

BOARD OF DIRECTORS MEETING  
NOVEMBER 16, 2018, 1:00 P.M.  
MCLENNAN COUNTY APPRAISAL DISTRICT  
315 S. 26<sup>TH</sup> STREET  
WACO, TEXAS 76710

**AGENDA**

MEETING CALLED TO ORDER

**BUSINESS SESSION**

**ITEMS REQUIRING BOARD ACTION**

1. REVISED MINUTES OF JULY 25, 2018, AND MINUTES OF OCTOBER 31, 2018, MEETING.
2. BOARD TO CONSIDER RENEWING CONTRACT WITH LOW, SWINNEY, EVANS & JAMES, PLLC., FOR 2019.
3. BOARD TO CONSIDER LINE ITEM CHANGES.

**DISCUSSION ITEMS**

**PUBLIC COMMENT**

**MANAGEMENT AND COMMITTEE REPORTS**

**EXECUTIVE SESSION**

(NOTE FOR THIS ITEM: THE BOARD OF DIRECTORS WILL BE IN CLOSED SESSION FOR THIS ITEM)

- a. THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF AN OFFICER OR EMPLOYEE, SUPERVISOR, CHIEF APPRAISER (TEX. GOVT. CODE SEC.551.074)(A)
- b. A PRIVATE CONSULTATION WITH THE BOARD'S ATTORNEY ON MATTERS 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 CLEARLY CONFLICTS WITH THE OPEN MEETINGS ACT OR PENDING OR CONTEMPLATED LITIGATION, AS AUTHORIZED BY LAW (TEX. GOVT. CODE SECTION 551.071, 2012-3723-5 WALGREEN COMPANY, 2013-3711-4 HOLLYWOOD THEATRES, 2014-3244-5 BRAUDAWAY ENTERPRISE, LLC. , 2014-3248-4 SMV WACO GREENVIEW, 2014-3249-5 GRAYHAWKSDENE LP, 2014-3858-5 LAKESHOREPARTNERSLP, 2015-3286-5 BUENGER O C 2015-3519-4 DWIGHTS DISCOUNT VACUUM, 2015-3527-5 BIG DIAMOND LLC, 2015-3573-5 2509 LAKESHORE PARTNERS LP, 2015- 3665-5 CHICK-FIL-A INC, & GANDER MOUNTAIN CO, INC, 2016-2942-4 DHRUVKISH PARTNERS LTD, 2016-2945-3 BDR WACO INVESTMENTS INC, 2016-3002- 5 BRAZOS CONDOS I LP, 2016-3003-4 BRAZOS RIVER PARTNERSHIP, 2016-3004-4 WESTDALE PROPERTIES, 2016-3135- 5 CHICK FIL A , INC, 2016-3159-5 INDIAN RIDGE LLC & PECAN CREEK PARTNERSHIP LTD, 2016-3387-4 2509 LAKESHORE PARTNERS LP, 2016-3390-4 BIG DIAMOND, 2016-3532-4 MARS CHOCOLATE NORTH AMERICA LLC, 2016- 3533-4 WRIGLEY MANUFACTURING, 2016-3581-5 WOODHOLLOW ASSOCIATES LP, 2017-2501-5 BRAZOS RIVER PARTNERSHIP THREE L.P AN ENTITY, 2017-2519-4 BRAZOS RIVER PARTNERSHIP ONE L.P. A LIMITED PARTNERSHIP, 2017-2502-4 WESTDALE HERITAGE LTD A LIMITED PARTNERSHIP, 2017-2513-5 H E BUTT GROCERY CO AND HEB BEVERAGE CO LLC, 2017-2518-3 BRAZOS CONDOS I LP A LIMITED PARTNERSHIP, 2017-2624-4 J C PENNEY CORPORATION, 2017-2658-4 WRIGLEY

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MANUFACTURING, 2017-2659-4 MARS CHOCOLATE NORTH AMERICA LLC, 2017-2663-4 2509 LAKESHORE PARTNERS LP, 2017-2709-4 AMERICAN MULTI- CINEMA INC, 2017-2738-5 DCII-700 AUSTIN AVENUE LLC AN ENTITY, 2017-2758-5 POP HOLDINGS LP, 2017-2847-4 BEN E KEITH COMPANY, 2017-3035-4 11TH STREET FLATS LLC, 2017-3163-3 H.E. BUTT GROCERY CO AND HEB GROCERY COMPANY LP, , 2017-3166-5 BIG DIAMOND INC AND NTI DROP ONE LLC, 2017-3170-5 MAJ PARTNERS LTD, 2017-3212-5 JOSEPH G BEARD AND SHERRY BEARD, 2017-3537-5 CVS AS LESSEE, 2017-3654-5 WI- ERI WACO H PROPERTY L. P. , 2017-3653-5 WI-ERI WACO CY PROPERTY L.P. , 2018-2478-4 2509 LAKESHORE PARTNERS LP, 2018-2632-4 HARVEST LAKESHORE ESTATES RETIREMENT RESIDENCE LLC, 2018-2665-4 WALGREENS CO. AS LESSEE, 2018-2695-4 HOLLYWOOD THEATERS INC, 2018-2764-4 WAL-MART REAL ESTATE BUSINESS TRUST EAST OP AND TEXAS LLC AS LESSEE, 2018-2765-4 WAL-MART REAL ESTATE BUSINESS TRUST, 2018-2797-5 EIRREK RTT LLC, 2018-2782-4 GRAYHAWKESDENE LP, 2018-2792-5 WRIGLEY MANUFACTURING, 2018-2791-3 MARS CHOCOLATE NORTH AMERICA LLC, 2018-2882-3 BIG DIAMOND INC AND NTI DROP ONE LLC, 2018-2909-4 AVATAR FRONTERA WACO LLC, 2018-2971-4 WACO OSOVERDE LP, 2018-2948-4 BELLTEX ASSETS III TINSLEY LLC, 2018-2940-3 CPC WACO LLC AND CPC WACO II LLC, 2018-2987-4 WACO VILLAGE PARTNERS LLC, 2018-3100-4 CATERPILLAR INC AND CATERPILLAR WORK TOOLS INC, 2018-3031-5 ORION BAY LLC, 2018-3029-4 S2S DOMAIN WACO ASSOCIATES LLC, 2018-3128-5 CHICK FIL A SEVER, 2018-3269-5 CHICK FIL A AS OWNER AND LESSEE, 2018-3072-5 WILLIAM GEORGE SCHROEDER, 2018-3289-5 HTA HILLCREST MOB 1 AND MOB 2 LLC AN ENTITY, 2018-3330-5 SOLIS MANAGEMENT COMPANY, 2018-3319-5 PROGRESSIVE INNS LLC, 2018-3368-5 POP HOLDINGS LP, 2018-3335-3 WREN INTERESTS INC A TEXAS CORPORATION, 2018-3320-4 SPRING WACO LP, 2018-3409-5 SAMS CLUB EAST INC AND WALMART STORES EAST LP, 2018-3413-4 WALMART STORES EAST LP, 2018-3419-4 SMART STOPS LIMITED PARTNERSHIP, 2018-3424-5 BUTT H E GROCERY CO AND HEB GROCERY COMPANY LP, 2018-3440-4 STEVEN O'CONNOR , 2018-3485-4 CSMC 2007 C1 WOODWAY DR LLC, 2018-3482-5 MAJ PARTNERS LTD, 2018-3447-4 AMERICAN MULTI CINEMA INC, 2018-3481-4 Z Z & Z PROPERTIES LTD, 2018-3476-4 TENNYSON ARMS LLC, 2018-3484-5 PRASITI 415 OWEN LANE LLC, 2018-3451-5 ASPEN HEIGHTS WACO PROJECT LTD, 2018-3464-4 UPPER LEVEL ACQUISITIONS II LLC , 2018-3456-4 PROJECT COUNTRY PLACE LTD, 2018-3480-4 TRUE ORCHIDS OF TEXAS LLC, 2018-3483-3 PRASITI 5000 SANGER AVE LLC, 2018-3490-5 TTHFD INVESTMENTS LLC, 2018-3502-5 D & F MARTIN FAMILY PARTNERS LTD, 2018-3504-4 JBC 2028 LLC, 2018-3505-5 TEXAS E CREST LTD, 2018-3506-3 TX SHERMAN MANOR APTS LTD, 2018-3507-4 BRAZOS PARK APARTMENTS LTD, 2018-3538-5 RICHLAND SPRINGS LLC, 2018-3567-5 NATIONAL RETAIL PROPERTIES LP AN ENTITY, 2018-3617-3 LCS DELANEY VENTURE I LLC, 2018-3831-5 SANDY CREEK ENERGY ASSOCIATES LP, .

**BUSINESS SESSION (CONTINUED)**

**OTHER ITEMS**

1. ACTION ON ITEMS DISCUSSED IN CLOSED SESSION.
2. SET NEXT MEETING DATE AND AGENDA ITEMS.
3. ADJOURNMENT.

McLENNAN COUNTY APPRAISAL DISTRICT  
BOARD OF DIRECTORS MEETING  
July 25, 2018 9:00 A.M.  
McLennan County Appraisal District  
315 S. 26<sup>th</sup> St.  
Waco, TX 76710

The Board of Directors of the McLennan County Appraisal District met at 9:00 a.m. on Wednesday, July 25, 2018, at the McLennan County Appraisal District, 315 S. 26th St., Waco, TX 76710. The notice of such meeting was duly posted by 5:00 p.m., July 20, 2018.

The members present for the meeting were: Mr. John Kinnaird, Mr. Randy Riggs, Mr. Tom Pagel, Mr. Ben Perry and Mrs. Mildred Watkins. Also present at the meeting were Mr. Robert Meyers, Mr. Andrew Hahn, Mr. Joe Bobbitt, Ms. Erin O'Brate and Mrs. Betty Sanchez. Mr. Allen Sykes was not present.

John Kinnaird called the meeting to order at 9:02 a.m.

Items for Board Action:

Item #1 Minutes of the May 30, 2018 meeting were approved as submitted.

Item #2 Public Hearing for the 2019 Budget: John Kinnaird opened the Public Hearing. There were no public comments. Meeting was closed.

Item #3 Board to review and approve 2019 Budget: Joe Don Bobbitt went over some minor changes due to miscalculations. Randy Riggs expressed concerns regarding legal costs. John Kinnaird said there is enough in Reserve if costs exceed budget. Ben Perry motioned to approve 2019 Budget. Mildred Watkins seconded. No opposition. Motion passed.

Item #4 Board to consider TCDRS plan rate for 2019: Andrew Hahn presented 2019 TCDRS Plan to Board. Plan is 91.1% funded. MCAD Employees to put 7% into plan, MCAD to match at 13%. \$30k contribution to be made towards TCDRS Fund balance. Tom Pagel motioned to approve TCDRS Plan for 2019. Ben Perry seconded. No opposition. Motion passed.

Item #5 Board to consider changes to MCAD security regarding employee policy, budget, and/or interlocal agreement: Joe Don Bobbitt presented estimates for MCAD security from current guard company, Waco PD, McLennan County Sheriff and security training for current MCAD employees. Board asked how big the security risk is. Joe Don Bobbitt gave a couple of examples of incidents requiring security during ARB season. Board discussed and suggested that we use our current security company and start services when notices go out. If more risks arise in the future, this issue will be discussed further. No actions taken on this item.

Item #6 Board to consider changes to Employee Handbook policies: Joe Don Bobbitt explained the changes are to address personal relationships in the workplace. Andrew Hahn explained there was a formal investigation performed regarding complaints and rumors within the workplace. The final report from the investigator was there was no proof of any wrong doing by any MCAD employee with regards to the complaints. Board suggested entire MCAD Employee Policy be reviewed and/or updated by Peter Rusek. No action was taken

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on this item.

Discussion Items:

Item #1 Review and discuss Interim Financial Reports: Andrew Hahn presented Financials for December 2017 – May 2018. No discussion.

Public Comment: Dennis DeGraff, Kent Hodek, Dale Townsend, Marvin Steakley.

Management and Committee Reports:

Item #1 Taxpayer Liaison Report: Betty Sanchez presented. David Mark Vestal had a complaint regarding customer service. He did not respond to emails asking if he wanted to address the Board. Richard Ott filed a complaint that his pictures were not presented to ARB correctly. Betty Sanchez called him several times asking if he wished to address the Board. Line was busy each time. Keven Steverson filed a complaint against Erin O'Brate. He said she was rude and incompetent and wanted the complaint to go on her permanent record. Joe Don Bobbitt investigated complaint and listened to the phone call. He determined Erin O'Brate was not rude to the tax payer. There were some errors transferring his call which upset Keven Steverson. Christine Judy filed a complaint against ARB member Dennis DeGraff for insolence and discrimination on the basis of sex. She requested he be removed from the ARB panel, give her a formal apology via email or phone. ARB Chairperson emailed her to discuss complaint. She did not respond. Betty emailed her and asked if she wanted to address the board. She responded that she needed to discuss with husband but never contacted Betty Sanchez again. Sabrina Onalaja called to complain about remarks made by ARB member Stephen Corwin. She did not send a written complaint so Betty Sanchez did not report the details of the complaint. John Kinnaird asked if the complaint was recorded via phone. Betty said yes it was. John Kinnaird said to send the recording to Judge Strother to listen to and interpret complaint as he saw fit. John Kinnaird stated that all complaints of the ARB need to be sent to Judge Strother and should contain the complaint, interpretation from MCAD, and actual meeting and/or telephone recordings.

ARB Chairperson Marvin Steakley addressed the Board. He wanted to commend MCAD for a good job this ARB season. Marvin Steakley stated that all elected officials within McLennan County should attend an ARB Hearing to hear what their Constituents are saying.

Item #2 Chief Appraiser Update: Andrew Hahn presented various MCAD updates such as litigation, ARB, MCAD Office property upgrades and other miscellaneous items. He also explained a coding error and computer glitch which caused Preliminary Values on some entities to be off approximately \$40 million. Andrew Hahn has gotten with the software company to investigate and correct the glitch. He also wants to gather all Entities together and explain the Preliminary Value reports. Andrew Hahn stated that each Entity is told when Preliminary Values are sent to them, not to rely heavily on the Preliminary Values and to wait until Certification to make any major decisions or figure their tax rates.

Executive Session: Board went into Executive Session at 9:58 am. Executive Session adjourned at 10:25 am. No action taken on items discussed in Executive Session.

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The next meeting date: Circulate some dates to BOD members and a decision will be made at a later time.

There is no other business to come before the board; the meeting adjourned at 10:26 a.m.

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Allen Sykes, Secretary

McLENNAN COUNTY APPRAISAL DISTRICT  
BOARD OF DIRECTORS MEETING  
October 31, 2018 9:00 A.M.  
McLennan County Appraisal District  
315 S. 26<sup>th</sup> St.  
Waco, TX 76710

The Board of Directors of the McLennan County Appraisal District met at 9:00 a.m. on Wednesday, October 31, 2018, at the McLennan County Appraisal District, 315 S. 26th St., Waco, TX 76710. The notice of such meeting was duly posted by 5:00 p.m., October 26, 2018.

The members present for the meeting were: Mr. Allen Sykes, Mr. Randy Riggs, Mr. Ben Perry and Mrs. Mildred Watkins. Also present at the meeting were Mr. Robert Meyers, Mr. Andrew Hahn, Mr. Joe Don Bobbitt, Mrs. Lisa Gonzalez and Mrs. Betty Sanchez. Mr. John Kinnaird and Mr. Tom Pagel were not present.

Allen Sykes called the meeting to order at 9:01 a.m.

Items for Board Action:

Item #1 Minutes of the July 25, 2018 meeting were reviewed: Suggested changes to the Minutes made by Randy Riggs and Allen Sykes were as follows: Use correct tense, use full names and be consistent throughout body of Minutes. Allen Sykes will sign corrected Minutes, if approved, at next meeting.

Item #2 Board to review recommendations for 2019 Benefits: Shane Baker presented. Everything stayed the same with both the buy up and base plan with the exception of the out of pocket maximums. Board discussed. Ben Perry motioned to approve the BCBS Renewal. Mildred Watkins seconded. No opposition. Motion passed.

Item #3 Board to consider renewing contract with MVBA for legal services for 2019: Andrew Hahn presented. There were no new changes from previous year's contract. Mildred Watkins motioned to renew the contract with MVBA. Ben Perry seconded. No opposition. Motion passed.

Item #4 Board to consider engagement letter with Patillo, Brown, & Hill for the 2019 Financial Audit: Andrew Hahn presented. With the exception of a small fee increase, contract remained unchanged from last year's contract. Ben Perry motioned to approve contract with Patillo, Brown & Hill for the 2019 Financial Audit. Mildred Watkins seconded. No opposition. Motion passed.

Item #5 Board to consider renewing contract with Low, Swinney, Evans & James, PLLC for 2019: Allen Sykes suggested to table this item until the next meeting when full board is present. Ben Perry motioned to defer. Mildred Watkins seconded to defer. No opposition. Motion to defer passed.

Item #6 Board to consider engagement letter with JRBT for 2019: Andrew Hahn presented. With the exception of a small fee increase, contract remained unchanged from last year's contract. Board discussed. Ben Perry motioned to approve contract with JRBT for 2019. Allen Sykes seconded. No opposition. Motion passed.

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Item #7 Board to consider Resolution 2018-6 to commit excess funds from the 2018 budget for future expenses: Board discussed. Ben Perry motioned to approve resolution. Mildred Watkins seconded. No opposition. Motion passed.

Item #8 Board to consider line item changes: Joe Don Bobbitt presented. The differences in the line item changes and changing lawn services and janitorial services to be under building maintenance was explained. Board discussed. Ben Perry motioned to approve line item changes as presented. Mildred Watkins seconded. No opposition. Motion passed.

Discussion Items:

Item #1 Review and discuss Interim Financial Reports: Andrew Hahn presented Financials from June 2018 – September 2018 and answered questions.

Public Comment: None

Management and Committee Reports:

Item #1 Taxpayer Liaison Report: Betty Sanchez presented. Jay Wortham filed a complaint regarding removal of Ag Use, which caused him to have to pay higher taxes. James Newton filed a complaint against the Appraisal Review Board and the District. James Newton presented this information to the board, indicating that he was not able to attend the hearing, His brother presented information for him. James Newton was given information on how the Appraisal Review Board members were selected. He was told they were appointed by Judge Strother. He was also notified that all complaints are handled by the Comptroller's Office. Jo Ann Kern filed a complaint against MCAD for removal of AG Use for 2017. Sharon Werne filed a complaint against the Appraisal Review Board, Charles Reed in particular. Sharon Werne presented to the Board of Directors. It was discussed and the Board, along with the District, let her know what the ARB Board selection process was. Also, Sharon Werne was informed of the complaint process handled by the Comptroller. The Board thanked both Sharon Werne and James Newton for bringing the complaints to their attention and the manner in which they presented their complaints. Betty Sanchez stated that ARB members Belen Ruiz and Marvin Steakley will not be returning next year.

Item #2 Chief Appraiser Update: Andrew Hahn presented various MCAD updates such as arbitration, lawsuits, training and education and open records request.

Executive Session: Allen Sykes suggested no Executive Session until the next meeting.

Action on items discussed in closed session: No executive session.

The next meeting date: Circulate some dates to BOD members and a decision will be made at a later time.

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Waco, TX 76710

There is no other business to come before the Board; the meeting adjourned at 10:21 a.m.

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Allen Sykes, Secretary

**CONTRACT FOR LEGAL REPRESENTATION**

THE STATE OF TEXAS           §  
  §  
COUNTY OF MCLENNAN       §

THIS CONTRACT is made and entered into by and between the **McLennan County Appraisal District** (the “Appraisal District”), acting herein by and through its governing body, and **Low Swinney Evans & James, PLLC** (the “Firm”), 623 S. Baker Circle, Leander, Texas 78641.

I.

The Appraisal District employs the Firm to advise and represent the Appraisal District in matters pertaining to property tax law, and specifically in litigation filed against the Appraisal District under Chapter 42 of the Texas Property Tax Code, and as referred to the Firm by the District’s Chief Appraiser.

II.

Fees for professional services rendered by the Firm pursuant to this contract shall be earned on an hourly basis. The fee shall be One Hundred Seventy-Five dollars (\$175.00) for every hour of legal consultation and legal representation rendered to the Appraisal District. Paralegal time shall be billed at Forty dollars (\$40.00) per hour, and law clerk time at Sixty dollars (\$60.00) per hour. The Appraisal District agrees to reimburse the Firm for reasonable and necessary travel expenses incurred by the Firm in representation of the Appraisal District. Travel time will be charged as if the Firm were located in the county seat of the Appraisal District. The Firm shall invoice the Appraisal District each month for professional fees earned and travel reimbursements due as provided by this contract.

III.

The Appraisal District agrees to furnish all necessary information to the Firm on all property within the boundaries of the Appraisal District as required.

IV.

Costs for necessary fee appraisals, expert witnesses, depositions, and the preparation of records required for review, litigation, costs of trial, or appeal of any matter to the Appraisal Review Board, the District Court, the Court of Appeals, or the Supreme Court will be the responsibility of the Appraisal District.

V.

This contract shall begin on \_\_\_\_\_, 2018, and shall continue in full force and effect, from year to year. Each party shall have the right to review or to terminate this contract upon delivery of thirty (30) days written notice of such intention with a statement of the cause or reasons for such termination. In the event that the Firm is representing the Appraisal District in a litigation and the Firm is not allowed by the court to withdraw from representation in that litigation, this contract shall continue through the duration of that litigation for purposes of that litigation only.

VI.

This contract is executed on behalf of the Appraisal District by the Chairman of its Board of Directors who is authorized to execute this instrument by order heretofore passed and duly recorded in the minutes of the Board of Directors. Based upon the terms contained herein, the Firm accepts employment.

WITNESS the signatures of all parties hereto this the \_\_\_\_ day of \_\_\_\_\_, 2018, McLennan County, Texas.

MCLENNAN COUNTY APPRAISAL DISTRICT

By: \_\_\_\_\_  
Chairman of the Board of Directors

By: \_\_\_\_\_  
Andrew Hahn, Chief Appraiser

LOW SWINNEY EVANS & JAMES, PLLC

By: \_\_\_\_\_  
Kirk Swinney

**MCLENNAN COUNTY APPRAISAL DISTRICT**

NOVEMBER 16, 2018

LINE ITEM CHANGES TO THE 2018 & 2019 BUDGET

| <b>2018 BUDGET</b> |                              | <b>CURRENT BUDGET</b> | <b>ADJUSTMENT</b> | <b>ADJUSTED</b> |   |
|--------------------|------------------------------|-----------------------|-------------------|-----------------|---|
|                    |                              | <b>AMOUNT</b>         | <b>AMOUNT</b>     | <b>BUDGET</b>   | <b>REASON</b>   |
|                    |                              |                       |                   | <b>AMOUNT</b>   |   |
| 4020               | REVENUE FROM TAXING ENTITIES | \$ 4,626,143.00       | \$ (385,852.93)   | \$ 4,240,290.07 | REIMBURSED 2017 EXCESS FUNDS IN 4TH QTR-ACCT ENTRY TO SHOW REFUND |
| <b>2019 BUDGET</b> |                              |                       |                   |                 |   |
| 5601               | DEBT SVC INT-BLDG-CAP 1      | \$ 46,736.00          | \$ (1.00)         | \$ 46,735.00    | CORRECT ROUNDING ISSUE W/2019 BUDGET                              |