City of Windcrest

AGENDA
CITY COUNCIL MEETING
6:00 PM
NOVEMBER 3, 2025

CITY COUNCIL CHAMBERS - 8601 MIDCROWN **CCM @ 6 PM**

NOTICE IS HEREBY GIVEN THAT THE CITY OF WINDCREST CITY COUNCIL WILL HOLD A REGULAR CITY COUNCIL MEETING AT WINDCREST CITY HALL LOCATED AT 8601 MIDCROWN, WINDCREST, TEXAS ON MONDAY, NOVEMBER 3, 2025, STARTING AT 6:00 PM.

THE CITY COUNCIL RESERVES THE OPTION TO RECESS THE MEETING DURING THE EVENING OF MONDAY, NOVEMBER 3, 2025, AND TO RECONVENE THE MEETING ON THE FOLLOWING BUSINESS DAY, TUESDAY, NOVEMBER 4, 2025, AT 9:00 A.M. AT THE WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS.

NOTICE OF ASSISTANCE AT THE PUBLIC MEETING

The City of Windcrest Council Chambers are wheelchair accessible, and accessible parking spaces are available. In compliance with Americans with Disabilities Act, the City of Windcrest will provide reasonable accommodations for persons attending the meeting. To better serve you, requests should be received 48 hours prior to the meeting. Please contact the City Secretary's Office, at 210-655-0022 ext. 2150 or Fax 210-655-8776, or 711 Texas Relay.

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE AND INVOCATION

THE FOLLOWING ITEMS MAY BE CONSIDERED AT ANY TIME DURING THE REGULAR COUNCIL MEETING:

IV. CITIZENS TO BE HEARD/CITIZEN PARTICIPATION

- Citizens may address the City Council on topics not on the agenda for no more than three (3) minutes.
- Citizens shall also have the opportunity to address the City Council during consideration of posted

agenda items for no more than six (6) minutes.
• A City Official may make a statement of specific factual information in response to an inquiry made by a member of the public, or a recitation of existing policy in response to an inquiry made by a member of the public.

V. PROCLAMATION

a) Declaring November 3 thru November 7, 2025, Municipal Court Week in recognition and support of the Windcrest Municipal Court Staff.

VI. CONSENT AGENDA

a) City Council will review, discuss, and may act on an ordinance approving amendments to Chapter 2 - Administration, Article III - Ethics, of the Windcrest Code of Ordinances. **2nd Reading** [Natalia Witmer, Interim City Manager/Municipal Finance Officer]

b) City Council will review, discuss, and may act on an ordinance approving amendments to Chapter 6 - Animals, of the Windcrest Code of Ordinances. **2nd Reading** [Natalia Witmer, Interim City Manager/Municipal Finance Officer]

c) City Council will review, discuss, and may act on a resolution ratifying the approval of a contract with Tyler Technologies for financial management and customer relationship management suites for an amount not to exceed $54,900.00. [Natalia Witmer, Interim City Manager/Municipal Finance Officer]

d) City Council will review, discuss, and may act on a resolution ratifying the approval of a contract with Tyler Technologies for HR, time and attendance management suites/packages for an amount not to exceed $64,700.00. [Natalia Witmer, Interim City Manager/Municipal Finance Officer]

e) City Council will review, discuss, and may act on a resolution ratifying the appointment of Ronnie J. Guest, Jr., as the City Manager. [Natalia Witmer, Interim City Manager/Municpal Finance Officer]

VII. RESOLUTION

a) City Council will review, discuss, and may act on a resolution authorizing an agreement with the Windcrest Volunteer Firefighters Alliance to provide fundraising services for the City of Windcrest Fire Department. [Dan Reese, Mayor]

VIII. DISCUSSION AND ACTION

a) City Council will review, discuss, and may act on identifying an image to be used for the TxDOT I-35 NEX Central project. [Cindy Strzelecki, Council Member Place 2/Mayor Pro Tem]

IX. EXECUTIVE SESSION

The City Council of the City of Windcrest reserves the right to adjourn into executive session at any time during course of the meeting to discuss any matter listed below:

a) Pursuant to Texas Government Code § 551.071 (consultation with attorney) and §551.074 (personnel matters), City Council will discuss and may take action on the Windcrest Police

Department records retention process.

b) Pursuant to Govt Code §551.087 (economic development) on Industrial Commercial Properties and Windcrest International Business Park status and update.

X. CITY MANAGER'S REPORT

Any oral report provided by the city manager will be informational only and not for council action. The city manager may provide updates on community and upcoming city events, the status of the operation of individual departments, any unusual activity from any specific department which has occurred since the posting of the agenda, or to provide potential topics of discussion which may appear on a future agenda.

XI. GENERAL ANNOUNCEMENTS & FUTURE AGENDA ITEMS REQUESTED

Per Ordinance No. 618, repealing Ordinance No. 593; Section 9: Every agenda shall include an item entry granting a member the opportunity to propose an item for consideration of future agendas for Regular or Special Meetings. Any member may request the inclusion of such items at any meeting.

XII. ADJOURNMENT

DECORUM REQUIRED: Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

ACTION BY COUNCIL AUTHORIZED: The City Council may vote and/or act upon any item within this Agenda. The Council reserves the right to retire into executive session concerning any of the items listed on this Agenda, pursuant to and in accordance with Texas Government Code § 551.072 (Deliberations about Real Property); § 551.073 (Deliberations about Gifts & Donations); § 551.076 (Deliberations about Security Devices); §551.087 (Economic Development); §551.074 (Personnel Matters) and, § 551.071to seek the advice of its attorney about pending or contemplated litigation, settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflict with the Open Meetings Act and may invoke this right where the City Attorney, the Mayor or a majority of the Governing Body deems an executive session is necessary to allow privileged consultation between the City Attorney and the governing body, if considered necessary and legally justified under the Open Meetings Act. The attorney may appear in person or appear in executive session by conference call in accordance with applicable state law.

EXECUTIVE SESSIONS APPROVED BY CITY ATTORNEY: This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

ATTENDANCE BY OTHER ELECTED OR APPOINTED OFFICIALS: It is anticipated that members of other city boards, commissions and committees may attend the meeting in numbers that may constitute a quorum of such other city boards, commissions and committees, so that notice is hereby given that the

meeting is also a meeting of the other city boards, commissions and committees whose members are in attendance. The members of the other city boards, commissions and committees may participate in discussions which occur at the meeting, but no action will be taken by the other boards, commissions, and committees whose members are in attendance.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the City Council of the City of Windcrest is a true and correct copy of said Notice and was posted on the bulletin board at City Hall of said City in a convenient place to the public and said Notice was posted more than three (3) business days prior to the meeting on November 3, 2025.

BY:

Rachel C. Dominguez, TRMC
City Secretary

Proclamation for the designation of Municipal Court Week
November 3rd – November 7th, 2025

WHEREAS, municipal courts play a significant role in preserving public safety and promoting quality of life in Texas;

WHEREAS, more people come in contact with municipal courts than all other Texas courts combined and public impression of the Texas judicial system is largely dependent upon the public's experience in municipal court;

WHEREAS, the City of Windcrest has hosted the Windcrest Municipal Court since 1959;

WHEREAS, state law authorizes a municipality to either appoint or elect a municipal judge for a term of office, the Windcrest Municipal Court is a state court and its judges are members of the state judiciary;

WHEREAS, the procedures for the Windcrest Municipal Court operations are set forth in the Texas Code of Criminal Procedure and other laws of the State of Texas;

WHEREAS, the City of Windcrest is committed to the notion that our legal system is based on the principle that an independent, fair, and competent judiciary will interpret and apply the laws that govern us and that judges and court personnel should comply with the law and act in a manner that promotes public confidence in the integrity and impartiality of the judiciary;

WHEREAS, Windcrest Municipal Judges are not policy makers for the City of Windcrest but are bound by the law and the Canons of Judicial Conduct and are required to make decisions independent of the governing body of the City Council, city officials, and employees;

WHEREAS, the City Council recognizes that the Constitution and laws of the State of Texas contain procedural safeguards in criminal cases for all defendants, including indigent defendants, and supports the Windcrest Municipal Court in complying with such legal requirements.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS, that November 3rd – November 7th, 2025 is hereby recognized as Municipal Court Week in recognition of the fair and impartial justice offered to our citizens by the Municipal Court of Windcrest, Texas.

DATED this 3rd day of November 2025.

_____

Dan Reese, Mayor

ORDINANCE NO. 2025-___(O)

AN ORDINANCE AMENDING THE WINDCREST CODE OF ORDINANCES, CHAPTER 2, ARTICLE III. – ETHICS; AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; REPEALING ANY OTHER CODE PROVISIONS, ORDINANCES, OR PARTS OF ORDINANCES, AND OTHER PROVISIONS IN CONFLICT HEREWITH; INCORPORATING RECITALS; AND ADOPTING AN EFFECTIVE DATE.

WHEREAS, the City of Windcrest is a home-rule municipality located within Bexar County, Texas; and

WHEREAS, the City of Windcrest finds that there is a need for citizens to sit on multiple board and commissions that do not conflict with each other; and

WHEREAS, the City of Windcrest finds that the Ethics Commission members should not be restricted to holding a singular board member appointment if they qualify to serve on a board not in conflict with the Ethics Commission.

WHEREAS, the Windcrest City Council in compliance with the laws of the State of Texas and the City's municipal code in the exercise of its legislative discretion, has determined it is appropriate, for good government and for the welfare and benefit of the public to amend the portion of the Code that deals with qualifications and removal of members of the Ethics Code; and

WHEREAS, the purpose of the standards of conduct set forth in the City's Ethics Code is to promote public trust between city government and the citizens; and

WHEREAS, City Council finds the amendments set forth herein will help to better define the standards of conduct, requirements for a sworn ethics complaint, role of the Ethics Commission and provide a fair process for receiving, reviewing and determining ethical complaints.

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

I.

AMENDMENTS

Chapter 2, Article III.- Ethics of the Windcrest Code of Ordinances shall hereby be amended, with strike through text being deletions and underlined text being additions and shall read, as follows:

Chapter 2 – ADMINISTRATION

Pending City Council Approval

…

ARTICLE III - ETHICS

Sec. 2-50. Code of ethics and conduct.

(a) *Statement of Purpose.*[2]

(1) The citizens and businesses of the City of Windcrest are entitled to have fair, ethical and accountable local government that earns the public's full confidence for integrity. The purpose of the code of ethics and conduct is to establish guidelines for ethical standards of conduct for all elected and appointed officials and employees of the City of Windcrest by setting forth those acts or actions that are incompatible with the best interests of the City of Windcrest by prohibiting conduct incompatible with the city's best interests and minimizing the risk of any appearance of impropriety, this code of ethics and conduct furthers the legitimate interests of democracy.

(2) The strong desire of the City of Windcrest to fulfill this expectation therefore requires that city officials, both elected and appointed, and employees:

a. Comply with both the letter and spirit of the City of Windcrest Code of Ethics and Conduct; and

b. Be independent, impartial and fair in their judgment and actions; and

c. Act in their respective positions for the public good, not for personal gain.

(~~1~~3) The Windcrest city council has adopted this code of ethics and conduct for all of its city officials and employees to assure public confidence in the integrity of local government and its effective and fair operation.

(4) The city recognizes that stewardship of the public interest must be one of its primary concerns. Its officials should work for the common good of the citizens of Windcrest.

(b) *Definitions.* The following words, terms and phrases, when used in this code, shall have the meanings subscribed to them.

[2]Official Comment: The statement of purpose expresses intentions of the city council but is not a regulation or enforcement provision. Nothing in this subsection creates a violation of this code.

Boards: Any body consisting of three or more people appointed by the city council and which has been delegated some level of decision-making authority.

Business. A corporation, partnership, association, sole proprietorship, firm, holding company, joint stock company, receivership, trust or any other for profit or non-profit entity, company or association.

City council. The legislative and governing body of the City of Windcrest consists of the mayor and city council ~~city~~ members.

City official. Any member of the city council and any appointed member of a board, commission, or committee of the city established by ordinance, charter, state law or otherwise, on a temporary or permanent basis.

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Complainant. A person who files a formal written ethics complaint.

Commission: Except for the ethics commission and the planning and zoning commission, any body of three or more people appointed by the city council which possesses only advisory authority within the city.

Committees: any collection of two or more persons appointed by the city council, mayor or a board or commission of the city on an ad hoc basis to examine a particular subject matter, issue, process or purpose. Committees are advisory only. Committees may study, examine, research and report their findings and recommendations to the creating board, commission or the city council. Committees typically fall under one of three common types: mayoral, council, and board/commission committees.

Mayoral Committees: Committee members are appointed by the mayor on an ad hoc basis for the purpose of reviewing specific subject matters and reporting back to either the mayor or the city council with recommendations.

Council Committees: Committee members are appointed by the city council on an ad hoc basis to investigate, inquire into, or explore certain subjects of interest to the city council and report back to the city council with recommendations. Council members may serve on any council created committee.

Board/Commission Committees: Committee members are appointed by a specific board or commission of the city on an ad hoc basis to investigate, inquire into, or explore certain subjects of interest to the board/commission and report back to the board/commission with their findings.

Confidential Information. Any information obtained by a city official or employee because of their position with the city and that is not available to the public under the Texas Public Information Act. Such information also includes any discussions which occur in executive session.

Employee. Any person employed by the City of Windcrest on a full-time or part-time basis, including only independent contractors hired by the city for repetitive performance of services that are in furtherance of necessary operation and function of the city, and not independent contractors engaged for occasional services that are not repeated on a consistent basis.

Ethics code. This term shall mean the code of ethics and conduct identified in section 2-50 of the Windcrest Code of Ordinance and any other code provision designating itself as an ethical code.

Former city official. Any person who has been a member of the city council and any appointed member of a board, commission, or committee set up by ordinance, charter, state law or otherwise, on a temporary or permanent basis.

Former employee. Any person who has formally been employed by the City of Windcrest, on a full- or part-time basis, including independent contractors hired by the city for repetitive performance of services that are in furtherance of necessary operation and function of the city, and not independent contractors engaged for occasional services that are not repeated on a consistent basis.

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Governmental documents. Any type of record or information outlined in Texas Government Code § 552.022.

Impropriety. Behavior that is:

1) dishonest, or

2) physically abusive, or

3) brought about by public drunkenness while performing official acts of an office or position.

Personal Interest. An interest specific to the individual or individuals' family, is private as opposed to public in nature, and does not advance a public purpose.

Respondent. A person who is the subject of a formal written ethics complaint.

Undue influence. This term includes when a person or persons intentionally or knowingly exercise a level of control over another that the person's assertion of control becomes the dominant decision maker, subverting or overpowering the mind or will of the person over which the influence is being exerted.

(c) *Standards of Conduct*

1. *Act in the public interest*. ~~Recognizing that stewardship of the public interest must be their primary concern, C~~city officials and employees will ~~work for the common good of the citizens of Windcrest~~ and not work for any private or personal interest, and will ~~assure~~ promote fair and equal treatment of all persons, claims and transactions coming before the Windcrest city council, boards, commissions, and committees.

2. *Executive Session*. All discussions of a city council, board, or commission which occur in an executive session are considered confidential. No city official or employee shall disclose the discussion which occurred in executive session unless such is made to another member of the body, the city council, the city manager, or city attorney.

3. *Comply with the law.* ~~City officials and employees shall comply with the laws of the nation, the State of Texas, and the City of Windcrest in the performance of their public duties. These laws include but are not limited to the United States and Texas constitutions, laws and statutes pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, open processes of government, and city ordinances and policies.~~ When performing their official duties, city officials shall comply with mandatory requirements of the United States and Texas constitutions, laws and statutes pertaining to conflicts of interest, financial disclosures, employer responsibilities, open processes of government, and the city charter.

4. *Conduct of city officials and employees*. The professional and personal conduct of city officials and employees must ~~be above reproach~~ and avoid even the appearance of impropriety. City officials and employees shall further refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other city officials, employees, and members of the public.

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5. *Information contained on personal devices or electronic accounts*. City officials and employees are prohibited from intentionally or knowingly deleting, altering, or hiding public information (i.e., information related to city business) that is sent or received on a personal device or electronic account. Individuals who have public information stored on their personal devices or electronic accounts must save such information or forward such information to the city's officer for public information.

6. *Communications with members of the general public*. City officials and employees shall be aware of the public perception held by their office or position with the city when communicating with members of the general public. Although city officials and employees have the right to express personal opinions on any issue, ~~it~~ such city officials and employees must ~~be made~~ make it expressly clear that when speaking to members of the general public on city matters that they are speaking for themselves, and not speaking in an official capacity for the city or on behalf of the city council.

7. *Promises, obligations, and commitments*. City officials and employees shall refrain from unilaterally promising, obligating, committing, or otherwise obligate, either directly or indirectly, any action on behalf of the city, which has not been previously authorized by the city council, city manager, or any of the boards, commissions, and committees depending on the authority required to make such promise, obligation, or commitment.

8. *Respect for process*. City officials and employees shall perform their duties in accordance with the processes and rules of order established by the city council and its boards, commissions, and committees governing the public deliberation of public policy issues, meaningful involvement of the public, and employees' implementation of the city council's policy decisions.

9. *Conduct of public meetings*. City officials have an obligation to not interfere with the orderly conduct of meetings. City officials have an obligation to attend meetings and be prepared for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfere with the orderly conduct of meetings.

10. *Decisions based on merit.* ~~It is expected that city officials and employees review material, participate in discussion and~~ City officials and employees shall base their decisions on the merits and substance of the matter at hand when conducting any business in their official capacities in the furtherance of the best interests of the City of Windcrest.

11. *Deliberating ~~Communication~~*. Prior to taking final action on a matter under consideration, city officials ~~and employees~~ should ~~publicly~~ share information, which they may have received from sources outside the public decision-making process, that is relevant, reasonably related, or may impact any action by the city council, boards, commissions, or committees.

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12. *Conflicts of interest, disclosure, and recusal.*

(1) Whenever a disclosure or recusal is required under this article, such disclosure or notice of recusal shall be submitted to the city secretary on a form approved by the city council.

(~~1~~2) To avoid the appearance and/or risk of impropriety, a city official or employee shall not take any action that he or she knows is likely to improperly affect the economic interests of:

a. The city official or employee;

b. His or her parent, child, spouse, or other family member within the third degree of affinity or within the third degree of consanguinity;

c. His or her outside client;

d. A member of his or her household; and

e. Any outside employer of the city official or employee or of his or her parent, child, spouse, or member of the household.

(~~2~~3) Should a conflict arise, the city official or employee who is in conflict shall recuse him or herself from the time that the conflict is, or should have been recognized, if applicable, he or she shall:

a. Immediately refrain from further participation in the matter, including discussions with persons likely to consider or participate in the matter;

b. File the appropriate form with the external auditor within three business days disclosing the nature and extent of the prohibited conduct;

c. Promptly bring the conflict to the attention of his or her supervisor who will then, if necessary, reassign responsibility for handling the matter to another employee; and

d. Promptly disclose the conflict to other members of the city council, board, commission, or committee in which he or she serves and shall not be present during the discussion of, or voting on, the matter.

(~~3~~4) City officials and employees shall familiarize themselves with and abide by the following conflicts of interest and disclosure statutes and principles:

a. ~~V.T.C.A.,~~Texas Local Government Code Ch. 171, which requires city council members and city officials to file an affidavit disclosing a substantial interest in a business or property that would be beneficially affected by a decision of the city council and thereafter abstaining from participation in discussion and voting on the matter. Once the disclosure is made, the city official is to remove themselves from the meeting area to ensure their presence does not hinder the discussion of the item or influence the vote.

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b. ~~V.T.C.A.,~~Texas Local Government Code Ch. 176, which requires city council members and the city manager to file a conflict of interest disclosure statement disclosing any business relationship with a person or business doing business with the city or being considered by the city for a business relationship and requires the disclosure of gifts of an aggregate value of more than $100.00 in the 12 month period preceding a transaction described in Code Ch. 176, other than gifts of food, lodging, transportation, or entertainment accepted as a guest.

c. ~~V.T.C.A.,~~Texas Government Code Ch. 553, which requires the filing of an affidavit before the date the city will acquire a property in which city officials or employees have a legal or equitable interest.

d. City employees shall disclose potential conflicts of interest to their supervisor and avoid participation in the handling of matters wherein employees have a personal interest.

e. In order to assure their independence and impartiality on behalf of the public good, city officials and employees are prohibited from using their positions to influence government decisions in which they have a personal interest.

f. In order to avoid a potential conflict of interest or the appearance of a potential conflict of interest, no person related to a member of the city council or city manager within the second degree by affinity (marriage) or third degree by consanguinity (blood relationship) as defined by ~~V.T.C.A.,~~Texas Government Code Chapter 573, shall be appointed to serve or remain in service on any city board, commission, or committee set up by ordinance, charter, state law or otherwise, on a temporary or permanent basis.

13. *Corruption*. City officials and employees shall familiarize themselves with and abide by the State of Texas Penal Code mandates concerning corruption under V.T.C.A., Penal Code Ch. 36.

14. *Political advocacy.*

(1) Unless performed as part of their official duties, city officials and employees shall not utilize the city's name or logo, either verbally or in writing, to:

a. Publicly ~~for purposes of~~ endorse any political candidate, or

b. Publicly endorse a business in such a way it gives the appearance to a reasonable person that the city is endorsing such business.[3]

(2) City employees shall not engage in electioneering while on the job. "Electioneering" means working for the election of a candidate to political office, whether local, state, or national.

(3) City employees shall not be hired, retained, or terminated on the basis of their political beliefs, opinions, or support of a particular candidate for office whether local, state, or national. City employees shall not engage in

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political activities relating to a campaign for elected office while in uniform or in the performance of their respective duties with the City of Windcrest. City employees elected ~~or appointed~~ to city offices shall be required to resign their employment upon acceptance of the office. No city employee can be required to sit on a city board or commission, unless required as part of their job duties by ordinance.

(4) City employees are prohibited from using their municipal title or position in any advertisement or endorsement of products, persons or activities, without previous written authorization by the city council.

15. *Confidential information.*

(1) A city official or employee shall not use his or her position to obtain official information about any person or entity for any purpose other than the performance of official duties.

(2) A city official or employee shall not intentionally, knowingly, or recklessly disclose any confidential information gained by reason of said official or employee's position concerning the property, records, operations, policies or affairs of the city, including those items discussed in closed or executive session. This rule does not prohibit any reporting of illegal or unethical conduct to authorities as a result of a court order.

[3] Official Comment: City officials can privately endorse candidates and businesses but cannot associate the city's name or logo or the position they hold with such endorsement. Elected officials may utilize the city's name and logo as an incumbent during an election but only in relation to their office held (i.e. council member place 1) or specific actions they performed while in office as part of their official duties (i.e. Council member Smith, place 1, voted for the city's contract with XYZ corporation).

(3) City officials and employees shall respect the confidentiality of information concerning city property, personnel or proceedings, of the city. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their or any other person's personal interests.

16. *Use of public resources.* A city official or employee shall not use, request, or permit the use of city resources, facilities, equipment, supplies or staff time for private gain or personal purposes (including political purposes), except:

(1) For a public purpose that is directly related to the governmental responsibilities of the city; or,

(2) When those resources are lawfully available to the public.

17. *Representation of private interests.* A city official or employee shall not represent for compensation any person, group, or entity, other than himself or herself, or his or her spouse or minor children, before the city its boards, commissions, and committees. For purposes of this subsection, the term compensation means money or any other thing of value that is received, or is to be received, in return for or in connection with such representation.

18. *Representation in litigation adverse to the city.*

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(1) City officials or employees shall not represent any person, group, or entity, other than himself or herself, or his or her spouse or minor children, in any litigation to which the city is a party, if the interests of that person, group, or entity are adverse to those of the city.

(2) A person who is classified as a city official only because he or she is an appointed member of a board, commission, or committee shall not represent any person, group, or entity, other than himself or herself, or his or her spouse or minor children, in any litigation to which the city is a party, if the interests of that person, group, or entity are adverse to the interests of the city and the matter is substantially related to the official's duties to the city.

(3) Former city officials or employees shall not represent any person, group, or entity, other than himself or herself, or his or her spouse or minor children, in any litigation to which the city is a party, if the interests of that person, group, or entity are, or could be adverse to the interests of the city, and the matter is one in which the former city official or employee personally participated prior to termination of his or her official duties.

19. *Former city officials and employees.*

(1) Former city officials or employees shall not use or disclose confidential government information acquired during service as a city official or employee. This rule does not prohibit any disclosure that is no longer confidential by law, or the confidential reporting of illegal or unethical conduct to authorities designated by law.

(2) Former city officials or employees shall not represent for compensation any person, private group, or private entity, other than himself or herself, or his or her spouse or minor children, before the city for a period of two years after termination of his or her official duties. For purposes of this subsection, the term compensation means money or any other thing of value that is received, or is to be received, in return for or in connection with such representation.

(3) A person who was classified as a city official only because he or she was an appointed member of a board, commission, or committee shall not represent any person, group, or entity for a period of one year after the resignation or termination of his or her official duties: before that board, commission, or committee in which he or she served; before city staff having responsibility for making recommendations to, or taking any action on behalf of, that board, commission, or committee, unless the board, commission, or committee is only advisory in nature; or before a board, commission, or committee which has appellate jurisdiction over the board, commission, or committee of which the former city official was a member, if any issue relates to his or her former duties.

~~Advocacy. City officials and employees shall represent the official policies or positions of the city council, board, commission, or committee to the best of their ability in the~~

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~~performance of their official duties. While in the performance of their official duties and when presenting their individual opinions and positions, city officials and employees shall explicitly state that such opinion or position do not represent that of the City of Windcrest, nor will they allow the inference that they do.~~

20. *Policy role of city officials and employees*. City officials and employees shall respect and adhere to the City of Windcrest's governmental structure as outlined in the city's charter, policies and procedures. ~~In this structure, the city council determines the policies of the city with the advice, information and analysis provided by the public, boards, commissions, committees and employees of the city.~~ Except as provided by city ordinance, city officials ~~therefore~~ shall not interfere with the administrative functions of the city or the performance of the employees' official duties; nor shall they impair employees' ability to implement city council policy decisions.

21. *Independence of city council, boards, commissions, and committees*. In order to safeguard the independence of the city council, boards, commissions, and committees in the public decision-making process, members of city council and other city officials shall refrain from applying undue influence on the deliberations or outcomes of city council, board, commission, and committee proceedings. This subsection does not prohibit city officials from voicing their concerns or opinions while deliberating and discussing matters at public meetings ~~that have brought before the city council or any other board, commission, and committee~~.

22. *Representation of title.* City officials shall not represent they serve in a different role than the role to which they are appointed or elected. ~~*Positive workplace environment.* City officials shall support the maintenance of a positive and constructive workplace environment for city employees and for citizens and businesses dealing with the city. City officials shall recognize their special role in dealing with city employees and refrain from creating the perception of inappropriate direction to city employees. When dealing with employees, city officials must adhere to the restrictions prescribed in this article, and must be cognizant of the weight and perception of their position as a city official.~~

23. *Implementation*. As an expression of the standards of conduct for city officials and employees expected by the city, the code of ethics and conduct is intended to be self-enforcing. It therefore becomes most effective when city officials and employees are thoroughly familiar with it and embrace its provisions. Ethical standards shall be included in the regular orientations for candidates for city council, applicants to boards, commissions, and committees and newly elected and appointed officials and new city employees. City officials entering office, including those appointed to boards, commissions and committees and city employees shall sign a statement affirming they have read and understood the code of ethics and conduct. In addition, the code of ethics and conduct shall be reviewed annually by the ethics commission, and the city council shall consider recommendations from the ethics commission and may consider recommendations from other city officials, employees, and citizens for revision as necessary.

24. ~~*Compliance and enforcement*~~ *Duty to Report.*

1. The code of ethics and conduct expresses standards of ethical conduct expected for city officials and employees. ~~City officials and employees~~

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~~have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.~~ City officials or employees who have knowledge of an actual and clear violation of any of the provisions of this ethics code shall use his or her best effort to report the violation as soon as possible. ~~but not more than three business days from the date in which city official or employee has acquired knowledge of the violation.~~ A city official or employee shall not delegate to, or rely on, another person to make the report. Failure to report can subject the city official or employee to a violation of this code but does not invalidate any complaint raising such violation.

25. *Good Faith Filing Requirement for Complainant.*

The complainant shall file his/her complaint in good faith. A complainant who acts in bad faith in filing a complaint, including but not limited to, acting with an intent to harass and/or harm a respondent, may be found to have violated this Ethics Code.

~~2. Any city official who has knowledge that a violation of the ethics code has been committed and intentionally fails to report such violation within the above stated deadline is subject to an ethics complaint and investigation by the ethics commission.~~

~~3. Any city employee who has knowledge that a violation of the ethics code has been committed and intentionally fails to report such violation within the above stated deadline is subject to discipline or termination as determined by the city manager.~~

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Sec. 2-51. Ethics commission structure

The City of Windcrest ethics commission is established by charter and under this code of ordinances. Any reference hereinafter to the term "commission" shall mean the City of Windcrest ethics commission.

(a) *Organization and qualifications.*

(1) *Members of commission.* The City of Windcrest ethics commission shall consist of five members and two alternate members of the community appointed by the city council who shall be citizens of Windcrest. Each appointed member shall be a voting member and are appointed for a two-year term by the city council. Due to the nature and role of the ethics commission, an appointed member of the commission can be removed by an affirmative vote of no less than four city council members. Members of the ethics commission may be removed with or without cause. The city council may vote to fill an unexpired term by an affirmative vote of three.[4]

(2) *Officers of commission*. The ethics commission shall have at least three officers: chair, vice-chair, and a secretary. The chair shall preside over all meetings. In the absence of the chair, the vice-chair shall assume the

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duties of presiding officer. In the absence of both the chair and vice-chair at a meeting, any one of the present members may preside over a meeting so long as a quorum can be constituted. The member with the longest tenure on the commission shall be the presiding officer unless changed by an affirmative vote of those members present and voting at a particular meeting. The secretary shall keep minutes or may designate a minute keeper to record commission business. The ethics commission may appoint such other officer positions or assign such subcommittees as the commission deems proper. The ethics commission shall elect its officers from amongst its appointed members. Whomsoever presides over a meeting shall retain their ability to vote on any motion or matter.[5]

(3) *Qualifications*. Members of the ethics commission shall have good moral character and shall be residents of the City of Windcrest for at least six (6) months prior to being appointed. To be qualified to sit on the commission, each member shall.[6]

a. NOT be any salaried city official or employee;

b. NOT be an elected public official for any governmental body;

c. NOT be a candidate for any elected public office;

d. NOT be an official of a political party;

[4]Official Comment: The commission has the authority to investigate members of the city council. The city council finds this to be authorized and willingly imposes this authority on the commission. However, in order to limit or reduce political influence from affecting actions of the commission, members of the commission need to be secured in their positions by requiring no less than four votes for removal. However, the city council must also be cautious of commission members who exceed their authority, individually. So, the city council must retain a certain, but limited, ability to remove and make appointments.

[5]Official Comment: All appointees to the commission are appointed only as members. By accepting an officer role on the commission, such members do not lose their right, ability, or duty to vote, even if they must preside over a meeting.

e. NOT be a campaign treasurer, campaign manager, official or other policy or decision-maker for the campaign of any candidate for elected public office;

f. NOT be a campaign treasurer, campaign manager, official or other policy or decision-maker for any political action committee as defined in the Texas Election Code;

g. NOT have a conviction of a felony or any crime involving moral turpitude or have been found by the ethics commission to have previously violated any provision of the city code of ethics.

(4) *Removal*. A member of the ethics commission shall be removed immediately from office by the remaining members for the failure to satisfy or continue to satisfy the qualifications and restrictions set out above. The ethics commission shall be the judge of the qualifications of its members and shall call a meeting to review any alleged violation of this section. A member of the ethics commission who is asserted to be in violation of this section must recuse themselves from any deliberation or vote on the assertion. The commission's ability to determine

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qualifications does not affect the city council's ability to remove and replace a commission member, with or without cause, by an affirmative vote of at least four councilmembers.[7]

(5) *Term periods*. The terms of the ethics commission shall be staggered terms as follows:

a) Place 1 Term - Began March 1, 2019 with a two-year term expiring March 1st in odd numbered years;

b) Place 2 Term - Began March 1, 2019 with a term expiring March 1, 2020 as a one-year term, then being a two-year term from March 1, 2020 forward in time with the term expiring on March 1st in even numbered years;

c) Place 3 Term - Began March 1, 2019 with a two-year term expiring March 1st in odd numbered years;

d) Place 4 Term - Began March 1, 2019 with a term expiring March 1, 2020 as a one-year term, then being a two-year term from March 1, 2020 forward in time with the term expiring on March 1st in even numbered years;

e) Place 5 Term - Began March 1, 2019 with a two-year term expiring March 1st in odd numbered years;

[6]Official Comment: Prior wording caused confusion. This amendment does not change the substance of the qualification. It simply makes it easier for a member of the public to read the provision and know what is prohibited and what is allowed for qualifications.

[7]Official Comment: The commission is expected to regulate its own members and has been granted the ability to pass reasonable rules and regulations for its own operation. In order to limit or minimize political influence as well as the appearance of improper influence from the city council, the commission is given the ability to remove its own members for failing to meet the mandatory qualifications.

f) Alternate Place A1- Began March 1, 2019 with a term expiring March 1, 2020 as a one-year term, then being a two-year term from March 1, 2020 forward in time with the term expiring on March 1st in even numbered years;

g) Alternate Place A2 - Began March 1, 2019 with a two-year term expiring March 1st in odd numbered years.

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Sec. 2-52. Reserved.

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Sec. 2-53. Duties and authority.

(a) *General authority*. The ethics commission has the authority and duty to investigate written complaints of alleged violations of the code of ethics and conduct by a member of the city council, a member of a city-appointed board, commission or committee, a petitioner committee under the city's charter, a statutory municipal officer, a city official or any city department head. Following its investigation into an ethics complaint, the ethics commission shall impose a

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penalty, make a recommendation to the city council or to the city manager on the complaint, dismiss a complaint, impose a penalty, and/or make a recommendation for further action. The determination of whether the commission's recommendation is sent to the city council or the city manager shall be based on whether the individual made the subject of the complaint reports to the city manager or city council. Nothing in this article prevents the city council or city manager from exercising its authority under the city charter even if such overlaps with the authority granted to the ethics commission.[8]

[8]Official Comment: The intent of this general authority is to allow the commission the ability to investigate and enforce the ethics code against those individuals appointed by the city council or those individuals who interact with the city as part of a commission, committee or board. The city council believes the ethics commission's time and efforts are better spent handling complaints against appointees or committee/commission members, especially those who report to the city council, instead of all employees. Employees who can be directly and quickly disciplined by their supervisor or the City Manager are not subject to the authority of the Ethics Commission. However, when exercising his/her discretion regarding an employee, if the city manager desires guidance on how the ethics code might apply, the city manager may request an opinion from the commission. Such opinion is advisory in nature and does not constitute a determination or decision of the commission.

(b) Limitation on investigation and complaints.

(1) *Employees*. Other than the city manager or department head, the ethics commission shall have no authority to investigate complaints against city employees as such authority is reserved for the city manager. Notwithstanding this provision, the city manager may request an ethics opinion from the ethics commission which may be used by the city manager in making any determinations.

(2) *Municipal judge*. The ethics commission has no authority to investigate complaints against the municipal judge, as such authority rests with the State Commission on Judicial Conduct.

(3) *Termination or forfeiture*. The ethics commission shall have no authority to impose a penalty of forfeiture of office or termination of employment. Such limitation does not prevent the ethics commission from making recommendations or referrals for termination or forfeiture to the city council.

(4) *Limitations period*. The ethics commission shall not consider any alleged ethics code violation that occurred more than one hundred and eighty (180) days prior to the date of the filing of the complaint. The termination, resignation, or forfeiture of a member of the city council, any member of a city-appointed board, commission or committee, or any city department head does not affect the jurisdiction of the ethics commission to investigate and act upon any alleged violations occurring prior to the date of said termination, resignation, or forfeiture.

(5) *Charter*. The ethics commission has neither the authority nor the duty to consider, and/or investigate any complaints of alleged violations of the city's charter. Such authority rests solely with the city council.

(c) *Written complaint required*. In order to consider whether a violation of the ethics code has occurred, the ethics commission must receive a formal written

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complaint. Any person may file an appropriate complaint. Before a written complaint is considered by the ethics commission regarding alleged violations of the ethics code, the person bringing the complaint shall first submit a completed and sworn complaint to the office of the city secretary on a form adopted by the commission. An ethics complaint form is available at the office of the city secretary and on the city's website. The ethics complaint form and any accompanying exhibits or documentation submitted by complainant shall not exceed 15 pages (12 point legible font on 8.5" x 11" standard paper), and all pages exceeding this page limit shall not be considered as part of the complaint. If the complainant requests the ability to add pages, the ethics compliance officer may, in his/her discretion, allow up to an additional five (5) pages in their sole discretion. Following the submission of a complaint, the city secretary shall provide the complaint to the ethics compliance officer for review. The ethics compliance officer shall have thirty (30) days to review a complaint. If the ethics compliance officer is unable to review the complaint within that time period, the compliance officer can obtain a thirty (30) day extension as long as the complainant is notified in writing. Should the compliance officer still remain unable to review the complaint, such complaint shall be forwarded to the chair of the commission within five (5) business days of the expiration of the compliance officer's deadline. If, prior to forwarding to the commission, a complainant withdraws their complaint, the ethics compliance officer may dismiss the complaint. Should the ethics compliance officer determine the complaint is defective, the ethics compliance officer shall notify the complainant, in writing, of the defect and provide them ten (10) calendar days to correct the defect. Once the ethics complaint has been accepted as compliant under the ethics code by the ethics compliance officer, the ethics complaint shall be submitted to the chair for the commission's consideration.

(d) *Commission ~~initiated~~ investigation, evaluation and hearing.* The ethics commission shall perform an initial evaluation of the complaint forwarded to the commission prior to holding any hearings on such a complaint. After this initial review, the commission may dismiss the complaint without a hearing, may request the complainant submit additional or clarifying information, may institute an investigation, or may set the complaint for a public hearing. The commission may not decide that a violation has occurred without either a public hearing or a written acknowledgment of a violation from the city official. If a complainant withdraws their complaint, the commission may dismiss the complaint. The ethics commission may direct the ethics compliance officer to determine if a complaint is appropriate against any city official, employee or complainant subject to the city's ethics code ~~and may initiate an investigation~~. In the absence of a formal written complaint, the ethics commission may consider whether a violation of the ethics code has occurred only after it has provided written notice to the individual subject to the investigation which must include the nature of the alleged violation, the specific ethics code provision believed to have been violated, the facts describing the alleged violation and an opportunity for the official to respond. Such notice shall serve as a formal written complaint.[9]

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[9]Official Comment: This provision allows the commission the ability to begin an investigation on its own without a formal written complaint from a third party. However, in order to provide constitutional due process to the individual subject to the investigation, written notice of the grounds for the investigation and the ability to respond must be provided.

(e) *Annual review.* The ethics commission shall also have the authority to annually review the city's ethics policies and code and submit recommendations to the city council.

(f) *Adoption of procedural rules*. The ethics commission shall have the authority to establish, adopt, and amend any procedural rules and regulations necessary to properly execute commission business.

(g) *Member initiated complaints and recusal.* An ethics commission member shall not deliberate or vote on any complaint that the member filed. A member of the ethics commission shall recuse himself or herself from any case in which, because of familial relationship, employment, any prohibited economic interest, or because of any reason his or her impartiality might reasonably be questioned. If the number of commission members recused from a case is so large that a quorum of the ethics commission cannot be constituted, as provided for in section 2-51, the city manager shall nominate a sufficient number of ad hoc members to constitute a quorum. Ad hoc members of the ethics commission must be confirmed by a majority vote of the city council and serve only for the nominated case.

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Sec. 2-54. Ethics compliance officer.

(a) *Designation.* The city attorney or his attorney designee shall serve as the ethics compliance officer for the city. The ethics compliance officer shall act as legal counsel to the ethics commission on matters related to commission business. As legal counsel to the ethics commission, the ethics compliance officer shall not represent any person or party in any proceeding before the ethics commission.[10]

[10]Official Comment: The commission needs a screening officer with skill in determining whether certain conduct could potentially violate the ethics code. The intent is not for the screening officer to decide the validity of each complaint. The intent is for the screening officer to assume all alleged facts are true for initial evaluation purposes, and if true, would such facts violate a provision of the ethics code. If such allegations, if proven true, would not violate the ethics code, then the complaint is not a proper complaint. If the allegations could violate the ethics code, the screening officer is required to determine the complaint is complaint and to forward it to the commission. The commission is the body which determines the factual accuracy of any complaint, the credibility of any statements or testimony, and the validity of any evidence.

(b) *Authority and duty*. The ethics compliance officer shall also have the duty to review alleged ethics complaints to ensure the written complaint meets the required form and substance as stated in this article prior to the submission to the ethics commission. In reviewing alleged ethics complaints, the ethics compliance officer shall not determine the truth of the matters alleged but shall determine whether the act or actions alleged could constitute a violation under the code of ethics and conduct, if proven true. <u>However, the ethics compliance officer shall have the authority to review or reference any governmental documents as part of his/her compliance officer review. In so doing, the compliance officer shall have discretion to dismiss a complaint if a governmental document establishes facts</u>

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contrary to those asserted in the complaint and such facts establish no violation could have occurred. Should the ethics compliance officer determine that the act(s) or action(s) alleged would not constitute a violation of the code of ethics and conduct, even if true, or if same is otherwise determined by review of a governmental document, the complaint shall be dismissed by the ethics compliance officer. Should the ethics compliance officer determine that the complaint submitted contains alleged violations of the city charter, such complaints shall be forwarded to the city council.

(c) *Notice of defects in form*. If the ethics compliance officer determines an alleged complaint is defective in form, the complainant must be advised of the defect and given a reasonable opportunity to correct any defects in the form of the complaint. Complainant must correct any defects in form within ten (10) calendar days of written notice of such defects. Should the complainant refuse to correct or fail to correct any defects in form, the ethics compliance officer shall dismiss the complaint as non-compliant. Should the ethics compliance officer determine the complaint falls outside the commission's authority but within the purview of the city manager, the ethics compliance officer shall forward the complaint to the city manager's office. Should the complainant fully correct any defects, the ethics compliance officer has thirty (30) calendar days to review the complaint from the date all defects are corrected.

(d) *Appointment of independent outside attorney.* Should a conflict arise wherein the city attorney cannot perform the duties required of the ethics compliance officer, an independent outside attorney~~, who does not otherwise represent the city~~, shall be appointed by the city manager and shall have the same duties and authority under section 2-54 and shall be entitled to reasonable compensation as determined by the city manager for the duties performed in the particular case. An automatic conflict exists when a complaint alleging a violation of the ethics code by the city manager, mayor, a member of the city council, city attorney or an assistant city attorney; or when requested by the city attorney due to a potential legal conflict of interest. Should the city manager not be able or willing to appoint an independent outside attorney, then such appointment shall be made by the mayor.

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Sec. 2-55. Written ethics complaint.

(a) A complaint filed under this article shall be submitted on the form adopted by the ethics commission which can be obtained at the office of the city secretary or on the city website. A complaint shall contain the following minimum requirements:

a. The name, mailing address, email address and telephone number of the person submitting the complaint;

b. The name of the person(s) whom is/are alleged to have committed a violation of the code of ethics and conduct and their position and/or title held or formerly held;

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c. The date of the alleged ethics violation; including the facts supporting specific provision(s) of the ethics code that are alleged to have been violated; and

d. The ethics complaint form is sworn to before a notary public or other person authorized by law to administer oaths under penalty of perjury.

(b) The ethics commission may adopt additional minimum requirements for the complaint as it deems necessary, but may not reduce the requirements established by this section of the Code.

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Sec. 2-56. Penalties and recommendations.

(a) *Commission imposed penalties*. Should the ethics commission find a violation of the ethics code, the ethics commission may directly impose the following penalties upon a city official, employee or complainant:

a. A civil penalty of not more than $500.00 per violation; and/or

b. A letter of admonition when the violation was determined to be unintentional or inadvertent; and/or

c. A letter of reprimand when the violation was determined to be intentional or knowingly committed; and/or

d. A command to attend specific training; and/or

e. A letter of finding of a bad-faith complaint filing by a complainant.

(b) *Recommendations.* In addition to the authority to assess the above penalties, the ethics commission may also recommend action be taken by the city council or city manager, including but not limited to termination or forfeiture of office. Further, the ethics commission may refer any matter to the appropriate criminal prosecutor to determine the existence of any criminal conduct and whether criminal prosecution may be warranted. However, the absence of a referral from the ethics commission shall not preclude any prosecutor from exercising his or her discretion in handling matters he or she deems to constitute criminal conduct.

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Sec. 2-57. Appeal and disposition.[11]

(a) *Determination with penalties*. If the ethics commission makes a determination a violation of the ethics code occurred and imposes a penalty, such decision may be appealed by the person subject to the penalty to the city council. Such appeal shall be submitted, in writing, to the office of the city secretary within ten (10) calendar days from the date that the written notice of violation of the ethics code is sent by the ethics commission to the respondent regarding the penalties that are imposed. The appeal shall state the reasons why the decision is unwarranted and should be dismissed. Following the submission of a written appeal, penalties shall be suspended until the city council either upholds or dismisses the penalties imposed

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by the ethics commission. Alternatively, the city council, at its discretion, may impose a lesser penalty than what has been imposed by the ethics commission.

(b) *City council consideration*. The city council may consider the appeal based on a review of the ethics commission records or may hold its own investigatory hearing on the appeal. The appellant is entitled to written notice of the city council meeting at which the appeal will be considered for action and whether the city council will be conducting its own investigation or simply reviewing the appeal from the commission.

(c) *Recommendations not appealable*. With the exception of complaints filed against a city council member or the city manager, no appeals may be taken if the ethics commission makes a recommendation but imposes no penalty. If the ethics commission makes a recommendation to the city council, the person subject to the recommendation is entitled to written notice of any city council meeting at which the recommendation will be considered.

[11] Official Comments: From a technical standpoint, if no penalty is present, a recommendation does not impose an obligation upon the person subject to commission's recommendation. The recommendation is therefore not an appeal in the normal sense. A recommendation without a penalty is simply a report to the city council or city manager on a respondent. The city council's consideration should not be thought of as an appeal, but as the city council being the body to take initial action. However, because the members of the city council and the city manager positions are more prone to perception, political influence and indirect injury in the eyes of the public, such respondents are given the ability to formally challenge the recommendation prior the council taking action. But the end result is the same in that no direct penalty is imposed by the recommendation and the city council must or city manager must still take action before a determination is final.

Secs. 2-58, 2-59. Reserved.

II.
CUMULATIVE CLAUSE

That this Ordinance shall be cumulative of all provisions of the City of Windcrest Code of Ordinances except where the provisions of this Ordinance are in direct conflict with the provisions of such existing Ordinance, in which event the conflicting provisions of such existing Ordinance are hereby repealed and this Ordinance controls.

III.
SEVERABILITY

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

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IV.
PROPER NOTICE AND MEETING

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

V.
EFFECTIVE DATE

This ordinance shall be effective upon passage and publication as required by state and local law.

VI.
READINGS

DULY PASSED ON FIRST READING, on the 20th day of October, 2025, at a regular meeting of the City Council of the City of Windcrest, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a quorum was present and voting.

DULY PASSED AND APPROVED, on the 3rd day of November, 2025, at a regular meeting of the City Council of the City of Windcrest, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a quorum was present and voting.

CITY OF WINDCREST, TEXAS

_____
Dan Reese, Mayor

ATTEST:

_____
Rachel C. Dominguez, City Secretary

APPROVED:

_____
Jessie Lopez, City Attorney

Pending City Council Approval

ORDINANCE NO. 2025-___(O)

AN ORDINANCE AMENDING THE WINDCREST CODE OF ORDINANCES, CHAPTER 6 – ANIMALS IN ORDER TO COMPLY WITH RECENT CHANGES TO STATE LAWS RELATING TO MUNICIPAL REGULATOIN OF ANIMALS; AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS ORDINANCE; INCORPORATING RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY; REPEALING ANY OTHER CODE PROVISIONS, ORDINANCES, OR PARTS OF ORDINANCES, AND OTHER PROVISIONS IN CONFLICT HEREWITH; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Windcrest is a home-rule municipality located within Bexar County, Texas; and

WHEREAS, the City of Windcrest has an interest in ensuring the health and safety not only of its citizens, but of the animals which live within the corporate limits; and

WHEREAS, the City of Windcrest Council has become aware of instances of dogs biting Windcrest citizens and the City's animal control office not having a clear mechanism within its ordinances to address the matter; and

WHEREAS, the City of Windcrest Council finds that, as a whole, the current structure of Chapter 6 of the City's Code of Ordinances regarding animals has not been updated to reflect current state standards and procedures regarding animals and animal welfare; and

WHEREAS, the City of Windcrest Council finds that continuing to operate under the current structure of Chapter 6 leaves the City with few mechanisms by which to utilize its responsibility to protect the health and safety of its citizens and the animals which live within the corporate limits; and

WHEREAS, the City of Windcrest Council seeks to amend the animal code chapter and all those related in order to maintain and create a safe and desirable community; and

WHEREAS, the Windcrest City Council in compliance with the laws of the State of Texas and the City's municipal code in the exercise of its legislative discretion, has determined it is appropriate, for good government and for the welfare and benefit of the public to amend Chapter 6 of the City's Code of Ordinances regarding animals.

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

I.
AMENDMENTS

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Articles I through IV of Chapter 6 – Animals, of the Windcrest Code of Ordinances shall hereby be amended, with underlined text being additions and struck through text being deletions and shall read, as follows:

Chapter 6 - ANIMALS

Sec. 6-1. Definitions.

Adequate Shelter shall have the meaning as set forth in ~~V.T.C.A.,~~ Texas Health and Safety Code § 821.101(1).

Aggressive dog shall have the meaning set out in section 6-83.

Altered shall mean spayed or neutered.

Animal shall mean any living vertebrate or invertebrate, domestic or wild, not including humans.

Animal control officer shall mean a person employed by the City of Windcrest, who completes the basic animal control course and is certified in accordance with V.T.C.A., Health and Safety Code § 829.002, completes the required number of continuing education during each three-year period, and is designated by the director. Such includes any city employee designated as an animal care officer.

Animal waste shall mean excrement or feces of any animal.

At large shall mean an animal beyond the premises of the owner or keeper and not under the control of said individual by means of physical restraint.

Cat, also known as a common house cat shall mean a male or female of the family felis catus, whether altered or not.

Boarding facility shall mean any place where the property owner, tenant, or occupant keeps or allows others to keep or board any cats or dogs for a fee, donation, or non-monetary reward.

Community cat shall mean a cat which has been vaccinated and spayed/neutered through the city's or another entity's trap-neuter-return program.

Community cat colony shall mean a group of community cats that congregate, or otherwise form a unit or colony, and share a common food source. Such units or colonies can be composed of community cats regardless of whether they are feral.

Dangerous dog shall have the meaning set out in section ~~6-74~~6-75

Department shall mean the division of the city's police department which serves as the animal control services department, comprising of the director and all animal control officers selected by the director to execute the duties of the animal control services department. Such division may also be referred to as the animal control and care unit.

Director shall mean the chief of police for the City of Windcrest or his/her designee.

Dog shall mean a male or female of the family canis familiaris, whether altered or not.

Dog and *cat license* shall mean a printed or written permission issued by the city authorizing the holder to keep a dog or cat within the city.

Dog and *cat license tag* shall mean a tag issued by the city and bearing the corresponding number of the dog and cat license.

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Dog park shall mean a park, or a portion of a park, maintained by the City of Windcrest which has been designated for the express purpose of permitting dogs to roam about without requiring the use of any physical restraint, but under the control of their owners or keepers.

Enclosure shall mean a structure to prevent an animal from being able to run at large. For purposes of dangerous dogs, enclosure shall mean a house or a building, or in the case of a fence or a structure/pen, the fence or structure/pen must also have minimum dimensions of five feet by ten feet. The fence or structure/pen must form an enclosure suitable to prevent entry of young children and must be locked and secured such that an animal cannot climb, dig, jump or otherwise escape of its own volition. The enclosure shall be securely locked at all times. The structure/pen must have secure sides to prevent the dangerous animal from escaping from the enclosure. The structure/pen shall provide protection from the elements for the dangerous animal. Notwithstanding any fence height restrictions in this chapter, the animal care officer shall have the right to require that the fence have a secure top and/or bottom be added to the structure/pen if the need is demonstrated. These additional requirements shall be based upon the type of animal to be kept in this enclosure and its anticipated ability to escape.

Euthanize shall mean the painless and merciful ending of an animal's life in accordance with V.T.C.A., Health and Safety Code ch. 821, subch. C (V.T.C.A., Health and Safety Code § 821.051 et seq.).

Feral cat shall mean a cat that exists in a wild or untamed state, either due to birth or reversion to a wild state from domestication or which exists without an owner, that is not socialized to people.

Feral cat caregiver/community cat caregiver shall mean a volunteer, uncompensated person who agrees to facilitate the trap-neuter-return program in accordance with this chapter and *any rules and regulations established by the city council.*

Fowl shall mean domesticated animals belonging to the class of Aves including poultry, birds of prey, game birds, pigeons, or similar whether kept for pleasure or for profit. Fowl shall not include common indoor pet birds such as canaries, finches, or parrots.

Impoundment facility shall mean a facility that keeps or legally impounds stray, homeless, or unwanted animals in accordance with V.T.C.A., Health and Safety Code ch. 823.

Livestock shall mean domestic animals generally used or raised on a farm for profit, work, or pleasure, including, but not limited to, cattle, sheep, swine, horses, donkeys, mules, domesticated game animals, and llamas. Livestock shall not include miniature pigs or pot-belly pigs.

Owner also includes keeper and shall mean any person, persons, or entity who owns, has custody, or has control of an animal.

Puppy shall mean a dog that is less than ~~two~~ one year~~s~~ old.

Quarantine shall mean the detention or isolation of an animal suspected of carrying an infectious or contagious disease, such as rabies in an impoundment facility compliant with the standards found in ~~V.T.C.A.,~~ the Texas Administrative Code ch. 169.

Restraint also includes tether and shall mean a rope, leash, cable, or other device that attaches an animal to a stationary object or trolley system.

~~*Tether* shall mean a chain, rope, leash, cable, restraint, or other device that attaches an animal to a stationary object or trolley system.~~

Trap-neuter-return (TNR) program shall mean a program under which feral or abandoned cats are trapped, evaluated, neutered or spayed, vaccinated against rabies, and returned to the areas where they congregate.

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Unadoptable dogs shall mean dogs that have health issues that are not able to be addressed in a cost-effective, timely manner or that have behavioral issues that put persons or animals at risk that are unlikely to be resolved in a timely or cost-effective manner.

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Sec. 6-2. Unlawful acts; criminal penalties; civil remedies.

(a) Unless otherwise specifically provided for in this chapter, if it is found that a person intentionally, knowingly or recklessly violated any provision of this chapter, then upon conviction a person shall be fined an amount not less than $1.00 and not more than $2,000.00 except that, in the event a person has once previously been convicted under this chapter, the person shall be fined an amount not less than $100.00 ~~violation occurs~~ for each subsequent violation.

(b) Nothing in this section shall limit any and all other criminal, civil or administrative remedies available to the city in seeking to enforce the provisions of this chapter. Each day's violation thereof shall constitute a separate offense.

(c) Where it is deemed necessary by the city manager, the city attorney's office is hereby empowered to secure injunctive relief to enforce the provisions of this chapter. This shall be in addition to, and not in lieu of, the criminal penalties provided for in this chapter.

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Sec. 6-3. Animal nuisance; presumptions.

(a) An animal owner commits an offense if by act, omission, or possession he creates an animal nuisance.

(b) The following presumptions are hereby declared applicable in the prosecution of an animal nuisance offense pursuant to this subsection:

(c) Any dog or cat can be deemed to be a nuisance under the provisions of this section by:

(1) The filing of a noise complaint by three or more neighbors within a 12-month period, if a dog barks or whines in such a manner, with such intensity, or with such continued duration so as to annoy, distress, or disturb the quiet, comfort, or repose of persons of normal nervous sensibilities. For the purpose of this subsection, each neighbor must occupy a different residence.

(2) The fact that an animal in question has permanently damaged or destroyed public or private property (not to include plants, mulch, grass, or perishable items) during the last 12 months.

(3) The filing of a trespass complaint by three or more neighbors within a 12-month period. For the purpose of this subsection, each neighbor must occupy a different residence. Any person filing a trespass complaint must have an accompanying photograph or video of the animal trespassing in their yard.

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Sec. 6-4. Cruelty to animals.

(a) It shall be a violation of this Code for a person to intentionally, knowingly or recklessly beat, cruelly treat, overload or otherwise abuse any captured or uncaptured wild or domesticated living creature anywhere in the city.

(b) An animal owner shall provide the animal with veterinary care to maintain its health and, when needed, to prevent suffering.

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(c) An animal owner shall provide the animal with an area that is dry, sanitary, and free of objects not intended for animals and which could cause them bodily injury, such as rusted metal or broken glass.

(d) Animals shall be protected from extremes of the environment including outside temperatures of heat (80 degrees or above), cold (40 degrees or below), and precipitation; this shall include but not be limited to shade, dog houses, lean-tos, tents, garages, or inside the owner's house.

(e) No owner of an animal shall abandon such animal at any place or time. If an animal owner has been identified and the owned animal has been impounded by the animal control officer, no owner shall allow the animal to remain in the impoundment facility ~~120 hours~~ five (5) business days after being notified by the animal control officer for the purpose of abandoning the animal or adopting the animal at a lower cost than the fine/fee.

(f) In this subsection, a restraint unreasonably limits a dog's movement if the restraint:

(1) Is a chain;

(2~~1~~) Weighs more than one-tenth (1/10) of the animal's body weight;

(3~~2~~) Uses a collar that is pinch-type, prong-type, or choke-type or that is not properly fitted to the dog;

(4~~3~~) Is a length shorter than the greater of:

a. Five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or
b. Ten feet;

(5~~4~~) Is in an unsafe condition; or

(6~~5~~) Causes injury to the dog.

(g) A dog that is tethered, crated, or otherwise restrained must have access to adequate shelter, clean water, dry ground, and shade from direct sunlight at all times.

(h) No person shall restrain or tether a puppy, sick, infirm, geriatric, or ~~or~~ injured dog, or a female dog while she is in estrus.

(i) Due to the risk of hyperthermia, it shall be unlawful to muzzle an animal without constant supervision if temperatures are predicted to exceed 75 degrees. Any muzzle used shall, by its design, allow the animal to open its mouth, pant, drink water, not interfere with its vision, and not cause injury to the animal. A gentle leader or halter is not considered a muzzle.

(j) Animal control officers shall liberally utilize the authority granted by V.T.C.A., Health and Safety Code § 821.022 to seize and impound any animal that has been or is being cruelly treated. If any investigating officer has reason to believe that an animal has been or is being cruelly treated, pending a hearing before any judge of competent jurisdiction on the issues of cruelty and disposition of the animal, the seizure of the subject animal prior to receiving a warrant is hereby authorized if the investigating officer or the director believe a delay in obtaining a warrant would endanger the life of the animal, or if it would unreasonably prolong the suffering of the animal needing immediate attention.

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Sec. 6-5. Ear cropping, tail docking, dewclaw removal.

It shall be unlawful for the owner of an animal, or a person charged with custody or care of an animal, to surgically alter an animal, including, but not limited to ear cropping, tail docking, declawing, and dewclaw removal, except when done by a licensed veterinarian.

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Secs. 6-6—6-30. Reserved.

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ARTICLE II. ADMINISTRATION

Sec. 6-31. Designation of animal control services department and its officers.

(a) The director, with the city manager's approval, shall designate one or more employees of the City of Windcrest to function as the city's animal control officers.

(b) The purpose of the animal control officers is to aide, protect, and preserve the welfare of the citizens and animals within the City of Windcrest.

(c) Each animal control officer shall have completed the training requirements required under Texas Health and Safety Code Ch. 829.002 not later than 30 days from the date the person assumed animal control duties, and continues to comply with the requirements as outlined under Texas Health and Safety Code Ch. 829.002. The director shall also have completed the same requirements within 90 days from the date the person assumed such position.

(d) All animal control officers shall report to the director.

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Sec. 6-32. Duties of animal control officer.

The animal control officer will carry out his/her duties in accordance with the Texas Department of Health Services Animal Control Officer Basic Training Manual. Duties shall include but are not limited to:

(a) Issuing violation notices including administrative notices, civil notices and (contacting a police officer to issue criminal citations), written warnings, and animal control fees; filing of municipal court documents, and making court appearances when necessary for violations of this chapter or the animal laws of the state;

(b) Capturing lost or stray pets and identifying owners through the use of records, tags, reports, and microchips. All animals captured should be transported to the city's impoundment facility as soon as capture is complete unless the owner is identified and available;

(c) Impounding an caring for stray dogs and cats that residents have found in Windcrest and captured, retained, collected, or contained, taking reasonable steps to identify the owners, if possible, or, if the cat is a community cat, returning said cat to the area it was found;

(d) Posting pictures and descriptions of lost or found animals at city facilities and websites to assist the owners in locating lost pets ;

(e) Maintaining department records in accordance with the guidelines in State of Texas Officer Basic Training, Records chapter; this would include all adoption, rescue, shelter, and euthanasia records;

(f) Maintaining animal control equipment, reporting any failures, and acquiring replacements;

(g) If animal control believes an animal, wild or domestic, is displaying symptoms of rabies, animal control will capture the animal and take it to a veterinarian for evaluation. If the animal is wild and the veterinarian believes it is rabid, the animal will be humanely euthanized and the head prepared for delivery to a state laboratory for rabies testing and subsequent reporting. In the case of domestic dog or cat this will only be done after exhausting all resources to identify

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and notify the owner of the animal, unless a veterinarian believes such a delay will unnecessarily prolong the suffering of the animal. Pictures of the animal will be posted and the animal held for the required ten days in quarantine whenever medically possible for the humane care of the animal;

(h) Overseeing the community cat program (TNR) and maintaining communication with community cat caregivers in the city;

(i) Communicating animal control issues and animal education material to the citizens;

(j) Executing the duties as required for dangerous/aggressive dogs in coordination with the authorized kennel(s) for the city, including the seizure, or acceptance of delivery, of suspected dangerous/aggressive dogs, attending any hearings, ensuring owner compliance with requirements of owning a dangerous/aggressive dog, and providing means of access to a veterinarian or supervised by a veterinarian properly certified to humanely destroy/euthanize a dog when necessary under these codes or Texas state law.

(k) Executing the duties as required for unadoptable dogs, as determined within three (3) weeks of the expiration of the stray hold by the department and in coordination with the authorized kennel(s) for the city, including providing means of access to a veterinarian or supervised by a veterinarian properly certified to humanely destroy/euthanize a dog when necessary under these codes or Texas state law.

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Sec. 6-33. Interference with discharge of animal control officer's duties.

(a) It shall be unlawful for any person to interfere with an animal control officer in the execution or performance of his/her duties under the provisions of this chapter.

(b) It shall be unlawful for a person to make a false complaint or report of an alleged violation under this chapter.

Sec. 6-34. City dog park.

(a) Any dog park within the corporate limits of the city shall:

(1) Have a separate, fenced-in area only for dogs up to 30 pounds.

(2) Have installed at least one post every 200 square feet equipped with a dispenser for collecting animal waste and a garbage receptacle.

(b) Any person visiting the dog park shall:

Not permit entry of dogs which have not been immunized in accordance with this article; Not permit entry of dogs which have not been altered, if medically possible;

Not permit entry of dogs which have not been registered and had a microchip implanted;

Not permit entry of dogs which are currently declared dangerous or aggressive; and immediately restrain their dog should it become aggressive or bite another dog or person.

(c) Any violation of subsection (b) shall constitute a Class C Misdemeanor and is punishable.

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Secs. 6-35—6-58. Reserved.

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Pending City Council Approval

Sec. 6-59. Vaccination.

It shall be unlawful for the owner or keeper of any dog or cat four months of age or older, to keep, maintain, or harbor such dog or cat unless it shall have been vaccinated against rabies by a licensed veterinarian at the owner's expense. Such vaccines may be of the one- or three-year variety. Before any dog or cat license shall be issued by the city, the owner must present a valid and current certificate issued by a licensed veterinarian.

***

Sec. 6-60. License, registration, and microchipping.

(a) The owner or keeper of any dog or cat over four months of age shall license and register such dog or cat within 60 days of residency or acquisition of the pet. Renewal registration shall be within 15 days of the expiration of the most recent rabies vaccine certificate. Dog or cat licenses shall be issued by the city for a term of one year, or until the expiration of the current rabies vaccine certificate, whichever is later, upon payment of a license fee in accordance with the city's master fee schedule. The owner shall state at the time application is made for such license and upon forms provided for such purposes, his name and address, and name, breed, color, and sex of each dog or cat.

(b) The owner or keeper of any dog or cat must have the animal implanted with a registered microchip within 90 days of residency or acquisition of the pet. This requirement does not apply to a dog or cat before it reaches four months of age. A dog or cat is exempt from this requirement if the dog or cat is determined to be medically unsuitable for microchipping by a licensed veterinarian in writing. If the animal is determined to be medically unsuitable for microchipping, the owner shall obtain a metal tag which shall be worn on the animal's collar at all times. Proof of medical unsuitability for microchipping along with having obtained a metal tag reading the owner's or keeper's name, address and telephone number must be provided to the department within 30 days of having received the tag. If there is a change in contact information, the owner or keeper of the animal shall update contact information with the department within 30 days of the date of the change in contact information. If there is a change in ownership of the animal, the initial owner or keeper shall be responsible for notifying the department of the change within 30 days of the date of change in ownership. The new owner or keeper shall be responsible for providing the department with the new owner's or keeper's name, address and telephone number within 30 days after the change in ownership.

(c) It is a defense to prosecution under this section that:

(1) The dog or cat owner is a nonresident of this city and is keeping the subject animal in the city for fewer than 60 days;

(2) The animal owner has been a resident of this city for fewer than 30 days; or

(3) The animal had been abandoned or lost and the temporary owner has had the dog or cat for fewer than 30 days.

(d) This article does not apply to a commercial business, non-profit organization, or governmental entity operating within the corporate limits of the city, in a properly authorized zone and under a valid business permit/license, and whose operation is for the providing of veterinary services, animal boarding services, retail sales of domestic animals, or the adoption of domestic animals.

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Sec. 6-61. Tag and collar.

(a) Upon payment of the license fee, the city shall issue to the owner a license receipt and a tag for each dog or cat so licensed.

(b) Every owner shall be required to provide each dog with a collar or harness and city registration tag that shall be constantly worn. The microchip implant does not exempt the owner of the animal from registration.

(c) In the event a dog or cat license tag is lost or destroyed, a duplicate will be issued by the city upon presentation of a receipt showing the payment of the license fee for the current year and an additional fee for such duplicate. Dog or cat license tags shall not be transferable from one dog or cat to another and no refund shall be made on any dog or cat license fee because of death of the dog or cat or the owner's leaving the city before expiration of the license.

***

Sec. 6-62. Dogs and cats at large.

It shall be unlawful for any person owning any dog, or unaltered cat, to permit it to be outside of such owner's fenced premises or other enclosure, unless the dog or unaltered cat shall be at all times under the control of the owner or his employee or agent by means of adequate physical restraint to control the actions of the animal. When an unattended dog or unaltered cat is found to be on unfenced private or public property, or outside of an enclosure, without proper leashing, the animal control officer shall have the authority to retrieve the animal from such private or public property. The owner of an unaltered cat shall not permit the domesticated cat to roam.

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Sec. 6-63. Restrictions.

(a) It shall be unlawful:

(1) For any person to sell, trade, barter, lease, rent, or give away any animal on any roadside, public right-of-way, commercial parking lot, garage sale, flea market, festival, park, community center, or outdoor public place.

(2) For any person to display for a commercial purpose any animal on any roadside, public right-of-way, commercial parking lot, garage sale, flea market festival, park, community center, or outdoor public place.

a. This section shall not apply to any tax-exempt nonprofit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals or any recognized rescue organization which is currently registered with the department.

b. Any animal being sold, traded, bartered, leased, rented, or being given away on any roadside, public right-of-way, commercial parking lot, garage sale, flea market, festival, park, community center, or outdoor public place shall be subject to seizure and impoundment at the discretion of the investigating animal control officer and shall be subject to adoption, rescue, foster, or humane euthanization at the discretion of the director if not timely redeemed by payment of applicable impoundment fees for each animal impounded within the impoundment period as set out in this Code.

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(3) To expose any known poisonous substance, whether mixed with food or not, so that the same may be attractive to any warm-blooded animal or human; except that it shall not be unlawful for a person to expose, on his own property or with permission of the property owner, commercially available rat poison or other pesticides appropriately placed in accordance with the labeling directions, in tamperproof bait stations, for the purposes of attracting rodents or other pests. It shall be sufficient to constitute a violation under this section that the poisonous substance was attractively exposed by such person in such a manner that the same may have been eaten, or was in fact eaten, by any human or warm-blooded animal other than a rodent or pest no intent or further culpable mental state shall be required to prove a prima facie violation.

(4) To set up or allow to be set up on his property steel jaw traps, spring traps with teeth or perforated edges on the holding mechanism, snares, or any type of trap with a holding mechanism designed in such a fashion as to reasonably ensure the cutting, slicing, tearing, or otherwise traumatizing of the entrapped prey for the purpose of ensnaring domestic or wild animals within the city limits, unless the use of such traps is specifically permitted or deemed necessary by the director or state director of health for the purpose of the control of communicable disease. This section is not to be construed to include those traps designed to kill common rodents, i.e., rats, mice, gophers, and groundhogs; except that the owner is responsible for taking care that any of the above said rodent traps are not placed or used on or about his property in such a manner as to reasonably ensure the trapping of any other domesticated or wild animal, or of a human. It shall be a prima facie violation of this section that the traps prescribed in this section were, in fact, set up by the person in question, or were allowed to be set up by the person in question; no intent or further culpable mental state shall be required to prove such a prima facie violation.

(5) To transport or carry on any public roadway any animal in a motor vehicle unless the animal is safely enclosed within the vehicle; and if traveling in an unenclosed vehicle (including, but not limited to, pickup trucks, convertibles and jeeps), the animal shall be confined by a vented container or cage, or safety belt with appropriate dimensions for the particular animal.

(6) To leave any animal in any standing or parked vehicle in such a way as to endanger the animal's health or safety and is presumed to have been cruelly treated as defined under this chapter. Any animal control officer or police officer is authorized to use reasonable force, including the breaking of a side window, to remove an animal from a vehicle whenever it appears the animal's health or safety is endangered.. Any such animal shall be impounded pending a final disposition of the matter with relation to the owner of said animal.

(7) To strike an animal with a vehicle resulting in injury to the animal, and leave the scene without rendering aid and assistance in the care of such animal if such action can be taken with reasonable safety or to call emergency services to aid the struck animal. If aid cannot be rendered safely.

(b) Regarding wildlife indigenous to this city:.

(1) All wild animals, fur-bearing wild animals, wild birds, and wild fowl inside the borders of this city state are considered the property of the people of this state. Texas codes and statutes govern the trapping, releasing and disposition of wildlife and the permits required. The city is not a pest control provider. A licensed pest control company can assist property owners with wildlife problems.

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(2) Any domestic animal (dog or cat) caught or trapped inadvertently shall be turned over to the animal control department or the animal's owner, if known.

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Sec. 6-64. Maximum animals authorized and variance.

(a) It shall be unlawful for any person to maintain or keep, in the aggregate, more than four adult dogs on a premises within the corporate limits of the city. Any person may keep up to two additional dogs if those dogs are adopted or fostered from the city. It shall further be unlawful for a person to maintain or keep, in the aggregate, more than four adult cats on a premises. A person may keep the maximum amount of both adult dogs and cats without violating this section. As used in this section, the term "adult dogs or cats" means a dog or cat that is six months or older. This subsection is not applicable to community cats.

(b) The director or his/her designee, upon application for variance to this section as hereinafter provided, may grant or deny, in whole or in part, an application for variance to this section of this Code. Any person desiring to maintain or keep in the aggregate more than four dogs or four cats within the corporate limits of the city may file a written application with the department, requesting the director or his/her designee to grant the written application for variance.

(c) The written application must contain the following information:

(1) Any complaints received or citations issued by animal control about animal issues against the applicant or the applicant's animals listed in the variance application.

(2) The application must be signed and dated by the applicant.

(d) The department has 15 days to make a decision to grant or deny the variance in writing. If the department does not make a written decision within that 15 day period then the variance request shall be considered automatically denied.

(e) The department, upon receipt of the application for variance shall then do the following:

(1) File such application in a location designated to keep such records.

(2) Notify the applicant of the date such application will be considered by the director or his/her designee.

(f) The department, in determining whether to grant or deny a variance application, may consider the following factors:

(g) The department shall notify the applicant within ten calendar days of the approval or denial of the variance.

(h) If the variance is denied, the applicant may appeal the decision to the city council within ten calendar days of the denial being mailed or electronically transmitted to the applicant.

(i) If the variance is granted, the applicant must submit a renewal application annually. Upon cause, the department has the authority to deny a renewal.

(j) The keeping by any person of newborn offspring of dogs or cats, authorized hereby for a period of six months, shall not constitute a violation of this article if the owner or keeper obtained a litter permit ais required under section 6-72 of this chapter.

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Sec. 6-65. Restrictions on keeping of certain animals.

(a) Unless otherwise indicated, It shall be unlawful to keep livestock and fowl within the city limits. This includes, but is not limited to, hoofed stock (bovines, sheep, goats, equines, swine) poultry, pigeons, and peacocks. This provision does not preclude the keeping of common indoor pet birds such as canaries, finches, or parrots or commonly domesticated hoofed animals such as miniature pigs or pot belly pigs that do not exceed 200 pounds in weight.

(b) Unless otherwise indicated, it shall be unlawful to keep animals or reptiles that typically are found at a wildlife refuge or zoo within the city limits. This animal/reptile restriction includes, but is not limited to, venomous snakes, poisonous frogs, alligators, crocodiles, great apes, monkeys, bears, big cats (any feline other than a common house cat), wolves, wolf-dog hybrids, hoofed mammals, or marsupials. This provision does not preclude the keeping of pet animals, reptiles, or insects such as hamsters, gerbils, ferrets, lizards, rabbits, fish, turtles, non-poisonous frogs, non-venomous snakes, or spiders.

~~(b) Unless otherwise indicated, it shall be unlawful to keep animals or reptiles that typically are found at a wildlife refuge or zoo within the city limits. This animal/reptile restriction includes, but is not limited to, carnivorous, non-carnivorous, poisonous, constricting species such as snakes, alligators, crocodiles, great apes, monkeys, bears, big cats (any feline other than a common house cat), wolves, wolf- dog hybrids, or hoofed mammals. This provision does not preclude the keeping of such pet animals, reptiles, or insects as hamsters, gerbils, ferrets, lizards, rabbits, fish, turtles, frogs, snakes, or spiders.~~

~~(c) It shall also be unlawful to keep venomous snakes within the city limits.~~

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Sec. 6-66. Animal waste disposal.

(a) It shall be unlawful for the owner or keeper of any animal to allow the animal's waste to be deposited and remain upon another's private property, or public street, roadway, sidewalk, easement, alleyway, recreational area, dog park, or drainage ditch within the corporate limits of the city for any period of time.

(b) It shall be unlawful for the owner or keeper of any animal to allow the accumulation of animal waste on their own private property in a quantity sufficient to create an odor offensive to a person of normal sensibilities standing on any adjacent property, or which creates a condition conducive to the breeding of flies or other pests. Such accumulation is hereby declared to be a public nuisance.

(c) It shall not be a defense to a violation of this section that the owner or keeper had no knowledge of the commission of the violation.

***

Sec. 6-67. Criminal penalty and dismissals.

(a) Any court which has jurisdiction over violations of article III may dismiss a criminal violation if the defendant remedies the violation within ten working days of the date of citation, upon the assessment by the judge and payment by the defendant of an administrative fee of $20.00 for dismissal of a rabies vaccination violation, and $10.00 for dismissal of a registration/license/microchip violation under this chapter.

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(b) Irrespective of any other penalty or enforcement methods authorized, the city may enforce this code against any person who violates any provisions of this chapter, through civil injunction, declaratory relief, and civil penalties as authorized by law, in any court of competent jurisdiction. Civil penalties shall not exceed $1,000.00 per day for each day a violation is found to have occurred after notice is mailed or transmitted and the expiration of a right to cure period.

***

Sec. 6-68. Maintaining current microchip registration.

(a) The owner or keeper of a dog or cat requiring a registered microchip implant shall maintain current registration with a microchip registration company or a veterinarian authorized to keep such registration on behalf of animal owners.

(b) If there is a change in contact information of an owner or keeper of a registered microchipped dog or cat, the owner or keeper shall update contact information, including new address or telephone number, with the microchip registration company within 30 days of the date of the change in contact information.

(c) If there is a change in ownership of a registered dog or cat, the initial owner or keeper shall be responsible for ensuring that the microchip is no longer registered in the initial owner's or keeper's name within 30 days of the date of change in ownership. The new owner or keeper shall be responsible for re-registering the microchip to include any new address and telephone number and have the registration information transferred to the new owner's or keeper's name within 30 days after the change in ownership.

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Sec. 6-69. Wearing tags.

Dogs must wear a city-issued tag at all times while outdoors, to the extent that the city provides them.

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Sec. 6-70. Nontransferability.

No person may use a registered microchip number for any animal other than the one for which it was issued.

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Sec. 6-71. Litter permit; sterilization required for violation.

(a) Any person whose female dog or cat has a litter must obtain a litter permit prior to the litter's birth. One litter permit shall be required for each whelping female dog or cat. No female dog or cat shall whelp more than one litter over a 12 month period of time.

(b) A violation of this section shall be punishable by a fine of not less than $300.00.

(c) This section does not apply to caretakers of community cat colonies or an animal rescue organization with an active animal rescue organization license issued by the department.

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Secs. 6-72—6-74. Reserved.

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Sec. 6-75. Dangerous dogs.

(a) Dangerous dog means a dog that:

(1) Makes an unprovoked attack on a person that causes bodily injury, serious bodily injury, or death and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or

(2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

(b) The director shall make a determination of whether a dog is dangerous.

***

Sec. 6-76. Investigation, seizure and confinement of alleged dangerous dog and determination of a dangerous dog.

(a) Upon receipt of a sworn complaint the animal control officer shall investigate the complaint. The complaint shall contain a description of the incident involving an alleged dangerous dog, as defined above, the date and location of the incident, a description of the dog(s) involved in the incident and the name of the owner/keeper of the dog, the address of the owner/keeper, if known. The animal control officer shall investigate a potentially dangerous dog without a complaint if the animal control officer personally observes the dog performing acts which fall under the definition of a dangerous dog.

(b) After an investigation, the director shall determine if a dog is dangerous. The director shall then determine if seizure of the dog is needed as a reasonable precaution for the safety of the public.

(c) Upon personal observation by the animal control officer that a dog has committed an act as outlined in section 6-75, the director may order the immediate seizure and impound of a dog believed to be a dangerous dog. Alternatively, after receiving a sworn affidavit of complaint detailing that a dog is alleged to have committed an act as outlined in section 6-75, the animal control officer shall obtain an administrative search warrant from any municipal court magistrate to enter onto private property to search for the dog if permission to enter the subject premises is denied by a person in lawful possession. The director shall order the immediate seizure of any dog determined to be dangerous, and which is at large. The cost of securing said dog(s) shall be borne by the owner of the dog. If a dog is impounded under this subsection, it will remain so as instructed by the director or by court order. A dog that has been determined to be dangerous cannot be released back to the owner, if seized or relinquished, until the owner is able to demonstrate the ability to comply with all the requirements for dangerous dogs as outlined in section 6-79.

(d) Within five business days after the dog is deemed dangerous, the animal control officer shall notify the owner or keeper of the dog, if known or readily identifiable, of the dangerous dog determination and appeal rights by written notice. Said notice shall be considered properly provided if mailed to the last known address of the owner or keeper through the United States Postal Service via regular mail and certified mail, return receipt requested.

(e) If the director determines the dog is dangerous but determines immediate seizure is not required to protect the health or safety of public, and the owner is readily identifiable, the department must, within five working days after the dog is deemed dangerous, notify the owner or keeper of the dog, of the

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dangerous dog determination, appeal rights, as well as the requirement the owner/keeper has 30 calendar days from the mailing or transmission of the notice, to either establish full compliance with the requirements for owning a dangerous dog outlined section 6-79 (in which case the owner/keeper of the dog may retain possession of the dog pursuant to section 6-79) or must relinquish the dog as outlined in section 6-79.

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Sec. 6-77. Appealing dangerous dog determination.

(a) An owner of a dog deemed dangerous by the director may, no later than the fifteenth day after the date the owner/keeper is notified of the determination, appeal the determination of the department to the City of Windcrest municipal court of record.

(b) To file an appeal under subsection (a), the owner must:

(1) File a written notice of appeal of the department's dangerous dog determination with the court;

(2) Attach a copy of the determination from the department; and

(3) Serve a copy of the notice of appeal on the department by mailing the notice through the United States Postal Service.

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Sec. 6-78. Dangerous dog hearing.

(a) Upon an appeal being filed in conformity with section 6-77, the municipal court shall set a time for a hearing to determine whether the dog is dangerous. The hearing must be held not later than the tenth day after the date the appeal was filed with the municipal court.

(b) The court shall give written notice of the time and place of the hearing to the owner or keeper of the dog or the person from whom the dog was seized and the department. The city attorney or his/her designee, is entitled to present evidence at the hearing.

(c) The municipal court judge shall determine whether, by a preponderance of the evidence, the dog is dangerous.

(d) If the municipal court judge finds the dog dangerous as a result of causing bodily injury to another person, the municipal court judge shall order the dog to continue to be impounded and:

Shall give the owner no more than 30 days for the owner to establish for the court that the owner can comply with the requirements of owning a dangerous dog under section 6-79. In such an event, the municipal court judge shall determine the estimated costs to house and care for the dog from the initial date of seizure or delivery until the dog is released to the owner, which will be borne by the owner and order the release of the dog; and

Should the owner not establish his/her ability to comply with the requirements of owning a dangerous dog under section 6-79 before the end of the 30th day, the municipal court shall order the dog abandoned; and

Should the dog be determined to be abandoned, the court shall authorize the city to:

Pending City Council Approval

Adopt the dog to a new owner who acknowledges the adoption of a dangerous dog and can establish for the court that the adopting owner can and is willing to comply with the requirements of owning a dangerous dog under section 6-79, or humanely euthanize the dog.

An order authorizing a dangerous dog to be adopted or euthanized shall not be effective for a period of no less than ten calendar days in order to allow an owner to appeal the order.

(e) If the municipal court judge finds the dog dangerous as a result of causing serious bodily injury to another person, the court may either order that the dog continue to be impounded and follow the procedure laid out in section 6-78(d) or have the dog humanely euthanized. The court may not order the dog euthanized if:

i. The dog was being used for the protection of a person or person's property and;

a. The attack occurred within an enclosure in which the dog was being kept;

b. The enclosure was reasonably certain to prevent the dog from leaving the enclosure on its own;

c. The enclosure provided notice of the presence of a dog; and

d. The injured person was at least eight years of age and was trespassing in the enclosure when the attack happened;

ii. The dog was not being used for protection, but the attack occurred within an enclosure in which the dog was being kept and the injured person was at least eight years of age and was trespassing in the enclosure when the attack occurred;

iii. The attack occurred during an arrest or other action of a peace officer while the peace officer was using the dog for law enforcement purposes;

iv. The dog was defending a person from assault, or person's property from damage or theft by the injured person; or

v. The injured person was younger than eight years of age at the time the attack occurred within an enclosure in which the dog was being kept and the enclosure was reasonably certain to keep a person younger than eight years of age from entering.

(f) If the municipal court judge finds that the dog attacked, bit, or mauled and caused the death of another person, the court shall order the dog humanely euthanized.

(g) If the municipal court judge does not find the dog dangerous, the municipal court shall issue an order finding as such and order the department to confer with the owner as to the release of the dog. There will be no assessment of costs of housing and care upon the owner.

(h) The owner of the dog or the department may appeal the decision of the municipal court in the manner described under V.T.C.A. Health and Safety Code Section 822.0424.

(i) A court may not order the destruction of a dog during the pendency of an appeal.

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Sec. 6-79. Requirements of dangerous dog owners.

Pending City Council Approval

(a) An owner of a dog determined to be dangerous, shall comply with all of the following requirements within 30 days after the owner learns of the dangerous dog determination.

(1) The dog must be registered with the department and shall annually obtain a dangerous dog permit;

(2) The dangerous dog must be kept in an enclosure as defined in section 6-1 of this chapter;

(3) The owner must present to the department a certificate of liability insurance in the amount of $100,000.00 to cover any injuries caused by the dangerous dog. The insurance shall be kept in effect continuously and shall not be cancelled unless the dog is no longer kept by the insured owner;

(4) The dangerous dog, when taken outside the enclosure, shall be kept secured by a sturdy leash of a maximum six feet in length and by a muzzle properly secured upon the dog's head;

(5) The owner shall post no less than two signs on his or her premises warning that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the public street or highway.

(6) If the dog does not have a registered microchip, the owner shall have implanted and pay for a registered microchip beneath the skin of the dangerous dog for positive identification of the animal;

(7) At the owner's expense, the dangerous dog, if unaltered, must be spayed or neutered at the discretion of the department by a veterinarian approved by the department prior to being released back to its owner;

(b) If the dog determined to be dangerous has been seized, the department must release a seized dog to the owner if, within 20 days of a determination, the owner provides proof to the department that the owner has arranged for the sterilization of the dangerous dog to comply with this article, has arranged for the dog to have implanted the required registered microchip if not already present in the dog, and can comply with the requirements of subsection (a) within ten days of release of the dog to the owner by the department.

(c) If the owner of a dog determined to be dangerous is unable or unwilling to comply with the ownership requirements listed above the dog must be either relinquished to the department or euthanized by an animal shelter, animal care agency, or licensed veterinarian, at the owner's expense and proof of such destruction must be provided to the department before the end of the 30th day after a determination is made. If the owner of a dog determined to be dangerous fails to comply with this subsection or fails to timely appeal a determination, the director shall order the dog seized and euthanized.

(d) The owner/keeper of a dangerous dog shall notify the department within 24 hours if their dangerous dog is loose, unconfined, has attacked another animal, has attacked a person, or has died.

(e) If a dangerous dog is seized and no owner acknowledges a claim to the dog, the director may seek and obtain an order from the municipal court for the humane destruction of a dog, which shall not occur until at least 20 days after seizure.

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Sec. 6-80. Notification of change of status; disposition of dangerous dog.

Pending City Council Approval

(a) The owner of a dog deemed dangerous by the department or the municipal court may petition the municipal court to remove the dangerous dog finding/determination if the dog does not have a recurring event under section 6-76 for two years following a dangerous dog determination. The petition must be in writing and must contain the following information:

(1) The name and address of the owner;

(2) The name, address, breed, and color of the dangerous dog;

(3) The date the dog was deemed dangerous by the department or the municipal court;

(4) A sworn statement that the owner has continuously complied with the city's requirements for keeping a dangerous dog for the time period encompassing the dog being deemed dangerous; and

(5) Documentation demonstrating that the dog has successfully completed obedience training from an instructor or class accepted by the department.

(b) The municipal court shall set a hearing on the matter within 15 days of the petition being filed with the municipal court

(c) The court shall provide written notice of the date, time, and place of the hearing to the owner of the dangerous dog, the department, and the city attorney's office.

(d) If the evidence presented shows by a preponderance of the evidence that the sufficient amount of time has passed without a recurring event and that the owner has complied with the city's requirements for keeping a dangerous dog, and that the dog has successfully completed obedience training from an instructor or class accepted by the department, the municipal court judge may remove the dangerous dog determination and the owner shall no longer be required to maintain the requirements of keeping a dangerous dog.

(e) If a dog previously deemed dangerous but had the designation removed by the municipal court subsequently commits an unprovoked act which triggers a dangerous dog hearing and is then determined to be a dangerous dog again by the department or the municipal court, the dog is considered to have committed the latest unprovoked act while designated as a dangerous dog for purposes of criminal penalties under state law.

***

Sec. 6-81. Hearing to determine compliance with dangerous dog requirements.

(a) Upon sworn statement by any person that the owner of a dangerous dog is not complying with the requirements of owning a dangerous dog or report of an incident involving a dangerous dog as described under section 6-75 of this division, the municipal court may conduct a hearing to determine whether the owner of a dangerous dog has complied with the requirements of owning a dangerous dog.

(b) Upon receipt of a sworn statement or report as described above, the municipal court shall send written notice to the owner of the dangerous dog of the filing of the application or report. Not later than the fifth day after receiving written notice, the owner must deliver the subject dog to the department. Failure to do so is sufficient cause to apply for a warrant to seize the subject dog.

(c) The municipal court judge shall conduct a hearing to determine whether a preponderance of the evidence supports the allegation that the owner has failed to comply with dangerous dog requirements.

Pending City Council Approval

The hearing must be held not later than the tenth day after the date on which the dog is seized or delivered.

(d) The court shall provide written notice of the date, time, and place of the hearing to the owner of the dangerous dog, the reporting party/applicant, and the investigating animal control officer. Any other interested party, including the city attorney or assistant city attorney, may appear and present evidence at the hearing.

(e) The municipal court judge shall be the finder of fact.

(f) At the conclusion of the hearing, if the municipal court judge finds that the owner has failed to comply with the dangerous dog requirements, the judge shall order the dog to continue to be impounded for 30 days so the deficiencies regarding the requirements of owning a dangerous dog are remedied, to the satisfaction of the municipal court judge. If the owner fails to establish the owner has come into compliance or fails to appeal such a determination, the municipal court shall order the disposition of the dog consistent with section 6-78.

(g) An owner, or the person who filed the application for the hearing, or the person who filed the report may appeal the decision of the municipal court in the manner provided for the appeal of cases from municipal courts of record.

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Sec. 6-82. Dangerous dog violations.

(a) A person commits an offense under state law, pursuant to the Texas Health and Safety Code, if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the other person.

(b) It shall be a violation of this chapter for an owner or keeper to intentionally, knowingly, or recklessly fail to prevent a dangerous dog from killing or wounding, or assisting in the killing or wounding, of any domestic animal belonging to or in the possession of any person, or for an owner or keeper to fail to prevent a dangerous dog from attacking, assaulting, biting or otherwise injuring any person or assisting in the attack, assault, bite, or other injury of any person whether out of or within the enclosure of the owner or keeper, and whether or not such dangerous dog was on a leash or securely muzzled or whether or not the dangerous dog escaped without the knowledge or consent of the owner or keeper. If a person is found guilty of an offense under this section, the court may order the dangerous dog humanely euthanized.

(c) It shall be a violation of this chapter for the owner or keeper of a dangerous dog to:

(1) Fail to comply with any of the requirements of section 6-78 as required;

(2) Fail to notify the department of a change of status as set out in section 6-80; or

(3) Fail to keep the dog confined at no cost to the city during any hearing process involving the dog if the dog has not been impounded by the city.

(d) The provisions under this section shall not apply to any law enforcement agency where a dog is being used for law enforcement.

(e) A rebuttable presumption shall exist that the owner or keeper knowingly allowed a dangerous dog to be kept in an inadequate enclosure in any criminal complaint filed under subsection (b).

Pending City Council Approval

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Sec. 6-83. Aggressive dogs; levels defined.

Classification of a dog as aggressive shall be based upon specific behaviors exhibited by the dog. For purposes of this chapter, behaviors establishing various levels of aggressive dogs are the following:

(1) Level 1 behavior is established if:

a. A dog while in the enclosure in which the animal was being kept acts to cause a person to reasonably believe that the animal will engage in an unprovoked attack and cause bodily injury to that person without actually causing bodily injury to that person; or

b. A dog, outside of its enclosure, when unprovoked is found to menace, chase, display threatening or unprovoked aggressive behavior, or otherwise threaten or endanger the safety of an animal.

(2) Level 2 behavior is established if a dog, outside of its enclosure, when unprovoked causes physical injury to any animal.

(3) Level 3 behavior is established if:

a. A dog, inside or outside of its enclosure, when unprovoked kills or causes the death of any animal, or

b. A dog classified as a Level 2 aggressive dog that repeats the behavior in subsection (2) after the owner or keeper receives notice of the Level 2 classification.

(4) Notwithstanding subsections (1), (2), and (3), the director or his/her designee shall have discretionary authority to refrain from classifying a dog as aggressive, even if the dog has engaged in the behaviors specified in subsections (1), (2), and (3), if the director determines that the behavior was the result of the victim abusing or tormenting the dog or was directed towards a trespasser or other similar mitigating or extenuating circumstances.

***

Sec. 6-84. Investigation, seizure, confinement, and designation of aggressive dogs.

(a) The department shall have authority to determine whether any dog has engaged in the behaviors specified in section 6-83.

(b) Upon personal observation by the department that a dog has committed an act as outlined in section 6-83 and upon making a decision seizure is a reasonable precaution to ensure the health and safety of people nearby, the department may order the immediate seizure and impound of a dog believed to be an aggressive dog. Alternatively, after receiving a sworn affidavit of complaint detailing that a dog is alleged to have committed an act as outlined in section 6-83, the department may obtain an administrative search warrant from any municipal court magistrate to enter onto private property to search for the dog if permission to enter the subject premises is denied by a person in lawful possession. The cost of securing said dog(s) shall be borne by the owner. If a dog is determined to be aggressive, it will remain in confinement as directed by the department. A dog that has been determined to be aggressive may not be released back to the owner until the owner is able to demonstrate the ability to comply with all the requirements for aggressive dogs as outlined in section 6-86.

Pending City Council Approval

(c) The director or his/her designee shall have the discretion to increase or decrease a classified dog's restrictions based upon relevant circumstances.

(d) The department shall give the dog's owner or keeper written notice of the dog's specified behavior, of the dog's classification as aggressive, and of the restrictions applicable to that dog by reason of its classification.

(e) Upon receipt of written notice of the dog's classification as a level 1, 2, or 3 aggressive dog the owner or keeper shall comply with the restrictions specified in the notice unless reversed on appeal. Upon final determination and after appeals are exhausted, the owner will have 30 days to sterilize the animal. Failure to comply with the specified restrictions shall be a violation of this chapter for which a criminal fine or civil penalty can be imposed. Additionally, the department shall have authority to impound the dog pending completion of all appeals.

(f) If the department's decision finds that a dog has engaged in aggressive behavior, the dog may be impounded pending the completion of any appeals.

(g) Any dog classified as a Level 3, that is found to have repeated Level 3 behavior as defined under this code, shall be impounded if not already impounded. The dog shall not be released to the owner or be made available for adoption until either potential recipient of the dog has established arrangements for accommodating the animal consistent with all the security and safety requirements ordered by the department.

***

Sec. 6-85. Appeal of aggressive dog determination to municipal court.

(a) An owner may appeal an aggressive dog determination within 15 days after receiving notice of the determination by:

(1) Filing a written notice of appeal of the department's aggressive dog determination to municipal court;

(2) Attaching a copy of the determination from the department; and

(3) Serving a copy of the notice of appeal to the department by certified mail.

(b) A municipal court judge shall conduct a hearing to determine whether the preponderance of the evidence supports the aggressive dog determination.

(c) The municipal court judge shall be the finder of fact.

(d) At the conclusion of the hearing, the municipal court may affirm or reverse the aggressive dog determination.

(f) The result of the administrative appeal hearing is final.

***

Sec. 6-86. Regulation of aggressive dogs.

In addition to the other requirements of this chapter, the owner or keeper of an aggressive dog shall comply with the following conditions:

Pending City Council Approval

(1) Dogs classified as Level 1 or 2 shall be restrained, so as not to be at large, by a physical device or structure in a manner that prevents the dog from reaching any public sidewalk or adjoining property and must be located so as not to interfere with the public's legal access to the owner's or keeper's premises whenever that dog is outside the owner's or keeper's home and not on a leash. In addition, the director may require the owner or keeper to obtain and maintain proof of public liability insurance in the amount of $100,000.00.

(2) Dogs classified as Level 3 shall be confined, so as not to be at large, by a physical device or structure in a manner that prevents the dog from reaching any public sidewalk or adjoining property and must be located so as not to interfere with the public's legal access to the owner's or keeper's premises whenever that dog is outside. The owner or keeper shall restrict the dog to the owner's or keeper's property unless the dog is restrained by an adequate leash under the control of a capable person and muzzled in a manner that will not cause injury to the dog nor interfere with its vision or respiration. The owner or keeper of a Level 3 aggressive dog shall post no less than two warning signs on the property where the dog is being kept and shall not permit the warnings signs to be removed. In addition, the director may require the owner or keeper to obtain and maintain proof of public liability insurance in the amount of $100,000.00.

(3) To ensure correct identification, all dogs that have been classified as aggressive shall be microchipped, photographed at the owner's expense, and obtain an aggressive dog permit from the department, to be renewed annually.

(4) The owner or keeper of an aggressive dog shall not permit the dog to be moved to a new address or change owners or keepers without providing the director with ten days' prior written notification.

(5) At the owner's expense, the aggressive dog, if unaltered, must be spayed or neutered within 30 days of the date the dog has been determined or found to be aggressive.

(6) At the owner's expense, the owner must complete a class on responsible pet ownership conducted by an organization approved by the department within two months after the dog has been classified as aggressive.

***

Sec. 6-87. Declassification of aggressive dogs.

Declassification will be automatic pursuant to this section.

(1) The following conditions must be met:

a. Level 1 or Level 2 dogs have been classified for one year without further incident, and two years for Level 3 dogs; and

b. There have been no violations of the specified regulations.

(2) When the owner or keeper of an aggressive dog meets all of the conditions in this chapter, the restrictions for Level 1 and Level 2 classified dogs may be removed. Restrictions for Level 3 may be removed, with the exception of the secure enclosure.

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Sec. 6-88. Payment for cost of confinement.

Pending City Council Approval

(a) The owner of a dog impounded by the department must pay the costs of care of the dog while it is in the custody of the department prior to the release of the dog to the owner. Reasonable expenses for this care include, but are not limited to the cost of housing, feeding, emergency veterinary medical care, immunizations and routine veterinary medical care for the dog.

(b) If a dog is held in impoundment by the department for more than 20 days, the owner of the dog must pay the actual costs accrued for the first 20 days of impoundment, and every 20 days thereafter until the matter for holding the dog has been finalized. The department will mail a notice and statement of costs to the owner of the dog at the address on file with the department. All costs must be paid within a maximum of three business days following the receipt of the notice and statement. If the costs have not been paid within the allotted three business days, this will be considered a voluntary relinquishment of the dog by the owner and the dog shall immediately become the property of the city. The payment of costs may be extended if the owner creates a payment agreement with the city. Failure to comply with a payment agreement shall result in voluntary relinquishment of the dog by the owner after three business days of the failure to pay in accordance with said agreement.

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Secs. 6-89—6-92. Reserved.

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Sec. 6-93. Impounding authority and standard.

It shall be the duty of the animal control officer to capture any dog found at large contrary to the provisions of this chapter; to take possession of stray dogs and cats that residents have found in Windcrest and captured, retained, collected, or contained; to return the animal to its owner if the owner can be determined; and to impound such dog in the city's impoundment facility until the owner can be found or for the impoundment period. Any animal impounded shall be given proper and humane care and maintenance. The animal control officer shall require the operator of the city's impoundment facility receiving any dog pursuant to the provisions of this chapter to make a complete registry, entering the breed, color, and sex of such dog and whether licensed or microchipped. If licensed, he shall enter the name and address of the owner and the number of the license tag or microchip.

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Sec. 6-94. Postings/scanning.

(a) Before the animal is impounded, the animal control officer will take a photograph of the animal and such photograph will be posted on the city's website as soon as feasible, but not more than 24 hours after capture. The photograph will also appear on the found animal notice that is to be posted on the doors at city hall.

(b) The animal control officer will scan the animal for an owner identification microchip and if located, record all information on an animal retrieval form.

(c) In order to safeguard the animals, additional checking for a microchip will be conducted by the city's impoundment facility and if found, reported back to the police communication office with the corresponding case number.

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Pending City Council Approval

Sec. 6-95. Notice to owner and redemption.

(a) Within 24 hours of capture of any dog, the owner, if the owner can be determined, shall be notified. Written notice, including a picture of the dog, shall be posted at a conspicuous place in the city hall describing the dog impounded. At the same time, such notice shall also be posted on the city's designated website and other websites utilized for such notices. Attempts shall be made to notify area veterinary hospitals, pet shops, and animal websites by e-mail or fax of the impounded animal.

(b) The owner may reclaim such dog or cat upon payment of:

(1) License fee (if unpaid).

(2) Animal control fee to the city written for a dog or cat being at large.

(3) All boarding charges due the city's impoundment facility.

(c) The first and second time a dog or cat is reclaimed, no animal control fee will be charged. The waiving of this fee shall only apply twice per address. The third time a dog or cat is reclaimed by its owner, an animal control fee will be charged, and each subsequent time a dog or cat is reclaimed by its owner, the animal control fee will increase. Should said owner fail to pay such charges and/or refuse to claim the animal, he shall be charged with abandonment and adjudicated accordingly.

(d) Owners of impounded animals may arrange for the release of their animals during business hours (8:00 a.m. to 5:00 p.m.) from the police communication office. Animals will be released to owners with appropriate proof of ownership during the business hours of the city's impoundment facility. All costs incurred for the impoundment of an animal are the responsibility of the animal's owner. Owners of animals not having current rabies vaccination or written proof of current rabies vaccination will be required to provide a deposit to the city. This will allow the owner to take their pet and get the proper immunization. This immunization shall be completed in ten business days, unless there is a statement from a veterinarian that immunization will endanger the health of the animal. After proof of immunization, the owners will be refunded their deposits.

(e) Microchipping of the pets will be required at the owner's expense, before the release of their animal.

(f) The animal control officer will require proof of ownership. Proof of ownership may include a valid animal license, veterinary records, registered microchip identification or other reliable documents such as home photographs or other verifiable documentary evidence. At the expiration of the seven business days as described in subsection (a) and if ownership cannot be proven by the required information, the animal in question must be adopted rather than redeemed; the person claiming unproven ownership may be afforded the opportunity to adopt the animal.

***

Sec. 6-96. Disposition of unclaimed animals.

(a) Any impounded animal that is not reclaimed by its owner within ~~120 hours~~ five (5) business days after the posting of the notice described in section 6-95 shall be deemed abandoned. Once abandoned, the animal shall become property of the City of Windcrest, at which time the department may take any authorized action regarding the abandoned animal at the direction of the director.

Pending City Council Approval

(b) Any dangerous dogs, as defined in section 6-75 of this Code, that are impounded shall be kept and cared for in accordance with section 6-93 by the city during the pendency of any hearing regarding the dangerous dog.

***

Sec. 6-97. Adoption of animals.

(a) In the event a dog is released by the animal control officer or the city's impoundment facility for adoption, it shall be sterilized, microchipped, and made up to date with rabies, DHPP, and bordatella vaccinations. If the dog is too young to be sterilized at the time of adoption or for some other reason the dog cannot be sterilized and/or microchipped at the time of adoption, the person adopting the dog shall sign an agreement to have the dog sterilized, microchipped, and made up to date with rabies, DHPP, and bordatella vaccinations and shall pay a deposit to ensure sterilization, microchipping, and rabies, DHPP, and bordatella vaccinations at the appropriate date. The agreement must contain the date of the agreement; the name, addresses and signatures of the city and the new owner; a description of the animal to be adopted; the sterilization/microchipping and vaccination completion date; and a statement, printed in conspicuous, bold print, that sterilization of the animal is required under V.T.C.A., Health and Safety Code ch. 828, and that microchipping of the animal is required under this code and that a violation of this chapter is a criminal offense punishable under section 6-2.

(b) The sterilization/microchipping and vaccination completion date contained in the agreement must be the 30th day after the date of adoption in the case of an adult animal or the 30th day after a specified date estimated to the date an adopted infant female or male dog becomes old enough to be sterilized or microchipped.

(c) Each new owner who signs an agreement shall deliver to the city a letter signed by the veterinarian who performed the sterilization or microchipping and vaccinations. The letter must be delivered in person not later than the seventh day after the date on which the animal was sterilized or microchipped and vaccinated. The letter must state that the animal has been sterilized or microchipped and vaccinated, briefly describe the animal, and provide the date of sterilization or microchipping and vaccination. After such steps are followed the sterilization/microchipping deposit shall be returned to the owner.

(d) If an adopted animal dies on or before the sterilization or microchipping and vaccination completion date agreed to, the new owner shall deliver to the city a signed letter or a veterinarian's report stating the animal is dead. The letter must be delivered not later than the seventh day after the date of the animal's death and must describe the cause of death, if known, and provide the date of death.

(e) If an adopted animal is lost or stolen before the sterilization/microchipping and vaccination completion date agreed to, the new owner shall deliver to the city a signed letter stating that animal is lost or stolen. The letter must be delivered not later than the seventh day after the date of the animal's disappearance and must describe the circumstances surrounding the disappearance, to what authority the lost animal was reported, and provide the approximate date of the disappearance. If the city does not receive a letter before the expiration of the seventh day after the sterilization completion date agreed to shall cause a complaint to be filed against the new owner. It is a presumption under this law that the failure of the new owner to deliver to the city a signed letter is the result of the new owner's refusal to have the adopted animal sterilized or microchipped. The new owner may rebut this presumption at the time of a hearing with the proof required under the above-mentioned sections.

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(f) If the city does not receive a letter after the expiration of the seventh day after the sterilization/microchipping and vaccination completion date agreed to, the city may reclaim the animal from the new owner. A person may not prevent, obstruct or interfere with reclamation under this section.

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Sec. 6-98. Foster of animals.

The city shall adopt a policy to implement a foster program to encourage temporary care for unadopted animals in the possession of the city.

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Secs. 6-99—6-122. Reserved.

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Sec. 6-123. Program sponsored within city.

In order to effectively and humanely control community cat populations within its jurisdictional boundaries, the city shall sponsor a trap-neuter-return program. Registered caregivers for colonies, whether of one or several community cats, may be aided by the city in providing traps and transportation to a spay/neuter facility. Left ear tipping shall be used on these cats in order to be identified as spayed or neutered and a vaccinated member of a managed colony. A photographic record adequate to identify the cat shall be obtained for all cats. This is part of the city trap-neuter-return program and maintained by the registered caregiver.

Sec. 6-124. Registered caregivers.

Registered caregivers shall attend one of the San Antonio Feral Cat Coalition workshops, and shall provide information about the colony to the animal control officer. Caregivers of a community cat or community cat colony shall be exempt under the provisions of license requirements, microchipping requirements, and animal identification requirements by furnishing the animal control officer with a signed statement agreeing to the following conditions:

(1) Regularly feed the community cat colony including weekends and holidays, ensuring sanitary conditions at all times. Colonies shall be fed using bowls, plates, pans, or similar utensils to contain the food; food shall not be poured on the ground for the purpose of providing food. Food shall not be left out during hours of darkness to avoid attracting wildlife or vermin.

(2) Regularly and frequently trap the community cats over three lbs. for purposes of sterilization.

(3) Identify all community cats by having their left ears tipped when under anesthesia for sterilization.

(4) All community cats must be vaccinated for rabies with a one- or three-year vaccine.

(5) All community cats with illness and/or injury that cannot be provided with treatment shall be humanely euthanized by a veterinarian to prevent pain and suffering.

(6) Caregivers are not permitted to release community cats on private or public property without the permission of the property owner.

Pending City Council Approval

(7) Any caregiver determined to be in violation of this section shall be issued a written warning and be permitted up to and including 30 days to achieve compliance. Failure to comply may result in the issuance of a citation.

***

Sec. 6-125. Animal control officer monitoring community cat colonies.

(a) The animal control officer shall maintain all records relating to authorized managed community colonies in the city trap-neuter-return program. Other duties shall include:

(1) Monitoring the managed community cat colonies in the city trap-neuter-return program, maintaining records of registered caregivers and determining the need of additional caregivers.

(2) Helping to resolve complaints over the conduct of a colony.

(3) Maintaining records and preparing quarterly reports on the following:

a. Number and location of managed colonies in the city;

b. Total number of cats in colonies;

c. Number of cats and kittens spayed and neutered pursuant to the trap-neuter-return program; and

d. Number of cats and kittens placed in permanent homes.

(b) After receiving the permission of the community cat caregiver or a resident, the animal control officer may set up traps in the caregiver's yard to assist in trapping.

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Sec. 6-126. Enforcement.

The city shall retain the following rights:

(1) The right to seize or remove cats from a colony that have not been vaccinated against rabies and which are demonstrating signs of the disease.

(2) The right to seize or remove a cat from a colony that is creating a nuisance after the caregiver has been afforded 30 days to remove and relocate the cat and has failed to do so.

(3) The right to seize and remove a colony of cats when a caretaker or the animal control officer is unable to provide care and management of the colony and has not been able to obtain a replacement or substitute caregiver. When the number of cats trapped and sterilized by the city exceeds 400 in a year, the city will reevaluate this program.

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Secs. 6-127—6-150. Reserved.

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Sec. 6-151. Reporting of animal bites.

Pending City Council Approval

It is the responsibility of any citizen with direct knowledge of an animal bite to immediately report the incident to the department. This duty includes reporting biting incidents of domestic animal to human or animal, wild animal to human, or domestic animal, whether the citizen is the owner of the animal, the victim, or a witness of the biting incident. The report should include the date, time, and place of the incident, a detailed description of the offending animal, the animal's owner, if known, the victim's name, if known, and the reporting citizen's information. If the victim (animal or human) is bitten or skin is scratched open by the teeth of a wild or stray animal, it is their responsibility and duty to immediately seek medical care. Please note, in order to test an animal for rabies, the animal just be killed, decapitated, and the head sent to the state laboratory for testing. Whenever possible, our city will quarantine in lieu of killing and testing.

***

Sec. 6-152. Investigations of animal bite incidents.

In accordance with the V.T.C.A., Health and Safety Code ch. 826, Rabies Control Act 1981 and subsequent revisions, it is the duty of the animal control officer, who is also the local rabies control officer, to investigate all animal bite occurrences within our city. Information regarding the animal's description, current rabies vaccination date, owner's name, address and telephone number, the name of the animal, the address and telephone number of the person bitten, and the location of wound shall be recorded. The victim, owner, and/or witnesses to the event shall be interviewed. Exact identification of the offending animal is imperative. Observation, quarantine, or testing of the wrong animal is useless to the victim and the efforts of rabies control. Whether the bitten victim is an animal or a person, the animal control officer will obtain copies of current rabies vaccination from the offending animal's owner and provide a copy to the victim. The animal control officer will keep the bite victim informed as to the health of the offending animal during the quarantine period or the results of laboratory testing.

***

Sec. 6-153. Domestic animal quarantine.

(a) Owned animals.

(1) It shall be the duty and responsibility of the owner of the animal that has bitten or that has been bitten to have such animal impounded at a veterinarian hospital or relinquished to the department for impoundment for a period of ten days. If, however, the owner can present evidence that such animal has been inoculated against rabies within the time prescribed by law prior to the biting, and unless otherwise required by this article, such animal shall be confined on the premises of its owner and in a manner which shall prohibit such animal from biting any other animal or person for a period of ten days.

(2) It further shall be the duty and responsibility of the owner to have such animal examined by a licensed veterinarian on the first and tenth day of impoundment or confinement or as soon thereafter as possible; provided that the impoundment or confinement of the animal described above shall not be terminated until examination by a veterinarian. All charges for impoundment and veterinary exams shall be at the expense of the owner. Prior to release from quarantine, the owner shall furnish evidence of these exams to the department for file maintenance and record keeping.

Pending City Council Approval

(3) It shall be unlawful for the owner of any animal, when notified that the animal has bitten any person to sell, euthanize, inoculate, or give away the animal or to permit or allow the animal to be taken out of the county area.

(b) Animals at large. If the bite is caused by a stray domestic animal, the department shall impound ~~the animal in an impoundment facility~~ and hold the animal in quarantine for a period of ten days or for a minimum of 240 hours from the date of the bite for the purpose of rabies observation.

***

Sec. 6-154. Exceptions to domestic animal quarantine.

The offending animal will be euthanized after notice to the owner and sent for pathological testing

if:

(1) The animal previously determined to be dangerous bites again in violation of this article and the owner does not have proof of current rabies vaccination. The animal control officer, after notice to the owner, shall obtain an order from the court and have the animal humanely destroyed and tested by a state laboratory for rabies;

(2) The animal attack has caused the death of a human not on the premises of the owner; or

(3) The animal is showing clinical signs of rabies as determined by the owner's (if the owner chooses) or city's veterinarian.

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Sec. 6-155. Dispositions of wild animals which have bitten.

Any wild animal that bites any person or directly exposes any person to its saliva that can be positively identified as the offending animal shall be humanely killed in accordance with V.T.C.A., Health and Safety Code ch. 821, and submitted to the state diagnostic laboratory for rabies testing by the department. Killing and subsequent testing of the wrong animal is useless and dangerous to the treatment of the victim. If during the incident the victim traps or kills the animal, it shall be immediately surrendered to animal control for preparation and testing by calling the department.

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Sec. 6-156. Animals which die of rabies.

Animals that have died of rabies or are suspected of having died of rabies shall be turned over to the department or a licensed veterinarian for dispatch to the nearest state diagnostic laboratory for testing.

***

Secs. 6-157—6-159. Reserved.

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Sec. 6-160. Animal services advisory committee established.

(a) Effective January 1, 2024, the animal services advisory committee is established with staggered terms.

Pending City Council Approval

(b) The appointment for the positions of the established animal services advisory committee, effective January 1, 2024, shall be filled by city council resolution.

***

Sec. 6-161. Composition.

(a) The committee shall consist of seven members, five regular members and two alternates, appointed by the city council. The members shall serve staggered terms of two years. Initially, odd numbered places will be appointed for a two-year term and even numbered places will be appointed for a one-year term. At the expiration of the initial terms, all terms shall be for two years. Vacancies arising during unexpired terms shall be filled for the remainder of the unexpired terms in the same manner as original appointments are made. The mayor shall appoint the initial chair and vice chair of the committee for one-year terms, and thereafter, the city council, upon recommendation of the mayor, shall appoint the chair and vice chair. The office of chair and vice chair shall be for one-year terms and thereafter until a successor is appointed. For the first year after passage of this ordinance, the council shall appoint a council member as an additional position who shall serve as chair and be a non-voting member except in the case of a tie.

(b) The committee must be composed of at least one municipal official and one citizen residing within the city limits of Windcrest. For the remaining members, licensed veterinarians, people whose duties include the daily operation of an animal shelter, and representatives from animal welfare organizations receive priority of appointment.

***

Sec. 6-162. Responsibilities.

(a) Subject to approval of the city council, and in conjunction with city administration, the committee shall:

(1) Periodically review the procedures regarding the care and maintenance of impounded animals and make recommendations for revisions thereof;

(2) Periodically review the city's animal ordinances and make recommendations for revisions thereof;

(3) Encourage responsible pet ownership by assisting with advising on an animal registration program and field enforcement services, as well as helping the city coordinate educational services, life safety services, and adoption and placement services; and

(4) Perform any other duties assigned by ordinance.

***

Sec. 6-163. Procedures.

Meetings of the committee shall follow the same rules of procedure followed by the city council at its meetings. The committee shall comply with the Texas Open Meetings Act. Public records of the meetings of the committee shall be prepared and maintained by the city secretary. The committee shall determine the frequency of dates, and times of its meetings, though must meet a minimum of three times per year. After each meeting, the committee shall have a representative report to the city council at their next meeting regarding any action taken or discussion had during the committee meeting.

Pending City Council Approval

II.
CUMULATIVE CLAUSE

That this Ordinance shall be cumulative of all provisions of the City of Windcrest Code of Ordinances except where the provisions of this Ordinance are in direct conflict with the provisions of such existing Ordinance, in which event the conflicting provisions of such existing Ordinance are hereby repealed and this Ordinance controls.

III.
SEVERABILITY

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

IV.
PROPER NOTICE AND MEETING

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

V.
EFFECTIVE DATE

This ordinance shall be effective upon passage and publication as required by state and local law.

VI.
READINGS

DULY PASSED ON FIRST READING, on the 20th day of October 2025 at a regular meeting of the City Council of the City of Windcrest, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a quorum was present and voting.

DULY PASSED AND APPROVED, on the 3rd day of November, 2025 at a regular meeting of the City Council of the City of Windcrest, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a quorum was present and voting.

CITY OF WINDCREST, TEXAS

_____
Dan Reese, Mayor

Pending City Council Approval

ATTEST:

_____
Rachel C. Dominguez, City Secretary

APPROVED:

_____
Jessie Lopez, City Attorney

Pending City Council Approval

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS, AWARDING A CONTRACT WITH TYLER TECHNOLOGIES FOR FINANCIAL MANAGEMENT AND CUSTOMER MANAGEMENT SUITES; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City has determined the need to update and replace its management software for employee financial management and customer relationship manger to a cloud base retention ; and

WHEREAS, the City solicited and obtained quotes in compliance with the legal requirements for procurement under state law; and

WHEREAS, after review and evaluation of the proposals, the City Council finds that the proposal from Tyler Technologies provides the best value to the City.

NOW, THERFORE BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, THAT:

SECTION 1. The City Manager is authorized to negotiate and execute all necessary documents in awarding a contract to Tyler Technologies for financial management and customer relations suites and for an amount not to exceed $54,900.

SECTION 2. The foregoing recitals are hereby found to be true and correct and are hereby made a part hereof for all purposes as findings of fact.

SECTION 3. This resolution shall be effective immediately upon passage and remain in effect until repealed or superseded by another resolution.

PASSED AND APPROVED this __th day of November 2025.

City of Windcrest, Texas

_____
DAN REESE, MAYOR

ATTEST:

_____
RACHEL C. DOMINGUEZ, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

_____
JESSIE LOPEZ
CITY ATTORNEY

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS, AWARDING A CONTRACT WITH TYLER TECHNOLOGIES FOR PAYROLL, HUMAN RESOURCES, AND TIME & ATTENDANCE SOFTWARE; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City has determined the need to update and replace its management software for employee payroll, human resources, and time & attendance; and

WHEREAS, the City solicited and obtained quotes in compliance with the legal requirements for procurement under state law; and

WHEREAS, after review and evaluation of the proposals, the City Council finds that the proposal from Tyler Technologies provides the best value to the City.

NOW, THERFORE BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, THAT:

SECTION 1. The City Manager is authorized to negotiate and execute all necessary documents in awarding a contract to Tyler Technologies for software for employee payroll, human resources, and time & attendance software and for an amount not to exceed $64,700.00.

SECTION 2. The foregoing recitals are hereby found to be true and correct and are hereby made a part hereof for all purposes as findings of fact.

SECTION 3. This resolution shall be effective immediately upon passage and remain in effect until repealed or superseded by another resolution.

PASSED AND APPROVED this __th day of November 2025.

City of Windcrest, Texas

_____
DAN REESE, MAYOR

ATTEST:

_____
RACHEL C. DOMINGUEZ, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

_____
JESSIE LOPEZ
CITY ATTORNEY

A RESOLUTION OF THE CITY OF WINDCREST APPROVING AN AGREEMENT WITH THE WINDCREST VOLUNTEER FIREFIGHTERS ALLIANCE TO PROVIDE FUNDRAISING SERVICES FOR THE CITY OF WINDCREST FIRE DEPARTMENT

WHEREAS, the City Windcrest of is a home-rule municipality located within Bexar County, Texas; and

WHEREAS, the City provides fire prevention, fire protection, and emergency rescue services within the corporate city limits of the City of Windcrest through the City of Windcrest Fire Department (the "***Fire Department***"); and

WHEREAS, the Windcrest Volunteer Firefighters Alliance (the "***WFVA***") is a Texas nonprofit association with a goal of supporting the Fire Department through fundraising efforts for the benefit of the Fire Department; and

WHEREAS, the City desires to enter an agreement with the WFVA whereby the WFVA will provide fundraising efforts for the benefit of the Fire Department; and

WHEREAS, the City of Windcrest City Council and the Windcrest Volunteer Firefighters Alliance acknowledge the goal of the agreement is for the support of the Windcrest Fire Department; and

WHEREAS, the City finds the Agreement and Acknowledgment of Rights and Responsibilities attached as Exhibit A be reasonable and appropriate;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that the City Manager is authorized to execute the Agreement and Acknowledgment of Rights and Responsibilities between the City of Windcrest and the Windcrest Volunteer Firefighters Alliance, attached as Exhibit A.

DULY PASSED AND APPROVED, on the ___ day of November, 2025, at a regular meeting of the City Council of the City of Windcrest, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a quorum was present and voting.

CITY OF WINDCREST, TEXAS

_____
Dan Reese, Mayor

ATTEST:

_____
Rachel C. Dominguez, TRMC
City Secretary

APPROVED:

_____
Jessie Lopez, City Attorney