



CITY OF SAN AUGUSTINE

301 SOUTH HARRISON
SAN AUGUSTINE, TX 75972
TEL: (936) 275.2121
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August 11, 2023

The City of San Augustine City Council will meet for a regular meeting on **Tuesday, August 15, 2023 at 5:00 p.m.** The meeting will be held in the Council Chambers located at 301 South Harrison Street, San Augustine, Texas.

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A G E N D A

1. Call Meeting to Order
2. Prayer
3. Pledge to the Flags
4. Welcome Guest
5. Citizen Presentations: At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting. Please limit to two minutes each.
6. Approval of Minutes of Previous Meeting(s) for Month of July 2023
7. Update on Police Department Activity
8. Judge Jeff Cox – Update on Municipal Court Activity
9. Liz Jones - Update on Main Street Program
10. Update from City Manager Jeaneyse Mosby
11. Discussion And Action If Any to enter into a service agreement with KSA for assistance in acquiring the necessary information for the Required Lead and Copper Water Service Line Inventory required by the EPA and TCEQ – Completion Date is October 16, 2024
12. Discussion And Action If Any to approve the agreement between (owner) the City of San Augustine and (engineer) KSA Engineers, Inc. for professional services for the 2022 CDBG-CDM Downtown Sidewalk Improvements (CDM22-0044)
13. Discussion And Possible Action if proposed Tax Rate exceeds the Voter Approval Rate or the No New Revenue Rate (whichever is lower), take record vote to place proposed tax rate / increase on future agenda and set Public Hearing for September 19, 2023.
14. Discussion and Action If Any to authorize the City Manager on behalf of the City Council to do a Request for Proposal (RFP) to receive bids for depository of the city's funds for the period commencing August 21, 2023 and ending August 17, 2020 at 3pm CST – (*Current Bank Depository Agreement began on October 19, 2020 – and ends on October 19, 2023*)
15. Update - **Docket No. 55221** – report on City of San Augustine; Finding of Violations of PURA § 38.102(e) and 16 Tex. Admin. Code § 25.97 (f) (2), relating to line inspection and safety annual reporting
16. Executive Session Pursuant to Government Code § 551.074 Personnel Matters concerning City Secretary Position

17. Reconvene Open Meeting For Discussion and Possible Action If Any on Executive Session Item #16
18. Adjourn Regular Meeting
19. BUDGET WORKSHOP CALLED TO ORDER
20. Adjourn Budget Workshop

The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code, Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations About Security Devices) and 551.087 (Economic Development).

I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the front door at City Hall of the City of San Augustine, TX, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time:
August 11, 2023 by 11:30 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

(Logo Here)

LEAD & COPPER WATER SERVICE LINE INVENTORY

In compliance with the Environmental Protection Agency and Texas Commission on Environmental Quality Lead & Copper Program your water provider is conducting a Water Service Line Inventory to classify the materials used for your water service line and indoor plumbing.

Please help us by filling out the following survey questions so we may better serve you.

Scan the QR Code with your mobile device or click the link [Link to form here](#) on our webpage [www City's website here](#) to be sent directly to the online survey form.

Insert QR Code

Link to online form and spreadsheet

Suggested questions

1. **Customer Email:** _____
2. **Customer Name:** _____
3. **Owner Name** (if different than customer): _____
4. **Customer Billing Address:** _____
5. **Customer Service/ Physical Address** (if different than billing address):

6. **Customer Account Number:** _____
7. **What Type of Home or building:** Single Family Residence _____ Multi Family Residence _____
Commercial _____ Daycare _____ School _____
Other _____
8. **What Year was your home/ building built:** _____
9. **Do you know the type of pipe material your water service is?** (from the meter to your home/bldg.)
Lead _____ Copper _____ Galvanized _____ PVC/ Plastic _____ Unknown _____
Other _____
10. **Do you know the water service pipe size?** Yes ___ No ___ If yes, what is the size? _____
11. **Has the water service been repaired or replaced?** Yes ___ No ___ If yes, what Year _____
12. **If replaced or repaired, do you know the material used?**
Lead _____ Copper _____ Galvanized _____ PVC/ Plastic _____ Unknown _____
Other _____
13. **If your home/ building was built prior to 1986 has the plumbing inside been repaired or replaced?**
_____ What year? _____

This can be mailed out as a post card or flyer type mail out to each water account holder.

Post in the newspaper with QR code.

Post posters in public places with link and QR code.

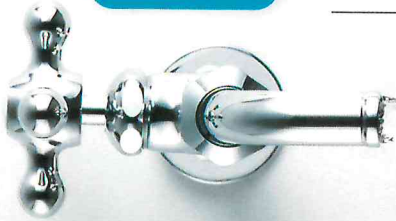
Post link on your website to online fillable form.

The survey will be produced with Spanish translation, if the city so desires.

The survey is multiple choice with a few lines to fill in.

Link the fillable form to auto populate results in a sortable spreadsheet for your use. Access will be given to select city employees to populate spreadsheet with city owned buildings and facilities and/ or the paper copies that are sent to the city.

Is Your Public Water System Ready for the LEAD AND COPPER RULE REVISIONS (LCRR)?



By **OCTOBER 16, 2024**, you must:

1



Begin complying with these revised rules.

Visit www.tceq.texas.gov/goto/lcrr to find

 the Service Line Inventory form,

 LCRR compliance resources, and

 a link to EPA's LCRR regulatory guidance.

For more help or questions on these requirements, contact the Lead and Copper Monitoring team at LCRR@tceq.texas.gov or call 512-239-4691 and ask for the Lead and Copper Program.

2



Submit your initial Service Line Inventory form (TCEQ-20943).

Visit our Financial, Managerial, and Technical Assistance Program webpage at www.tceq.texas.gov/goto/fmt or email FMT@tceq.texas.gov for

 information or help preparing or submitting your Service Line Inventory form and

 training on LCRR requirements.





Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

RETURN SERVICE REQUESTED

This document has important legal consequences; consultation with an attorney is encouraged with respect to its use or modification. This document should be adapted to the particular circumstances of the contemplated Project and the Controlling Laws and Regulations.

AGREEMENT
BETWEEN OWNER AND ENGINEER
FOR
PROFESSIONAL SERVICES

Prepared by

ENGINEERS JOINT CONTRACT DOCUMENTS COMMITTEE



ENGINEERS JOINT CONTRACT
DOCUMENTS COMMITTEE

and

Issued and Published Jointly by



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AMERICAN SOCIETY OF CIVIL ENGINEERS

PROFESSIONAL ENGINEERS IN PRIVATE PRACTICE
A Practice Division of the
NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS

This Agreement has been prepared for use with the Standard General Conditions of the Construction Contract (EJCDC C-700, 2007 Edition). Their provisions are interrelated, and a change in one may necessitate a change in the other. For guidance on the completion and use of this Agreement, see EJCDC User's Guide to the Owner-Engineer Agreement, EJCDC E-001, 2009 Edition.

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ENGINEERS JOINT CONTRACT
DOCUMENTS COMMITTEE

**AGREEMENT
BETWEEN OWNER AND ENGINEER
FOR
PROFESSIONAL SERVICES**

THIS IS AN AGREEMENT effective as of _____ (“Effective Date”) between

City of San Augustine (“Owner”) and

KSA Engineers, Inc. (“Engineer”).

Owner's Project, of which Engineer's services under this Agreement are a part, is generally identified as follows:

2022 CDBG-CDM Downtown Sidewalk Improvements (CDM22-0044) (“Project”).

Engineer's services under this Agreement are generally identified as follows:

Provide engineering design services for downtown sidewalk improvements as identified in the project performance statement for CDBG-CDM Project CDM22-0044.

Owner and Engineer further agree as follows:

ARTICLE 1 – SERVICES OF ENGINEER

1.01 *Scope*

- A. Engineer shall provide, or cause to be provided, the services set forth herein and in Exhibit A.

ARTICLE 2 – OWNER’S RESPONSIBILITIES

2.01 *General*

- A. Owner shall have the responsibilities set forth herein and in Exhibit B.
- B. Owner shall pay Engineer as set forth in Exhibit C.
- C. Owner shall be responsible for, and Engineer may rely upon, the accuracy and completeness of all requirements, programs, instructions, reports, data, and other information furnished by Owner to Engineer pursuant to this Agreement. Engineer may use such requirements, programs,

2023 Governing Body Summary #1A*

Benchmark 2023 Tax Rates

CITY OF SAN AUGUSTINE

Date: 08/04/2023 02:01 PM

DESCRIPTION OF TAX RATE	TAX RATE PER \$100	THIS YEAR'S TAX LEVY**	ADDITIONAL TAX LEVY
No-New-Revenue Tax Rate	\$0.482524	\$437,467	
One Percent \$100 Tax Increase***	\$0.487349	\$441,842	\$4,375
One Cent per \$100 Tax Increase***	\$0.492524	\$446,533	\$9,066
De Minimis Rate	\$1.012729	\$918,163	\$480,696
VAR NOT adjusted for Unused Increment Rate	\$0.447337	\$405,566	\$-31,901
<u>VAR</u> adjusted for Unused Increment Rate	<u>\$0.447337</u>	\$405,566	\$-31,901
Last Year's Tax Rate	\$0.434370	\$393,810	\$-43,657
Proposed Tax Rate	\$0	\$0	\$-437,467

*These figures are provided as estimates of possible outcomes resulting from varying the tax rate. Please be aware that these are only estimates and should not be used alone in making budgetary decisions.

**Tax levies are calculated using line 21 of the No-New-Revenue Tax Rate Worksheet and this year's frozen tax levy on homesteads of the elderly or disabled.

***Tax increase compared to no-new-revenue tax rate.

Record Vote 15th

BANK DEPOSITORY AGREEMENT

This Bank Depository Agreement (the "Agreement") is made and entered into this 19th day of October 2020 by and between City of San Augustine (the "City") and Texas Bank and Trust (the "Bank") a bank chartered by the State of Texas.

Section I Designation as Depository

The City, through action of its Governing Body, hereby designates the Bank as its depository for banking services for a 3 year period commencing October 19, 2020 through October 19, 2023. This agreement shall automatically renew for an additional 3 year period, unless either party provides notice to the other of its intent to terminate this agreement not less than 90 days before the end of the current period.

Section II Designation of Custodian

The City and Bank hereby designate TIB and Federal Home Loan Bank (the "Custodian") to hold in trust, according to the terms and conditions and pursuant to a separate Safekeeping Agreement, attached as Exhibit A, all securities pledged as depository collateral in accordance with the City's Investment Policy. Any and all fees from the Custodian associated with the safekeeping of securities pledged to the benefit of the City shall be borne by the Bank.

Section III Collateral

City time and demand deposits, inclusive of interest, in excess of the Federal Deposit Insurance Corporation insurance shall be secured at all times by collateral, acceptable to the City and in accordance with the Public Funds Collateral Act (Texas Government Code 2257), pledged by the Bank and held in trust by the Custodian in an amount equal to at least 100% of the total of those funds. Custodian can provide a monthly report of the collateral directly to the City.

Such pledged securities or letters of credit shall be subject only to the joint written instructions of both (a) authorized representatives of the City and (b) specifically authorized representatives of the Bank. The Bank shall have the right, with the prior written consent of the City, to substitute or replace, any or all of the pledged securities with collateral acceptable to the City.

Section IV Scope of Services

The Bank shall faithfully perform all of its duties and obligations required by the laws of the State of Texas for public funds depositories and shall upon presentation pay all checks drawn on it against collected funds on demand deposits, and shall, at the expiration of the Agreement, turn over to its successor all funds, City-owned securities, property and things of value held as depository.

The City shall have the power to determine and designate the character and amount of the funds to be deposited in the Bank. The City may arrange for time deposits and Bank may accept such deposits subject to the terms of the Bank's Response.

This Agreement, along with all Exhibits and other incorporated documents shall constitute the entire Agreement between the parties.

*Copy
current
agreement*

Section V Bank Compensation

Bank will be compensated for any and all services rendered to the City under this Agreement. Bank agrees to offset monthly service fees against its customary earnings credit for balances in City's non-interest bearing accounts. Net insufficiencies in earnings credits will be charged on a monthly basis.

FEE BASIS LANGUAGE Bank will be compensated for any and all services rendered to the City under this Agreement on a cost per item or monthly charge basis as set forth in the service charges of the Bank's Response.

Section VI Default

The Bank shall be in default if it fails to pay all or part of a demand deposit, a matured time deposit, or a matured certificate of deposit, including accrued but unpaid interest, at a specified maturity date. The Bank shall also be in default if ruled "bankrupt", "insolvent" or "failed" by a federal or state banking regulator, or if a receiver is appointed for the Bank.

In the event of a default, failure or insolvency of the Bank, the City shall be deemed to have vested full title to all securities pledged under this Agreement. The City is empowered to take possession of and transfer and or sell any and all securities. If the security is liquidated, any proceeds over the defaulted amount, plus expenses related to liquidation, shall be returned to the Bank. This power is in addition to other remedies which the City may have under this Agreement and without prejudice to its rights to maintain any suit in any court for redress of injuries sustained by the City under this Agreement.

Section VII Non-Assignability

This Agreement is not assignable in whole or in part but is binding on the parties, their successors and assigns.

Section VIII Termination

This Agreement may be terminated by either the City or the Bank by giving sixty (60) days prior written notice to the parties.

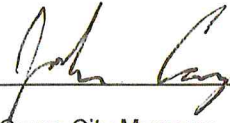
Section IX Law Governing

All applicable provisions and requirements of the laws of the State of Texas governing depositories for the City shall be a part of this Agreement.

Section X Bank Authorization

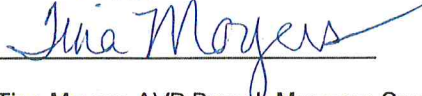
The Bank represents and warrants that this Agreement is made pursuant to and is duly authorized by the Board of Directors of the Bank and recorded in the official records of the Bank.

CITY



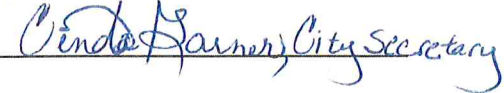
John Camp City Manager
Name and Title

BANK



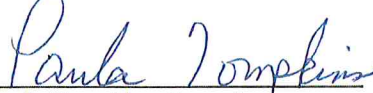
Tina Moyers AVP Branch Manager-San Augustine
Name and Title

ATTEST:



Cinda Gardner, City Secretary

ATTEST:



Paula Tompkins Operations
Manager - San Augustine

Kathleen Jackson
Interim Chair

Will McAdams
Commissioner

Lori Cobos
Commissioner

Jimmy Glotfelty
Commissioner



Greg Abbott
Governor

Thomas J. Gleeson
Executive Director

Public Utility Commission of Texas

TO: Interim Chair Kathleen Jackson
Commissioner Will McAdams
Commissioner Lori Cobos
Commissioner Jimmy Glotfelty

FROM: Barksdale English, Director
Division of Compliance & Enforcement

DATE: July 17, 2023

RE: **Docket No. 55221** – Report on City of San Augustine; Finding of Violations of PURA § 38.102(e) and 16 Tex. Admin. Code § 25.97(f)(2), relating to line inspection and safety annual reporting

I. SUMMARY

The Division of Compliance and Enforcement (DICE) of the Public Utility Commission of Texas investigated the City of San Augustine for violations related to the filing of annual power line inspection and safety reports. This memorandum serves as a report to the Commission under PURA¹ § 15.024(a) determining violations have occurred, providing a statement of the facts forming the basis of the determination, and providing a recommendation on an administrative penalty. DICE staff have consulted with the executive director on the report, and under the authority provided by PURA § 15.027(c), DICE issues this report to the Commission.

II. INTRODUCTION

In 2019, the Texas Legislature adopted HB 4150, which required certain electric utilities – including municipally owned utilities – to verify the vertical clearance of overhead transmission or distribution assets and to provide various reports about the status and safety of those assets. In response to the legislation, the Commission adopted rules requiring these reports and adopted forms for utilities to use to file their reports. The Commission has required the filing of these reports in various projects since 2019.²

¹ Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 11.001–66.016 (PURA).

² See *Line Inspection and Safety Rulemaking to Implement House Bill 4150*, Project No. 49827, Order Adopting New 16 Texas Administrative Code §25.97 (Feb. 14, 2020).



Handwritten notes at the bottom of the page, including "DICE" and "interchange" with arrows pointing to the right.

Handwritten notes on the left side of the page:
Courtney [unclear]
512-936-7235
Kosa R.
512-936-7348

Handwritten notes on the right side of the page:
PUC Texas.gov
Filings
PUC
interchange ET

III. APPLICABLE LAW

The following authorities govern the determination of an occurrence of a violation in this matter.

- PURA § 38.102(e) requires a municipally owned utility that owns or operates overhead transmission facilities greater than 60 kilovolts or distribution facilities greater than one kilovolt to file a report no later than May 1st each year. The report must contain the number of fatalities or injuries of individuals involving transmission or distribution assets related to noncompliance with the requirements of PURA § 38.004.
- 16 Texas Administrative Code (TAC) § 25.97(f)(2) requires a municipally owned utility that owns or operates overhead transmission facilities greater than 60 kilovolts or distribution facilities greater than one kilovolt to file a report no later than May 1st each year. The report must contain the number of fatalities or injuries of individuals involving transmission or distribution assets related to noncompliance with the requirements of PURA § 38.004. The report must also include corrective actions taken or planned to prevent the recurrence of fatalities or injuries.

IV. STATEMENT OF FACTS

San Augustine is a municipally owned utility providing distribution services under certificate of convenience and necessity number 30135. San Augustine owns or operates distribution facilities greater than one kilovolt. The city has a four-year history of failing to timely file the annual line inspection and safety report required under PURA § 38.102(e) and 16 TAC § 25.97(f)(2).

Report for Calendar Year 2019

Annual reports for calendar year 2019 were required to be filed in Project No. 50596³ by no later than May 1, 2020. San Augustine filed its report on September 1, 2021.

On April 12, 2021, Commission Staff contacted San Augustine by regular mail to inform the city that it had not filed its calendar year 2019 report and presented the city with an opportunity to remedy its deficiency. Then on July 27, 2021, DICE staff contacted San Augustine by certified mail to inform the city that DICE staff conducted an investigation and provided the city with an opportunity to remedy its deficiencies, presented an offer to resolve the deficiencies, and notified the city of its right to request a hearing. San Augustine responded to the letter on August 13, 2021, and ultimately filed its calendar year 2019 report on September 1, 2021.

³ 2019 Annual Reports for Line Inspection and Safety Pursuant to 16 TAC § 25.97(f), Project No. 50596 (pending).

Report for Calendar Year 2020

Annual reports for calendar year 2020 were required to be filed in Project No. 51890⁴ by no later than May 3, 2021.⁵ San Augustine filed its report on September 1, 2021.

On August 20, 2021, DICE staff contact San Augustine by electronic mail to inform the city that it had not filed its calendar year 2020 report and that DICE staff incorporated the violations into its investigation launched for the calendar year 2019 report. DICE staff required the city to file the 2020 report no later than September 10, 2021 to avoid further enforcement action. The city ultimately filed its calendar year 2020 report on September 1, 2021.

Report for Calendar Year 2021

Annual reports for calendar year 2021 were required to be filed in Project No. 52938⁶ by no later than May 2, 2022.⁷ San Augustine has not filed its report as of the date of this report.

On June 24, 2022, DICE staff contacted San Augustine by certified mail to inform the city of the investigation, to provide the city with an opportunity to remedy the deficiencies, to present an offer to resolve the deficiencies, and to notify the city of its right to request a hearing. San Augustine did not respond to the letter.

On August 19, 2022, DICE staff contacted San Augustine by certified mail a second time, informing the city that the investigation concluded the city had violated PURA and Commission rules, presenting an opportunity to negotiate a resolution to those violations, and notifying the city of its right to request a hearing. San Augustine did not respond to the letter.

Reports for Calendar Year 2022

Annual reports for calendar year 2022 were required to be filed in Project No. 54435⁸ by no later than May 1, 2023. San Augustine has not filed its report as of the date of this report.

Given its history of failing to file the reports on time and of failing to respond to DICE staff's 2022 certified mailings, DICE staff elected not to provide informal notice to the city of the investigation or to provide an opportunity to resolve the deficiencies through informal settlement negotiations.

⁴ 2020 Annual Reports for Line Inspection and Safety Pursuant to 16 Texas Administrative Code § 25.97(f), Project No. 51890 (pending).

⁵ 16 TAC § 22.4(a) requires a deadline that falls on a day the Commission is not open for business to be extended to the next day the Commission is open for business. In 2021, the Commission was not open on May 1; therefore, the deadline was extended to Monday May 3, 2021.

⁶ CY 2021 Annual Reports for Line Inspection & Safety in Pursuant to 16 TAC § 25.97(f), Project No. 52938 (pending).

⁷ In 2022, the Commission was not open on May 1; therefore, the deadline was extended to Monday May 2, 2022.

⁸ CY 2022 Annual Power Line Inspection & Safety Report in Pursuant to 16 TAC § 25.97(f), Project No. 54435 (pending).

V. VIOLATIONS

Based on the above statement of facts and applicable law, DICE concludes San Augustine has committed the following violations:

A. San Augustine violated PURA § 38.102(e) and 16 TAC § 25.97(f)(2) by not filing its calendar year 2019 by May 1, 2020.

San Augustine did not file its calendar year 2019 report until September 1, 2021, making it 488 days late.

B. San Augustine violated PURA § 38.102(e) and 16 TAC § 25.97(f)(2) by not filing its calendar year 2020 by May 3, 2021.

San Augustine did not file its calendar year 2020 report until September 1, 2021, making it 121 days late.

C. San Augustine violated PURA § 38.102(e) and 16 TAC § 25.97(f)(2) by not filing its calendar year 2021 by May 2, 2022.

As of the date of this report to the Commission, San Augustine had not filed its calendar year 2021 report at all, making it at least 441 days late.

D. San Augustine violated PURA § 38.102(e) and 16 TAC § 25.97(f)(2) by not filing its calendar year 2022 by May 1, 2023.

As of the date of this report to the Commission, San Augustine had not filed its calendar year 2022 report at all, making it at least 77 days late.

VI. RECOMMENDATION FOR ADMINISTRATIVE PENALTY

DICE recommends the Commission impose an administrative penalty against San Augustine in the amount of \$100 for each day a report was late. As of the date of this report to the Commission, San Augustine's reports were collectively 1,127 days late, bringing the total recommended penalty to \$112,700. Further, DICE recommends that the penalty increase by \$100 each day the city continues to disregard its obligation to file the required calendar year 2021 and calendar year 2022 reports.

16 TAC § 25.8(b)(1)(B) describes a Class C violation as a failure to file a report or provide information required to be submitted to the commission within the timeline required.⁹ Penalties for Class C violations cannot exceed \$1,000 per violation per day.¹⁰ The violations described in this report are Class C violations.

⁹ 16 TAC § 25.8(b)(1)(B)(i).

¹⁰ 16 TAC § 25.8(b)(1)(A).

The recommended administrative penalty amount is based on consideration of the penalty factors set forth in 16 TAC § 22.246:

1. The seriousness of the violation, including the nature, circumstances, extent, and gravity of a prohibited act and the hazard or potential hazard created to the health, safety, or economic welfare of the public

The annual reports were required by the Texas Legislature to provide the public with vital information about the safety of overhead electric facilities and to provide transparency to the public regarding any injuries related to those facilities. By consistently failing to provide the required information, San Augustine has caused a potential hazard to the health or safety of the public by denying the public access to this safety information.

2. Economic harm to property or the environment caused by the violation

DICE is unaware of any specific economic harm to property or the environment related to these violations.

3. History of previous violations

Not only has San Augustine continuously failed to provide the required annual reports, but the city also failed to timely file its training documents as required by PURA § 38.102(a) and 16 TAC § 25.97(d). San Augustine only filed its calendar year 2019 report, calendar year 2020 report, and training documents in response to several communications from Commission Staff.¹¹

4. The amount necessary to deter future violations

San Augustine failed to respond to DICE's two letters finding violations had occurred and offering to negotiate a resolution to the investigation. DICE recommends the Commission approve an administrative penalty as necessary to demonstrate that compliance with public safety and transparency regulations is crucial to the welfare of the state's residents.

5. Efforts to correct the violation

San Augustine has made no attempt to correct the violations. Despite Commission Staff's best efforts to assist the city through frequent formal and informal communication channels, the city has not taken responsibility to ensure it can reliably adhere to its regulatory obligations.

¹¹ See *Training Reports for Line Inspection and Safety Pursuant to TAC 25.97(d)*, Project No. 50595, AIS Item No. 212 (Sept. 1, 2021). The due date for the training reports was May 1, 2020, making San Augustine's filing 488 days late.

6. Any other matter justice may require

The Commission recently approved administrative penalties in similar cases.¹² The penalty amounts in those cases ranged between \$5,600 and \$10,000. DICE agreed to these lower penalty amounts because each of the utilities responded promptly to DICE's investigation letters, demonstrated a willingness to resolve the deficiencies quickly, and were cooperative during settlement conferences.

VII. STATEMENT RELATING TO SAN AUGUSTINE'S RIGHTS

Persons alleged to have committed a violation or continuing violation have a right to a hearing on the occurrence of the violation or continuing violation, the amount of the penalty, or both.¹³ Options available under Commission rules to resolve this matter include paying the penalty, requesting a settlement conference, or requesting a contested case hearing on the occurrence of the violation or continuing violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty.¹⁴

Written acceptance of the determination of violation and recommended penalty or a written request for a hearing must be received no later than 20 days after service of notice of the report on violations.¹⁵ Failure to timely respond to the notice will result in the Commission approving by order the determination of violation and recommended penalty.¹⁶

VIII. PROCEDURE

Commission Staff will give written notice of this report to San Augustine no later than 14 days after the report is issued.¹⁷ Simultaneous with the filing of its notice, Commission Staff will propose a procedural schedule for the Commission to consider.

¹² See, for example, *Agreed Report of Violation Relating to City of Burnet's Violations of PURA § 38.102(e) and 16 TAC § 25.97(f)(2), Related to Power Line Inspection and Safety*, Docket No. 53774, Final Order (Sept. 15, 2022); and, *Agreed Report of Violation Relating to City of Smithville's Violations of PURA § 38.102(e) and 16 TAC § 25.97(f)(2), Related to Power Line Inspection and Safety*, Docket No. 53776, Final Order (Oct. 6, 2022).

¹³ PURA § 15.024(d).

¹⁴ 16 TAC § 22.246(f)(2)(C)(iv).

¹⁵ PURA § 15.024(d).

¹⁶ PURA § 15.204(e).

¹⁷ 16 TAC § 22.246(f)(2)(A).

UA signed copy



Public Utility Commission of Texas

Annual Report

Required by 16 Texas Admin. Code § 25.97(f)

PROJECT NO. 52938

AFFECTED ENTITY: City of San Augustine CY 2021

General Information

Pursuant to 16 Texas Admin. Code § 25.97(f)(1), not later than May 1 of each year, each affected entity must submit this report for the preceding calendar year. The first report must be submitted not later than May 1, 2020.

Instructions

Answer all questions, fill-in all blanks, and have the report notarized in the affidavit. If you check no in part 1.a, leave parts 1.b-d blank.

Violations resulting from, and incidents, fatalities, or injuries attributable to a violation resulting from, a natural disaster, weather event, or man-made act or force outside of an affected entity's control are not required to be reported.

Affidavit

A representative of the affected entity must swear to and affirm the truthfulness, correctness, and completeness of the information provided by attaching a signed and notarized copy of the Affidavit provided with this form.

Filing Instructions

Submit four copies (an original and three copies) of the completed form and signed and notarized Affidavit to:

Central Records Filing Clerk
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
Telephone: (512) 936-7180

1. This part applies only to an affected entity that owns or operates overhead transmission facilities greater than 60 kilovolts.

a) Does this part 1 apply to you? Yes No

b) Provide the number of identified occurrences of noncompliance with Public Utility Regulatory Act (PURA) § 38.004 regarding vertical clearance requirements of the National Electrical Safety Code (NESC) for overhead transmission facilities.

N/A

c) Do you have actual knowledge that any portion of your transmission system is not in compliance with PURA § 38.004 regarding vertical clearance requirements of the NESC for overhead transmission facilities?

NO

d) Do you have actual knowledge of any violations of easement agreements with the United States Army Corps of Engineers relating to PURA § 38.004 regarding vertical clearance requirements of the NESC for overhead transmission facilities?

NO

2. This part applies to an affected entity that owns or operates overhead transmission facilities greater than 60 kilovolts or distribution facilities greater than 1 kilovolt.
- a) Provide the number of fatalities or injuries of individuals other than employees, contractors, or other persons qualified to work in proximity to overhead high voltage lines involving transmission or distribution assets related to noncompliance with the requirements of PURA § 38.004.

Zero (0)

b) Provide a description of corrective actions taken or planned to prevent the reoccurrence of fatalities or injuries described in subpart a), immediately above.

N/A

AFFIDAVIT

I swear or affirm that I have personal knowledge of the facts stated in this report or am relying on people with personal knowledge, that I am competent to testify to them, and that I have the authority to submit this report on behalf of the affected entity. I further swear or affirm that all statements made in this report are true, correct, and complete.

Signature

Printed Name

Job Title

Name of Affected Entity

Sworn and subscribed before me this ____ day of _____, ____.
Month Year

Notary Public in and For the State of _____.

My commission expires on _____.

unsigned copy



Public Utility Commission of Texas

Annual Report

Required by 16 Texas Admin. Code § 25.97(f)

PROJECT NO. 54435

AFFECTED ENTITY: City of San Augustine CY 2022

General Information

Pursuant to 16 Texas Admin. Code § 25.97(f)(1), not later than May 1 of each year, each affected entity must submit this report for the preceding calendar year. The first report must be submitted not later than May 1, 2020.

Instructions

Answer all questions, fill-in all blanks, and have the report notarized in the affidavit. If you check no in part 1.a, leave parts 1.b-d blank.

Violations resulting from, and incidents, fatalities, or injuries attributable to a violation resulting from, a natural disaster, weather event, or man-made act or force outside of an affected entity's control are not required to be reported.

Affidavit

A representative of the affected entity must swear to and affirm the truthfulness, correctness, and completeness of the information provided by attaching a signed and notarized copy of the Affidavit provided with this form.

Filing Instructions

Submit four copies (an original and three copies) of the completed form and signed and notarized Affidavit to:

Central Records Filing Clerk
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1. This part applies only to an affected entity that owns or operates overhead transmission facilities greater than 60 kilovolts.

a) Does this part 1 apply to you? Yes No

b) Provide the number of identified occurrences of noncompliance with Public Utility Regulatory Act (PURA) § 38.004 regarding vertical clearance requirements of the National Electrical Safety Code (NESC) for overhead transmission facilities.

N/A

c) Do you have actual knowledge that any portion of your transmission system is not in compliance with PURA § 38.004 regarding vertical clearance requirements of the NESC for overhead transmission facilities?

NO

d) Do you have actual knowledge of any violations of easement agreements with the United States Army Corps of Engineers relating to PURA § 38.004 regarding vertical clearance requirements of the NESC for overhead transmission facilities?

NO

- 2. This part applies to an affected entity that owns or operates overhead transmission facilities greater than 60 kilovolts or distribution facilities greater than 1 kilovolt.
 - a) Provide the number of fatalities or injuries of individuals other than employees, contractors, or other persons qualified to work in proximity to overhead high voltage lines involving transmission or distribution assets related to noncompliance with the requirements of PURA § 38.004.

Zero (0)

b) Provide a description of corrective actions taken or planned to prevent the reoccurrence of fatalities or injuries described in subpart a), immediately above.

N/A

AFFIDAVIT

I swear or affirm that I have personal knowledge of the facts stated in this report or am relying on people with personal knowledge, that I am competent to testify to them, and that I have the authority to submit this report on behalf of the affected entity. I further swear or affirm that all statements made in this report are true, correct, and complete.

Signature

Printed Name

Job Title

Name of Affected Entity

Sworn and subscribed before me this _____ **day of** _____, _____.
Month Year

Notary Public in and For the State of _____.

My commission expires on _____.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Central Records Filing
 PUC of Texas
 1701 N. Congress Ave
 P.O. Box 13826
 Austin, TX 78711-3326

2. Article Number

(Transfer from service label)

7008 3230 0002 8533 6091

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Francin Cottler*
 Agent
 Addressee

B. Received by (Printed Name)

Francisco Castellanos
 C. Date of Delivery
7-24-23

D. Is delivery address different from item 1?
 if YES, enter delivery address below: Yes No

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes



CITY OF SAN AUGUSTINE

301 SOUTH HARRISON
SAN AUGUSTINE, TX 75972
TEL: (936) 275.2121
FAX: (936) 275.9146

July 31, 2023

Mr. Barksdale English, Director
Division of Compliance and Enforcement
Public Utility Commission of Texas
1701 N. Congress Street
PO Box 13326
Austin, Texas 78711

Dear Sir:

REF: Docket No. 55221

I am contacting you today in reference to the above Docket No. for finding of violations against the City of San Augustine.

When I looked at the Statement of Facts section of the Report I see where Mr. John Camp, the City Manager prior to my appointment to this position filed reports in September 1, 2021 for Calendar Years 2019 and 2020. This date was exactly 23 days before he left the employment of the City of San Augustine.

Mr. Camp left notes, but unfortunately, this report was not mentioned in his transition notes. After looking through Mr. Camp's emails to you I see where he stated he was going to do a work order to avoid a missed deadline, this was not completed. And in addition, the lineman mentioned fell through as well and I have only as recently as the 17th of July finally hired two new apprentice linemen to begin the restructuring of our electrical department. The supervisor we currently have is not fluent in computer, so the reports are still being handled from the City Manager's office.

I was unaware that a Municipality had to file any reports with the Public Utility Commission of Texas. In addition, the contact information that was on file dated back three (3) City Manager's prior to Mr. Camp's employment. The contact information was completely outdated, no fault of the PUC.

Upon receiving the Notice of Violation, I immediately took action to locate what I needed to do to get the two (2) years needing to be reported done. This has been completed and submitted with me receiving the Certified Receipt that you have received the information.

The penalty against the City of San Augustine in the amount of \$112,700.00 would be a major stress on our current financial status. We are currently in the process of doing tree trimming and updates to one section of our electrical lines that will be a cost of close to \$284,000.00. This work is being done to help reduce line loss for the city and to pass this savings to our customers.

I am formally requesting a hearing on the violations against the City of San Augustine.

Please contact me with the next step in this process at the following contact information:

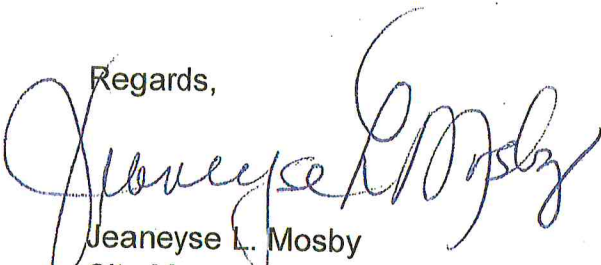
Jeaneyse L. Mosby, City Manager
301 South Harrison Street
San Augustine, Texas 75972

936-275-2121

Jeaneyse.Mosby@cityofsanaugustinetx.gov

Your consideration in this matter is greatly appreciated.

Regards,



Jeaneyse L. Mosby
City Manager

CC: via email

Ruby.Hicks@puc.texas.gov

Courtney.Dean@puc.texas.gov

Barksdale.English@puc.texas.gov

Interchange Filer - Filing Submitted

We have received your E-Filing. You will receive an E-Filing Confirmation email shortly, followed by an E-Filing Receipt email.

Once you receive the E-Filing Receipt - the second email - you are finished filing.

Please contact Central Records if you have any questions. Thanks!

Central Records
Public Utility Commission of Texas
centralrecords@puc.texas.gov (mailto:centralrecords@puc.texas.gov) | 512-936-7180

Tracking Number: PEKASGYW

Filing Submitted on **8/1/2023 12:11:02 PM**

Control Number 55221 REPORT ON CITY OF SAN AUGUSTINE; FINDING OF VIOLATIONS OF PURA § 38.102(e) AND 16 TEX. ADMIN. CODE § 25.97(f)(2), RELATING TO LINE INSPECTION AND SAFETY ANNUAL REPORTING

Filing Party Jeaneyse L. Mosby

Filing Type PROJECT

Description Hearing Request Letter Docket No. 55221

Documents Signed Hearing Letter Request.pdf

Addendum Included No

Submitted Jeaneyse Mosby
By 301 South Harrison Street
 San Augustine, TX 75972
 (936) 275-2121
 jeaneyse.mosby@cityofsanaugustinetx.gov
 (mailto:jeaneyse.mosby@cityofsanaugustinetx.gov)

An email confirmation has been sent to jeaneyse.mosby@cityofsanaugustinetx.gov. Please check your spam/junk folders.

Start a New filing (</filer/controlnumber/?Length=5>)



Filing Receipt

Filing Date - 2023-08-01 12:11:46 PM

Control Number - 55221

Item Number - 6

DOCKET NO. 55221

REPORT ON CITY OF SAN	§	PUBLIC UTILITY COMMISSION
AUGUSTINE; FINDING OF	§	
VIOLATIONS OF PURA § 38.102(e)	§	OF TEXAS
AND 16 TEX. ADMIN. CODE	§	
§ 25.97(f)(2), RELATING TO LINE	§	
INSPECTION AND SAFETY ANNUAL	§	
REPORTING	§	

JOINT MOTION FOR ABATEMENT

On July 17, 2023, the Staff of the Public Utility Commission of Texas (Commission) filed a report on the City of San Augustine, finding violations of PURA¹ § 38.102(e) and 16 Texas Administrative Code (TAC) § 25.97(f)(2), related to the filing of annual power line inspection and safety reports. On August 2, 2023, the City of San Augustine filed a request for hearing on the violations asserted in Commission Staff’s July 17, 2023 report.

I. MOTION FOR ABATEMENT

In Order No. 1, the Commission’s administrative law judge established a deadline for the City of San Augustine to request a hearing by August 18, 2023. The City of San Augustine’s request for a hearing was timely filed. Concurrent with the City of San Augustine’s filing of a request for a hearing, Commission Staff and the City of San Augustine conferred and Commission Staff is authorized to report that both parties to this proceeding are interested in pursuing a potential settlement of the matters at issue in this proceeding. Commission Staff, on behalf of itself and the City of San Augustine, respectfully requests that this proceeding be abated to allow time for the parties to pursue settlement negotiations before the matter is referred to the State Office of Administrative Hearings (SOAH).

II. CONCLUSION

Commission Staff, on behalf of itself and the City of San Augustine, respectfully requests that an order be issued granting the parties’ motion to abate the proceeding while the parties diligently work toward a settlement of all outstanding issues.

¹ Public Utility Regulatory Act, Tex. Util. Code §§ 11.001-66.017. (PURA)

Dated: August 11, 2023

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS

**DIVISION OF COMPLIANCE AND
ENFORCEMENT**

Barksdale English
Division Director

/s/Courtney Dean
Courtney N. Dean
State Bar No. 24116269
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7235
(512) 936-7268 (facsimile)
courtney.dean@puc.texas.gov

DOCKET NO. 55221

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on August 11, 2023 in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Courtney Dean
Courtney N. Dean

