

RESOLUTION NO. 404-02207

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, ADOPTING POLICIES AND PROCEDURES ESTABLISHING A COST SHARE PROGRAM TO REIMBURSE PROPERTY OWNERS FOR A PORTION OF THEIR COSTS FOR CERTAIN OAK WILT ABATEMENT MEASURES AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Garden Ridge ("City) is at risk of damage and loss of many of its trees should the spread of oak wilt remain unabated; and

WHEREAS, the City Council and the community are concerned about the spread of oak wilt disease and the negative effects on the environment and the threat to property values; and

WHEREAS, the City Council recognizes that the Texas Forest Service recommends trenching to halt the spread of oak wilt through interconnected root systems¹ and that trenching is critical to the successful abatement of oak wilt²; and

WHEREAS, the City Council recognizes that the recommended prevention and abatement measure of trenching is costly³ and that the availability of state and federal grant moneys have been significantly reduced; and

WHEREAS, the City Council believes that the most effective means for the control and abatement of oak wilt can be achieved through the partnership and cooperation of neighbors with each other in cost sharing measures to assist each other in abatement and preventative measures; and

WHEREAS, the City Council finds that the safety, health and welfare of the City requires action to avert a public calamity caused by the unabated spread of oak wilt throughout the City requires the expenditure of public funds⁴ in order to provide an essential service to all members of the Garden Ridge community; and

¹ See Texas Oak Wilt Project Suppression Project, 1988 – 2013, last visited Jan. 26, 2017, available at <http://texasoakwilt.org/2013/update-on-oak-wilt-suppression-project/>.

² *Id.*

³ See support materials provided for item 7(d) of the January 4, 2017, meeting of the Garden Ridge City Council meeting at <http://www.ci.garden-ridge.tx.us/AgendaCenter/ViewFile/Agenda/01042017-348>.

⁴ See article 3, section 51 of the Texas Constitution which reads: The Legislature shall have no power to make any grant or authorize the making of any grant of public moneys to any individuals, municipal or other corporations whatsoever; . . . provided that the provisions of this Section shall not be construed so as to prevent the grant of aid in cases of public calamity. (Emphasis added). Tex. Att'y Gen. Op. LA-144 (1977).

WHEREAS, the City Council finds that establishing a cost share program to reimburse property owners for a portion of their costs for certain abatement measures is a sound public purpose; and

WHEREAS, the City Council finds that assisting residence in their efforts to abate oak wilt in order to avert a public calamity requires the adoption of a policy establishing the parameters of a reimbursement program is necessary.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF GARDEN RIDGE, COMAL COUNTY, TEXAS, THAT:

Section 1. Findings. The findings set out herein are found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes.

Section 2. Reimbursement Program. The following shall be considered the City of Garden Ridge's policy regarding the establishment of a cost share program to reimburse property owners for a portion of their costs for certain oak wilt abatement measures:

OAK WILT COST SHARING PROGRAM

Policy and Purpose: The City of Garden Ridge shall establish a program designated for the sole purpose of reimbursing residents for a portion of approved oak will abatement expenses. The intent of this policy is to provide assistance to residents who diligently worked to abate oak wilt on or near their property and that have complied with Oak Wilt Ordinance No. 71-112016. The procedures shall be followed to ensure the proper controls are in place to achieve the City's declared public purpose of averting a public calamity caused by the unabated spread of oak wilt throughout the City.

General Regulations:

1. The City Council shall establish funds each fiscal year to administer the program and such funds shall appear in the annual budget as a separate line item.
2. Reimbursement amounts will be set annually and will be dependent on the amount of funding available.
3. The program is strictly limited to City of Garden Ridge property owners or residents.
4. Funds are strictly limited to residents showing proof of compliance with Oak Wilt Ordinance No. 71-112016.
5. Reimbursement is limited to costs associated with trenching abatement measures. No funds will be authorized for any other form of abatement measures.

6. Only one request per resident or property owner shall be processed for reimbursement.
7. The maximum reimbursement for trenching abatement measures is capped at the lesser of fifty per cent (50%) or ten thousand dollars (\$10,000.00) per event with a pro rata allocation to plan participants.
8. Priority of reimbursement will be determined in consultation with the Texas Forestry Service and available funding.

Submission of Reimbursement Request:

1. Requests for reimbursement must be submitted on the City's form or by email containing the same information required by the form.
2. Provide written documentation showing compliance with section 3 of Ordinance No. 71-112016.
3. Provide written documentation showing cost of trenching and proof of payment for trenching services.

Administrative Review:

1. Upon receipt of a request for reimbursement, the City Administrator or appointed designee shall review to ensure all required information has been provided.
2. The City Administrator may request additional information as needed to ensure compliance with policy requirements.
3. Failure to provide all required information will result in the closure of the request and no funds shall be disbursed to the Requestor.

Section 3. Requests shall be submitted to Garden Ridge City Hall at 9400 Municipal Parkway, by fax to 210-651-9638 or by email to administrator@ci.garden-ridge.tx.us. No request will be taken by phone. For questions call 210-651-6632.

Section 4. Information regarding the Texas Forest Service Cooperative Oak Wilt Suppression Project technical guidelines is available on the City's website at <http://www.ci.garden-ridge.tx.us/> and <http://texasoakwilt.org/>.

Section 5. This Resolution takes effect immediately upon passage and shall be retroactive to January 1, 2017.

PASSED AND APPROVED this 1st day of March, 2017.



JOHN MCCA W, MAYOR PRO TEM

ATTEST:



SHELLEY GOODWIN, CITY SECRETARY