

# Village Of Salado



**REGULAR BOARD OF ALDERMEN**  
**MEETING SALADO MUNICIPAL BUILDING**  
**301 N. STAGECOACH, SALADO, TEXAS**  
**AUGUST 1, 2024, 6:30 P.M.**

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THIS WILL BE AN IN-PERSON MEETING THAT WILL ALSO BE AVAILABLE VIRTUALLY USING **YouTube** YOU CAN ACCESS THE MEETING FROM YOUR COMPUTER, TABLET OR SMARTPHONE USING THE FOLLOWING LINK:

**[www.youtube.com/@VillageofSalado](https://www.youtube.com/@VillageofSalado)**



*Join the meeting 5 minutes before posted start time.*

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## AGENDA

<b><u>CALL TO ORDER</u></b>	AUGUST 1, 2024, AT 6:30 P.M.
<b><u>CALL OF ROLL</u></b>	VILLAGE SECRETARY
<b><u>INVOCATION</u></b>	MAYOR BERT HENRY

## **PLEDGE OF ALLEGIANCE / SALUTE TO THE TEXAS FLAG**

### **1. PUBLIC COMMENTS**

THE BOARD OF ALDERMEN WELCOMES COMMENTS FROM CITIZENS ON ISSUES AND ITEMS OF CONCERN NOT ON THE AGENDA. THOSE WISHING TO SPEAK MUST SIGN IN BEFORE THE MEETING BEGINS AND OBSERVE A FIVE (5) MINUTE TIME LIMIT WHEN ADDRESSING THE BOARD. SPEAKERS WILL HAVE ONE (1) OPPORTUNITY TO SPEAK DURING THIS TIME-PERIOD. SPEAKERS DESIRING TO SPEAK ON AN AGENDA ITEM WILL BE ALLOWED TO SPEAK WHEN THE AGENDA ITEM IS CALLED. INQUIRIES ABOUT MATTERS NOT LISTED ON THE AGENDA WILL EITHER BE DIRECTED TO STAFF OR PLACED ON A FUTURE AGENDA FOR ALDERMEN CONSIDERATION.

### **2. CONSENT AGENDA**

- (A) APPROVAL OF MINUTES OF JULY 18, 2024, REGULAR BOARD OF ALDERMAN MEETING.

### **3. DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING ANY ITEM REMOVED FROM THE CONSENT AGENDA**

### **4. STATUS REPORTS**

- (A) VILLAGE ADMINISTRATOR'S REPORT
- UPDATE ON MUSTANG SPRINGS DEVELOPMENT
  - UPDATE ON REVIEW OF DEVELOPMENT SERVICES FEES AND COLLECTIONS
  - UPDATE ON WASTEWATER BILLING COLLECTIONS

### **5. DISCUSSION AND POSSIBLE ACTION**

- (A) DISCUSS AND CONSIDER POSSIBLE ACTION ON APPROVAL OF SALADO SANCTUARY PHASE 1B FINAL PLAT.
- (B) DISCUSS AND CONSIDER POSSIBLE ACTION ON AUTHORIZING THE VILLAGE ADMINISTRATOR TO EXECUTE A PERFORMANCE BOND WITH AN AUTHORIZED AND EMPOWERED SURETY TO ISSUE A PERFORMANCE BOND PERTAINING TO THE SANCTUARY PHASE 1B FINAL PLAT.

- (C) DISCUSS AND CONSIDER POSSIBLE ACTION ON SETTING THE DATES, TIMES, AND PLACE FOR THE PUBLIC HEARINGS ON THE PROPOSED FISCAL YEAR (FY) 2025 OPERATING BUDGET AND THE 2024 AD VALOREM TAX RATE.
- (D) WORKSHOP AND FIRST READING OF ORDINANCE NO. 2024-10, AN ORDINANCE ADOPTING THE 2019 COMPREHENSIVE PLAN, TO BECOME EFFECTIVE UPON ITS APPROVAL, AND REPEALING THE 2024 AND 2014 COMPREHENSIVE PALNS, AND PROVIDNG FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING.
- (E) WORKSHOP AND FIRST READING OF ORDINANCE NO. 2024-11, AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, AMENDING ORDINANCE NUMBERS 2001.12 AND 2001.20 (THE ORDINANCE ESTABLISHING A POLICE DEPARTMENT AND THE OFFICE OF CHIEF OF POLICE; CONFERRING THE DUTIES OF THE OFFICE OF MARSHALL UPON THE CHIEF OF POLICE; PROVIDING FOR THE SOLICITATION OF CANDIDATES FOR OFFICE OF CHIEF OF POLICE OF THE VILLAGE OF SALADO, TEXAS); AND PROVIDING FOR THE ESTABLISHMENT OF A RESERVE OFFICER PROGRAM; AUTHORIZING THE APPOINTMENT OF UP TO TEN POLICE RESERVE OFFICERS; ESTABLISHING QUALIFICATIONS AND STANDARDS FOR POLICE RESERVE OFFICERS; DECLARING THAT POLICE RESERVE OFFICERS ARE VOLUNTEERS AND SHALL SERVE WITHOUT COMPENSATION; AND PROVIDING FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING.
- (F) WORKSHOP AND FIRST READING OF ORDINANCE NO. 2024-12, AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, PROHIBITING TRESPASSING ON PUBLIC PROPERTY, AND PROVIDING FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING.

## **ADJOURNMENT**

## **NOTE**

THE BOARD OF ALDERMEN MAY RETIRE INTO EXECUTIVE SESSION AT ANY TIME BETWEEN THE MEETING'S OPENING AND ADJOURNMENT FOR THE PURPOSE OF DISCUSSING ANY MATTERS LISTED ON THE AGENDA AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE INCLUDING, BUT NOT LIMITED TO, HOMELAND SECURITY PURSUANT TO CHAPTER 418.183 OF THE TEXAS LOCAL GOVERNMENT CODE; CONSULTATION WITH LEGAL COUNSEL PURSUANT TO CHAPTER 551.071 OF THE TEXAS GOVERNMENT CODE; DISCUSSION ABOUT REAL ESTATE ACQUISITION

PURSUANT TO CHAPTER 551.072 OF THE TEXAS GOVERNMENT CODE; DISCUSSION OF PERSONNEL MATTERS PURSUANT TO CHAPTER 551.074 OF THE TEXAS GOVERNMENT CODE; DELIBERATIONS ABOUT GIFTS AND DONATIONS PURSUANT TO CHAPTER 551.076 OF THE TEXAS GOVERNMENT CODE; DISCUSSION OF ECONOMIC DEVELOPMENT PURSUANT TO CHAPTER 551.087 OF THE TEXAS GOVERNMENT CODE; ACTION, IF ANY, WILL BE TAKEN IN OPEN SESSION.

### CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Salado Municipal Building by July 29, 2024, by 10:00 a.m.

*Debra Bean*

Debra Bean, City Secretary

The Village of Salado is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact Debra Bean, City Secretary at 254-947-5060 for information. Hearing-impaired or speech-disabled persons equipped with telecommunication devices may utilize the statewide Relay Texas Program at 1-800-735-2988.

# BOA Agenda Item # 2



Date Submitted:

Agenda Date Requested: July 29, 2024

Agenda Item:

CONSENT AGENDA

Council Action Requested:

Ordinance  
Resolution  
Motion  
Discussion

Project/Proposal Summary:

## 2. CONSENT AGENDA

- (A) APPROVAL OF MINUTES OF JULY 18, 2024, REGULAR BOARD OF ALDERMAN MEETING.

# BOA Agenda Item # 4



Date Submitted:  
Agenda Date Requested: July 29, 2024

Agenda Item:  
**STATUS REPORTS**

Council Action Requested:  
Ordinance  
Resolution  
Motion  
Discussion

Project/Proposal Summary:

4. STATUS REPORTS

(A) VILLAGE ADMINISTRATOR'S REPORT

- UPDATE ON MUSTANG SPRINGS DEVELOPMENT
- UPDATE ON REVIEW OF DEVELOPMENT SERVICES FEES AND COLLECTIONS
- UPDATE ON WASTEWATER BILLING COLLECTIONS

# BOA Agenda Item # 5A



Date Submitted:

Agenda Date Requested: July 29, 2024

Agenda Item:

**DISCUSS AND POSSIBLE ACTION**

Council Action Requested:

Ordinance  
Resolution  
Motion  
Discussion

Project/Proposal Summary:

## 5. DISCUSSION AND POSSIBLE ACTION

- (A) DISCUSS AND CONSIDER POSSIBLE ACTION ON APPROVAL OF SALADO SANCTUARY PHASE 1B FINAL PLAT.

Recommendation:

The Planning and Zoning Commission at their regular meeting held on Tuesday, July 23, 2024, unanimously voted in favor of recommending approval of the final plat to the Salado Board of Aldermen.

Village staff recommends approval of the final plat.

## Manuel De La Rosa

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**From:** Kevin Mercer <kmercerc@matkinhoover.com>  
**Sent:** Thursday, July 18, 2024 1:09 PM  
**To:** Manuel De La Rosa  
**Cc:** Madison sanctuarytx.com  
**Subject:** Salado Sanctuary Final; Plat Phase 1B  
**Attachments:** Salado Sanctuary Phase 1B Final Plat.pdf

**CAUTION:** 'This email originated from outside of the organization! Do not click links, open attachments or reply, unless you recognize the sender's email address and know the content is safe!'

Mr. De La Rosa,

Please find attached the final plat for the Salado Sanctuary Phase 1B. Please let me know if you have any issues retrieving the file.

Best,

**Kevin Mercer** | Senior Project Coordinator |

**MATKINHOVER**

TBPE Firm Registration #F-4512

O: (830) 249-0600 | M: (512) 844-6885 |

1701 Williams Drive | Georgetown, TX 78628 | [www.matkinhoover.com](http://www.matkinhoover.com)



May 20, 2024

Mr. Manuel De La Rosa, Village Administrator  
Village of Salado  
301 N. Stagecoach Rd.  
Salado, TX 76571

**RE: SANCTUARY PHASE 1B FINAL PLAT—REVIEW COMMENTS**  
**MRB PROJECT NO. 1963.22000.000**

Mr. De La Rosa:

MRB Group has completed our review of the referenced project and finds the submission meets the Village of Salado's subdivision requirements. Please contact me if you have any concerns or questions.

Sincerely,



Lee Lingenfelter, PE, CFM  
Project Manager

N:\1963.22000.000\10 - Plat and Plan Reviews\42 - Sanctuary Phase 1B\2024-05-20 Sanctuary Phase 1B Final Plat Review Comments.docx

# BOA Agenda Item # 5B



Date Submitted:

Agenda Date Requested: July 29, 2024

Agenda Item:

**DISCUSS AND POSSIBLE ACTION**

Council Action Requested:

Ordinance  
Resolution  
Motion  
Discussion

Project/Proposal Summary:

**5. DISCUSSION AND POSSIBLE ACTION**

**(B) DISCUSS AND CONSIDER POSSIBLE ACTION ON AUTHORIZING THE VILLAGE ADMINISTRATOR TO EXECUTE A PERFORMANCE BOND WITH AN AUTHORIZED AND EMPOWERED SURETY TO ISSUE A PERFORMANCE BOND PERTAINING TO THE SANCTUARY PHASE 1B FINAL PLAT.**

Recommendation:

Village Administrator recommends approval.

Note: The document was prepared by the City Attorney.

**From:** Madison sanctuarytx.com <madison@sanctuarytx.com>  
**Sent:** Friday, July 26, 2024 10:42 AM  
**To:** Manuel De La Rosa <mdelarosa@saladotx.gov>  
**Cc:** Gina Pence <gpence@saladotx.gov>  
**Subject:** RE: Salado Sanctuary Phase 1 B Performance Bond Letter

**CAUTION:** 'This email originated from outside of the organization! Do not click links, open attachments or reply, unless you recognize the sender's email address and know the content is safe!'

Good Morning Manny,

Thanks for your continued guidance on this plat process. I am confirming receipt of this document and we performing our review and getting our funds in order. As we continue to work toward executing this, we request that our plat remains on the agenda and is eligible for a conditional approval until we return an executed document to the City's attention.

Regards,

Madison Inselmann

**Village of Salado, Texas Performance Bond**

**Applicant Information:**

[name]  
[address]  
[phone/email]

**Surety Information:**

[name]  
[address]  
[phone/email]  
[Bond Number]

Fiscal security type: Performance Bond

Amount: \$ \_\_\_\_\_

Expiration Date: \_\_\_\_\_

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**WHEREAS**, this agreement is entered into between Applicant [name] and the Village of Salado, Texas (the “Village”) to secure compliance with the Village’s Subdivision Ordinance, Section 3 (Subdivision Design Standards); and

**WHEREAS**, the Applicant has agreed to complete all required work at least thirty (30) days prior to the Expiration Date (the “Completion Date”). If the work is not completed and approved by the Village, or if this Agreement has not be renewed or replaced with an acceptable agreement containing identical terms and conditions for an additional one year term prior to the Completion Date, the Village reserves the right to use this bond to complete the Project and/or proceed with Section 6.5 of its Subdivision Ordinance, “Failure to Complete Improvements;” and

**WHEREAS**, the Applicant has agreed to abide by all ordinances of the Village, except as otherwise stated by an ordinance adopted by the Village Board of Aldermen (the “Board”), and has agreed that the construction of the improvements described in **Attachment A** (the “improvements”) shall be in accordance with all plans, specifications, and conditions submitted to the Village by Applicant and accepted by the Village or otherwise included in the permit(s) granted by the Village for construction of the improvements, which plans, specifications, conditions, and permit provisions shall be deemed a part hereof as if fully set out herein;

**NOW THEREFORE** the conditions of this Agreement are such that if the above bounded Applicant, or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions, and provisions in this Agreement and any alteration thereof made as herein provided, on Applicant’s part, to be kept and performed at the time and in the manner herein specified, and in all respects according to the true intent and meaning, and shall indemnify and hold harmless the Village, its officers, agents, and employees as therein stipulated, then this Agreement shall become null and void; otherwise it shall be and remain in full force and effect and the Village may make demand on the Surety for funds necessary to complete the work up to the maximum amount of the bond as stated above. The

Village must present demands on or before the Expiration Date by the close of business. Surety shall honor requests from the Village within five (5) calendar days of presentment. Surety hereby agrees that Village requests in accordance with this agreement shall be duly honored. Partial requests are permitted and this bond shall be reduced by the amount of such partial requests as well as by any reduction letters authorized by the Village. The sum of such partial requests shall on no account exceed the above-stated amount of this bond.

This bond is irrevocable prior to its expiration date unless both parties consent to its revocation in writing.

As part of the Agreement secured hereby and in addition to the face amount specified thereof, there shall be included costs and reasonable expenses and fees, including reasonable attorney’s fees, incurred by the Village in successfully enforcing this obligation, all to be taxed as costs and included in any judgment rendered. The Surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Agreement or to the work to be performed hereunder or the specifications accompanying the same shall in any way affect its obligation on this Agreement, and said Surety does hereby waive notice of any such change, extension of time, alteration, or addition to the terms of the Agreement or to the work or to the specifications.

**SEVERABILITY.** The provisions of this Agreement are severable, and if for any reason any one or more of the provisions contained in this Agreement shall be deemed to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality, or unenforceability shall not affect any other provisions of this Agreement and this Agreement shall remain in effect and be construed as if the invalid, illegal, or unenforceable provision had never been contained in the Agreement.

By execution of this Agreement, the Surety acknowledges and represents that it complies with the terms and conditions set out in **Attachment B**, hereto.

Executed to be effective this \_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
[Applicant name]  
[title]

\_\_\_\_\_  
[name, title of Surety officer]  
[name of Surety]

\_\_\_\_\_  
Manuel de la Rosa  
Village Administrator, Village of Salado, Texas

*If the surety on any performance bond furnished by the Applicant is declared bankrupt, or becomes insolvent, or its right to do business is terminated in the State of Texas, or the surety ceases to meet the requirements listed in Circular 570, the Applicant shall, within twenty (20) calendar days*

*thereafter, substitute another performance bond and surety, both of which must be acceptable to the Village.*

**Attachment A**  
**Authorized Improvements**

[state improvements and costs to be covered by performance bond]

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## **Attachment B**

### **Surety Requirements**

All performance bonds must be executed by such sureties as are named in the current list of “Companies Holding Certificates of Authority As Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies,” as published in Circular 570 (2024 revision), as may be amended, by the Financial Management Service, Surety Bonds Branch, U.S. Department of the Treasury.

All performance bonds must be signed by an agent and must be accompanied by a certified copy of the authority for him or her to act. An Agent, if not a resident of Texas, must provide a power of attorney to an Agent who is a resident of Texas. All performance bonds shall be obtained from surety or insurance companies that are duly licensed or authorized in the State of Texas to issue performance bonds for the limits and coverage required.

[attach Surety power of attorney to empower representative of Surety to issue performance bond not to exceed amount stated herein]



## Manuel De La Rosa

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**From:** Kevin Mercer <kmercer@matkinhoover.com>  
**Sent:** Monday, July 1, 2024 11:43 AM  
**To:** Manuel De La Rosa  
**Cc:** Madison sanctuarytx.com; Robert Sulaski  
**Subject:** Salado Sanctuary Phase 1 B Performance Bond Letter  
**Attachments:** Salado Sanctuary Phase 1B Performance Bond Letter.pdf

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

**CAUTION:** 'This email originated from outside of the organization! Do not click links, open attachments or reply, unless you recognize the sender's email address and know the content is safe!'

Mr. De La Rosa,

Please find attached the updated Engineer's Opinion of Probable Cost for the performance Bond amount to be submitted with the Final Plat. Since the original Letter, the topsoil and temporary irrigation items have been completed. Please let me know if you have any comments. We would like to acquire the performance bond after you have approved the amount.

I appreciate your help; we are planning to submit by end of this week. We understand additional Items are required for the submittal.

Regards,

**Kevin Mercer** | Senior Project Coordinator |

**MATKINHOOVER**

TBPE Firm Registration #F-4512

O: (830) 249-0600 | M: (512) 844-6885 |

1701 Williams Drive | Georgetown, TX 78628 | [www.matkinhoover.com](http://www.matkinhoover.com)

July 1, 2024

Village of Salado  
301 N. Stagecoach Road  
Salado, TX 76571

To: Manuel De La Rosa

Re: Village of Salado, Texas  
Performance Bond Amount  
Salado Sanctuary Phase 1B  
Salado, Texas  
MHE Project No. 3020.01

Dear Mr. De La Rosa:

We request the Village of Salado accept concurrence with the performance bond amount of the roads, vegetation and drainage features that have been constructed in the City Limits of the Salado Sanctuary Phase 1B project. The construction cost for the water, roads and drainage within the city's jurisdiction was \$709,631.29. The remaining public improvements construction costs as of this letter are \$130,952.35. The proposed performance bond amount is \$130,952.35 as summarized in the attached. Please provide your concurrence.

If you have any questions or comments, please feel free to contact me at the office.

Sincerely,  
Matkin Hoover Engineering & Surveying  
TBPE Firm Registration No. F-4512



Garrett Keller, P.E.  
President / COO



Attachment – Engineer's Estimate of Probable Costs

### Salado Sanctuary - Phase 1B Performance Bond Quantities

Updated Estimate:

		Updated:	7/1/2024
Item	Description	Cost	
1.	Change Order for Base and Pavement for Hanks Blvd.	\$65,847.29	
2.	786 L.F. Curb & Gutter @ \$27.00/L.F.	\$21,222.00	
3.	Hank's Blvd. Inlet #B22 Concrete to Complete	\$1,500.00	
4.	Water Services (raise to Meter Box; 4 Doubles, 2 Singles)	\$8,800.00	
5.	Wastewater Services (Raise to Surface) (4 Services)	\$5,200.00	
6.	2 Months SW3P Inspections @ \$345.00/Month	\$690.00	
7.	Hydromulch within R.O.W. (100% of \$27,693.06)	\$27,693.06	
<i>Total</i>		\$130,952.35	

# BOA Agenda Item # 5C



Date Submitted:

Agenda Date Requested: July 29, 2024

Agenda Item:

**DISCUSS AND POSSIBLE ACTION**

Council Action Requested:

Ordinance  
Resolution  
Motion  
Discussion

Project/Proposal Summary:

## 5. DISCUSSION AND POSSIBLE ACTION

(C) DISCUSS AND CONSIDER POSSIBLE ACTION ON SETTING THE DATES, TIMES, AND PLACE FOR THE PUBLIC HEARINGS ON THE PROPOSED FISCAL YEAR (FY) 2025 OPERATING BUDGET AND THE 2024 AD VALOREM TAX RATE.

Recommendation:

Village staff recommends the Board of Aldermen schedule a Public Hearing on the proposed FY 2025 Operating Budget for Thursday, August 29, 2024, at 6:30 p.m., at the Municipal Building located at 301 N. Stagecoach Road. The August 29<sup>th</sup> meeting will be a Special Board of Aldermen Meeting.

Village staff recommends that the Board schedule a Public Hearing on the proposed 2024 Ad Valorem Tax Rate for Thursday, September 5, 2024, at 6:30 p.m., at the Municipal Building located at 301 N. Stagecoach Road.

# BOA Agenda Item # 5D



Date Submitted:

Agenda Date Requested: July 29, 2024

Agenda Item:

**DISCUSS AND POSSIBLE ACTION**

Council Action Requested:

Ordinance  
Resolution  
Motion  
Discussion

Project/Proposal Summary:

## 5. DISCUSSION AND POSSIBLE ACTION

(D) WORKSHOP AND FIRST READING OF ORDINANCE NO. 2024-10, AN ORDINANCE ADOPTING THE 2019 COMPREHENSIVE PLAN, TO BECOME EFFECTIVE UPON ITS APPROVAL, AND REPEALING THE 2024 AND 2014 COMPREHENSIVE PALNS, AND PROVIDNG FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING.

Ordinance No. 2024-10  
Village of Salado  
County of Bell  
August XX, 2024

**ORDINANCE NO. 2024-10**

**AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, ADOPTING THE 2019 COMPREHENSIVE PLAN, TO BECOME EFFECTIVE UPON ITS APPROVAL, AND REPEALING THE 2004 AND 2014 COMPREHENSIVE PLANS, AND PROVIDING FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the Board of Aldermen of the Village of Salado, Texas retained a professional Planning Consultant to assist in the preparation of the 2004 Comprehensive Plan for the Village; and

**WHEREAS**, the Board of Aldermen appointed a Steering Committee to assist in the preparation of the Comprehensive Plan; and

**WHEREAS**, the Steering Committee reviewed and studied recommendations made by the Planning Consultant for the 2004 Interim Comprehensive Plan; and

**WHEREAS**, the 2019 Steering Committee was the Planning and Zoning Commission, and a meeting was held on March 12, 2019, at which input was taken; and

**WHEREAS**, the Steering Committee subsequently recommended approval of the 2019 Comprehensive Plan to the Board of Aldermen; and

**WHEREAS**, the Board of Aldermen received and reviewed the Steering Committee's recommendation to approve the Comprehensive Plan; and

**WHEREAS**, the Mayor and Board of Aldermen called a public meeting to consider certain aspects of the 2019 Comprehensive Plan on March 21, 2019, at which public input was received; and

**WHEREAS**, the Board of Aldermen conducted a public hearing on April 4, 2019, and after all persons were given an opportunity to present testimony, did consider and make recommendations to adopt the Comprehensive Plan; and

**WHEREAS**, the Board of Aldermen of the Village of Salado finds that the 2019 Comprehensive Plan does the following:

- (1) lessens congestion in the streets;
- (2) promotes health and the general welfare;
- (3) provides adequate light and air;
- (4) prevents the overcrowding of land;
- (5) avoids undue concentration of population;

(6) facilitates the adequate provisions of transportation and other public requirements; and  
(7) aids in the implementation and administration of a subdivision plan and zoning ordinance drafted, considered at public meetings, and adopted by the Board of Aldermen of the Village of Salado; and

**WHEREAS** the previous 2004 and 2014 Comprehensive Plans are now out of date and may be repealed and replaced by the 2019 Comprehensive Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS:**

### **SECTION I. ENACTMENT PROVISIONS**

- A. Findings of Fact:** All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Salado and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.
- B. Popular Name:** This Ordinance shall be commonly referred to as “The 2019 Comprehensive Plan Ordinance.”
- C. Scope:** This Ordinance, and the rules and regulations adopted herein, shall apply generally within the Village limits.
- D. Effective Date:** This Ordinance shall take effect immediately upon passage and publication.

### **SECTION II. ADOPTION**

Ordinance No. 2024-10 is hereby adopted as follows:

**SECTION 1:** That the 2019 Comprehensive Plan (the “Plan”), attached hereto as Exhibit "A" including the Foundation, Guiding Principles, Future Land Use Plan, Transportation Plan, and all the maps and elements contained therein, is hereby adopted by the Board of Aldermen as a long-range planning guide for the Village. This plan shall not constitute zoning regulations or establish zoning district boundaries.

**SECTION 2:** That this Plan is intended to constitute the Comprehensive, or Master, Plan of the Village of Salado, Texas, for all matters related to future long-range guidance relative to zoning decisions, land subdivision, thoroughfare construction, and growth management until such time as it is superseded by Ordinance of the Village of Salado.

**SECTION 3:** That the Mayor of the Village shall affix his signature on an appropriate page of the Comprehensive Plan, that page to be determined by him, below the words "Official Plan," below which will be placed the seal of the Village.

**SECTION 4:** That all previous Comprehensive Plans that had previously been adopted by the Board of Aldermen are hereby repealed and replaced by the 2019 Comprehensive Plan adopted

herein, including specifically the 2004 Comprehensive Plan adopted in Ordinance 2004-6 and the 2014 Comprehensive Plan adopted by Board meeting minute.

SECTION 5: That it is hereby officially found and determined that the meeting at which this Ordinance is passed was duly noticed and has been open to the public as required by law.

### **SECTION III. SAVINGS CLAUSE**

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the Village under any section or provisions of any ordinances at the time of passage of this ordinance.

### **SECTION IV. SEVERABILITY CLAUSE**

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Aldermen of the Village of Salado in adopting, and of the Mayor in approving this Ordinance, that no portion thereof or provision or regulation contained herein shall be come inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

### **SECTION V. REPEALER CLAUSE**

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other Ordinance.

### **SECTION VI. EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

### **SECTION VII. NOTICE AND MEETING CLAUSE**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.



**SECTION VIII. PUBLICATION**

This Ordinance shall become effective immediately upon the date of its publication as required by Section 52.011 of the Texas Local Government Code. The Village Secretary is hereby directed to cause the caption of this Ordinance to be published in the manner required by law.

**PASSED AND APPROVED on SECOND READING this, the \_\_ day of \_\_\_\_\_, 2024, by a vote of \_\_\_\_ (ayes) to \_\_\_\_ (nays) and \_\_\_\_ abstentions vote of the Board of Aldermen of the Village of Salado, Texas.**

\_\_\_\_\_  
Bert Henry, Mayor

ATTEST:

\_\_\_\_\_  
Debbie Bean, Village Secretary

Approved to Form:

\_\_\_\_\_  
Josh Katz, Village Attorney

# BOA Agenda Item # 5E



Date Submitted:  
Agenda Date Requested: July 29, 2024

Agenda Item:  
**DISCUSS AND POSSIBLE ACTION**

Council Action Requested:  
Ordinance  
Resolution  
Motion  
Discussion

**Project/Proposal Summary:**

**5. DISCUSSION AND POSSIBLE ACTION**

(E) WORKSHOP AND FIRST READING OF ORDINANCE NO. 2024-11, AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, AMENDING ORDINANCE NUMBERS 2001.12 AND 2001.20 (THE ORDINANCE ESTABLISHING A POLICE DEPARTMENT AND THE OFFICE OF CHIEF OF POLICE; CONFERRING THE DUTIES OF THE OFFICE OF MARSHALL UPON THE CHIEF OF POLICE; PROVIDING FOR THE SOLICITATION OF CANDIDATES FOR OFFICE OF CHIEF OF POLICE OF THE VILLAGE OF SALADO, TEXAS); AND PROVIDING FOR THE ESTABLISHMENT OF A RESERVE OFFICER PROGRAM; AUTHORIZING THE APPOINTMENT OF UP TO TEN POLICE RESERVE OFFICERS; ESTABLISHING QUALIFICATIONS AND STANDARDS FOR POLICE RESERVE OFFICERS; DECLARING THAT POLICE RESERVE OFFICERS ARE VOLUNTEERS AND SHALL SERVE WITHOUT COMPENSATION; AND PROVIDING FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING.

Ordinance No. 2024-11  
Village of Salado  
County of Bell  
August XX, 2024

**ORDINANCE NO. 2024-11**

**AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, AMENDING ORDINANCE NUMBERS 2001.12 AND 2001.20 (THE ORDINANCE ESTABLISHING A POLICE DEPARTMENT AND THE OFFICE OF CHIEF OF POLICE; CONFERRING THE DUTIES OF THE OFFICE OF MARSHALL UPON THE CHIEF OF POLICE; PROVIDING FOR THE SOLICITATION OF CANDIDATES FOR OFFICE OF CHIEF OF POLICE OF THE VILLAGE OF SALADO, TEXAS); AND PROVIDING FOR THE ESTABLISHMENT OF A RESERVE OFFICER PROGRAM; AUTHORIZING THE APPOINTMENT OF UP TO TEN POLICE RESERVE OFFICERS; ESTABLISHING QUALIFICATIONS AND STANDARDS FOR POLICE RESERVE OFFICERS; DECLARING THAT POLICE RESERVE OFFICERS ARE VOLUNTEERS AND SHALL SERVE WITHOUT COMPENSATION; AND PROVIDING FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the Village of Salado, Texas (the “Village”) is a general law municipality in the state of Texas; and

**WHEREAS**, pursuant to Texas Local Government Code § 51.032, the Board of Aldermen (the “Board”) of the Village of Salado, Texas (the “Village”) is authorized by law to adopt an ordinance, not inconsistent with state law, that it considers proper for the government of the Village and is necessary or proper for carrying out a power granted by law to the Village; and

**WHEREAS**, the Village seeks to provide for the health, safety, and welfare of its citizens; and

**WHEREAS**, the Board of the Village abolished the office of Village Marshall, provided for the establishment of the Village Police Department, and conferred the duties of the Village Marshall to the Village Chief of Police in Ordinance 2001.12, as amended in Ordinance 2001.20; and

**WHEREAS**, certain regulations of the Texas Commission on Law Enforcement provide that the authority establishing a municipal police department shall provide for the maximum number of commissioned police officers the department may hire; and

**WHEREAS**, Texas Local Government Code Section 341.012 authorizes a municipality to provide for the establishment of a police reserve force; and

**WHEREAS**, the Board must establish qualifications and standards of training for members of a reserve force and may limit the size of the reserve force, members of which will be appointed by

the Village Chief Of Police and approved by the Board, and shall serve at the Police Chief's discretion.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS:**

### **SECTION I. ENACTMENT PROVISIONS**

- A. Findings of Fact:** All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Salado and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.
- B. Popular Name:** This Ordinance shall be commonly referred to as "The Village Police Department and Police Reserve Force Ordinance."
- C. Scope:** This Ordinance, and the rules and regulations adopted herein, shall apply generally within the Village limits.
- D. Effective Date:** This Ordinance shall take effect immediately upon passage and publication.

### **SECTION II. ADOPTION**

Ordinance No. 2024-11 is hereby adopted as follows:

#### **SECTION 1: Amendment of Ordinance 2001.20.**

- (a) Section 2 of Ordinance 2001.20 is hereby amended in its entirety to read as follows:

The Board of Aldermen of the Village of Salado, Texas hereby provide for the creation of a Police Department for the Village of Salado, Texas, such department to have a Chief of Police and no more than ten (10) deputy officers, which such officers shall be hired or terminated by the Chief of Police. The Chief of Police may also hire and terminate Police Reserve Officers as further detailed in this Ordinance. The duties of the Chief of Police are to be established by the Board of Aldermen, through contract or otherwise.

The Chief of Police shall be hired or terminated by the Board of Aldermen after seeking the advice of the Village Administrator.

The Village Administrator may, in his or her sole discretion, place the Chief of Police or any deputy officer on unpaid administrative leave for up to ten (10) days during an investigation of alleged offenses or violations of Village policies. If the investigation results in a finding that the employee did not commit the offense or violation under investigation or if there is insufficient evidence to support a finding of an offense or violation, the employee will be returned to duty and paid for the period of administrative leave.

In all other respects Ordinance No. 2001.20 shall remain as written.

**SECTION 2: Establishment of Police Reserve Force.**

- (a) There is hereby established a Police Reserve Force, and the Chief of Police of the Village is authorized to recruit such a force.
- (b) Appointment of Officers. The Chief of Police of the Village is hereby authorized to appoint up to ten (10) officers to the Police Reserve Division, subject to the approval of the Board. The Reserve Police Officers shall be subject to the qualifications, standards, training, rules, regulations, and policies set forth by the Village Police Department and/or the Board.
- (c) Officers Serve Without Compensation. Village Police Reserve Officers are not employed by the Village Police Department; rather, they are volunteer Police Officers. Village Police Reserve Officers will donate their time and service to the Village, thus adding additional manpower to the Village Police Department. Police Reserve Officers will not receive any compensation or remuneration. Police Reserve Officers may serve at least sixteen (16) hours per month in their capacity as Police Reserve Officers.

**SECTION 3: Establishment of Qualifications and Standards for Police Reserve Force.**

- (a) General Policy. It is the policy of the Village Police Department to maintain the highest standards of professional law enforcement services. Volunteers for Police Reserve Officers must meet the same standards as other members of the organization. Police Reserve Officers should fulfill two primary functions. First, Police Reserve Officers serve as auxiliary manpower in situations as needed, and not to replace deputy officers. Second, they provide an additional interactive link between the community and the police department. Police Reserve Officers are subject to all the applicable rules and regulations that govern regular sworn personnel.
- (b) Requirements and certification.
  - 1. Requirements for age, education, and experience are the same as those for regular sworn Village police officers.
  - 2. Applicants must meet all minimum requirements set forth by the Texas Commission on Law Enforcement (TCOLE).
  - 3. The selection process for Reserve Officer applicants is the same as for regular officers pursuant to Village Police Department policies.
- (c) Certification and Reserve Officer levels.

1. Apprentice Reserve Officers. Active reserve police officers who have obtained required peace officer training but have not completed field training.
2. Reserve Officer. Active reserve officers who have successfully completed basic peace officer certification, have completed field training, and hold basic peace officer license.
3. Police Reserve Officers will be assigned their duties on the reserve schedule. Police Reserve Officers are required to provide a minimum of sixteen (16) hours service per month. Reserve officers that do not complete 16 hours per month will be placed on probation status. Officers who are unable to meet this standard must submit a written request through the chain of command to the Chief of Police detailing the reasons for not meeting the standard. Failure to complete 16 hours for two (2) consecutive months or for four (4) months in a calendar year may result in removal from the Police Reserve Officer program.
  - a. When authorized by the Chief of Police, Police Reserve Officers may receive pay for any hours worked per month exceeding the required 16 hours.
  - b. Police Reserve Officers shall report to the supervisor or ranking officer for assignment duties and/or training.
  - c. The on-duty patrol supervisor may, at his/her discretion, reassign the Police Reserve Officer when personnel are required to assist in other areas.

(d) Training and Performance Standards

1. Police Reserve Officers serve at the discretion of the Chief of Police and may be called into service at any time the chief or his designee considers it necessary to have additional officers.
2. Police Reserve Officers shall be considered "on duty" when they are
  - a. performing "assigned duty;" or
  - b. representing or identifying himself/herself as a peace officer for the purpose of taking enforcement action or discharging legal duties.
3. All Police Reserve Officers must serve a maximum of 16 hours of duty per calendar month.
4. Depending on the level of training and experience, Reserve Officers may perform the same duties as other full-time, sworn personnel or be assigned to work with a regular officer.
5. All Police Reserve Officers are subject to the same rules, regulations, and orders as regular sworn personnel.

6. All Police Reserve Officers must successfully complete the basic officer course required by TCOLE and obtain their license as a peace officer.

7. All active Police Reserve Officers must successfully complete the police training officer program under the supervision and evaluation of a departmentally-approved field training officer. Upon the successful completion of training, Police Reserve Officers will assume duties as designated by the Chief of Police.

8. For training and evaluation purposes, all active Police Reserve Officers will work one tour of duty with a field training officer within the first six months of each calendar year.

9. All Police Reserve Officers will be required to attend periodic in-service training, at their own expense, to complete the following:

- a. The same training as required of regular sworn officers including courses mandated by TCOLE for certification requirements;
- b. All departmentally required qualifications on firearms, the baton, and any other equipment deemed necessary by the Chief of Police.

10. Police Reserve Officers are permitted to carry a weapon pursuant to law.

(e) Chain-of-Command and Operations

1. The Police Reserve Officer unit functions as a unit of the patrol division and reports to the Operations Sergeant, who serves as the program liaison to monitor reserve activities and assist the Chief of Police.
2. The Operations Sergeant supervising the Police Reserve Officer unit is appointed by the Chief of Police and shall be responsible for the overall administration and planning of the reserve unit. All Police Reserve Officer assignments will be coordinated through the Operations Sergeant.

(f) Organizational Function

1. The primary function of Police Reserve Officers will be to supplement patrol operations personnel.
3. Additionally, Police Reserve Officers will be on call for assistance in emergency situations such as disasters, riots, etc., and to provide additional manpower for special enforcement assignments and community events.
4. Police Reserve Officers may, at the discretion of the Chief of Police, be assigned to other functions within the department depending on their skills and experience.

5. Police Reserve Officers are permitted to carry weapons off-duty, in compliance with statutory law and departmental policy.
6. Police Reserve Officers may enforce laws, on or off duty, in accordance with statutory law. Police Reserve Officers may only work officially sanctioned off-duty assignments within the incorporated limits of the Village of Salado. Enforcement actions are governed by departmental policy and statutory law.

### **SECTION III. SAVINGS CLAUSE**

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the Village under any section or provisions of any ordinances at the time of passage of this ordinance.

### **SECTION IV. SEVERABILITY CLAUSE**

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Aldermen of the Village of Salado in adopting, and of the Mayor in approving this Ordinance, that no portion thereof or provision or regulation contained herein shall be come inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

### **SECTION V. REPEALER CLAUSE**

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other Ordinance.

### **SECTION VI. EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

### **SECTION VII. NOTICE AND MEETING CLAUSE**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting



was given as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

### SECTION VIII. PUBLICATION

This Ordinance shall become effective immediately upon the date of its publication as required by Section 52.011 of the Texas Local Government Code. The Village Secretary is hereby directed to cause the caption of this Ordinance to be published in the manner required by law.

**PASSED AND APPROVED on SECOND READING this, the \_\_\_ day of \_\_\_\_\_, 2024, by a vote of \_\_\_(ayes) to \_\_\_(nays) and \_\_\_ abstentions vote of the Board of Aldermen of the Village of Salado, Texas.**

\_\_\_\_\_  
Bert Henry, Mayor

ATTEST:

\_\_\_\_\_  
Debbie Bean, Village Secretary

Approved to Form:

\_\_\_\_\_  
Josh Katz, Village Attorney

# BOA Agenda Item # 5F



Date Submitted:

Agenda Date Requested: July 29, 2024

Agenda Item:

**DISCUSS AND POSSIBLE ACTION**

Council Action Requested:

Ordinance  
Resolution  
Motion  
Discussion

Project/Proposal Summary:

## 5. DISCUSSION AND POSSIBLE ACTION

(F) WORKSHOP AND FIRST READING OF ORDINANCE NO. 2024-12, AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, PROHIBITING TRESPASSING ON PUBLIC PROPERTY, AND PROVIDING FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING.

Ordinance No. 2024-12  
Village of Salado  
County of Bell  
August XX, 2024

**ORDINANCE NO. 2024-12**

**AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, PROHIBITING TRESPASSING ON PUBLIC PROPERTY, AND PROVIDING FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the Village of Salado, Texas (the “Village”) is a general law municipality in the state of Texas; and

**WHEREAS**, pursuant to Texas Local Government Code § 51.032, the Board of Aldermen (the “Board”) of the Village of Salado, Texas (the “Village”) is authorized by law to adopt an ordinance, not inconsistent with state law, that it considers proper for the government of the Village and is necessary or proper for carrying out a power granted by law to the Village; and

**WHEREAS**, the Village seeks to provide for the health, safety, and welfare of its citizens; and

**WHEREAS**, the Village recognizes its duty to be a responsible steward of Village assets, and desires to provide the public and Village staff at Village property, buildings, and facilities, to the extent permitted by law, an environment free from unlawful and disruptive behavior and activities that interfere with Village and public business and activities; and

**WHEREAS**, the Village believes that for public safety reasons it is in the best interest of the public and Village staff to authorize the Village Administrator to provide a trespass warning policy under the Village Administrator’s authority to exclude unlawful and disruptive activities and persons from Village property, buildings, and facilities while observing state and federal laws and constitutional protections; and

**WHEREAS**, the Board of the Village has determined that it is in the best interest of the citizens of the Village to have the ability to regulate trespassing on public property within the Village.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS:**

**SECTION I. ENACTMENT PROVISIONS**

- A. Findings of Fact:** All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Salado and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

- B. Popular Name:** This Ordinance shall be commonly referred to as “The Public Trespassing Ordinance.”
- C. Scope:** This Ordinance, and the rules and regulations adopted herein, shall apply generally within the Village limits.
- D. Effective Date:** This Ordinance shall take effect immediately upon passage and publication.

## SECTION II. ADOPTION

Ordinance No. 2024-12 is hereby adopted as follows:

### SECTION 1: Definitions.

1. “Trespass Warning” means a communication to a person that his or her presence or entry onto certain Village Property, as that term is defined herein, is prohibited and the person must immediately leave such Village Property. The Trespass Warning should address other items regarding this prohibition according to this policy.
2. “Village Property” means Village-owned buildings and surrounding Village-owned property, any Village-leased buildings and surrounding leased property, and any area over which the Village has control, including rights-of-way and easements; Village park property and other Village-owned or operated recreational areas and facilities; Village-owned parking garages, facilities, and parking lots; and all other Village-owned or controlled lands, unless the Village Administrator exempts, in writing, a building or area from this policy.
3. “Authorized Employee” means the Village Administrator and his or her designee, including, but not limited to, any Village employee who is part of the executive or Administrative staff.

### SECTION 2: Trespassing Policy.

1. General. The Village’s policy is to provide notice to people whose entry onto Village Property, or continued presence on Village Property, may be illegal, unreasonably disruptive, or harmful to Village Property or to conducting Village business or to other persons’ use or enjoyment of approved activities on Village Property, and to provide persons receiving a Trespass Warning with the opportunity for a prompt administrative review of the terms of the Trespass Warning. A person arrested on Village Property for a criminal offense may receive a Trespass Warning.
2. Addition. This policy is in addition to and does not bar or preclude Village of Salado Police Officers from performing their lawful duty to enforce any trespass laws or to issue a criminal trespass warning under other authority.

3. First Amendment Rights and Necessary Village Business Exception Acknowledged. A person subject to a Trespass Warning wishing to enter specific Village Property to exercise legitimate First Amendment rights or to conduct necessary Village business shall contact the Village Administrator's office. The Village Administrator or his designee shall have authority to consider and authorize a person subject to a Trespass Warning to enter Village Property to exercise First Amendment rights or to conduct necessary Village business, if there is no other reasonable alternative location or means to exercise such rights or to conduct necessary Village business. The Village Administrator's Office may impose reasonable restrictions on such entry in order to minimize disruption, threat, damage, or injury.
4. Verbal Warning. An Authorized Employee should:
  - a. Verbally warn the person his or her conduct is in violation of law, Village policy, rules or guidelines, or interfering with another person's reasonable use and enjoyment of Village Property;
  - b. Give the person a reasonable opportunity to cease violating the law, Village policy, rules, or guidelines, or interfering with another person's reasonable use and enjoyment of Village Property; and
  - c. Not request the issuance of a Trespass Warning to the person, if the person promptly ceases the conduct at issue after receiving the verbal warning.
5. Trespass Warning. An Authorized Employee may request a peace officer to issue a Trespass Warning for conduct occurring on Village Property that may be illegal, unreasonably disruptive, and harmful to Village Property or conducting Village business, or interfering with another person's reasonable use or enjoyment of approved activities on Village Property.<sup>1</sup> Such request does not obligate a peace officer to issue a Trespass Warning, as the peace officer retains such discretion as well as such obligations and duties as provided by law. The conduct constituting the basis of a request includes, but is not limited to, conduct violating the following Village ordinances, rules, policies, or guidelines:
  - a. Park and other curfew violations;
  - b. Park rules violations;
  - c. Library rules violations;
  - d. Failure to pay required fees for Facility use;
  - e. Facility use violations;

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<sup>1</sup> Nothing herein precludes a peace officer from issuing a Trespass Warning of his or her own volition based on his or her own observations or investigations of such violations.

- f. Noise ordinance violations;
  - g. Interfering with another person's reasonable use and enjoyment of approved activities on Village Property; and
  - h. Any other Village ordinance violation including, but not limited to, camping, solicitation, and glass containers ordinance violations.
6. Trespass Warning Without Verbal Warning. A peace officer may issue or an Authorized Employee may request a peace officer to issue a Trespass Warning to a person, without a verbal warning, if the person has engaged in conduct that is unreasonably disruptive or harmful to Village Property, to conducting Village business, or to another's reasonable use and enjoyment of approved activities on Village Property, and that may:
- a. Be a state or federal criminal offense or ordinance violation or is an attempt, solicitation, or conspiracy to commit a state or federal criminal offense or Village ordinance violation, including urinating or defecating in public; or
  - b. Have resulted in injury to any person or damage to any property, or threatens to cause an immediate breach of the peace.
7. Contents of a Trespass Warning. A Trespass Warning should include the following items:
- a. Reasons for Exclusions. A statement of the reason the person is being notified or warned not to enter an area or to immediately depart from an area and explaining the conduct for the Trespass Warning.
  - b. Area of Exclusion. The Trespass Warning should describe the area or building, including the building name and address that the individual shall not enter, and any specific regions the individual is not to enter, so that a reasonable person may understand the specific area to which the individual may not return.
  - c. Duration of Exclusion. A Trespass Warning will include information that informs the person of the duration of the exclusion from the area or building.
  - d. Re-entry Warning. The Trespass Warning shall include notice that re-entry may result in an arrest while such warning is in effect.
  - e. Administrative Order. The Trespass Warning issued by a peace officer also shall be considered an administrative order precluding re-entry on the identified property for the identified duration. Such administrative order is subject to the administrative review process outlined in this policy. The results of the administrative review process does not affect any criminal charges which may be pursued by an appropriate prosecuting authority.
  - f. Notice of Administrative Review Process. A Trespass Warning will include information that informs the person of the administrative review procedure.

8. Trespass Warning Duration Guidelines. A Trespass Warning shall be in effect from the issue date and extend for a period of:
  1. Thirty (30) days for an initial Trespass Warning;
  2. Six (6) months, if the person has received another Trespass Warning during the previous year; or
  3. Twenty-four (24) months if the person has received more than one (1) Trespass Warning in the previous two (2) years.

A duration of twenty-four (24) months shall automatically be assessed if it is determined that the following occurred:

- a. Conduct involving intentional damage to Village Property; or
  - b. Conduct involving intentional injury or offensive contact with any person.
9. Administrative Review of a Trespass Warning.
    - a. Request for Review. The person receiving a Trespass Warning may request an administrative review of all or any part of the Trespass Warning. The request for review must be in writing and submitted no later than thirty (30) days after the Trespass Warning issue date to the Village Secretary's Office. The person requesting an administrative review must include a completed form for the process as created by the Village Administrator's Office. Such a request for review does not stay or suspend the Trespass Warning. The person receiving the Trespass Warning must submit information and argument in writing to be considered. The burden of proof is on the person requesting the review. Upon receipt of a request for an administrative review, the Authorizing Employee shall, upon request, forward any information necessary for the Village Administrator or his or her designee to make a decision within seventy-two (72) hours or make a request for an extension based on good cause for the extension.
    - b. The Village Administrator or his or her designee shall perform an informal review. The Village Administrator or designee conducting the informal review should decide the issues based on the known evidence, but also may include established written Village policies, ordinances, and resolutions. After the Village Administrator or designee receives the review request, the Village Administrator or designee should provide a written determination on the issues within ten (10) business days of receipt of the information necessary to make his or her decision. The Village Administrator may alter the response time if there is good cause. The written determination shall be promptly provided to the requester subject to the Trespass Warning at the provided mailing address, physical address, or email address, or shall be made available in the Village Secretary's Office. The determination shall be to affirm, reverse, or modify the Trespass Warning, and shall state the reasons for the determination. The decision of the Village Administrator or his or her designee on a request for review is final. A Trespass Warning, which is final, shall be

considered an administrative order. The Village Administrator or designee should consider all relevant information provided and should include the following:

1. Whether the Trespass Warning was issued for a reason set out or otherwise consistent with this policy; and
2. Whether the area and duration of the Trespass Warning are appropriate under the facts and circumstances.

c. Village Administrator Authority. The Village Administrator in his or her sole discretion may determine good cause exists to modify the administrative review processes described in this section; accommodate review more quickly, informally, or later; or make any other modifications as he or she determines is appropriate while keeping in mind the legal rights and concerns of all.

d. Good Faith, Substantial Compliance. This policy is intended to provide notice, standard procedures, proper management, authority delegation, and consistency in due process. Failure to meet one or more of the provisions of this policy does not invalidate a Trespass Warning issued in good faith and with substantial compliance with this policy.

### **SECTION III. SAVINGS CLAUSE**

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the Village under any section or provisions of any ordinances at the time of passage of this ordinance.

### **SECTION IV. SEVERABILITY CLAUSE**

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Aldermen of the Village of Salado in adopting, and of the Mayor in approving this Ordinance, that no portion thereof or provision or regulation contained herein shall be inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

### **SECTION V. REPEALER CLAUSE**

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is



apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other Ordinance.

**SECTION VI. EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

**SECTION VII. NOTICE AND MEETING CLAUSE**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION VIII. PUBLICATION**

This Ordinance shall become effective immediately upon the date of its publication as required by Section 52.011 of the Texas Local Government Code. The Village Secretary is hereby directed to cause the caption of this Ordinance to be published in the manner required by law.

**PASSED AND APPROVED on SECOND READING this, the \_\_ day of \_\_\_\_\_, 2024, by a vote of \_\_\_(ayes) to \_\_\_(nays) and \_\_\_ abstentions vote of the Board of Aldermen of the Village of Salado, Texas.**

\_\_\_\_\_  
Bert Henry, Mayor

ATTEST:

\_\_\_\_\_  
Debbie Bean, Village Secretary

Approved to Form:

\_\_\_\_\_  
Josh Katz, Village Attorney