will obtain and review the information before allowing the person to perform safety sensitive functions. If the Town receives any such information about an applicant-driver, the applicant will not be hired; if such information is received about an employee seeking promotion or transfer, the employee will not be promoted or transferred to the driver position and may also receive disciplinary action, up to and including termination of employment. The Town will maintain a written, confidential record of the information it obtains and/or the good faith efforts it made to obtain the information. This information will be retained for a minimum of 3 years.

The Town will also ask if the person has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the driver applied for, but did not obtain, safety sensitive transportation work covered by a DOT agency drug and alcohol testing rules during the past 2 years. If the person admits to such conduct, the person will not be allowed to perform safety sensitive functions for the Town. If the driver refuses to provide the Town with the required written consent, the driver will not be permitted to perform safety sensitive functions and will likely be disciplined (up to and including termination of employment) if employed, or not hired if applying for employment.

### **Record Retention**

The Town will maintain and retain records under this policy as mandated by DOT regulations.

### **Notification to Applicants/Employees of Positive Test Results**

The Town will notify applicants of the results of a pre-employment drug test if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application. The Town will notify an employee of the results of random, reasonable suspicion and post-accident drug tests if the test results are confirmed positive, and also which controlled substance(s) verified positive after the MRO confirms the positive. The Town will also make reasonable efforts to contact and request each driver who tested positive to contact and discuss the results of their drug test with a MRO who has been unable to contact the driver. The Town will immediately notify the MRO that the driver has been notified to contact the MRO within 72 hours.

### **Employee Admission of Drug/Alcohol Use**

An employee who admits to alcohol misuse or drug use must do so in accordance with the Town's general Drug and Alcohol Use Policy; provided, however, the employee may not self-identify in order to avoid the testing requirements of this DOT policy. Further, the employee must make the admission prior to performing a safety sensitive function, i.e., prior to reporting for duty. The employee may not perform a safety sensitive function until the Town is satisfied that the employee has been evaluated and has successfully completed educational or treatment requirements in accordance with the Town's general Drug and Alcohol Use Policy. A drug and alcohol abuse evaluation expert, i.e., an EAP professional, a substance abuse professional or a qualified drug and alcohol counselor, will determine successful completion. Prior to the employee performing safety sensitive functions, the employee must undergo a return to duty alcohol test with a result of less than 0.02 and/or a return to duty drug test with a negative test result.

### **Safety Sensitive Function**

For purposes of this policy, safety sensitive function or duty means all the time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. Safety sensitive functions/duties include:



- All time at a Town, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the Town;
- All time inspecting equipment as required by applicable DOT regulations or otherwise inspecting, servicing, or conditioning any CMV at any time;
- All time spent at the driving controls of a CMV in operation;
- All time, other than driving time, in or upon any CMV;
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

### **Transportation to Testing Site**

With the exception of pre-employment and random testing, employees will be driven to the testing facility by a supervisor. The supervisor will remain with the employee during the testing process. The Town will make arrangements to have the employee transported back to the Town or home, as appropriate, after the testing is complete.

### **Questions**

Anyone with questions regarding this policy should contact the Town Administrator.

### **Section 1.6** **Nepotism**

No person related within the second degree by affinity or within the third degree by consanguinity to the mayor, town council member or the town administrator shall be employed or appointed to any office, position or clerkship to the Town. This prohibition shall not apply, however, to any person who shall have been employed by the Town at least one (1) year prior to and at the time of the election or appointment of the officer related in the prohibited degree.

No person related to an employee of the Town shall be employed or appointed to any position within the Town when such employment or appointment places any individual under the direct supervision or within the chain of command of any other individual within the prohibited degrees.

Nothing herein shall supersede or circumvent State nepotism laws. When any provision within this section is in conflict with State laws, State law shall prevail.

### **Section 1.7** **Conflict of Interest and Outside Employment**

It is the policy of the Town of Hickory Creek to establish that no officer or employee shall give occasion for distrust of integrity, impartiality or devotion to the best interests of the Town and the public trust held by such persons.

No officer or employee shall use or attempt to use his official position to secure special advantage, privilege or exemption for him or herself or others.

To guard against a potential conflict of interest, no employee of the Town of Hickory Creek may engage in any outside employment without first securing approval, in writing, from his or her Department Head and approved by the Town Administrator.

### **Section 1.8** **Health/Medical Examinations/Fitness for Duty**

The Town endeavors to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of the position, either with or without reasonable accommodation.

#### **Serious Health Condition/Disabilities**

The Town recognizes that employees with a potentially life-threatening and/or infectious illness or physical and/or mental disabilities may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. As long as these employees are able to perform the essential functions of their job, with or without a reasonable accommodation, without creating an undue hardship on other employees, and medical evidence indicates that their condition is not a direct threat to themselves or others, the Town will treat them consistently with other employees.

#### **Medical Exams for Current Employees**

The Town Administrator, or an employee's department head (with the prior written approval of the Town Administrator) may require a current employee to undergo a medical and/or psychological examination to determine fitness for continued employment, as may be necessary in order for the Town to provide a reasonable accommodation; following an injury or accident; and as otherwise permitted in accordance with applicable laws.

#### **Medical Information from an Employee's Doctor**

Under certain circumstances, the Town Administrator may require employees to provide medical information from their health care provider. In such cases, employees are to inform their health care provider not to provide any genetic information when responding to such request.

#### **Genetic Information**

In accordance with the Genetic Information Nondiscrimination Act (GINA), the Town will neither request nor require genetic information of an employee or his/her family member, except as specifically allowed by GINA. To comply with GINA, employees are directed not to provide any genetic information when responding to any Town request for medical information.

“Genetic information,” as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or embryo lawfully held by an individual or family member receiving assistive reproductive services.

### **Medical Records**

Medical records and sensitive information regarding an employee’s health will be kept confidential as required by law. Limited information may be provided to supervisors and managers, first aid and safety personnel, government officials, Texas Workers’ Compensation Commission, and as necessary for insurance and other business-related purposes.

### **Return to Work/Fitness for Duty**

Before returning to work following a medical and/or psychological examination under this policy, the employee must coordinate his/her return through the Town Administrator. An employee who misses work due to medical reasons may be required to provide a fitness-for-duty certification before returning to work.

### **Time Off from Work**

Time away from work undergoing a Town mandated fitness for duty examination will normally be coded to paid administrative leave, but may be retroactively changed to sick leave and/or other leave as circumstances warrant.

## **Section 1.9** **Americans with Disabilities Act**

To ensure compliance with the Americans with Disabilities Act and Americans with Disabilities Act as Amended (ADAAA), the Town offers equal employment opportunity to qualified individuals and strictly prohibits discrimination against qualified individuals on the basis of disability.

The Town will provide reasonable accommodation to the known physical or mental impairments of an otherwise qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential functions of the position at issue. The Town’s obligation under this policy is limited to providing reasonable accommodations that will not result in undue hardship to the Town.

Any employee seeking a reasonable accommodation for a disability that affects the employee’s ability to perform the essential functions of the position shall make a written request to the Town Administrator.

Employees who have a complaint involving potential violations of the Americans with Disabilities Act or ADAAA, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately contact the immediate Supervisor, Department Head, or the Town Administrator.

## **Section 1.10** **Modified Duty Assignments**

The Town may modify duty assignments available to ill or injured employees who are unable to perform their regular job duties. The decision to offer an employee a modified duty assignment is made in the Town's sole discretion. A modified duty assignment may be in the employee's own or another department in the Town. Factors considered by the Town in making its decision include, but are not limited to: the nature of the employee's illness or injury; the medical release provided in support of modified duty; the risk that a modified duty assignment may result in aggravation of the employee's injury or illness; the type of modified duty work available; the length of the employee's employment with the Town; the employee's performance and disciplinary history; and whether the illness or injury occurred on or off duty, in making modified duty assignments.

Employees who are released for and given a modified duty assignment may not perform work duties in violation of their medical release. An employee, who violates the terms of the medical release while on a modified duty assignment may lose the modified duty assignment and, in addition, may be disciplined up to and including termination of employment.

Modified duty will not normally extend beyond thirty (30) calendar days without an evaluation by the employee's treating physician and a recommendation from the department head to the Town Administrator. Only the Town Administrator may approve an extension of a modified duty assignment.

Employees still unable to return to regular duty within the time limit established for modified duty must re-qualify for modified duty through evaluation by the treating physician or revert to workers' compensation indemnity payment, accumulated sick leave, or vacation benefits, if available.

An employee who is released for and offered modified duty by the Town, but who elects not to accept such an assignment, will be ineligible for paid sick leave benefits under the Town's Sick Leave policy and salary continuation benefits under workers' compensation, but may still be granted unpaid leave.

An employee's salary during any modified duty assignment shall be at the same rate as the salary received prior to the injury.

## **Section 1.11** **Social Media Policy**

An employee's use of social media, both on and off duty, must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the Town or violate any Town policy. The intent of these standards is to regulate the creation and distribution of information concerning the Town, its employees and citizens through electronic media, including, but not limited to online forums, instant messaging and internet social media and blogging sites. This policy is designed to protect the Town's reputation and ensure that an employee's communications not only reflect positively on the employee as an individual, but also on the Town.

The term “social media” encompasses: tweets and twittering, Facebook, LinkedIn, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media.

### **Use of Town’s Internet**

Use of the Town’s Internet is a privilege and Town employees must responsibly and ethically use it. The Town may monitor an employee’s access, use, and postings to the Town’s Internet to: ensure compliance with internal policies; support the performance of internal investigations; assist management of information systems; and for all other lawful purposes. The Town expects all employees to follow the Guidelines below when posting information on the Town’s Social media sites.

### **Other Town Policies**

This policy should be read and interpreted in conjunction with other Town policies, including but not limited to, policies prohibiting harassment, discrimination, offensive conduct or inappropriate behavior. Violations of the Social Media Policy may lead to disciplinary action. The Town provides an effective system for employee complaints “off-line” through the “General Complaint and Grievance” policy without resorting to social media.

### **Employee Guidelines: Use of Town’s Social Media on Work Time**

Any blogging or posting of information on the Internet or other Town social media sites must comply with the Town’s guidelines, regardless of where the blogging or posting is done.

- Blogging, or posting information of a personal nature on the Internet or other Town social media sites is prohibited during work hours. Employees are not permitted to engage in social networking of a personal nature while using any of the Town’s electronic social media sites.
- Employees must obtain written authorization from the Town Administrator to update or post on social media sites on behalf of the Town and all content must be approved prior to posting.
- All of the employee’s time spent updating or posting on Town social media sites as part of the employee’s job duties is compensable time that must be reported and counted in the calculation of overtime.
- No use of social media on work time and on Town equipment on Town-operated networks is considered private or confidential, even if password protected or otherwise restricted. The Town reserves the right to access, intercept, monitor and review all information accessed, posted, sent, stored, printed or received through its communications systems or equipment at any time.

- Never disclose any confidential information concerning another employee of the Town in a blog or other posting to the Internet. Posting of confidential information may violate state law and subject the user to criminal penalty. All requests for Town documents must be processed through the Public Information Act.
- Employees must abide by all federal and state law and policies of the Town with regard to information sent through the Town's Internet.
- Individual supervisors do not have the authority to make exceptions to these guidelines.

### **Employee Guidelines: Use of Personal Social Media While not on Work Time**

The Town recognizes that many Town employees utilize social media when not at work. The Town requires that employees be aware of guidelines regarding posting of work-related information on personal social media sites, and they are listed below.

- If the employee's social networking includes any information related to the Town, the employee must make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the Town.
- Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media. Recognize that postings on your social media site, even if done off premises and while off duty, could have an adverse effect on the Town's legitimate business interests.
- Respect coworkers and the Town. Do not put anything on your personal social media site that may defame, embarrass, insult, demean or damage the reputation of the Town or any of its employees.
- Do not put anything on your personal social media site that may constitute violation of the Town's Harassment policy. Do not post any pornographic pictures of any type that could identify you as an employee of the Town. Be mindful that the Town's harassment policy covers both work and non-work time, including postings on social media sites.
- Do not post pictures of yourself or others on your personal social media site containing images of Town uniforms or insignia, Town logos, Town equipment or Town work sites.
- Do not post information on your personal social media site that could adversely impact the Town and/or an employee of the Town.
- Do not permit or fail to remove postings violating this policy, even when placed by others on your social media site.

## **CHAPTER 2 – EMPLOYMENT**

### **Section 2.1** **Employee Applications**

The Town relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the Town's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

### **Section 2.2** **Employee Classifications**

#### **Exempt Employees**

Salaried executive, administrative, and professional employees earning \$455 per week or more and who meet all of the exempt requirements of the FLSA are exempt under FLSA and are not eligible for overtime pay. However, exempt personnel may be allowed to flex time at the discretion of the Town Administrator, if the employee worked over the required eighty (80) hours during a pay period. Exempt personnel wishing to flex time off are expected to obtain approval in advance from the Town Administrator.

#### **Non-Exempt Employees**

Non-Exempt employees are paid on an hourly basis and are eligible to receive overtime pay for overtime hours worked.

#### **Full Time Employees**

Full-time employees are those persons employed to work a regular full schedule. Each full-time employee is eligible for all benefits provided by the benefits plan currently in effect, subject to any waiting periods defined in specific plans.

#### **Part Time Employees**

Part-time employees generally work fewer than 18 hours per week and are paid on an hourly basis. Part-time employees do not participate in or receive employee benefits.

#### **Seasonal Employees**

Employees may be hired on a seasonal basis and are paid on an hourly basis. Seasonal employees do not participate in or receive benefits.

**Section 2.3**  
**Selection Process**

The department head shall determine the most appropriate means of selecting applicants using job requirements to identify the best qualified and best suited applicant(s). Reference checks, interviews, assessment centers, medical examinations, performance tests, written tests, and other selection methods may be used.

Applicants shall be required to provide any information and undergo any examinations necessary to demonstrate compliance with prescribed requirements for the position(s) involved.

**Section 2.4**  
**Training and Evaluation Period**

All regular employees shall be placed in a training and evaluation capacity for a period of six (6) months with the exception of police personnel which is twelve (12) months. This training and evaluation period will be utilized for closely observing the employee's work; for securing the most effective adjustment for a new employee to the position; and for dismissing any employee whose performance does not meet the required work standards. During this training and evaluation period, employees have no opportunity of appeal for termination.

**Section 2.5**  
**Working Hours/Attendance**

Town Administration office hours are from 7:00 a.m. until 4:30 p.m. Monday-Thursday and from 7:30 a.m. until 11:30 a.m. on Friday. Scheduled working hours, lunch and rest breaks are established for each department employee by their respective department head. This schedule may change from time-to-time depending on the needs of the Town of Hickory Creek. Town offices are closed on Saturday and Sunday. Regular and reliable attendance is expected for all employees.

**Section 2.6**  
**Promotional Opportunities**

Employees interested in promotional opportunities, must apply through the Administration Department when opportunities are officially posted. The hiring supervisor will be allowed to review your Administration file.

The Town of Hickory Creek reserves the right to select individuals that it deems best suited for positions consistent with equal opportunity laws and fairness.

**Section 2.7**  
**Transfers**

A transfer is the assignment of an employee in one position to another position at the same rate of pay. As with any other job opportunity, employees interested in a transfer must apply through the Administration Department when such an opportunity is officially posted.



(This does not include internal transfers within a specific rank or classification within a department.) The hiring supervisor will be allowed to review your personnel file.

A transfer would not affect the current rate of pay or Annual Performance Evaluation Date.

There will likely be no objection to capable employees transferring between departments providing the following conditions are met:

- Both department heads are aware of it and agreeable **before** contact is made with the employee.
- That the employee is the best available person to fill the job that is open.
- That the employee is qualified to handle the new job and it will not create undue hardship in the department that the employee is leaving.

### **Section 2.8** **Voluntary Demotion**

Voluntary demotions occur whenever employees apply for and accept a position at a lower pay rate. Prior to accepting the job offer, the Department Head and the Town Administrator will decide the pay rate for the demotion, but it must be within the pay range of the lower job classification.

### **Section 2.9** **Involuntary Demotion**

An involuntary demotion occurs whenever a Department Head makes an administrative decision to permanently reassign an employee to a lower pay rate or reduced responsibilities. Compensation for an employee involuntarily demoted will be determined on a case-by-case basis by the Department Head and Town Administrator depending on the circumstances of the demotion.

### **Section 2.10** **Temporary Assignments**

An employee may temporarily be paid at a higher base rate of pay if he or she performs all of the duties of a higher job classification for a prescribed period of time. A temporary assignment to a higher job classification does not constitute a promotion and shall not be used to circumvent normal selection procedures. The employee involved shall not acquire any status or rights in the class to which temporarily assigned.

Compensation for temporary assignments shall be made according to the Town's official compensation policy. The Town of Hickory Creek reserves the right to assign higher-level duties to an employee without additional compensation. Additional compensation for temporary assignments or acting duty shall be paid only if officially authorized by the Department Head and Town Administrator.

**Section 2.11**  
**Layoffs – Reduction in Force**

An employee may have his/her employment terminated due to the elimination of budgeted positions by the Town Council. This is a non-disciplinary termination and is not subject to appeal.

**Section 2.12**  
**Searches**

The Town may conduct unannounced searches or inspections of the work site, including but not limited to Town property used by employees such as lockers, file cabinets, desks, and offices, computer and electronic files, social media sites, cell phones, text messages, whether secured, unsecured or secured by a lock or password provided by the employee. No supervisor has the authority to deviate from Town policy. If reasonable suspicion exists, the Town may also conduct unannounced searches or inspections of the employee's personal property located on Town premises, including vehicles parked on Town parking lots.

All searches must be authorized and conducted under the direction of the Town Administrator. Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including termination.

**Section 2.13**  
**Telephone Contact**

(A) All supervisory personnel and service personnel must have a telephone number at which they can be reached during off-duty hours. This can be a cell phone or a land line telephone.

(B) No reimbursement shall be made to the employee for the Town's use of such employee's private telephone to contact the employee regarding work related matters.

(C) All employees must immediately notify supervision of any change in phone number(s), and provide a phone number for a secondary contact, i.e., spouse, parent.

## **CHAPTER 3 – WORK PERFORMANCE**

### **Section 3.1** **Annual Reviews**

It is a goal of the town to establish a uniform and equitable plan of evaluation and compensation based upon the relative duties and responsibilities of positions within the Town and to reward meritorious service. Unless prevented by overriding circumstances annual reviews for all employees shall be conducted yearly during the month of August by the Town Administrator and/or the Department Head/Supervisor. The Town Administrator may conduct reviews more frequently on some or all department heads at his/her sole discretion.

Newly hired employees will experience an intense period of job orientation for the first several months of employment. New employees will be evaluated on job performance as often as necessary. Employees will be evaluated at six months after hire, and Police Officers will be evaluated 12 months after hire.

### **Section 3.2** **Appeal of Performance Evaluation Rating**

If an employee believes he/she has received an unfair or incorrect performance evaluation, it should first be discussed with the supervisor during the initial evaluation interview. Written comments on the evaluation form are allowed, or they may be attached to the form, regarding why the employee contends the evaluation is unfair or incorrect. Written comments shall become part of the personnel/Administration file. Signing an evaluation does not indicate agreement with the review, only that it has been received. If the employee remains dissatisfied with the evaluation and wishes to initiate a formal complaint through the chain of command, the employee should immediately ask the supervisor or the Administration Department for a copy of the Employee Complaints/Appeals policy. There is a 10 business day deadline to initiate the formal complaint, and it runs from the date of the evaluation interview.

### **Section 3.3** **Education and Training**

All employees shall have the knowledge and expertise to do their job. Employees will have a minimum educational standard required for their position. In addition, the Town of Hickory Creek will work to provide the following:

- On the job training - Each employee will receive training on procedures, policy, and equipment by their supervisor and other employees in similar positions.
- Government required education and registration – All employees so required will achieve and maintain their own educational and registration requirements.
- Additional training and education – From time to time, additional training and education will be required to enhance job performance, knowledge, skills and ability.

**Section 3.4**  
**Memberships in Organizations and Associations**

The Town of Hickory Creek may pay for memberships in organizations and associations whose objectives and purposes are directly related to the objectives and purposes of the Town. Each department administrator will be responsible for approving payment for membership in the organization.

## **CHAPTER 4 CONDUCT**

### **Section 4.1** **Commitment**

The Town of Hickory Creek believes that each employee wants to provide quality public services by meeting high standards of job performance and conduct and by following established policies, procedures, rules, regulations, and practices. For this reason, all employees are to be treated as responsible adults in the employment relationship. You are expected to meet the Town of Hickory Creek's performance standards and perform your job in an efficient and safe manner. Supervisors will provide you with a written job description and performance standards. You are expected to hold a high level of commitment to the Town of Hickory Creek organization. This commitment should be shown through cooperation, good work habits, and high standards of efficiency, economy, and accountability in the public service.

### **Section 4.2** **Personal Appearance**

All employees, regardless of work location and degree of public contact, are expected to maintain a good personal appearance and an acceptable standard of cleanliness and personal hygiene at all times.

Appropriate appearance is a personal responsibility. Public employees are expected to have high personal, moral and ethical standards. One of the most noticeable expressions of these personal standards is dress and appearance. As a result, dress and personal appearance during working hours is an appropriate subject for all department heads and employees.

While it is not the Town's intention to dictate the personal wardrobe of employees, the appearance and dress of employees are important in creating a favorable image supportive of public confidence. In general, dress and grooming which management might consider faddish, extreme, slovenly, or overly casual should be avoided. The following guidelines should prove helpful:

1. Appearance of both male and female employees should be businesslike and within the limits of common sense and acceptable community standards. Employees should wear clothing that is neat, clean, attractive and suitable for business, except when fieldwork is required. Very casual clothing and evening wear are not appropriate. Moderation is the best guide.
2. Those employees issued uniforms are expected to wear them, and present a neat and clean appearance. Identification badges should be worn when appropriate.
3. Grooming, hairstyle and length should be the individual's choice, but should avoid extremes, be neat, clean, and suitable for business. Safety concerns may override some employee preferences. Accessories and shoes should be functional and safe for the type of work performed. Since it is impossible to foresee all possible individual variations in dress and style, employees should be alert to the reactions of other employees and the public to their appearance.

4. Judgment is to be exercised by the department head to assure that equitable and uniform application of the guidelines prevails. An employee whose personal appearance is unacceptable to these general standards will be informed of this immediately. If the problem is not corrected promptly and cooperatively, he or she may receive disciplinary action.

### **Section 4.3**

#### **Contact with the Public and the Media**

Employees are the ambassadors of the Town to all they meet. Employees need to be courteous, polite, and helpful. Nothing that they do or say should detract from the public image of the Town. If the help that is needed is “not your job” find the people or direct the person to the right people to assist them. If they ask, explain to anyone what you are doing and why you are doing it. If the person is asking about the policies and opinions of the Town, direct them to your supervisor.

Contact with the media is centralized to the Town Administrator as Public Information Officer (PIO). Media contact dealing with Police business goes through the Chief of Police. If a member of the media contacts an employee, the employee needs to refer them to the appropriate official.

### **Section 4.4**

#### **Electronic Communications and Systems Access Use**

The Town may provide computer networks, Internet access, email, telephones, cell phones, digital cameras, voice mail, and fax communication systems for use by Town employees in the performance of their job duties. These communication devices are referred to collectively in this policy as “electronic communications systems” or “systems.” These electronic communications systems are designed to support and enhance the communication, research and information capabilities of Town employees and to encourage work-related communication and sharing of information resources within the Town. This policy governs user behavior pertaining to access and usage of the Town’s electronic communications systems. This policy applies to all Town employees, contractors, volunteers and other affiliates who use the Town’s electronic communications systems. The Town’s electronic communications systems access must be used in a professional, responsible, efficient, ethical and legal manner.

#### **Internet, Instant Message and Email Access**

Users desiring Internet, and/or email access must obtain written permission from their department head and provide it to the Town Administrator. Users must acknowledge an understanding of this policy and its guidelines as a condition of receiving an Internet, instant message and/or email access account.

Failure to adhere to this policy and its guidelines may result in suspending or revoking the offender's privilege of access and/or other disciplinary action under Town policies, up to and including termination of employment.

## **Acceptable Use**

Acceptable uses of the Town's electronic communication systems are limited to those activities that support reference, research, internal/external communication and conducting Town business in line with the user's job responsibilities. Network users are encouraged to develop uses which meet their individual needs and which take advantage of the Town's internal network function. The Town prohibits connection to sites or forwarding of information that contain materials that may be offensive to others including, but not limited to, sites or information containing sexually explicit material.

Users must understand that use of any Town-provided, publicly accessible computer network such as the Internet, instant messaging and email is a privilege. Personal use of Town electronic media is not permitted. Supervisors cannot alter the restrictions of this policy.

## **Unacceptable Uses of Electronic Communications Systems include:**

- Using profanity, obscenity, or other language which may be offensive or harassing to other coworkers **or** third parties.
- Accessing, displaying, downloading, or distributing sexually explicit material.
- Accessing, displaying, downloading or distributing profane, obscene, harassing, offensive or unprofessional messages or content.
- Copying or downloading commercial software in violation of copyright law.
- Using the systems for financial gain or for any commercial activity unrelated to Town business.
- Using the systems in such a manner as to create a security breach of the Town network.
- Looking or applying for work or business opportunities other than for internal Town postings.
- Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, genetics, color, sex, national origin, age, disability, age, physical attributes, or veteran status.
- Transmitting or sharing information regarding a coworker's health status without permission.
- Expressing opinions or personal views that could be misconstrued as being those of the Town.
- Expressing opinions or personal views regarding management of the Town or other political views.
- Using the electronic communication systems for any illegal purpose or in any way that violates Town policy or is contrary to the Town's best interest.

## **Responsibility**

The person in whose name a Town provided Internet, email or other electronic communications system account is issued is responsible at all times for its proper use, regardless of the user's location.

Exchanges that occur in the course of conducting Town business on the Town's electronic communications systems will be considered a communication of the Town and held to the same standards as formal letters.

### **No Right of Privacy/Monitoring**

Users of Town electronic communications systems may not assume they are provided any degree of anonymity and employees have no right to privacy with regard to such systems. Personal passwords are not an assurance of confidentiality. To ensure proper use of its electronic communications systems, the Town will monitor their use. Management staff has the ability and will, with or without advance notice, monitor and view usage, including but not limited to: employee email, voice mail and instant messages, text messages, information and material transmitted, received or stored using Town systems and user Internet access and usage patterns to assure that the Town's Internet resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy.

### **Copyright Restriction**

Any software or other material, including music, downloaded into a Town computer may be used only in ways consistent with the licenses and copyrights of the vendor, author or owner of the material. Prior written authorization from the Town Administrator is required before introducing any software into the Town's computer system. Employees may not download entertainment software, games or any other software unrelated to their work.

## **Section 4.5** **Cell Phone Use in the Workplace**

The Town recognizes that many employees bring cell phones to work. Cell phones may belong to the employee or be provided for the employee's use by the Town. The use of personal cell phones, including those with a texting, camera and/or video playing capability is not permitted during work time without a supervisor's approval. Employees who are permitted by a supervisor to use a personal cell phone while at work must not allow cell phone use to become disruptive or interfere with their own or a co-worker's ability to do their jobs. Employees who use cell phones to violate Town policy, including the Town's Sexual and Other Unlawful Harassment Policy, will be subject to disciplinary action.

Employees with Town-issued cell phones are allowed to use Town cell phones for personal phone calls.

Except in emergency circumstances, employees should not use a cell phone while operating a motor vehicle, including both making and receiving phone calls and texting. All employees must, when asked by the Town, consent to a request to provide the Town access to all cell phone and text message records used for Town business purposes. Employees using Town issued cell phones have no expectation of privacy in cell phone calls, pictures, or text messages on these phones.



## **Public Information Act**

Employees are advised that records related to calls and text messages made and received on Town issued cell phones or business calls made on personal cell phones are public information. Information related to telephone numbers called, length of call, and time and date of call as well as the text message itself may be obtainable through the Texas Public Information Act, except in narrowly defined circumstances.

## **Monitoring of Cell Phone Calls**

Employees should be aware that cell phone calls are not secure and can be monitored. It is a crime for a third party to intentionally monitor cell phone conversations without the consent of one of the parties to the conversation. Inadvertent monitoring of private cellular conversations is possible. Caution should be used whenever confidential or sensitive information must be discussed on a Town issued cell phone.

### **Section 4.6** **Town Property/Equipment Use**

The Town attempts to provide employees with adequate tools, equipment, vehicles and facilities for the job being performed, and the Town requires all employees to observe safe work practices and lawful, careful and courteous operation of vehicles and equipment. Any Town-provided safety equipment must be used at all times.

From time to time, the Town may issue various equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, uniforms, cell phones, computers, and computer-related equipment. Employees are responsible for items formally issued to them by the Town, as well as for items otherwise in their possession or control or used by them in the performance of their duties. At the time of issuance, employees may be required to sign certain forms or other documentation evidencing their receipt of property and/or equipment and authorizing a payroll deduction for the cost of lost, damaged, or unreturned items. In addition to payroll deductions, the Town may take any other action it deems appropriate or necessary to recover and/or protect its property.

Employees must notify their supervisor immediately if any vehicle, equipment, machinery, tools, etc. appears to be damaged or defective, or are in need of repair. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of equipment will likely result in disciplinary action.

## **Personal Use Prohibited**

Town property, materials, supplies, tools, equipment or vehicles may not be removed from the premises or used for personal business without prior written approval by the Town Manager, or the Department Director.

## **Tobacco Use Prohibited**

The use of all tobacco products of any kind, including smokeless electronic cigarettes is prohibited at any time in Town buildings and other facilities, in Town vehicles, while using Town equipment, and as otherwise directed. Employees are welcome to smoke on their rest breaks outside of the building in designated smoking areas. Smoke breaks which are excessive in frequency or length will be treated as an attendance issue.

## **Vehicle Allowance**

An employee may be given a monthly allowance for consistently using such employee's own vehicle for Town business if the use is deemed necessary by the Town Administrator. The amount of the allowance shall be determined by the Town Administrator.

## **Take Home Vehicles**

A Town vehicle may be assigned to a position or employee when it is more economical than payment of a car allowance or mileage reimbursement. To be eligible for assignment of a take-home vehicle, an employee must be subject to emergency call back during off duty hours to locations other than the employee's normal work station. No personal use of a take-home vehicle is permitted except to commute to and from home or work. A Town vehicle is not to be used for personal business such as going to the bank, grocery store, etc. without prior written approval of the Town Administrator. No alcoholic beverages are allowed in Town vehicles. No passengers may be transported in take-home vehicles except as required by official duties.

The Town's vehicles are classified as either "exempt" or "non-exempt" as prescribed by law. Most pickups, vans and automobiles are classified as "non-exempt" vehicles. Employees to whom a "non-exempt" vehicle is assigned for take-home may incur a federal income tax liability for the benefit of commuting to and from work in a Town vehicle. Police vehicles used by employees on call 24-hours are normally exempt from the benefit tax liability.

## **Use of Town Vehicles**

Town-owned or leased vehicles may be used only for official Town business. Town owned or leased vehicles may only be driven by authorized Town employees. If an employee drives a personal vehicle, or a Town-owned, rented or leased vehicle on the job or while carrying out Town-related business, the employee must comply with the following:

- Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.
- Always observe all posted laws and speed limits.
- Always wear seat belts when the vehicle is in operation.

- No passengers other than Town employees or others on Town business may ride in a Town vehicle unless otherwise approved in advance by the department head.
- No personal use of Town-provided vehicles is allowed without the prior, specific approval of the Department Director.
- All maintenance and use records for Town vehicles must be completed as directed by the employee's supervisor.
- Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of Town vehicles to the appropriate supervisor immediately.
- All drivers must be eligible for coverage under the Town's insurance policy.
- Drivers covered by Department of Transportation (DOT) regulations must comply with the DOT regulations at all times.
- At no time may an employee under the influence of alcohol or a presence in the system of illegal drugs drive a Town vehicle or a personal vehicle while conducting Town business.
- Employees involved in an accident while operating a Town vehicle, or while operating a personal vehicle on town business, must immediately notify the proper law enforcement agency (if applicable) and the appropriate supervisor, department director, and/or Town Administrator. Accident reports, along with any law enforcement report, must be filed by the employee with the Town Administrator.

The Town may, at any time, check the driving record of a Town employee who drives as part of the job duties to determine that the necessary qualifications are maintained as a Town driver. Employees must cooperate in giving the Town whatever authorization is required for this purpose.

The above is not a complete and exhaustive list of vehicle use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of a vehicle, may result in loss of driving privilege or disciplinary action.

### **Personal Property**

All employees shall be solely responsible for their personal property at all times.

## **CHAPTER 5 DISCIPLINE, APPEALS and GRIEVANCES**

### **Section 5.1** **Discipline**

The Town's discipline policy emphasizes the employee's responsibility for the consequences of his or her own behavior, with a focus on communicating expectations for changes in behavior and needed improvement. It also emphasizes that the disciplinary process should be fair to both the employee and the Town and as consistent among employees and as appropriate to the individual situation as is practicable. The Town's discipline policy and procedures apply to all Town employees, except Council appointees and contractual employees, unless otherwise specifically stated.

Employees may be disciplined or discharged at any time and for any or no reason at the discretion of the Town. The policy and procedures are only guidelines for supervisory actions; they are not intended to be inclusive of every possible situation. Furthermore, nothing in the policy is meant to imply that disciplinary steps or action must be taken in any particular order. The Town Administrator may disseminate written guidelines for use by supervisors to guide disciplinary action. These guidelines may cover the use of warnings, conferences, and other corrective techniques; documentation of misconduct and/or failure to properly perform; and other matters concerning the discipline or termination of employees. Formal disciplinary action may include Oral Reminders/Reprimands, Written Reminders/Reprimands, and Suspension without Pay, Demotion, and Discharge.

### **Section 5.2** **Grounds for Disciplinary Action**

Every employee is expected to consistently maintain satisfactory performance standards. Continuing performance deficiencies, unlike the isolated violations noted in the subsequent sections of this chapter, should first be addressed by the mutually cooperative efforts of the supervisor and employee. Those efforts include but are not limited to:

- An analysis of the problem;
- A determination of needed changes and assistance; and
- Implementation of a corrective plan of action and establishment of achievement dates.

If performance standards are not met within a reasonable period of time, the employee, depending upon the reasons for failure, may be transferred, demoted, or terminated.

The following types of conduct are unacceptable and may be cause for discipline in the form of oral reprimand, written reprimand, suspension, demotion, or termination, depending upon the facts and circumstances of each case. The examples given below are typical, but not all-inclusive:

1. Unsatisfactory attendance is exemplified by, but is not limited to, the following violations:
  - Unexcused absence or tardiness; Failure to give notice of an absence or tardiness to the supervisor thirty (30) minutes before starting time, or as may be prescribed by departmental policy;
  - Separate absences or days of tardiness which exceed the average absences or days of tardiness of the employee's work group and which lack sufficient justification;
  - Absence or tardiness that causes significant curtailment or disruption of services without sufficient justification; or
  - Excessive amounts of time off the job, regardless of the reason.
2. Abandonment occurs when an employee, without authorization, is absent from the job, or refuses a legitimate order to report to work, for three (3) consecutive workdays. The employee is deemed to have abandoned his job and may be terminated.
3. Insubordination, including an inability or unwillingness to perform assigned work satisfactorily is exemplified by, but is not limited to, the following violations:
  - Failure to follow routine written or verbal instructions;
  - Arguing over assignments or instructions;
  - An accumulation of other deficiencies indicating the employee's continuing failure to adequately perform in a productive, efficient, and competent manner;
  - Failure or refusal to follow the lawful and specific orders or instructions of a supervisor or higher authority; and/or
  - Pursuit of a denied request to a higher authority without revealing the lower level disposition/failure to exhaust chain of command without excuse.
4. Indifference toward work is exemplified by, but is not limited to, the following violations:
  - Inattention, inefficiency, loafing, sleeping, carelessness, or negligence;
  - Reading unauthorized material, playing games, watching television, movies or video cassettes, or otherwise engaging in entertainment while on the job and/or in view of the public;
  - Excessive failure to remain at one's work station without notifying his supervisor, leaving work without permission, or taking excessive time or more time than allowed for eating or break periods;
  - Performance of personal business;
  - Interference with the work of others; or
  - Discourteous or irresponsible treatment of the public or other employees.
5. Sabotage is exemplified by, but is not limited to, the following violations:
  - Deliberate damage to or destruction of Town equipment or property;
  - Defacing of Town property;

- Unauthorized alteration, removal, destruction, or disclosure of Town records;
  - Advocacy of or participation in unlawful trespass or seizure of Town property;
  - Encouraging or engaging in slowdowns, sit-ins, strikes, or other concerted actions or efforts to limit or restrict employees from working;
  - Encouraging Town employees to disobey provisions of these rules and regulations, Town ordinances, or other laws;
  - Interference with the public use of or access to Town services, properties, or buildings; or
  - Threats to commit any act of sabotage as defined in this subparagraph.
6. Safety violations are exemplified by, but are not limited to, the following violations:
- Failure to follow Town or departmental safety rules and regulations;
  - Failure to use required safety apparel;
  - Removal or circumvention of a safety device;
  - Lifting in a manner which may cause injury;
  - Operations of a vehicle or other equipment in an unsafe, negligent, or careless manner;
  - Smoking in a prohibited area;
  - Endangering of one's own safety or that of others by careless or irresponsible actions or negligence;
  - Failure to report an on-the-job injury, vehicle accident, or unsafe working condition;
  - Failure of a supervisor to remove from the workplace or to assist to a safe location an employee whose mental capabilities are impaired due to injury, illness, alcohol or drug use, or emotional distress; or
  - Failure to maintain an insurable driving record acceptable to the Town.
7. Dishonesty is exemplified by, but is not limited to, the following violations:
- Acceptance of money or anything of value from a person subject to the regulatory decision or supervision of the employees;
  - Cheating, forging, or falsification of official Town reports or records;
  - False reporting of the reason for a paid leave of absence; or
  - Other falsifying action detrimental to the Town, Town employees, or others.
8. Theft, regardless of item value, is exemplified by, but is not limited to, the following violations
- Unauthorized taking of Town property, Town supplies or the property of others;
  - Unauthorized use of Town or employee funds;
  - Using or authorizing the use of Town equipment, supplies, or employee services for other than official Town business, including the unauthorized use of long distance or pay telephone services (including "900" toll calls); or
  - Using or authorizing the use of Town equipment or employee services without proper authority.

9. Abuse of drugs or alcohol is exemplified by, but is not limited to, the following violations:
- The manufacture, distribution, dispensing, possession, sale, purchase or consumption of drugs or alcohol during working hours, work breaks, lunch period, in a Town vehicle or at any time while the employee is on Town property;
  - Entering Town property or reporting to work unable to perform duties in an effective and safe manner due to the ingestion, inhalation or injection of a drug or ingestion of an alcoholic beverage;
  - Employees may use legally prescribed drugs or over the counter medicines, but must not use any drugs or medicines that impair his/her ability to perform the job safely and satisfactorily. Employees shall report to a supervisor the taking of any medication that might impair their ability to perform their duties;
  - Criminal acts involving the use of illegal drugs or alcohol while off duty are grounds for termination.
10. Disturbance is exemplified by, but is not limited to, the following violations:
- Fighting or boisterous conduct;
  - Deliberate causing of physical injury to another employee or citizen;
  - Use of profane, abusive, threatening, or loud and boisterous language;
  - Harassment, as defined by the Texas Penal Code, or intimidation;
  - Sexual harassment or violation of equal employment opportunity policies;
  - Spreading of false reports; or
  - Other disruption of the harmonious relations among employees or between employees and the public.
11. Abuse of Town property is exemplified by, but is not limited to, the following violations:
- Intentional, careless, or negligent damage or destruction of Town equipment or property;
  - Waste of materials or negligent loss of tools or materials;
  - Improper maintenance of equipment; or
  - Damage caused by use of tools or equipment for purposes other than that for which the tool or equipment was intended.
12. Misconduct is any criminal offense or immoral conduct, during or off working hours, which, on becoming public knowledge, could have an adverse effect on the Town or the confidence of the public in Town government. "Criminal offense" means any act constituting a violation of law and/or resulting in charges being filed, arrest, or confinement.
13. Violation of the Town's Unlawful Harassment policy.
14. An employee shall maintain high standards of moral conduct in his personal affairs and shall not be a participant in any incident involving moral turpitude which tends to or does impair his ability to perform as a Town employee or cause the Town to be brought into disrepute.

15. An employee shall notify their immediate supervisor of all traffic violations, arrest and/or convictions within twenty-four hours of any offense.
16. Except for sworn peace officers, no employee of the Town, whether licensed or not licensed by the State of Texas to carry a handgun, shall carry a handgun or any other firearm into any Town building or portion of a building, or any town vehicle.
17. Engaging in conflicts of interest could compromise the appearance of professionalism and impartiality necessary to public service. Examples of prohibited conduct that could constitute an improper conflict of interest are:
  - No employee shall accept any gift, or favor from any citizen, person, firm, group or corporation that does business with the Town or that might reasonably be expected by the donor to result in favorable or special treatment in the performance of the employee's official duties.
  - No employee shall use his/her official position to secure or grant benefits, privileges, or special consideration to himself/herself or others beyond that which is available to every other citizen, person, firm, group, or corporation.
  - No employee shall transact any business on behalf of the Town in his/her official capacity with any business entity with which he/she is an officer, agent, or member, or in which he/she owns directly or indirectly an interest.
  - No employee shall accept other employment or engage in outside activities incompatible with the full and proper discharge of his/her duties and responsibilities with the Town, or which might impair his/her independent judgment in the performance of his/her public duty.
  - No employee shall receive any fee or compensation for his/her services as an officer or employee of the Town from any source other than the Town, except as may otherwise be provided by law. This shall not prohibit his/her performing the same type of other services for a private organization that he/she performs for the Town if there is no conflict with his/her Town duties and responsibilities

### **Section 5.3** **Types of Disciplinary Action**

In making a decision as to what discipline should be recommended, the supervisor should consider such factors as the type and severity of the offense or offenses, the employee's work record, and any mitigating circumstances which may be relative to the situation.

The following disciplinary actions are not exclusive and may be initiated against an employee for violations of these Policies and/or Town or departmental rules and regulations:

#### **Verbal Counseling**

Verbal counseling is best suited for a minor rule infraction or incident of substandard performance. Verbal counseling should identify violations and indicate areas needing improvement. A written record of this warning shall be maintained in the employee's personnel file.



## **Written Reprimand**

A written reprimand is a formal warning of an infraction that may result in suspension, demotion, or termination should the violation recur. Both the supervisor and the employee should sign the written reprimand. Included in the written reprimand should be a statement of what changes in behavior are expected, when the next evaluation will be held and what penalty will be imposed if no changes are made by the employee. Copies of the written reprimand and all supporting documentation, if any, will become part of the employee's personnel file. The employee shall be given the opportunity to respond in written form to the written reprimand.

## **Suspension**

A suspension is to bring about a change in behavior and results in time off without pay. The employee should be encouraged to reflect on his behavior during the suspension and to decide whether he wishes to correct the offending behavior or terminate his employment. A Department Head may suspend an employee without pay for a period of not less than one (1) hour nor more than ten (10) working days. Prior to suspending an employee, a Department Head shall confer with the Town Administrator. Suspension for more than ten (10) working days requires the written approval of the Town Administrator. A suspension becomes a permanent part of the employee's personnel file.

## **Demotion**

A Department Head may demote an employee for a disregard or violation of these Policies and/or any Town or departmental rule or regulation, or for repeated refusal or inability to improve performance. Prior to demoting an employee, a Department Head shall confer with the Town Administrator regarding the proposed demotion. Demotions may be either permanent or for a predetermined specified period of time, and shall result in a reduction of salary. The demotion becomes a permanent part of the employee's personnel file.

## **Termination**

An employee may be dismissed from employment at any time for any reason. The Town Administrator must ratify any termination of an employee. The ratification will take place as soon as possible.

An employee is not entitled to progressive discipline. For example, the Town is not required to provide an employee with verbal counseling or a written reprimand before suspending, demoting, or terminating the employee.

## **Section 5.4** **Disciplinary Procedures**

Any disciplinary action, with the exception of oral reprimand/employee counseling, shall be presented in written form to the employee and the Town Administrator specifying:

- The type of disciplinary action taken, i.e., written reprimands, suspension, or demotion;
- The specific rule violated;
- The specific incident, including date(s), if applicable, causing the action;
- A written or verbal response from employee regarding the allegations against him/her;
- The employee's right to appeal to a specific office within a specified time; and
- The finality of the action if the employee fails to appeal within the specified time

### **Section 5.5** **Appeals of Disciplinary Action**

An employee may appeal the following disciplinary actions to the Department Head if the discipline was imposed by a supervisor of lesser rank than the Department Head: a) Verbal Counseling and b) Written reprimands. The decision of the Department Head will be final and non-appealable. If the Department Head makes the initial decision no appeal is available.

The following actions may be appealed to the Town Council: suspension, demotion and terminations. The appeal must be submitted to the Town Administrator. The procedures as set forth below will be adhered to. The decision of the Town Council is final and no appeal is available.

In order to appeal disciplinary actions, an employee must submit a written request for an appeal, within three (3) business days of the action to the person who will hear the appeal. If the appeal is to be heard by the Town Council, the written request must be submitted to the Town Administrator.

The appeal of disciplinary action will be an informal process wherein an employee will be given an opportunity to convince the Council that the action was not appropriate. The hearing will be conducted in executive session pursuant to the personnel exception to the Open Meetings Act, unless the employee requests that it be public. The hearing will be confined to a consideration of the reasons for the proposed or actual disciplinary action. If the reasons for the action have not yet been reduced to writing, they will be presented to the employee at least three (3) days prior to the hearing. The sole purpose of the hearing is to allow the employee an opportunity to respond to allegations of misconduct. It is not a formal evidentiary hearing. The Town's sole evidence may be the testimony of the individual who imposed the disciplinary action.

The employee may present testimony on their behalf, but the person(s) hearing the appeal may, at their discretion, impose reasonable time limits upon the presentation. After the hearing, the Council may approve, modify, disapprove, or rescind in whole or in part the original decision. Any appeal decision is final and non-appealable.

The procedures as set forth herein are intended to be used as guidelines only and are not to be interpreted as giving any employee substantive or procedural due process. All employees serve the Town on an at will basis. These guidelines do not alter the at will relationship between the Town and any employee.

## **Section 5.6** **Grievance Procedures**

**Definition of Grievance.** Employee complaints of inconsistent and/or unlawful treatment, interpretation and/or application of Town or departmental policies, procedures, or practices; and retaliation.

Any employee wishing to submit a complaint or grievance must first discuss the grievance with the employee's immediate supervisor. If the matter is not resolved to the employee's satisfaction, the employee may take the grievance to the employee's Department Head. The employee must submit the grievance in writing on/in seven calendar days after receiving the supervisor's response.

An employee failing to gain satisfaction after conferring with the employee's department head may present the grievance to the Town Administrator. The employee must notify the Town Administrator within seven calendar days of the desire to have the grievance considered by the Town Administrator.

At the discretion of the Town Administrator, a special employee grievance committee may be appointed to investigate any grievance and make a recommendation to the Town Administrator.

The decision of the Town Administrator is final.

## **CHAPTER 6 PERSONNEL RECORDS**

### **Section 6.1**

#### **Personnel Files and Records**

The Town of Hickory Creek will request, use and retain only that personal information about employees that is required for business or legal reasons. The confidentiality of all personal information in Town records and files will be protected, preserved, and maintained for all Town employees in compliance with State and Federal laws.

You have access to personal information in your personnel files and will have the right to correct inaccurate information or express, in writing, disagreement with the accuracy of information maintained.

## **CHAPTER 7 SAFETY**

### **Section 7.1** **Safe Working Conditions**

It is the policy of the Town to make every effort to provide healthful and safe working conditions for all its employees.

1. Employees will follow all established safety regulations and use all safety equipment provided by each department.
2. Each department head is responsible for reviewing all work procedures and enforcing all necessary safety rules, and providing any safety equipment necessary to provide a safe working environment.
3. Employees shall immediately report any accidents or injuries occurring on the job to their supervisor. The supervisor shall take all necessary action to ensure the safe transportation and/or treatment of the injured. The supervisor shall then notify the Town Administrator's Office of the incident and shall file a written accident report with the Administration Department.
4. Employees shall not be compelled by orders of a supervisor to commit acts that are unlawful or pose unusual and unnecessary risk to the health or life of the employee.

Safety is important to the Town and to you. Failure to follow safety rules is grounds for discipline up to and including termination.

### **Section 7.2** **Driving Record Checks**

An employee required to drive a Town vehicle or personal vehicle as a regular part of their job will have their driving record reviewed from time-to-time. In addition, any and all traffic accidents, moving violations, convictions (including probated sentences), and/or license suspensions, whether occurring on or off the job, must be reported to your immediate supervisor within twenty-four hours of occurrence. In order to ensure the safety of all employees and the public, employees may be forbidden to operate street vehicles based on a case-by-case review of driving records. If driving is an essential function of the job, this may result in termination.

An employee charged with, but not convicted of, any major moving violations including D.W.I. or D.U.I., may be removed from driving pending the resolution of the alleged violation, or, if the employee is not lawfully authorized to drive and driving is an essential job function, the employee may be terminated.

## **CHAPTER 8 COMPENSATION**

### **Section 8.1** **Pay Days**

The pay period for the Town of Hickory Creek is Bi-Weekly. Checks are issued the Thursday following the two-week pay period ending on the previous Sunday.

If the payday falls on a holiday, checks will be issued on the last working day preceding the holiday.

### **Section 8.2** **Overtime Pay**

The Fair Labor Standards Act defines “exempt” employees. Exempt employees are not covered by this section and are not required to be compensated for overtime. Due to the nature of exempt work, exempt employees may work irregular, incidental, casual or discretionary hours beyond their normal work schedule. Such hours are an integral part of the job and should not be considered for overtime compensation. Generally, “supervisory,” “professional,” and certain “administrative” employees are exempt.

Vacation, sick, and holiday leave time do not count as “hours worked” for purposes of an employee reaching the overtime threshold.

Nonexempt employees may not work overtime (more than 40 hours per week) without prior approval by their supervisor. Any nonexempt employee who works overtime without prior supervisory approval shall be disciplined, up to and including termination.

### **Section 8.3** **Longevity Pay**

Regular, full-time employees are eligible to receive longevity pay after six months of service. Longevity pay is calculated from date of hire through the end of the calendar year at the rate of \$6.00 per month. Payment of longevity will be during the last two weeks of November each year. An employee who terminates employment with the Town either voluntarily or involuntarily before December 1 will not be paid the longevity pay for the previous years of service.

### **Section 8.4** **Final Pay Upon Separation**

Upon final separation, an employee shall be paid his or her last paycheck on the next regularly scheduled payday.

## **Section 8.5** **Travel and Subsistence Allowance**

### **Statement of Policy**

When employees of the Town are required to travel on official business, the Town will pay reasonable amounts for transportation, meals, and lodging. An employee is expected to show good judgment and an appreciation for economy when incurring travel expenses. Expense limits established by these regulations are limits, and not allowances or authorization to spend that much if less would be adequate.

### **General**

Travel expenses must be itemized on a travel expense form, which must be forwarded to the Administrative Department within three working days after returning from a trip. Paid bills for lodging and receipts for air or rail fares are required to be attached to the travel expense form if such expenses have been incurred. The Town shall pay actual registration fees which shall be based upon a copy of the official conference brochure indicating such fees.

### **Meal Allowance**

Expenses for meals shall either be charged to a Town credit card, or reimbursed at actual cost as supported by itemized receipts submitted to the Administrative Department within two (2) business days of return from the trip. Meals should be kept to a reasonable amount, not to exceed a total of forty (\$40) dollars a day for breakfast, lunch and dinner.

### **Transportation**

The Town may purchase tickets in advance for employees traveling by common carrier. All employees shall travel in tourist or economy class where such services are available.

Municipal owned vehicles may be used for out-of-town travel. All expenses incurred for operation of such vehicles must be documented by receipts attached to the expense report. Employees who, with authorization from their Department Head, use their personal vehicles for official business will be reimbursed for mileage at the current Internal Revenue Service rate.

Receipts must be attached to the expense report to claim reimbursement for all transportation costs. If receipts were not available for ferry, bridge, road and parking tolls, and taxicab fares, these items can be itemized with the reason the receipts were not available. Reimbursements for those unreceipted costs will be determined on a case-by-case basis.

### **Lodging**

An employee is expected to make hotel or motel reservations well in advance whenever possible and to take other actions to insure that lodging is secured at moderate rates.

If an employee is to attend a formal, organized meeting or conference, he/she may stay at the hotel where the meeting is to be held unless it is within a 50-mile radius of town hall. The Town, in all cases, will pay no more than the regular single room rate.

### **Non- Allowable Expenses**

Expenses or charges for the following will normally not be reimbursed and must be paid for by the employee:

- In-hotel pay television and movies;
- Dry cleaning and laundry;
- Health club and spas;
- Expenses of a spouse;
- Alcoholic beverages;
- Personal long distance telephone calls; and
- Other items of a personal nature.

## **Section 8.6** **Attendance and Work Hours**

### **Regular Work Hours**

Nonexempt employees of the Town, except for Police Department Personnel, normally work 40 hours in a seven-day workweek. Exempt employees may be required to work in excess of 40 hours in certain weeks.

The work week begins at 12:00 a.m. on Monday and ends at 11:59 p.m. on Sunday.

Police Officers subject to the 7K partial exemption from overtime work a 14-day period, and do not reach "overtime" until he/she has worked more than 86 hours in the 14-day period.

### **Adjustment to Work Hours**

In order to assure the continuity of Town services, it may be necessary for Department Directors to establish other operating hours for their departments. Work hours and work shifts must be arranged to provide continuous service to the public. Employees are expected to cooperate when asked to work overtime or a different schedule. Acceptance of work with the Town includes the employee's acknowledgement that changing shifts or work schedules may be required and indicates that the employee will be available to do such work.

### **Call Back Pay**

Non-exempt employees, who are called out for work outside scheduled working hours, shall be paid for any time worked during the call back period or a minimum of one (1) hour, whichever is greater. Time worked will be calculated at the employee's regular rate of pay; overtime compensation is applicable only for non-exempt employees when total hours worked exceed the regular full time work week.



**Attendance Records**

Employees are expected to be at their work stations and ready to work at their scheduled start time. Employees are required to record the number of hours worked each day, as well as the time they arrived to work, the time they left for and returned from lunch, and the time(s) they left for and returned from any unpaid break during the work day.

**Attendance and Punctuality**

To maintain a safe and productive work environment, the Town expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the Town and on co-workers. Either may lead to disciplinary action, up to and including termination of employment.

In most instances, an employee who fails to properly notify the supervisor in advance of an absence or tardiness will be subject to disciplinary action up to and including termination. An employee who fails to notify the Town of an absence of three days or more may be presumed to have voluntarily resigned employment.

	<b><i>Occurrences/Days</i></b>	<b><i>Disciplinary Action</i></b>
<b>Tardies and Missed Clocks In/Out</b> One (1) Occurrence is equal to: <ul style="list-style-type: none"> <li>• Two (2) Tardies</li> <li>• Two (2) Missed Clocks In/Out</li> </ul>	2 occurrences	Verbal Counseling
	4 occurrences	Written Reprimand
	6 occurrences	Suspension
	8 occurrences	Termination
<b>Absence- Without a Doctor's Excuse</b>	4 Days	Verbal Counseling
	6 Days	Written Reprimand
	8 Days	Suspension
	10 Days	Termination
<b>Absence-No Call/No Show</b>	1 Day	Suspension
	2 Days	Termination

***Tardies and Missed Clocks In/Out***

One (1) occurrence is equal to Two (2) Tardies or Two (2) Missed Clocks In/Out

- 2 occurrences within a 12-month period: Verbal Counseling
- 4 occurrences within a 12-month period: Written Reprimand
- 6 occurrences within a 12-month period: Suspension
- 8 occurrences within a 12- month period: Termination

***Absence - Without a Doctor's Excuse***

- 4 days within a 12-month period: Verbal Counseling
- 6 days within a 12-month period: Written Reprimand
- 8 days within a 12-month period: Suspension
- 10 days within a 12- month period: Termination

**Absence - No Call/No Show**

- 1 day within a 12-month period: Suspension
- 2 days within a 12-month period: Termination

**Section 8.7**  
**Clocking In & Out for Employees**

The Fair Labor Standards Act (FLSA) requires employers to keep records on wages and hours worked. The Town of Hickory Creek has elected to use an automated timekeeping system as a means to track time worked for employees.

The FLSA requires employers to pay non-exempt employees for all hours worked, so it is important for employees to clock in and clock out appropriately. Early or late clocking in/out will not be permitted, unless the employee is actually working.

**Rounding**

It is permissible to round the employee's start time and stop time under the FLSA when used in such a manner that it will not result, over a period of time, in the failure to compensate properly for all hours actually worked by non-exempt employees. The Town of Hickory Creek's timekeeping system records time to the nearest quarter of an hour (15 minutes). The 7-minute rule comes into play when rounding the employee's start time and stop time based on 15-minute increments. Employee time from 1 to 7 minutes may be rounded down, and thus not counted as hours worked, but employee time from 8 to 14 minutes must be rounded up and counted as a quarter-hour of work time.

Example:

Time Clocked In	Time Rounded To
<i>Assumes a 7:00 a.m. start time</i>	
Between 6:45 a.m. - 6:52 a.m.	6:45 a.m.
Between 6:53 a.m. - 7:00 a.m.	7:00 a.m.
Between 7:00 a.m. - 7:07 a.m.	7:00 a.m.
Between 7:08 a.m. - 7:15 a.m.	7:15 a.m.
<i>Assumes a 4:30 p.m. stop time</i>	
Between 4:15 p.m. - 4:22 p.m.	4:15 p.m.
Between 4:23 p.m. - 4:30 p.m.	4:30 p.m.
Between 4:30 p.m. - 4:37 p.m.	4:30 p.m.
Between 4:38 p.m. - 4:45 p.m.	4:45 p.m.

## **Section 8.8** **Breaks**

The Town may allow rest breaks as authorized by an employee's immediate supervisor during the course of each work day to prevent undue fatigue.

### **Rest Breaks**

Full-time employees may, depending on individual departmental work schedules and the discretion of the supervisor, take up to two fifteen minute, paid breaks each day, one during the first part of the work day and the other during the latter part of the work day. Breaks may not be combined. Time spent on rest breaks will be compensated as hours worked. An employee is expected to be punctual in starting and ending breaks and will be subject to disciplinary action for tardiness.

### **Meal Periods**

Full-time employees are normally provided a 30-minute unpaid meal break near the middle of the workday. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period without permission from supervisor.

### **Lactation Break**

Nursing mothers will be provided with reasonable unpaid break time to express breast milk for up to one year after the birth of a child in accordance with applicable law. If an employee needs time beyond the usual lunch and break times, the employee may use vacation or make up time as approved by supervisor. Employees and supervisors are expected to agree, in advance, upon a break schedule and how the time will be counted or made up. A private room will be provided for nursing mothers to use. Employees who have a private office may use it if they prefer.

### **Supervisor Responsibility**

Supervisors are responsible for scheduling the time for employee rest and lactation breaks and should take into consideration the work load and nature of the job performed. Whenever necessary, the supervisor may change the frequency and length of rest breaks.

### **Practices Not Permitted**

The following practices are not permitted uses of rest breaks:

- combining two daily breaks into one thirty (30) minute rest break;
- "banking" break period time from day to day;
- saving break period time to extend lunch periods or shorten the scheduled work day; or
- requesting overtime pay for work performed during break period time.

## **CHAPTER 9 BENEFITS**

### **Section 9.1** **Holidays**

The Town of Hickory Creek observes the following days as paid holidays:

- New Year's Day
- Martin Luther King Day
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve
- Christmas Day

Regular full-time employees shall be paid for official paid Town holidays providing the employee is not on an unpaid leave of absence immediately preceding and following the holiday.

Police Department personnel who are not scheduled to work on a holiday due to the rotation of shifts, will be scheduled off for an eight-hour day during the same pay period or the following pay period. Holiday time will not be carried over beyond two pay periods. If the time is not utilized it will be forfeited.

Any employee who is scheduled to work and actually works, or is called in to work during a holiday will be paid double time.

If a holiday falls on a Saturday, the proceeding Friday shall be observed as the holiday. If the holiday falls on a Sunday, the following Monday shall be observed as the holiday.

A holiday does not count towards compensable hours of work. Stated another way, holiday hours do not count as "hours worked" for purposes of reaching the overtime threshold.

### **Section 9.2** **Personal Days**

Regular full-time employees may take two Personal Days after six months of employment. Personal Days must be used during the fiscal year October 1<sup>st</sup> through September 30<sup>th</sup>. or will be forfeited.

**Section 9.3**  
**Vacation**

Regular full-time employees begin to accrue paid vacation benefits on the first day of employment as follows:

<u>Years of Service</u>	<u>Accrual Rate Based on 24 Pay Periods Per Year</u>
1 - 5	3 hours and 20 minutes per pay period
6 - 11	5 hours per pay period
12 +	6 hours and 40 minutes per pay period

Vacation leave does not accrue for any month in which an employee is in a leave without pay status for at least one half or more of the standard number of paid days for his/her employment.

An employee shall be allowed to carryover a maximum of two times his/her annual rate of accrual from one fiscal year to the next. Accumulated vacation time in excess of the allowed maximum rate of carry-over will be forfeited by the employee.

Paid vacation benefits may be taken upon completion of 6 months of service and may be taken in hourly increments. Employees shall be permitted to take vacation leave at such time, in the judgment of the director or supervisor, or Town Administrator, as will best serve the interest of the organization and the employee. Employees are encouraged to use their vacation leave in a timely manner so that they are not face with losing vacation leave at the end of the fiscal year.

If you are eligible for vacation leave, you must submit a vacation request form in advance of your requested time off to obtain approval from your supervisor and the Town Administrator.

Vacation leave shall be granted in two (2) hour increments up to a maximum of two (2) weeks in a row.

Vacation leave does not count towards “hours worked.” An employee will be paid for accrued and unused vacation leave up to the employee’s maximum annual accrual, which in no event will exceed 320 hours.

**Section 9.4**  
**Sick Leave**

Full-time employees accrue paid sick leave 3 hours per pay period with the exception of the months that include three pay periods; or, 72 hours per year. During the months where the employee gets three checks, sick pay will accrue on the first and last pay period of the month. Sick leave maximum accrual is 320 hours.

No sick leave accrues for any month in which an employee is in a leave-without-pay status for at least one half or more than the standard number of paid days per month.

If an employee has more than 320 hours, the employee will not accrue any more leave until the sick leave balance is at 320 or below.

For employees who have more than 320 hours of accrued sick leave, he/she may use that leave.

If eligible for paid sick leave, it may be used for time off due to employee illness, routine health care appointments, and to care for a sick member of the employee's immediate family. "Immediate family members" are defined as an employee's spouse, domestic partner, parents, stepparents, siblings, children, stepchildren, grandparent, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or grandchild.

If sick leave is used fairly and properly, there will seldom be any question concerning its use. However, if there are frequent absences from work or an absence for more than three days, a physician's statement to the supervisor or department administrator will be required to explain sick leave use.

Employees who use their sick leave without just cause may be dismissed. Supervisors may require a physician's statement from any employee who uses sick leave credit if deemed warranted. Employees who miss more than three (3) consecutive workdays due to illness or injury are required to provide a statement from his or her physician regarding the illness or injury. Failure to do so may result in dismissal, suspension, and/or forfeiture to pay the absences.

If an employee is ill and unable to report to work, the employee or someone on his/her behalf must contact the appropriate supervisor prior to the start of the employee's work shift. It is the employee's obligation to check with his/her supervisor to find out exactly what the procedure is for requesting and using sick leave.

Health issues related to pregnancy, childbirth, or related medical conditions will be treated the same as other health-related issues caused or contributed to by other medical conditions, including work-related health issues. The point at which an employee needs leave related to pregnancy begins and ends is a matter for the employee's physician to determine. An employee may use accumulated sick leave and vacation leave to the extent that leave is available to pay for absences related to pregnancy or childbirth. Once accrued sick leave and vacation leave is exhausted the employee may be eligible to request an unpaid leave of absence.

Sick leave shall be granted in one (1) hour increments.

Sick leave does not count towards "hours worked." Employees are not paid for accrued and unused sick leave at time of separation of employment.

## **Section 9.5** **Bereavement Leave**

Bereavement leave with pay for a period not to exceed three days per occurrence will be given to any regular, full-time employee in case of death in the immediate family. "Immediate family members" are defined as an employee's spouse, domestic partner, parents, stepparents, siblings, children, stepchildren, grandparent, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or grandchild.

If there is a death in the family, the employee should request leave in advance or as soon as possible to his/her immediate supervisor. The supervisor should obtain permission for its use through the supervisor's chain of command.

An employee may be required to provide proof of death/funeral/family relationship in support of bereavement leave. Bereavement leave pay is paid at the employee's base rate at the time of absence. It does not include overtime or any special forms of compensation. Paid time off for bereavement leave is not counted as hours worked for purposes of determining overtime.

Employees who wish to attend funerals for other than immediate family must use vacation or unpaid leave.

Time off granted in accordance with this policy shall not be credited as time worked for the purpose of computing overtime.

## **Section 9.6** **Jury Duty Leave**

The Town provides paid leave to regular full-time employees required to serve on jury duty or requested to testify as a witness by the Town in a Town-related civil, criminal, legislative, or administrative proceeding. Court appearances for testimony, investigation, and court preparation as a result of official duties as a Town employee (e.g., police, fire, inspections, animal control, etc.) are compensated as actual hours worked and are not classified as paid leave. In all other cases, employees are required to schedule accrued vacation, holiday or compensatory leave; otherwise a nonexempt employee's time off to testify will be considered a leave without pay.

The employee must provide documentation of the requirement for jury duty, subpoena compliance, etc., with the leave request, along with supporting documentation to their supervisor as soon as possible so that arrangements can be made to accommodate the absence.

An employee who is on jury duty typically must report for work for the remainder of the day upon completion of court or jury service, or request approval for use of other available paid time off. Any payment for jury duty received by the employee may be retained by the employee.

Jury duty leave is paid at the employee's base rate at the time of leave and does not include overtime or any other special forms of compensation.

## **Section 9.7** **Military Leave of Absence**

Military Leave will be granted without pay. If you are a member of the military services, active services, reserve units, National Guard, or other special unit, you may receive up to fifteen (15) days/ 120 hours of paid military leave per calendar year. You will be asked to submit a copy of the order, directive, notice, or other document that requires you to report for duty when requesting leave.

## **Section 9.8** **Workers Compensation**

### **Eligibility for Workers' Compensation**

Workers' compensation is designed to cover the costs associated with injuries resulting from identifiable and specific accidents or injuries occurring during the course and scope of one's employment. It is not designed to cover ordinary diseases of life. All employees and volunteers of the Town are covered by workers' compensation insurance.

An employee injured on the job may be eligible for workers' compensation benefits, which may cover the cost of hospitalization, doctors, treatment, prescription drugs and other related expenses, to include possible partial salary continuation.

Injuries not directly related to or caused by a specific accident or incident that occurred in the performance of the employee's job duties for the Town, injuries occurring while an employee or volunteer is working or volunteering for an employer or organization other than the Town, and/or injuries occurring during self-employment, are not covered under the Town's workers' compensation plan.

### **Accident and Injury Reporting Procedures**

1. **Medical Attention.** When an employee is injured on the job, the Town's first priority is to ensure that the employee gets timely medical attention. The employee must immediately report the circumstances of the accident and/or injury to the supervisor who will direct the employee to seek medical treatment, if necessary, from the Approved Doctor List (ADL), as provided by the Texas Department of Insurance.
2. **Reporting and Documentation.** The employee's supervisor is responsible for notifying the Town Administrator immediately upon being made aware of an employee's involvement in an accident or injury. This timely notification is critical.

The employee's supervisor will initiate a thorough investigation into the cause and circumstances of the accident causing the injury, including interviewing all witnesses and preparing a detailed written report explaining the facts of the accident that occurred. The supervisor must submit the Town's Accident Report, First Report of Injury or Illness and any other related information to the Town Administrator no later than the next business day after the injury was reported or no later than 9 a.m. on Monday for injuries occurring over the weekend.



If the employee's supervisor has reason to believe that an injury has been reported that is not directly related to or caused by a specific accident or incident occurring in the performance of the employee's assigned job duties, the supervisor must advise the Town Administrator of these circumstances.

The decision of whether or not an injury will be covered by workers' compensation will be made by the Texas Department of Insurance and not by the Town.

If the employee's treating physician recommends convalescence at home, the employee is required to contact the supervisor each day during the time away from work and to report to the Town Administrator each Friday. For every doctor's office visit, the employee is required to obtain from his doctor a completed Work Status Report, which includes the employee's diagnosis, when the employee is expected to be able to return to work, the employee's restrictions and the date of the employee's next appointment.

It is the employee's responsibility to ensure that a copy of the Work Status Report is forwarded to the Town Administrator and to the supervisor. Failure to report to the Town Administrator as required may result in disciplinary action, up to and including termination of employment.

### **Returning to Work**

The employee is to return to work immediately after treatment unless the employee's physician will permit neither regular duty nor modified duty. The employee must have a written release from the doctor to return to work and the release must specify any restrictions. The Town does not guarantee the availability of a modified duty opportunity. However, the employee must accept any modified duty assignment that is offered, including an assignment in another department.

All modified duty assignments must be approved by the Town Administrator to ensure compliance with the Town's policies, the physician's restrictions/release and with the Americans with Disabilities Act (ADA,) the Americans with Disabilities Act as Amended (ADAAA).

### **Maximum Time Limits**

Subject to other restrictions, limitations and earlier terminations as applicable in particular circumstances, the Town will hold open an employee's position following an injury that occurred while performing official job duties or conducting Town business, for a reasonable time period if holding the position does not result in undue hardship on the Town, generally not to exceed six months.

The Town Administrator will engage in discussions of any reasonable accommodations that may assist the employee in performing the essential functions of the job. At the end of the reasonable period of time, should the employee still be unable for any reason to perform the essential duties of the job, with or without accommodation, the employee's position may be filled and the employee may be considered for a vacant position for which the employee is qualified and released from the physician to perform.

If no vacant position is available for which the employee is qualified, if not selected to fill the vacant position or if the employee declines to accept another position, employment with the Town will be terminated. Only regular full-time employees are eligible for paid Injury Leave. The Town will pay the difference between what is paid by Worker's Compensation and your regular pay for two weeks/80 hours following the work-related injury

All regular full-time employees, while on Injury Leave, shall continue to earn vacation and sick leave at the regular rate, but shall be required to return to work after the approval and release of the attending physician.

### **Section 9.9** **Unpaid Leave of Absence**

If you are a regular, full-time employee, you may request an unpaid leave of absence by submitting a written request to your Department Head.

You may be given an unpaid leave of absence for illness or inability to work or any other legitimate purpose approved by the Department Head. Unpaid leaves of absence will be approved only after all other types of paid leave, such as vacation or sick leave, have been exhausted.

The Department Head may approve an unpaid leave of absence of up to two (2) weeks in duration. The Town Administrator and the Department Head must approve an unpaid leave of absence beyond two weeks.

During an approved unpaid leave of absence, the Town will continue to pay its usual contributions toward your benefits; however, you will still be responsible for paying any benefit premiums that would normally be deducted from your paycheck. Please make arrangements with Administration for paying these premiums prior to your leave.

### **Section 9.10** **Group Medical Plan**

The Town makes comprehensive group medical coverage available to every regular full-time employee and pays the premium toward such single coverage for as long as an employee is eligible and enrolled. Newly hired employees should enroll themselves and their eligible dependents (if desired) for medical coverage within 30 days of hire. Once enrolled, an employee and his/her dependents are covered effective the first of the month after the employee's date of employment.

If you enroll for medical coverage and also elect coverage for your dependents, you will be responsible for paying the ½ of the premium for the dependent coverage. The premium for dependent coverage will be deducted from your paycheck.

Specific and complete details of the Town's medical plan are available in plan booklets supplied to you by Administration.

**Section 9.11**  
**Group Life Insurance**

Group life insurance coverage, including accidental death and dismemberment coverage, is provided to all regular, full-time employees. The Town pays the full premiums for the employee. For further information, refer to the Group Life Insurance Policy.

**Section 9.12**  
**Short Term Disability**

Short term disability coverage is provided to all regular, full-time employees. The town pays the full premiums for the employee. For further information, refer to the Short-Term Disability policy.

**Section 9.13**  
**Long Term Disability**

Long term disability coverage is provided to all regular, full-time employees. The town pays the full premiums for the employee. For further information, refer to the Long-Term Disability policy.

**Section 9.14**  
**Dental Insurance**

Dental insurance is available to regular full-time employees and their dependents, if desired. The Town pays the premium for single coverage. Premiums for dependent coverage will be deducted from your paycheck.

Specific and complete details of the Dental Plan are available in Administration.

**Section 9.15**  
**Workers' Compensation Coverage**

If you are injured as a direct result of the duties performed in the course of your employment with the Town, you may be eligible to receive Workers' Compensation benefits under the Workers' Compensation Insurance plan. Such a plan is required under state law and covers the cost of hospitalization, physician fees, drugs, treatment, and other related expenses. See Section 9.8.

**Section 9.16**  
**Texas Municipal Retirement System**

The Town of Hickory Creek is a member of the Texas Municipal Retirement System (TMRS). Participation in the system is mandatory for all regular, full-time employees. There is no maximum age for participation in TMRS. Employees contribute 7% of their gross incomes, which is not taxable until withdrawn. The Town contributes the required amount to your retirement account.

The purpose of the retirement system is to provide adequate and dependable retirement benefits for employees retiring from Texas Municipalities. Each member Town chooses from various TMRS options to tailor its retirement plan to meet local needs and circumstances. Policy Manuals detailing this plan are available in Administration.

### **Section 9.17** **Social Security**

The Town of Hickory Creek does not participate in Social Security (unless you are a part-time or seasonal employee). If you retire under both Social Security and a local government retirement plan such as TMRS, with a Town that does not participate in Social Security, your Social Security benefit may be lowered or offset. For more information, contact your local Social Security office.

### **Section 9.18** **Medicare**

Employees hired after April 1, 1986 are required to make a contribution toward Medicare equal to 1.45% of gross pay. The Town matches the employee's contribution with an amount equal to the employee's contribution.

### **Section 9.19** **Continuation of Group Medical Benefits**

In accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), you and your eligible dependents may have your group medical benefits continued beyond the date they would normally be scheduled to end. In order to have your coverage continued, you must notify Administration no later than 60 days after the day coverage is scheduled to end. You will be charged the full premium plus administrative costs.

If your coverage ends because of termination (other than for gross misconduct), reduced hours of employment, retirement, or disability, you and your family can extend medical plan benefits until the earlier of:

- 18 months from the date your coverage is scheduled to end;
- The last day for which you have paid the required premium;
- The date of cancellation if the medical plan is canceled for all Town employees; or
- The date you become covered for the same medical expenses under another group policy.

An additional 11 months of coverage may be continued if you or your dependents are disabled on the date continuation coverage begins and you are determined to be eligible for Medicare.

Your spouse and dependents can also independently extend their coverage at their own expense even if you do not do so. In addition, if your spouse's and dependents' coverage ends due to your death, divorce, legal separation, or loss of dependent status, they can elect to continue coverage until the earlier of:

- 36 months from the date coverage is scheduled to end;
- The last day for which the required premium was paid;
- The date of cancellation if the medical plan is canceled for all Town employees; or
- The date one becomes covered for the same medical expenses under another group policy.

Your spouse/dependent must contact Administration no later than 60 days of the effective date of the divorce or loss of dependent status in order to continue health insurance coverage.

### **Section 9.20** **Inclement Weather**

The purpose of this policy is to establish “Inclement Weather” procedures for Town employees. This policy applies to all Town of Hickory Creek employees, “Emergency Service” personnel, and non-emergency administrative and clerical personnel.

Except for extraordinary circumstances, Town offices DO NOT CLOSE. All employees, emergency service personnel and non-emergency personnel are expected to make an effort to report to work at the beginning of their normal working time to ensure the continuation of Town services to our citizens in the event of inclement weather. However, if a non-emergency employee feels that driving conditions such as ice or snow, are so severe as to present a danger to his/her life or property, he/she may use a vacation day, a personal day, or if no accumulated time is personally available, the employee may elect to take leave without pay.

If a non-emergency employee desires to not report for work on an inclement weather day, he/she is required to contact his/her supervisor prior to the time he/she is scheduled to report to work or as soon as possible thereafter.

Within the Town of Hickory Creek, “Emergency Service” personnel include Police and Public Works employees who are required to accomplish service delivery to our citizens.



**EMPLOYEE ACKNOWLEDGMENT FORM**

The employee personnel guide describes important information about the Town of Hickory Creek, and I understand that I should consult the Administration Department regarding any questions not answered in this guide. I have voluntarily entered into an employment relationship with the Town of Hickory Creek and acknowledge that there is no specified length of employment. Accordingly, either I and/or the Town of Hickory Creek can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to this guide may occur, except to the Town’s policy of employment-at-will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies.

Furthermore, I acknowledge that this manual is neither a contract of employment nor a legal document. I have received the manual, and I understand that it is my responsibility to read and comply with the policies contained in this guide and any revisions made to it. I also understand that it is my responsibility to keep this manual updated with future official notices relative to revised information, and shall return this manual to the personnel department upon termination of my employment with the Town of Hickory Creek.

\_\_\_\_\_  
Employee’s Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee’s Name (Typed or Printed)



## Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.14

Discussion regarding possible annexation and related financing issues pertaining to Hickory Creek Public Improvement District No. 1 and No. 2.

No supporting documentation.





## Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.15

Consider and act on SPAN Transit Services.

No supporting documentation.



## Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.16

Discussion regarding current road and sidewalk projects.

No supporting documentation.



## Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. E.1

Discussion regarding an Off-Site Facilities Agreement between the Town of Hickory Creek, LCMUA, Westwood Residential and the Brown family for development of infrastructure to serve a 24.56 acre tract of land within the Town's extraterritorial jurisdiction.



## Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017  
From: Kristi Rogers - Town Secretary  
Subject: Agenda Item No. F.1

Discussion and possible action regarding matters discussed in executive session.



# Town of Hickory Creek COUNCIL MEMORANDUM

Date: 03/21/2017

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. G.1

Adjournment