

MEMORANDUM

To: City of Kress Council

From: Johnny Taylor Mayor

Date: May 19, 2026

Subject: Design Requirements for the City's New Fire Department Building

Purpose

To summarize the state law requirements for designing our new fire department facility.

Summary

Yes, we must hire a **licensed architect** and **licensed professional engineers** to design the new fire station. This is required by Texas law for public buildings like this one.

Architect Requirement

Under Texas law, any new public building with a construction cost over **\$100,000** must have its plans and specifications prepared by a licensed architect. A fire station is a public building, and our project will almost certainly exceed \$100,000. The architect must put their official seal on the drawings.

Engineer Requirement

Separate state rules (Texas Occupations Code Chapter 1001) require licensed professional engineers for the technical parts of the building, such as:

- Structural (foundation, walls, roof)
- Mechanical (HVAC, heating & cooling)
- Electrical
- Plumbing
- Other building systems

These engineering requirements kick in at **much lower costs** than the architect rule:

- \$8,000 or less for projects involving mechanical or electrical work
- \$20,000 or less for projects that do not

A new fire station will easily exceed these limits, so engineers are required too.

Can We Avoid These Requirements?

Making the project very small (under \$8,000-\$20,000 total) is not realistic for a functional fire department building. Splitting the project into phases usually does not remove the requirement.

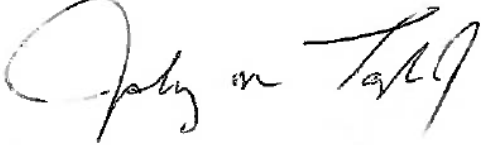
Recommendation

We should plan the project with a licensed architect and the appropriate licensed engineers from the start. This will help us meet all state requirements, avoid permitting or legal problems, and ensure the building is safe and properly designed.

As recommended by the Texas Municipal League, we should also discuss the final details with the City Attorney.

Please let me know if you have any questions or would like me to provide more details.

Thank you,

A handwritten signature in black ink, appearing to read "Johnny Taylor". The signature is written in a cursive style with a large initial "J" and "T".

Johnny Taylor

Mayor City of Kress

MEMORANDUM

To: Honorable Members of the City Council

From: Johnny Taylor, Mayor

Date: May 19, 2026

Subject: Responsibility for Compliance with Texas Occupations Code Requirements for the New Fire Department Facility

Purpose

This memo summarizes who would be responsible and the potential penalties if the City proceeds with construction of the new fire department building without architectural and engineering plans prepared and sealed by licensed professionals, as required by state law and outlined in the attached email from the Texas Municipal League.

Legal Requirements

Under Texas Occupations Code § 1051.703, architectural plans and specifications for a new public building (such as a fire department facility) with construction costs exceeding \$100,000 must be prepared by a licensed architect, who must affix their seal to each drawing and specification. Texas Occupations Code Chapter 1001 similarly requires licensed professional engineers to design and seal structural, mechanical, electrical, plumbing, and other building systems.

Public officials responsible for issuing building permits **may not accept plans lacking the required professional seals** (Tex. Occ. Code § 1001.402).

Responsibility if the Project Moves Forward Without Compliance

In our **Texas general-law municipality with a strong-mayor form of government**, the **City (as a municipal corporation)** bears primary legal responsibility for ensuring compliance on its own public projects. Key roles include:

- **The Mayor (Chief Executive):** As the chief executive officer, the Mayor has direct administrative oversight of city operations, including capital projects, department heads (e.g., Public Works, Building Official, Fire Chief), budgeting, and contract execution (Local Government Code §§ 22.037, 22.042). The Mayor is responsible for ensuring that city projects follow state law before construction

begins. Proceeding without compliance would place **primary operational and executive responsibility** on the Mayor.

- **City Council (Governing Body):** The Council holds legislative authority, including approving budgets, authorizing projects, and adopting policies. The Council shares collective responsibility for project approval and oversight.
- **Building Officials and Staff:** The Building Official or plan reviewer who accepts non-compliant plans violates state enforcement provisions and risks disciplinary action from the Texas Board of Architectural Examiners (TBAE) or Texas Board of Professional Engineers and Land Surveyors (TBPELS).
- **The Municipality Overall:** The City could face project delays, invalidated permits, safety or liability issues (if defects arise), challenges to occupancy/use of the building, or enforcement actions.

Contractors or unlicensed designers could also face penalties for unlicensed practice, but the **City's permitting process** serves as the primary gatekeeper.

Potential Penalties for Non-Compliance

- **Unlicensed Practice of Architecture or Engineering:** A Class A misdemeanor punishable by fines of \$250 to \$1,000 **per day** of violation (Tex. Occ. Code § 1051.801 for architecture; § 1001.552 for engineering).
- **Administrative Penalties (via TBAE or TBPELS):** Up to **\$5,000 per violation** (or per day in some cases) for unlicensed practice, improper sealing, or related violations. Additional sanctions can include cease-and-desist orders, license suspension/revocation (for licensed professionals), or reprimands.
- **Building Officials / City Staff:** Public officials accepting non-sealed plans risk enforcement actions from the licensing boards, including fines and professional repercussions. Cities have faced investigations and agreed resolutions in past cases.
- **City / Officials:** While sovereign immunity offers some protection against civil lawsuits, non-compliance can lead to project invalidation, increased liability for defects, reputational damage, and potential removal proceedings for malfeasance in extreme cases.

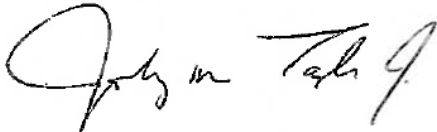
Recommendation

I strongly recommend that we do not proceed with the project without full compliance. We should engage licensed architects and engineers immediately, ensure all plans and specifications bear the proper seals, and process the project through formal permitting.

This issue will be placed on the agenda for discussion at the next Council meeting. Please let me know if you have any questions in the meantime.

Respectfully,

Johnny Taylor

A handwritten signature in black ink that reads "Johnny Taylor". The signature is written in a cursive style with a large initial "J" and "T".

Mayor

City of Kress, Texas