



CITY COUNCIL MEETING REGULAR SESSION

Tuesday, June 18, 2024 at 6:00 PM

City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas

AGENDA

BE IT KNOWN that the City Council of the City of Sweeny will meet in **Regular Session** on **Tuesday, June 18, 2024 at 6:00 PM.** at City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas with the following agenda. Council is conducted under modified Roberts Rules of Order as approved by Resolution 102-16; July 19, 2016. In accordance with Chapter §551 of the Texas Government Code, if required, the Council may conduct an executive session on any of the agenda items provided the City Attorney is present.

CALL TO ORDER/ROLL CALL

PLEDGES & INVOCATION

CITIZENS WISHING TO ADDRESS CITY COUNCIL

This item is available for those citizens wishing to address City Council on an issue not on the agenda. Any item discussed cannot be voted on but could be considered for placement on the agenda of the next regularly scheduled meeting. Limited to three (3) minutes.

CEREMONIAL PRESENTATIONS

1. Beautification's Yard of the Month; Mike Maretko on Azalea Street

CONSENT AGENDA

All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless requested by the Mayor or a Council Member; in which event, the items will be removed from the consent agenda and considered separately.

- [2.](#) Minutes: Regular Session, May 21, 2024 and Special Session, May 28, 2024
- [3.](#) Gas Compliance Update
- [4.](#) Proclamation: Honoring Ms. Tena Simien; 100th Birthday

REGULAR AGENDA

- [5.](#) Discussion and possible action to select a vendor for a grant writing professional services agreement for the Resilient Communities Program through the Texas General Land Office - Community Development and Revitalization.
- [6.](#) Discussion and possible action for usage of City property; Lions Club

- [7.](#) Discussion and possible action to reduce the number of board members on the Parks and Recreation Board.
- [8.](#) Discussion and possible action on follow up of requested item to discuss status of property located at 1301 Avenue A, per Council Member Pettigrew.
- [9.](#) Discussion and possible action to approve a resolution in support of the City of Sweeny grant application to the US Department of Transportation Fiscal Year 2024 Natural Gas Distribution Infrastructure Safety and Modernization Program.
- [10.](#) Discussion and possible action to adopt a resolution approving a comprehensive financial policy.
- [11.](#) Discussion and possible action to elect participation and execute continued cooperative agreement as a participating jurisdiction with Brazoria County for the CDBG, HOME, and ESG programs for potential housing and community development efforts.
- [12.](#) Discussion and possible action to consider adopting Ordinance 24-103, approving the updated drought contingency plan.
- [13.](#) Discussion and possible action to agenda request received to consider the old Public Works building as the new animal shelter; Councilman Bess
- [14.](#) Discussion and possible action to adopt a resolution for the City's participation in TexPool Prime.
- [15.](#) Discussion and possible action on hurricane preparedness for the 2024 Hurricane Season
- [16.](#) Discussion and possible action to approve a resolution designating the Emergency Operations Center and an alternate location.
- [17.](#) Discussion and possible action to appoint applicants to the Planning and Zoning Board of Commissioners
- [18.](#) Discussion and possible action on agenda request received to consider changes to the Planning and Zoning Ordinance 110-173, 2(a); Councilman Cook

ITEMS OF COMMUNITY INTEREST

ADJOURN REGULAR SESSION

I certify that the notice and agenda of items to be considered by the Sweeny City Council on **June 18th, 2024** was posted on the City Hall bulletin board on _____, 2024, at approximately _____AM/PM.

Kaydi Smith – City Secretary

I hereby certify that this Public Notice was removed from the City Hall bulletin board on _____, 2024 at approximately _____AM/PM.

Kaydi Smith - City Secretary

CITY COUNCIL MEETING REGULAR SESSION

Item 2.

Tuesday, May 21, 2024 at 6:00 PM

City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas; You can also join by zoom at the following link: <https://zoom.us/j/94179197822?pwd=YzNvUVFHV1ZLK0tlc3RzdWJOcmF5UT09> Meeting ID: 941 7919 7822 Passcode: 033654, or by phone using the same meeting number and passcode at 1-346-248-7799

MINUTES

BE IT KNOWN that the City Council of the City of Sweeny met in **Regular Session** on **Tuesday, May 21, 2024 at 6:00 PM.** at City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas; You can also join by zoom at the following link: <https://zoom.us/j/94179197822?pwd=YzNvUVFHV1ZLK0tlc3RzdWJOcmF5UT09> Meeting ID: 941 7919 7822 Passcode: 033654, or by phone using the same meeting number and passcode at 1-346-248-7799 with the following agenda.

CALL TO ORDER/ROLL CALL

Mayor Hopkins called the meeting to order at 6 P.M.

Neal Bess Jr., Reese Cook, Brian Brooks, John Rambo, and Tim Pettigrew were in attendance.

PLEDGES & INVOCATION

Pledges were led by Neal Bess Jr. The invocation was given by Attorney Stevenson.

CITIZENS WISHING TO ADDRESS CITY COUNCIL

No visitor comments.

CEREMONIAL PRESENTATIONS

1. Sweeny Beautification Committee- Yard of the Month; Smokey and Celia Reynolds on Carey Drive

Mayor Hopkins recognized the Reynolds, as they recently received Sweeny Beautifications' Yard of the Month commendation.

CONSENT AGENDA

2. Minutes: Strategic Planning Workshop, April 23, 2024; Special Sessions, April 23, 2024, May 09, 2024, and May 13, 2024

Tim Pettigrew motioned to approve the minutes of the Strategic Planning Workshop on April 23, 2024, Special Sessions on April 23, 2024, May 09, 2024, and May 13, 2024. John Rambo seconded. Reese Cook, Brian Brooks, John Rambo, and Tim Pettigrew approved. Neal Bess Jr. abstained. Motion carried.

3. Proclamation: Juneteenth, June 19th, 2024

Mayor stated the proclamation will be signed and posted at City Hall proclaiming June 19th, 2024 as Juneteenth. Mayor Hopkins read the proclamation aloud.

4. Gas Compliance Update

City Manager stated that the City received five violations. The Distribution Integrity Management Plan (DIMP) has been updated and the violations will be resolved in the timeframe required. We are looking at a gas grant to help with future compliance. We were able to participate in the audit to reach and/or stay in compliance as needed with the Railroad Commission. Update/discussion only.

REGULAR AGENDA

5. Discussion and possible action to Windstorm Insurance renewal quotes for 2024-2025.

Ms. Patel of Victor Insurance, our insurance representative, was available on Zoom to explain the options available for windstorm coverage. City Manager asked to remove the fire field and contents from our policy. Ms. Patel shared her screen to show all documents of the windstorm policy and discussed

further with Council. Ms. Patel stated there would be two separate policies; one from TWIA and one from the open market. Council asked for a more definite price with the fire building being removed. Tim Pettigrew motioned to accept option 5 from the windstorm insurance renewal quote. Neal Bess Jr. seconded. Attorney Stevenson asked for clarification to exclude the fire training building from the quote, as option 5 includes this. Tim Pettigrew stated to remove the fire building and then come back with exact quote. Ms. Patel expresses concern on the extended carrier and hurricane season coming up. She asked if we are needing to wait to present new coverage quotes at the next meeting? City Manager stated she recommends Council take action tonight. Council continued to discuss. Ms. Patel asked for a few minutes to work with her underwriters to try to give Council an updated estimate this evening. Tim Pettigrew motioned to move item number 5 down to 6.5; between 6&7. Neal Bess Jr. seconded. All in favor. Motion carried. *See below for continuation.*

6. Discussion and possible action to award construction contract for the Main Street Water Main Replacement Project.

City Engineer, William Huebner of Strand Associates, approached Council. He stated that we received bids from the Main Street Water Main Replacement Project. Nerie Brothers Construction, LLC. was the lowest bidder, with JTM Construction, LLC. coming in as second lowest. Hueber stated a pre-construction meeting will be held after the contractor is awarded. Specifics on a construction schedule will be discussed in the pre-construction meeting. The liquidated damages is \$400 per day. Mayor asked about project management. Huebner stated that they will have limited RPR and will not be on location every day. Staff will be completing the day to day oversight. Mayor stated that with the cost savings, he feels we should hire an on staff project manager. Jason Nerie of Nerie Brothers Construction and a representative of JTM Construction were both in attendance and answered Council's questions. Council discussed the lowest responsible bids received, financial information received, and confirmed references were checked. Mayor Hopkins asked about credit checks and recommended to table the item until credit checks were completed.

Tim Pettigrew motioned to suspend line item # 6 until we have credit checks on both companies/ both bidders of Nerie Brothers Construction and JTM Construction LLC. Timeframe was discussed as to call a special session once received. Pettigrew stated within 7 days. Neal Bess Jr. seconded. All in favor. Motion carried.

ITEM #5 Continuation: Discussion and possible action to Windstorm Insurance renewal quotes for 2024-2025.

Ms. Patel stated that the carrier is not open at the moment, but it would be approximately \$11,200.00 less by removing the fire field portion. The total would be approximately \$154,000.00; in which would be a cost savings of \$30,000.00 from the expiring policy. Council continued to discuss options. Reese Cook moved that we accept option 4 as presented, with the fire field to also be removed, with the 5% deductible. Neal Bess Jr. seconded. All in favor. Motion carried.

7. Discussion and possible action on a request from Stephen Heckler with Hart's Automotive for a variance to Section 110-173 (2)a of the City of Sweeny's Code of Ordinances.

City Secretary stated the Hecklers, owners of 610 N Main, are in attendance and are wishing to receive a variance to Section 110-173. They currently have four separate lots and want a variance to allow the fence to encompass and span all lots without re-platting. City ordinance states that fences are to be constructed within the lot lines. Ms. Heckler approached Council and showed pictures of the proposed fence. All properties are owned by the Hecklers. Council discussed the current ordinance, proposed fence, and possible ordinance updates.

Tim Pettigrew motioned to grant the variance to Section 110-173 (2) a of the City's code of ordinances for Harts Automotive. John Rambo seconded. Neal Bess Jr., Brian Brooks, John Rambo, and Tim Pettigrew approved. Reese Cook opposed. Motion carried.

8. Discussion and possible action on professional services agreement in the approximate amount of \$58,350 with LSPS Solutions for the lead and copper service line inventory, required by the EPA and TCEQ, to be completed in Oct 2024.

City Manager stated she brought this item back to Council to hear from LSPS regarding the lead and copper mandate. We are required to inventory all service lines active or inactive and report back by October 16, 2024. Donald Reese of LSPS Solutions approached Council. He stated that the lead and copper service line determinations are the biggest struggle for cities. He discussed the requirements of the mandate, proposed agreement, and how LSPS would complete the determinations. The City would be responsible to provide any unknowns with a lead filter device. LSPS Solution's goal is to complete without unknowns. Council discussed options of hiring LSPS, having the City Engineer complete, or hiring additional staff to complete by the deadline and funds available for all options.

Tim Pettigrew motioned that we accept the professional services agreement in the approximate amount of \$58,350 with LSPS Solutions for the lead and copper service line inventory, required by EPA and TCEQ, to be completed by or on October 16th, 2024. Brian Brooks seconded. Approved by Neal Bess Jr., Brian Brooks, John Rambo, and Tim Pettigrew. Reese Cook opposed. Motion carried.

9. Discussion and possible action to review applications for the EDC Board open position.

City Manager stated that EDC is not in attendance, but that she partially attended the last EDC meeting. EDC received three applications and Brittanie Hopkins is recommended to fill the vacancy. Ms. Hopkins was in attendance for the meeting.

Neal Bess Jr. moved to accept Hopkins as EDC replacement. Tim Pettigrew seconded.

Discussion: Brian Brooks stated that he feels the process of accepting applications is completed the wrong way. Nothing against the applicants, just that the process is completed incorrectly. He feels Council should review all applications when received and work hand in hand with EDC. Attorney Stevenson stated that previous City Council changed the EDC bi-laws setting the procedures for EDC to review and recommend who they want to serve. We would need to get with the EDC to change their bi-laws. Reese Cook asked about the position only being filled until September. It will be re-opened in September. Ms. Hopkins position will term in September. Ms. Hopkins stated she would be glad to serve the community thru EDC. All in favor. Motion carried.

10. Discussion and possible action to award a janitorial service provider in response to submittals received from recent advertised request for proposal (RFP).

City Secretary stated that the City re-advertised the janitorial services RFP. We received two submittals; Stacy Escobar and Teresa Zamora/Tessa Lynns Cleaning Service. Basing a decision off of the received proposals and bid tabulation, Stacy Escobar's proposal is the clearest proposal and received the highest total score. Discussion continued on bids received and proposed rates. Council decided to remain as is on our current monthly basis with our current janitorial provider, Stacy Escobar. Council requested to bring back to the next regular meeting to discuss janitorial rates/fees.

11. Discussion and possible action on executing an interlocal agreement with the Brazoria County Tax Assessor for the collection of taxes and public improvement district (PID) assessments for the City of Sweeny, Texas.

City Manager stated that the lease agreement has already been executed and this agreement will replace the old agreement previously in place. Agreement is for occupied space and collections in exchange for services of the tax assessor collector.

Tim Pettigrew motioned we execute the interlocal agreement between the City of Sweeny and Brazoria County for the collection of taxes and public improvement district (PID) assessments for the City of Sweeny. Neal Bess Jr. seconded. Neal Bess Jr., Brian Brooks, John Rambo, and Tim Pettigrew approved. Reese Cook opposed. Motion carried.

12. Discussion and possible action to agenda request received, areas of next ditch and culvert cleaning; Councilman Rambo

Rambo asking about utilizing the sewer jetter. City Manager stated they have dug out the ditch between 2nd and Ave B in response to a drainage issue. Rambo requested to have the culverts dug out on Ashley Wilson Road at Camellia. He would like feedback afterward. Council discussed and decided to have the culvert nearest the apartments on Ashley Wilson Road completed first, then move east towards Ashley Wilson Road.

13. Discussion and possible action to agenda request received, city water lines at 1301 Ave A;
Councilman Pettigrew

Tim stated that he found out about this by accident. The manufactured home park at 1301 Ave A has water and sewer city lines on private property. The utilities are hard to manage and cost the City a lot of money. Councilman Pettigrew asked why we (the City) are on someone's property, fixing their water/sewer lines. The utilities are normally at the edge of the property and the property owner would run a service line to each trailer. Service lines would then be the responsibility of the property owner. City Attorney asked if the City has a utility easement on the property? City Manager stated that Chapter 212 of the Local Government Code states stipulations of lots be individual. She stated another issue or violation is the proximity of water lines to sewer lines. City Attorney asked if there were any agreements with prior owners of the park and the City? We do not know of any currently. Council discussed options. Tim Pettigrew motioned to contact the landowner and tell them they need to be in compliance of state law and city ordinances, and to provide data at the next city council meeting in June. Reese Cook seconded.

Discussion: Neal Bess Jr. stated that the new owners inherited what the previous owner did and the City allowed. He doesn't feel they are out of compliance. City Manager stated she will contact the property owner.

All in favor. Motion carried.

14. Discussion and possible action to amend Chapter 115, Mobile Food Establishments, of the
City's Code of Ordinances; §115.01(A).

City Secretary stated this ordinance amendment was pending Council's approval at the previous special meeting to remove the age requirements of mobile food establishments.

Reese Cook moved to approve. Tim Pettigrew seconded. All approved. Motion carried.

15. Discussion and possible action on the selection of Mayor Pro Tem.

Mayor Hopkins stated that Council will need to select a new Mayor Pro-Tem. Each councilmember has been given a card to vote. Write your vote and pass for tabulations. The following votes were received: 1 vote for Brian Brooks, 1 vote for Reese Cook, and 3 votes for Neal Bess Jr.

Tim Pettigrew motioned to accept Neal Bess Jr. as Mayor Pro-Tem. Brian Brooks seconded.

Neal Bess Jr. stated that he will do what he can.

All in favor. Motion carried.

ITEMS OF COMMUNITY INTEREST

Neal Bess Jr. stated that May 27th at the Veterans Memorial, Mr. Lott will be recognized during the Memorial Day ceremony. Ms. Gibson on Sycamore Street is the president of the Veterans Committee now.

Brian Brooks wanted to recognize Al Lindley on how well he takes care of Veterans Memorial. He thinks he does a great job and thanks him for that.

John Rambo stated that Council members are allowed to rent the Community Center for only the cleaning fee. He previously rented to help with a benefit for a co-worker in order to offset medical costs. He feels this is a good thing to do to help our community members.

City Manager stated we have an interlocal drainage project on McKinney Street in progress. Neal Bess Jr. added that he spoke with Mr. Richers about a 38" box culvert collapsing near the fire field towards the river. He is concerned with fire trucks going over that driveway. City Manager asked for Bess to meet with her regarding the issue.

ADJOURN REGULAR SESSION

Mayor Hopkins adjourned the meeting at 8:29 P.M.

Staff & City Affiliates present:

City Manager, Lindsay Koskiniemi

Detective Sergeant, Cayton Barnett

Director of Public Works, Terrance Bell

Finance Director / Personnel Services, Karla Wilson

City Secretary, Kaydi Smith

City Attorney, R.C. Stevenson

City Engineer, William Huebner; Strand & Associates

Passed and approved this _____ day of _____, 2024.

Kaydi Smith - City Secretary

CITY COUNCIL MEETING SPECIAL SESSION

Item 2.

Tuesday, May 28, 2024 at 5:00 PM

City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas

MINUTES

BE IT KNOWN that the City Council of the City of Sweeny met in **Special Session** on **Tuesday, May 28, 2024 at 5:00 PM**, at City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas with the following agenda. Council is conducted under modified Roberts Rules of Order as approved by Resolution 102-16; July 19, 2016.

CALL TO ORDER/ROLL CALL

Mayor Hopkins called the meeting to order at 5:05 P.M.

Neal Bess Jr., Brian Brooks, and Tim Pettigrew were in attendance. Reese Cook and John Rambo were absent.

PLEDGES & INVOCATION

Pledges were led by Tim Pettigrew. The invocation was given by Attorney Stevenson.

CITIZENS WISHING TO ADDRESS CITY COUNCIL

No visitor comments.

REGULAR AGENDA

1. Discussion and possible action to award construction contract for the Main Street Water Main Replacement Project.

City Manager stated that this item is a follow up to discuss a business credit check. JTM Construction LLC. had the higher credit score of the two lowest bidders. Jason Nerie of Nerie Brothers Construction LLC. was in attendance. Mayor Hopkins asked the City Attorney if the City can deviate from the lowest bid due to the information received. Attorney Stevenson responded that the law states the lowest responsible bidder; Council would need to determine responsible. Considerations to determine can be financials, resources available, and experience. Both companies have previously submitted one years worth of financial statements and no issues were detected. Attorney Stevenson stated TxDot's definition of a responsible bidder; physically organized and equipped with the financial wherewithal to undertake and complete the project. Council continued to discuss both companies.

Brian Brooks motioned to award JTM Construction, LLC. as the lowest responsible bidder. Neal Bess Jr. seconded. All in favor. Motion carried.

2. Discussion and possible action to approve a budget amendment in the Fiscal Year 2023-2024 budget for the purchase of new commercial grade mowers.

City Manager stated that the City needs commercial mowers. We have residual funds from previous certificate issuances. There is \$61,000.00 in a TexPool account from the 2012 CO that is limited to water and wastewater only. We are still dealing with the TCEQ response from the November 2023 water investigation and are suffering in well capacity. City Manager feels we need to remediate the well capacity immediately. Hahn has supplied quotes for a booster pump and a recommendation for the well capacity, utilizing the sole source with Xylem. Jason Van Alstine of Hahn Equipment Co., Inc. was in attendance and spoke to Council. City Manager stated this will be included within the budget requests for next year, to be received by Council in June.

This agenda item is for a request to use the residual funds from the 2017 CO. This CO included general fund activities and the remaining is in the amount of approximately \$30,000.00. City Manger stated we will be implementing a new standard of taking care of equipment. The quotes included are for commercial grade equipment.

Brian Brooks motioned to accept the Gravelys of Lake Jackson for \$20,209.00 for two (2) - 54" mowers, and include we amend the budget also, move the funds for the purchase of 2 new commercial, from the TexPool Reserve Account to the General Fund, to the Parks Department, to account 50-28-6715. Tim Pettigrew seconded.

Discussion: Neal Bess Jr. stated he still would like to get one of each. City Manager stated he made the motion with the quoted cost.

Brian Brooks and Tim Pettigrew approved. Neal Bess Jr. abstained. Motion carried.

3. Discussion and possible action to cancel the Special Meeting June 04, 2024.

City Manager stated this is the third time we've met this month and the annual Chamber fundraiser is in conflict with the June 4th meeting. June 18th we will be starting the budget. Neal Bess Jr. asked about when we will start hurricane preparations. Mayor stated that we need to get something setup and feels the designated location is not setup and suitable. We need to have preparations ready to operate with a three to four day notice.

Tim Pettigrew motioned to cancel the special meeting on June 4th, 2024. Seconded by Brooks. All in favor. Motion carried.

ITEMS OF COMMUNITY INTEREST

Neal Bess Jr. stated that Mr. Lott was honored at the Memorial Day presentation as the founder of Veterans Park.

Tim Pettigrew stated that the Veterans Day parade will be in Pearland this year.

City Manager stated that the City received help repairing our flag lines at City Hall by Sweeny Fire and Rescue and Mr. Wayman Hutchings of Freedom Flags Unlimited; a big thank you to them.

ADJOURN REGULAR SESSION

Mayor Hopkins adjourned the meeting at 5:44 PM.

Staff & City Affiliates present:

City Manager, Lindsay Koskiniemi

Police Chief, Brad Caudle

Director of Public Works, Terrance Bell

Finance Director / Personnel Services, Karla Wilson

City Secretary, Kaydi Smith

City Attorney, R.C. Stevenson

Passed and approved this _____ day of _____, 2024.

Kaydi Smith - City Secretary



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

Item 3.

| | | | |
|---|--|---------------------|-------------------|
| Meeting Date | 06/18/2024 | Agenda Items | |
| Approved by City Manager | | Presenter(s) | David Jordan |
| Reviewed by City Attorney | | Department | Technical Advisor |
| Subject | Gas Compliance Update | | |
| Council Strategic Goals | Infrastructure Investment; Vibrant Economy | | |
| Attachments / Supporting documents | N/A | | |
| Financial Information | Expenditure Required: | N/A | |
| | Amount Budgeted: | N/A | |
| | Account Number: | | |
| | Additional Appropriation Required: | | |
| | Additional Account Number: | | |

Executive Summary

We spent a good deal of time researching items that might not have been reported in a timely fashion and also regaining control of websites to submit reports. Most of the regulatory agencies require each individual filing reports to have a separate log in. The issue we faced was that the people needed to approve these log in and passwords no longer are associated with the City of Sweeny. To prevent this in the future I have set up with each agency a plan that allows more than one person to approve personnel access. Currently those people are myself and the City Manager.

Compliance Data:

United States Department of Energy EIA 176 report is due annually by March 1st. We filed this report on May 28th. The morning of May 29th We received a phone call that data form 2022 was not on file in the DOE data base. The lady was very nice and stated she could not confirm if it was not submitted or if the information was not loaded in the computer system. Being unable to locate a copy of the report we submitted the 2022 data that same day
As of today we are in compliance with all the Department of Energy requirements.

United States Department of Transportation (Pipeline Hazardous Materials Safety Administration PHMSA) F7100 System Data report is due by March 15th annually. Altimira filed this report on March 22nd without our knowledge and did not provide us a copy for our files. We have acquired a copy of the report and also control of the website for submittals. I have reviewed the document and will submit an updated version in the next few days as there is a



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

Item 3.

couple of areas that are not completed or has the incorrect data. Being that the report has been submitted we are in compliance with the report.

A new area of compliance that normally does NOT apply to the City of Sweeny that was discovered recently was the failure to submit a Review of the Drug Testing data for the year of 2023. Normally only systems with 50 total employees are required to file this report. The City of Sweeny won the lottery for system less than 50 to file this year. Human Resources is compiling that data currently and will be submitted by the end of the month. This will bring the City into full compliance with the DOT requirements.

Texas Railroad Commission: There has been a great deal of time reviewing documents and reports to verify exactly where we stand with this agency. On May 29th we submitted a 46 page packet to the Railroad Commission to address outstanding violations and corrective actions taken. We received a letter of acceptance on Friday May 31st.

I have touched base with their field auditors to determine what else may be outstanding with their agency. The only outstanding issues are:

1. Annual P-5 organizational Report that is due by June 30th
2. A response to an alleged Violation issue from 2021 that was discussed in our Audit in early May. The Auditor advised me that this would be taken care when we receive our letter from that Audit. Lindsay and I discussed this and decided that we would not wait and go ahead and issue a response so that it does not get lost in the mix.
3. Response form the May audit. We cannot officially respond until we receive the official letter. Our response and corrective action is ready based off of the closing remarks during the audit.

We have completed and submitted the updated Distribution Integrity Management Plan to the Commission for review.

It is our belief based on the all of our communication with all the agencies that we are in compliance with all the regulations currently in place. There are a few areas that we are working on internally to update data and also address potential changes in requirements. Some of those issues are:

1. Training
2. Equipment maintenance
3. Proper records management
4. System maintenance

I will admit we still have a ways to go with personnel to get where I am comfortable that they can efficiently operate your system and stay in compliance but we are getting there.



**CITY OF SWEENY
OFFICE OF THE MAYOR**

**PROCLAMATION
HONORING TENA SIMIEN
ON HER 100TH BIRTHDAY**

WHEREAS, Tena Simien was honored by friends and relatives in celebration of her recent 100th birthday on June 4th, 2024; and

WHEREAS, Tena Simien was born in Cedar Lake, Texas of Matagorda County, Texas on June 4th 1924;

WHEREAS, Tena Simien has been a resident of the City of Sweeny for 80 years;

WHEREAS, Tena Simien taught for 35 + years at the Jerusalem Community School, GW Carver, and Sweeny Jr. High;

WHEREAS, Tena Simien has been the recipient of the Sweeny ISD Walk of Honor, an Educators Club Honoree, Teacher of the Year, and a Distinguished Alumni of Jarvis Christian College & Texas Southern University;

WHEREAS, Tena Simien was a Board Member of the Brazoria County Youth Homes and a part of the State-County Teachers Association;

WHEREAS, Tena Simien enjoys reading newspapers, magazines, bestselling books, and watching the local and national news, watching game shows and talk shows;

WHEREAS, Tena Simien's special talents include speech & one act plays, grammar and speech writing, and being a trainer/director;

WHEREAS, Tena Simien has lived during the most eventful century of this nation's history and has been a model and inspiration to her family and to those who known her;

NOW, THEREFORE, be it resolved, that we, the Mayor, and the City of Sweeny, hereby congratulate Ms. Tena Simien on her 100th birthday, and offer our best wishes for many more happy days and future endeavors.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Sweeny to be affixed this the 18th day of June, 2024.

NEAL BESS JR., MAYOR PRO-TEM



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

Item 5.

| | | | |
|---|---|---------------------|----------------------------------|
| Meeting Date | 06.18.2024 | Agenda Items | |
| Approved by City Manager | Yes | Presenter(s) | Lindsay Koskiniemi, City Manager |
| Reviewed by City Attorney | No | Department | Development Services |
| Subject | Discussion and possible action to select a vendor for a grant writing professional services agreement for the Resilient Communities Program through the Texas General Land Office - Community Development and Revitalization. | | |
| Council Strategic Goals | 1. Vibrant Economy – Strengthen Code of Ordinances. 5. Safe & Beautiful City – Improve conditions of public spaces. | | |
| Attachments / Supporting documents | 1. Resilient Communities Program Overview 2. Request for proposal (RFP) document 3. “The Facts” tear sheet 4. Score sheets | | |
| Financial Information | Expenditure Required: | N/A | |
| | Amount Budgeted: | N/A | |
| | Account Number: | | |
| | Additional Appropriation Required: | | |
| | Additional Account Number: | | |

Executive Summary

The Texas General Land Office (GLO) allocated up to \$100 million in Community Development Block Grant Mitigation (CDBGMIT) funds for the Resilient Communities Program (RCP). The RCP will fund the development, adoption, and implementation of modern and resilient building codes and flood damage prevention ordinances to ensure that structures built within the community can withstand future hazards (TX GLO, 2021).

Maximum individual awards are \$300,000, and this program end in 2026.

The City advertised a solicitation for grant writing services for the Resilient Communities Program in March 2024. Staff has reviewed the submittals and found Grant Works to be the most suited based on relevant experience and understanding of the Sweeny’s needs. City Council approved pursuit of this grant earlier this year.

Additional information the Resilient Communities Program is provided and score sheets are attached.

The City received submittals from the following vendors with assessed scores:

- 1. Grant Works, overall score: 97
- 2. Langford Community Management Services, overall score: 91
- 3. Public Management, overall score: 78



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

Item 5.

Recommended Action

Staff recommends approval of a professional services agreement with Grant Works for the Resilient Communities Program through the Texas General Land Office - Community Development and Revitalization.

Recommended Motion:

"I move we accept the submittal from Grant Works for grant writing services for the Resilient Communities Program through the Texas General Land Office - Community Development and Revitalization and authorize the City Manager to execute a professional services agreement between the City of Sweeny and Grant Works."



RESILIENT COMMUNITIES PROGRAM

Texas General Land Office
Community Development & Revitalization

The Texas General Land Office (GLO) allocated up to \$100 million in Community Development Block Grant Mitigation (CDBG-MIT) funds for the Resilient Communities Program (RCP). The RCP will fund the development, adoption, and implementation of modern and resilient building codes and flood damage prevention ordinances to ensure that structures built within the community can withstand future hazards.

More information and the application are available
at recovery.texas.gov/rcp.

Communities are encouraged to also learn about RCP's companion program, the Local Hazard Mitigation Plans Program (LHMPP), which is actively accepting applications. Visit LHMPP's web page at recovery.texas.gov/mitigation/lhmpp.

► Eligibility Criteria

Applications will have a maximum of \$300,000 per applicant, first-come first-served.

At least 50% must address mitigation needs in the CDBG-MIT most impacted and distressed (MID) areas identified by the United States Department of Housing and Urban Development (HUD).

► Eligible Applicants

Units of local government (e.g., cities, counties, federally recognized tribes, and councils of governments) located in a CDBG-MIT eligible area. Entity must have legal authority to adopt and enforce the building code, zoning ordinance, land use plan, and/or comprehensive plan proposed in the RCP application.

Planning Activities

Develop, update, adopt, and implement:

- **BUILDING CODES** that meet or exceed International Residential Code (IRC) edition 2012;
- **FLOOD DAMAGE PREVENTION ORDINANCES**
 - Must require new structures to be at least 2-feet above base flood elevation;
- **ZONING ORDINANCES**
 - based upon a land use plan or comprehensive plan; and
- Forward-looking **LAND USE PLANS** and/or **COMPREHENSIVE PLANS** that integrate hazard mitigation planning.

Public Service Activities

Activities leading to an increase in community knowledge and/or the National Flood Insurance Program's voluntary Community Rating System's (CRS) incentive program.

Examples include education and outreach campaigns that alert communities and beneficiaries to mitigation opportunities and best practices.

Public Service activities must meet a HUD national objective.

► Technical Assistance

RCP staff is available to assist potential applicants with understanding how the program can best assist in meeting the needs of the community with regard to mitigation activities, such as modern building code adoption, that increase the resilience and reduce the likelihood of losses of life and property from future disasters.

📞 RCP Contact information: (512) 770-4900

✉️ rcp.glo@recovery.texas.gov

Request for Proposals for Planning Services

The CITY OF SWEENY is seeking to enter a professional services contract with a competent planning consultant to assist the City of Sweeny in the application preparation, overall development of the planning process and associated planning reports, as well as grant contract compliance, if funded by the Texas General Land Office (GLO) for the Resilient Communities Program (RCP). The following outlines the request for proposals.

I. **Scope of Work** - The contract will encompass all project related services to the City of Sweeny, including, but not limited to, the completion of an application in conformance with the GLO-RCP Application Guide and performance of activities described in the attached Texas General Land Office Resilient Communities Program performance statement.

A final scope of work will be developed through the application process, comprised of one or more planning activities described in the attached Sample Performance Statement.

II. **Statement of Qualifications** - The City of Sweeny is seeking to contract with a competent planning and/or engineering firm that has experience in the following areas:

- a) Experience with the federal Community Development Block Grant program, through either the HUD Entitlement Program, the Non-entitlement Texas Community Development Block Grant Program, or the Community Development Block Group – Disaster Recovery/Mitigation programs.
- b) Performance of activities described in the attached Sample Performance Statement.

As such, please provide within your proposal a list of past client local governments, as well as resumes of all planners and/or engineers who will or may be assigned to this project if your firm received the planning services contract award.

III. **Proposed Cost of Services** -. Please specify the proposed cost to the City of Sweeny, and estimated time of completion. These include a proposed cost by Scope of Work category of what you or your firm feels is appropriate for each area of the Scope of Work. Please note that the city of Sweeny will not use lowest/best bid as the sole basis for entering into this contract.

IV. **Evaluation Criteria** - The proposals received will be evaluated and ranked according to the following criteria:

| <u>Criteria</u> | <u>Maximum Points</u> |
|---------------------|-----------------------|
| Experience | 45 |
| Work Performance | 30 |
| Capacity to Perform | 10 |
| Proposed Cost | 5 |
| | |
| Total | 100 |

V. **Submission Requirements**

- A copy of your current **certificate of insurance** for professional liability.
- **Statement of Conflicts of Interest** (if any) the service provider or key employees may have regarding these services, and a plan for mitigating the conflict(s). Note that City of Sweeny may in its sole discretion determine whether or not a conflict disqualifies a firm, and/or whether or not a conflict mitigation plan is acceptable.
- **System for Award Management**. Service provider and its Principals, may not be debarred or suspended nor otherwise on the Excluded Parties List System (EPLS) in the System for Award Management (SAM). Include verification that the service provider as well as its principals are not listed (are not debarred) through the System for Award Management (www.SAM.gov). Enclose a printout of the search results that includes the record date.

- **Form CIQ**, (enclosed). Texas Local Government Code chapter 176 requires that any vendor or person who enters or seeks to enter into a contract with a local government entity disclose in the Questionnaire Form CIQ the vendor or person's employment, affiliation, business relationship, family relationship or provision of gifts that might cause a conflict of interest with a local government entity. Questionnaire form CIQ is included in the RFP and must be submitted with the response.
- **Certification Regarding Lobbying** (enclosed). Certification for Contracts, Grants, Loans, and Cooperative Agreements is included in the RFP and must be submitted with the response.
- **Form 1295**, Effective January 1, 2016, all contracts and contract amendments, extensions, or renewals executed by the Commissioners Court will require the completion of Form 1295 "Certificate of Interested Parties" pursuant to Government Code § 2252.908. Form 1295 must be completed by awarded vendor at time of signed contract submission. Form 1295 is included in this RFP for your information.
- **Required Contract Provisions**. Applicable provisions (enclosed) must be included in all contracts executed as a result of this RFP.

VI. **Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.** - Small and minority businesses, women's business enterprises, and labor surplus area firms are encouraged to participate in this RFP. If the awarded vendor is a prime contractor and may use subcontractors, the following affirmative steps are required of the prime contractor:

- 1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- 2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- 3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- 4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- 5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration (SBA) and the Minority Business Development Agency (MBDA) of the Department of Commerce.

Minority-owned businesses may be eligible for contract procurement assistance with public and private sector entities from MBDA centers:

Houston MBDA Business Center
2302 Fannin Street, Suite 165, Houston, TX 77002
713-718-8974
<https://www.hccs.edu/hcc-in-the-community/entrepreneurial-initiatives/mbda/>

Dallas-Fort Worth MBDA Business Center
8828 N Stemmons Freeway - Ste 550-B, Dallas, TX 75247
214-920-2436
<http://www.mbdadfw.com/>

San Antonio MBDA Business Center
501 W César E Chávez Blvd., San Antonio, TX 78207
210-458-2480
<https://sanantoniombdacenter.com/>

MBDA Business Center – El Paso
c/o El Paso Hispanic Chamber of Commerce
2401 E. Missouri Ave.
El Paso, TX 79903
915-351-6232 ext. 19
<https://ephcc.org/blog/growing-my-existing-business/our-mbda-business-center/>

Small and woman-owned businesses may be eligible for assistance from SBA Women's Business Centers:

Houston Women's Business Council, Inc.
9800 Northwest Freeway, Suite 120, Houston, TX 77018
713-681-9232
wbc@wbea-texas.org

LiftFund - Dallas Fort Worth Women's Business Center
8828 N. Stemmons Fwy, Suite 142, Dallas, TX 75247
888-215-2373
wbcdwf@liftfund.com

LiftFund - San Antonio Women's Business Center
600 Soledad St., San Antonio, TX 78205
888-215-2373
wbc@liftfund.com

SBA also provides assistance at Small Business Development Centers located across Texas:
<https://americassbdc.org/small-business-consulting-and-training/find-your-sbdc/>

- VII. Deadline for Submission – Proposals must be received no later than **Thursday, April 25, 2024, at 2:00 p.m. *included in the newspaper notice***. It is the responsibility of the submitting entity to ensure that the proposal is received in a timely manner. Proposals received after the deadline will not be considered for award, regardless of whether or not the delay was outside the control of the submitting firm. **Please submit your proposal via UPS or hand delivery to 102 W. Ashley Wilson Road, Sweeny, Texas 77480.**

Any questions or requests for clarification must be submitted in writing via EMAIL to Lindsay Koskiniemi, City Manager at citymanager@sweenytx.gov at least 3 business days prior to the deadline. City of Sweeny may, if appropriate, circulate the question and answer to all service providers submitted proposals.

SAMPLE PERFORMANCE STATEMENT

1. BASE MAPPING

Contractor shall prepare a corporate area base map, which should coordinate with the State Plane Coordinate System, in digitized format and hardcopy to include:

- (1) Highway and street rights-of-way;
- (2) Highway designations and street names;
- (3) All major drainage ways;
- (4) Major bodies of water;
- (5) Block and lot lines for all platted subdivisions as available;
- (6) Property lines within unplatted subdivisions as available;
- (7) The width of all major utility easements;
- (8) Railroad rights-of-way;
- (9) All subdivisions and their names;
- (10) Corporate limits;
- (11) Other major facilities or features to include but not necessarily limited to:
 - (a) Major park and recreation areas and facilities;
 - (b) Water Treatment plants;
 - (c) Sewage Treatment plants;
 - (d) Extraterritorial jurisdiction line, as appropriate; and
 - (e) Other significant features.

2. HOUSING INVENTORY, ANALYSIS AND PLAN

- a. Contractor shall prepare a housing conditions inventory, analysis and plan which shall, to the fullest extent possible, be based on the participation of a diverse and representative group of housing interests. (A “diverse and representative group of housing interests” includes owners and renters, realtors, developers, builders, single persons, families, minorities, disabled persons, etc. Generally, all persons must be encouraged to participate in plan preparation, particularly those considered within the protected classes of the Fair Housing Act. No person shall be excluded or denied program benefits on the basis race, color, religion, sex, handicap (disability), national origin, and familial status).
- b. Contractor shall develop criteria to be used in the classification of building conditions and formulate definitions for each classification. As a minimum, the three following classifications shall be utilized within the study: 1) Standard, 2) Deteriorating, and 3) Dilapidated.
- c. Contractor shall perform an assessment of the exterior of all residential buildings within the city to determine the physical condition of each building or structure. Contractor shall record vacant and abandoned residential units as the assessment is being made.
- d. To the extent possible, the Contractor shall determine whether housing is owner or renter occupied.
- e. Contractor shall use the base map at its contracted scale to create a Housing Conditions Map depicting all housing conditions as inventoried and showing all housing and its classification as defined by the developed criteria.
 - (1) Included on the map shall be the delineation of low and moderate income areas, as can be determined from the most recent available Census and/or demographic survey, with a brief narrative for the basis of their delineation.
 - (2) Included on the map shall be clearly marked units and/or areas of affordable housing that are properly represented on the map legend.
 - (3) Included on the map shall be census geographic boundary delineations as available from the most recent Census. The map shall show any identified areas that contain a concentration of aforementioned protected classes within the community.
- f. Contractor shall conduct an analysis of housing data to determine problems and housing

needs of the current and prospective population and identifiable segments of the population, including the need for fair housing.

g. Contractor shall identify previous implementation actions, both public and private, taken during the past two years to implement or improve housing programs, including fair housing.

h. Contractor shall determine what local administrative and legal capacity is available or in effect to overcome housing-related problems which could be utilized more fully, (such as, the use of non-profit organizations), to improve housing, provide remedies to housing needs, including the need for fair housing.

i. Contractor shall prepare a goal(s) statement and annual housing related objectives. To the extent possible, objectives shall be stated in quantifiable terms and target dates set for their achievement.

j. Contractor shall identify future implementation actions and probable costs, both public and private, to be taken annually over the next three to five years. These activities shall result in the preparation of an overall program design for housing related activities, including fair housing and improved housing stock resiliency during and after disaster situations.

3. POPULATION

a. Contractor shall determine existing population estimates of the locality by occupied dwelling units. A realistic assessment of the locality's existing population shall be made by reliable methods.

b. Contractor shall:

(1) Estimate the locality's future population by five-year increments for the next fifteen to twenty years based on existing trends.

(2) Analyze the distribution of classes protected by federal fair housing laws on the basis of race, color, religion, sex, handicap (disability), national origin, and familial status within the community, where such information is available from the most recent Census or other official publications at the block or block group level.

(3) Use the base map at its contracted scale for illustrative purposes and create a Population Distribution Map showing the existing and projected population distribution for the planning period. The map shall show any identified areas that contain a concentration of aforementioned protected classes within the community. Included on the map shall be census geographic boundary delineations as available from the most recent Census.

4. LAND USE INVENTORY, ANALYSIS AND PLAN

a. Contractor shall assess and inspect each plot, tract and parcel of land within the project area to determine its use. The project area should include the city's extraterritorial jurisdiction (ETJ), if significant development has occurred there.

b. Categories in classifying land uses shall include, as a minimum, the following:

(1) Vacant (vacant developed or vacant undeveloped);

(2) Agriculture (cultivated and range land - five or more acres);

(3) Residential (single family, two family, multi-family, manufactured and mobile homes);

(4) Commercial; (retail and services);

(5) Industrial; (light and heavy);

(6) Public and Semi-Public (schools, parks and public buildings); and

(7) Other such additional or subcategories as may be deemed necessary to accurately reflect the existing pattern of land areas.

c. Contractor shall prepare a color-coded Existing Land Use Map of the corporate area using the base map at its contracted scale. Contractor shall prepare a color-coded map of existing land uses within the planning area at appropriate scale, if the development within the ETJ or portion of the ETJ was determined to be significant in its potential impact on the city. Colors should conform to standard code.

- d. Contractor shall make a tabulation of the existing land uses to show:
- (1) Total acreage by use;
 - (2) Percentage of acreage in each land use;
 - (3) Acres per 100 persons, or other standard for comparison purposes; and
 - (4) Developed and undeveloped land as a percent of the total land.
 - (5) Contractor should make an analysis of the community regarding past and potential developments and should report on factors affecting the development of land, such as those below:
 - Occupied dwelling units;
 - Existing land use;
 - Thoroughfares
 - Existing and anticipated population;
 - Soil characteristics as related to developments;
 - Adequacy of public utilities;
 - Adequacy of public facilities;
 - Storm drainage problem areas;
 - Natural and man-made constraints.
- e. Contractor shall prepare a goal(s) statement and annual land use related objectives and, using the base map at its contracted scale, Contractor shall prepare a color-coded Future Land Use Map to illustrate the future physical development of the locality during the planning period.

5. ZONING ORDINANCE

- a. Contractor shall prepare technical material necessary for the drafting of zoning ordinance that will best be adapted to direct the use of land consistent with proposals of the city's previously prepared Land Use Plan. Technical material on zoning shall be based on sound zoning principles and not be inconsistent with all applicable laws, including affirmatively furthering fair housing and reducing or eliminating disparate treatment of classes protected under federal Fair Housing law(s).
- b. Based on the Land Use Plan and other plans related to physical development of the municipality, Contractor shall have prepared a Zoning District Map using the base map at its contracted scale.
- c. Following development of the technical material and prior to adoption, Contractor shall seek counsel and advice from the city's attorney regarding the legal aspects and implications of zoning, particularly that it has positive influence in the effort to promote fair and affordable housing.
- d. The technical material on zoning and the recommended zoning district map shall be prepared in report form suitable for adoption and be submitted to the Department as provided herein.

6. INFRASTRUCTURE STUDY AND CAPITAL IMPROVEMENTS PLAN

The following actions shall occur for the water, wastewater, street, and drainage systems, as applicable.

- a. Contractor shall determine if any prior studies have been made of part or all the existing infrastructure systems.
- b. Contractor shall make an inventory of the physical characteristics of the existing system and record the data on applicable tables, charts, and maps
- c. Contractor shall make an analysis of the system to list and rank problems and deficiencies in the system and should present possible actions and costs to resolve the problems
- d. Contractor shall prepare a goal(s) statement and objectives for the planning period and should include construction-related and policy-related recommendations regarding improvements. To the extent possible, objectives shall be stated in quantifiable terms and target dates set for their achievement.

- e. Contractor shall prepare a Future System Conditions Map. The plan shall provide for the elimination of deficiencies and recommended improvements to meet forecasted needs. Improvements shall be in accordance with accepted municipal standards and shall be shown by phases.

7. BUILDING CODES

- a. Contractor shall review building codes currently adopted and enforced within the jurisdiction to determine compliance with RCP requirements.
- b. Contractor shall recommend building codes to the jurisdiction and assist in the adoption of the needed revisions and building codes as required by the RCP and applicable laws.

8. FLOOD DAMAGE PREVENTION ORDINANCE

- a. Contractor shall review building codes and flood prevention policies currently adopted and enforced within the jurisdiction to determine compliance with RCP requirements.
- b. Contractor shall provide a Flood Damage Prevention Ordinance requiring construction at least two (2) feet above the base flood elevation and shall assist the jurisdiction to adopt said ordinance.

9. HAZARD MITIGATION

- a. Contractor shall review and evaluate any current hazard mitigation plan. If none exists, prepare a plan for adoption.

- **Insert Certificate of Insurance**
- **Insert System for Award Management (SAM) record search for company name and company principal**
- **Statement regarding firm/individual's conflict of interest, if any**

CONFLICT OF INTEREST QUESTIONNAIRE**FORM CIQ****For vendor doing business with local governmental entity**

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

2 ☐ **Check this box if you are filing an update to a previously filed questionnaire.** (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes ☐ No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐ Yes ☐ No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

Signature of vendor doing business with the governmental entity

Date

Certification Regarding Lobbying

(To be submitted with each bid or offer exceeding \$100,000)

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (c) The undersigned shall require that the language paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995).

The Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. § 3801 et seq., apply to this certification and disclosure, if any.

Signature of Contractor's Authorized Official

Printed Name and Title of Contractor's Authorized Official

Date

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the

Approved by OMB
0348-0046

Disclosure of Lobbying Activities

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure)

| | | |
|---|---|---|
| Type of Federal Action: _____ a. contract _____ b. grant _____ c. cooperative agreement _____ d. loan _____ e. loan guarantee _____ f. loan insurance | Status of Federal Action: _____ a. bid/offer/application _____ b. initial award _____ c. post-award | Report Type: _____ a. initial filing _____ b. material change |
| Name and Address of Reporting Entity: _____ Prime _____ Subawardee Tier _____, if Known: Congressional District, if known: | | If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime: Congressional District, if known: |
| Federal Department/Agency: | 7. Federal Program Name/Description: CFDA Number, if applicable: _____ | |
| Federal Action Number, if known: | 9. Award Amount, if known: \$ | |
| 10. a. Name and Address of Lobbying Registrant <i>(if individual, last name, first name, MI):</i> | b. Individuals Performing Services <i>(including address if different from No. 10a)</i> <i>(last name, first name, MI):</i> | |
| 11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure. | Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____ | |
| Federal Use Only | Authorized for Local Reproduction Standard Form - LLL (Rev. 7-97) | |

(To be completed by awarded vendor)

| CERTIFICATE OF INTERESTED PARTIES | | FORM 1295 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|---|---|---|---------------------------------------|--|-------------|--------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| Complete Nos. 1 - 4 and 6 if there are interested parties. Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties. | | OFFICE USE ONLY <div style="font-size: 2em; transform: rotate(-45deg); opacity: 0.5; position: absolute; top: 50%; left: 50%;">Must file online at www.ethics.state.tx.us/File</div> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1 Name of business entity filing form, and the city, state and country of the business entity's place of business. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4 <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2" style="width: 35%;">Name of Interested Party</th> <th rowspan="2" style="width: 25%;">City, State, Country (place of business)</th> <th colspan="2" style="width: 40%;">Nature of Interest (check applicable)</th> </tr> <tr> <th style="width: 15%;">Controlling</th> <th style="width: 25%;">Intermediary</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table> | | Name of Interested Party | City, State, Country (place of business) | Nature of Interest (check applicable) | | Controlling | Intermediary | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Name of Interested Party | City, State, Country (place of business) | | | Nature of Interest (check applicable) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | Controlling | Intermediary | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 5 Check only if there is <u>NO</u> Interested Party. <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6 UNSWORN DECLARATION My name is _____, and my date of birth is _____. My address is _____ (street) _____ (city) _____ (state) _____ (zip code) _____ (country). I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of _____, on the _____ day of _____, 20____. <div style="text-align: right; margin-right: 100px;"> _____ Signature of authorized agent of contracting business entity (Declarant) </div> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ADD ADDITIONAL PAGES AS NECESSARY | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

REQUIRED CONTRACT PROVISIONS

Italics – Explanatory; not contract language

All Contracts

| THRESHOLD | PROVISION | CITATION |
|-----------|---|---|
| None | (H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the government-wide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1986 Comp., p. 189) and 12689 (3 CFR Part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549. | 2 CFR 200 APPENDIX II (H) |
| None | The U.S. Department of Housing and Urban Development (HUD), Inspectors General, the Comptroller General of the United States, and the Texas Department of Agriculture (TDA), and the City/County, or any of their authorized representatives, shall have access to any documents, papers, or other records of the Contractor which are pertinent to the TxCDBG award, in order to make audits, examinations, excerpts, and transcripts and to closeout the City’s/County’s TxCDBG contract with TDA. | 2 CFR 200.336 (former 24 CFR 85.36(i)(10)) |
| None | Grantees or subgrantees must retain all required records for three years after grantees or subgrantees make final payments and all other pending matters are closed. | 2 CFR 200.333 (former 24 CFR (85.36(i)(11)) |
| None | Sec. 176.003. CONFLICTS DISCLOSURE STATEMENT REQUIRED. (a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if: (1) the vendor enters into a contract with the local governmental entity or the local governmental entity is considering entering into a contract with the vendor; and (2) the vendor: (A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that: (i) a contract between the local governmental entity and vendor has been executed; or (ii) the local governmental entity is considering entering into a contract with the vendor; (B) has given to the local government officer or a family member of the officer one or more gifts that have an | Chapter 176 of the Local Government Code |

| | | |
|-----------|---|-------------------------------------|
| | <p>aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:</p> <p>(i) a contract between the local governmental entity and vendor has been executed; or</p> <p>(ii) the local governmental entity is considering entering into a contract with the vendor; or has a family relationship with the local government officer.</p> <p>(a-1) A local government officer is not required to file a conflicts disclosure statement in relation to a gift accepted by the officer or a family member of the officer if the gift is:</p> <p>(1) a political contribution as defined by Title 15, Election Code; or</p> <p>(2) food accepted as a guest.</p> <p>(a-2) A local government officer is not required to file a conflicts disclosure statement under Subsection (a) if the local governmental entity or vendor described by that subsection is an administrative agency created under Section 791.013, Government Code.</p> <p>(b) A local government officer shall file the conflicts disclosure statement with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of the statement under Subsection (a).</p> | |
| >\$10,000 | <p><i>(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.</i></p> <p><i>Use the following language for contracts > \$ 10,000:</i></p> <p><u>Termination for Cause</u></p> <p>If the Contractor fails to fulfill in a timely and proper manner its obligations under this Agreement, or if the Contractor violates any of the covenants, conditions, agreements, or stipulations of this Agreement, the City/County shall have the right to terminate this Agreement by giving written notice to the Contractor of such termination and specifying the effective date thereof, which shall be at least five days before the effective date of such termination. In the event of termination for cause, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by the Contractor pursuant to this Agreement shall, at the option of the City/County, be turned over to the City / County and become the property of the City / County. In the event of termination for cause, the Contractor shall be entitled to receive reasonable compensation for any necessary services actually and satisfactorily performed prior to the date of termination.</p> | <p>2 CFR 200 APPENDIX II(B)</p> |

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| | <p>Notwithstanding the above, the Contractor shall not be relieved of liability to the City/County for damages sustained by the City/County by virtue of any breach of contract by the Contractor, and the City/County may set-off the damages it incurred as a result of the Contractor's breach of contract from any amounts it might otherwise owe the Contractor.</p> <p><u>Termination for Convenience of the City/County</u></p> <p>City/County may at any time and for any reason terminate Contractor's services and work at City/County's convenience upon providing written notice to the Contractor specifying the extent of termination and the effective date. Upon receipt of such notice, Contractor shall, unless the notice directs otherwise, immediately discontinue the work and placing of orders for materials, facilities and supplies in connection with the performance of this Agreement.</p> <p>[Parties should include the manner by which such termination will be effected and the basis for settlement or any other terms and conditions concerning payment upon such termination.]</p> | |
| >\$50,000 | <p><i>(A) Contracts for more than \$50,000 must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.</i></p> <p><i>Use the following language for contracts > \$50,000:</i></p> <p><u>Resolution of Program Non-compliance and Disallowed Costs</u></p> <p>In the event of any dispute, claim, question, or disagreement arising from or relating to this Agreement, or the breach thereof, including determination of responsibility for any costs disallowed as a result of non-compliance with federal, state or TxCDBG program requirements, the parties hereto shall use their best efforts to settle the dispute, claim, question or disagreement. To this effect, the parties shall consult and negotiate with each other in good faith within 30 days of receipt of a written notice of the dispute or invitation to negotiate, and attempt to reach a just and equitable solution satisfactory to both parties. If the matter is not resolved by negotiation within 30 days of receipt of written notice or invitation to negotiate, the parties agree first to try in good faith to settle the matter by mediation administered by the American Arbitration Association under its Commercial Mediation Procedures before resorting to arbitration, litigation, or some other dispute resolution procedure. The parties may enter into a written amendment to this Agreement and choose a mediator that is not affiliated with the American Arbitration Association. The parties shall bear the costs of such mediation equally. <i>[This section may also provide for the qualifications of the mediator(s), the locale of meetings, time limits, or any other item of concern to the parties.]</i> If the matter is not resolved through such mediation within 60</p> | <p>2 CFR 200 APPENDIX II (A)</p> |

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| | days of the initiation of that procedure, either party may proceed to file suit. | |
| Option Contract Language for Procurement before Grant Funds Awarded | Payment of the fees [described in ____ section] shall be contingent on CDBG funding. In the event that grant funds are not awarded to the City / County by TDA through the TxCDBG program, this agreement shall be terminated by the City / County. | 2 CFR 200.319(a) |

Additional provisions for administration & engineering contracts associated with construction contracts

| THRESHOLD | PROVISION | CITATION |
|-----------|--|--|
| >\$10,000 | <p><i>(Italics – Explanatory; not contract language)</i></p> <p><i>2 CFR 200 Appendix II (C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60–1.3 must include the equal opportunity clause provided under 41 CFR 60–1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964–1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”</i></p> <p><i>Therefore, include the following EO clause (not in italics) in construction contracts including construction associated administration and engineering contracts > \$10,000:</i></p> <p>\$60-1.4(b) Equal opportunity clause.</p> <p><i>(b) Federally assisted construction contracts. Except as otherwise provided, each administering agency shall require the inclusion of the following language as a condition of any grant, contract, loan, insurance, or guarantee involving federally assisted construction which is not exempt from the requirements of the equal opportunity clause:</i></p> <p><i>The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:</i></p> | <p>41 CFR §60-1.4(b) And 2 CFR 200 APPENDIX II (C)</p> |

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| | <p>During the performance of this contract, the contractor agrees as follows:</p> <p>(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.</p> <p>(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.</p> <p>(3) The Contractor will not discourage or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.</p> <p>(4) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.</p> <p>(5) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.</p> | |
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| | <p>(6) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.</p> <p>(7) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.</p> <p>(8) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency the contractor may request the United States to enter into such litigation to protect the interests of the United States.</p> <p>The applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, That if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.</p> <p>The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will</p> | |
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| | <p>otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.</p> <p>The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.</p> <p>(c) Subcontracts. Each nonexempt prime contractor or subcontractor shall include the equal opportunity clause in each of its nonexempt subcontracts.</p> <p>(d) Incorporation by reference. The equal opportunity clause may be incorporated by reference in all Government contracts and subcontracts, including Government bills of lading, transportation requests, contracts for deposit of Government funds, and contracts for issuing and paying U.S. savings bonds and notes, and such other contracts and subcontracts as the Deputy Assistant Secretary may designate.</p> <p>(e) Incorporation by operation of the order. By operation of the order, the equal opportunity clause shall be considered to be a part of every contract and subcontract required by the order and the regulations in this part to include such a clause whether or not it is physically incorporated in such contracts and whether or not the contract between the agency and the contractor is written.</p> <p>(f) Adaptation of language. Such necessary changes in language may be made in the equal opportunity clause as shall be appropriate to identify properly the parties and their undertakings.</p> <p>[43 FR 49240, Oct. 20, 1978, as amended at 62 FR 66971, Dec. 22, 1997; 79 FR 72993, Dec. 9, 2014; 80 FR 54934, September 11, 2015]</p> | |
| >\$100,000 | §135.38 Section 3 clause | 24 CFR §135.38 |

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| | <p><i>All section 3 covered contracts shall include the following clause (referred to as the section 3 clause):</i></p> <p>A. The work to be performed under this contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.</p> <p>B. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.</p> <p>C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.</p> <p>D. The contractor agrees to include this section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.</p> <p>E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.</p> | |
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| | <p>F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.</p> <p>G. With respect to work performed in connection with section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of section 3 and section 7(b) agree to comply with section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).</p> | |
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Administration Professional Services Rating Sheet

Item 5.

Grant Recipient CITY OF SWEENEY

Name of Respondent GRANTWORKS

Evaluator's Name L. KOSKINIEMI

Date of Rating MAY 07, 2024

Rate the Respondent of the Request For Proposal (RFP) by awarding points up to the maximum listed for each factor. Information necessary to assess the Respondent on these criteria may be gathered either from past experience with the Respondent and/or by contacting past/current clients of the Respondent. Respondents proposing to offer specific services (environmental or buyout only) will be scored only on those services.

Experience

| Factors | Max.Pts. | Score |
|---|----------|----------------------|
| 1. Related Experience / Background with federally funded, CDBG projects | 15 | 15 |
| 2. Related Experience / Background with grant-funded comprehensive planning | 15 | 12 - Not too sure |
| 3. Related experience/background with specific services: | | |
| a. Grant Administration and coordination with GLO | 10 | 10 which are |
| b. Disaster Recovery and Mitigation Project Management | 10 | 10 specifically open |
| 4. References from current/past clients | 5 | toward planning |
| Subtotal, Experience | 55 | 52 |

Work Performance

| Factors | Max.Pts. | Score |
|--|----------|-------|
| 1. Submits requests to client/GLO in a timely manner | 5 | 5 |
| 2. Responds to client/GLO requests in a timely manner | 5 | 5 |
| 3. Past client/GLO projects completed on schedule | 5 | 5 |
| 4. Work product is consistently of high quality with low level of errors | 5 | 5 |
| 5. Past client/GLO projects have low level of monitoring findings/concerns | 5 | 5 |
| 6. Manages projects within budgetary constraints | 5 | 5 |
| Subtotal, Performance | 30 | 30 |

Capacity to Perform

| Factors | Max.Pts. | Score |
|---|----------|-------|
| 1. Qualifications / Experience of Staff | | |
| a. Grant Administrative | 3 | 3 |
| b. Comprehensive Planning | 3 | 3 |
| 2. Present and Projected Workloads | 2 | 2 |
| 3. Demonstrated understanding of scope of the RCP Project | 2 | 2 |
| Subtotal, Capacity to Perform | 10 | 10 |

Proposed Cost

| Factors | Max.Pts. | Score |
|--|----------|-------|
| Proposed cost is in line with independent estimate and compared with all cost proposals received | 5 | 5 |
| A = Lowest Proposal \$ 300,000 | | |
| B = Respondent's Proposal \$ 300,000 | 5 | 5 |

TOTAL SCORE

| Factors | Max.Pts. | Score |
|--|----------|-------|
| <input type="checkbox"/> Experience | 55 | 52 |
| <input type="checkbox"/> Work Performance | 30 | 30 |
| <input type="checkbox"/> Capacity to Perform | 10 | 10 |
| <input type="checkbox"/> Proposed Cost | 5 | 5 |
| Total Score | 100 | 97 |

City of Nash Jennifer - "They have done a great job for us!"
 City of Wharton - Awarded. Nash chose GW. All projects completed
 All projects completed on time. All projects same GW. All projects same GW.

Administration Professional Services Rating Sheet

Item 5.

Grant Recipient CITY OF SWEENEY Name of Respondent LANGFORD CMS
 Evaluator's Name L. KOSKINIEMI Date of Rating MAY 07, 2024

Rate the Respondent of the Request For Proposal (RFP) by awarding points up to the maximum listed for each factor. Information necessary to assess the Respondent on these criteria may be gathered either from past experience with the Respondent and/or by contacting past/current clients of the Respondent. Respondents proposing to offer specific services (environmental or buyout only) will be scored only on those services.

Experience

| Factors | Max.Pts. | Score |
|---|-----------|-----------|
| 1. Related Experience / Background with federally funded, CDBG projects | 15 | 15 |
| 2. Related Experience / Background with grant-funded comprehensive planning | 15 | 14 |
| 3. Related experience/background with specific services: | | |
| a. Grant Administration and coordination with GLO | 10 | 8 |
| b. Disaster Recovery and Mitigation Project Management | 10 | 10 |
| 4. References from current/past clients | 5 | 5 |
| Subtotal, Experience | 55 | 52 |

Work Performance

sum
- No contact info for references. - City of Lyford. 956-347-3512

| Factors | Max.Pts. | Score |
|--|-----------|-----------|
| 1. Submits requests to client/GLO in a timely manner | 5 | 5 |
| 2. Responds to client/GLO requests in a timely manner | 5 | 5 |
| 3. Past client/GLO projects completed on schedule | 5 | 5 |
| 4. Work product is consistently of high quality with low level of errors | 5 | 5 |
| 5. Past client/GLO projects have low level of monitoring findings/concerns | 5 | 5 |
| 6. Manages projects within budgetary constraints | 5 | |
| Subtotal, Performance | 30 | 30 |

Capacity to Perform

| Factors | Max.Pts. | Score |
|---|-----------|----------|
| 1. Qualifications / Experience of Staff | | |
| a. Grant Administrative | 3 | 3 |
| b. Comprehensive Planning | 3 | 3 |
| 2. Present and Projected Workloads | 2 | 0 |
| 3. Demonstrated understanding of scope of the RCP Project | 2 | 1 |
| Subtotal, Capacity to Perform | 10 | 7 |

- No info on capacity found in submittal.

Proposed Cost

| Factors | Max.Pts. | Score |
|--|----------|-------|
| Proposed cost is in line with independent estimate and compared with all cost proposals received | 5 | 2 |
| A = Lowest Proposal \$ <u>300,000.00</u> A + B X 5 = Respondent's Score | | |
| B = Respondent's Proposal \$ <u>304,000.</u> | 5 | 2 |

TOTAL SCORE

| Factors | Max.Pts. | Score |
|--|------------|-----------|
| <input type="checkbox"/> Experience | 55 | 52 |
| <input type="checkbox"/> Work Performance | 30 | 30 |
| <input type="checkbox"/> Capacity to Perform | 10 | 7 |
| <input type="checkbox"/> Proposed Cost | 5 | 2 |
| Total Score | 100 | 91 |

Administration Professional Services Rating Sheet

Item 5.

Grant Recipient CITY OF SWEENEY
 Evaluator's Name L. KOSKINIEMI

Name of Respondent PUBLIC MANAGEMENT
 Date of Rating MAY 07, 2024

Rate the Respondent of the Request For Proposal (RFP) by awarding points up to the maximum listed for each factor. Information necessary to assess the Respondent on these criteria may be gathered either from past experience with the Respondent and/or by contacting past/current clients of the Respondent. Respondents proposing to offer specific services (environmental or buyout only) will be scored only on those services.

Experience

| Factors | Max.Pts. | Score |
|---|-----------|-----------|
| 1. Related Experience / Background with federally funded, CDBG projects | 15 | 15 |
| 2. Related Experience / Background with grant-funded comprehensive planning | 15 | 13 |
| 3. Related experience/background with specific services: | | |
| a. Grant Administration and coordination with GLO | 10 | 5 |
| b. Disaster Recovery and Mitigation Project Management | 10 | 5 |
| 4. References from current/past clients | 5 | 5 |
| Subtotal, Experience | 55 | 43 |

- Did not provide specific project info

Work Performance

| Factors | Max.Pts. | Score |
|--|-----------|-----------|
| 1. Submits requests to client/GLO in a timely manner | 5 | 3 |
| 2. Responds to client/GLO requests in a timely manner | 5 | 4 |
| 3. Past client/GLO projects completed on schedule | 5 | 5 |
| 4. Work product is consistently of high quality with low level of errors | 5 | 2 |
| 5. Past client/GLO projects have low level of monitoring findings/concerns | 5 | 5 |
| 6. Manages projects within budgetary constraints | 5 | 5 |
| Subtotal, Performance | 30 | 24 |

← While minor to some, there were several grammatical mistakes that made me question attention to detail.

Capacity to Perform

| Factors | Max.Pts. | Score |
|---|-----------|----------|
| 1. Qualifications / Experience of Staff | | |
| a. Grant Administrative | 3 | 2 |
| b. Comprehensive Planning | 3 | 2 |
| 2. Present and Projected Workloads | 2 | 0 |
| 3. Demonstrated understanding of scope of the RCP Project | 2 | 2 |
| Subtotal, Capacity to Perform | 10 | 6 |

- Saw no detail in this.

Proposed Cost

| Factors | Max.Pts. | Score |
|--|----------|-------|
| Proposed cost is in line with independent estimate and compared with all cost proposals received | 5 | 5 |
| A = Lowest Proposal \$ _____ A + B X 5 = Respondent's Score | | |
| B = Respondent's Proposal \$ <u>100,000.00</u> | 5 | |

TOTAL SCORE * Fee certified for 90 days from date on letter 4/23/2024.

| Factors | Max.Pts. | Score |
|--|------------|-----------|
| <input type="checkbox"/> Experience | 55 | 43 |
| <input type="checkbox"/> Work Performance | 30 | 24 |
| <input type="checkbox"/> Capacity to Perform | 10 | 6 |
| <input type="checkbox"/> Proposed Cost | 5 | 5 |
| Total Score | 100 | 78 |



P. O. BOX 549
CLUTE TX 77531
979-265-7411

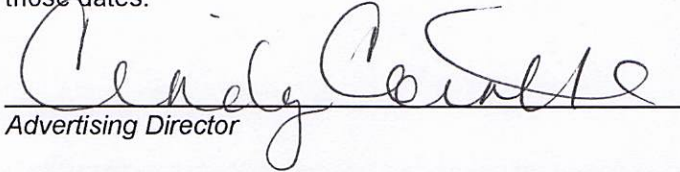
**STATE OF TEXAS
COUNTY OF BRAZORIA**

Cindy Cornette, being duly sworn, says:

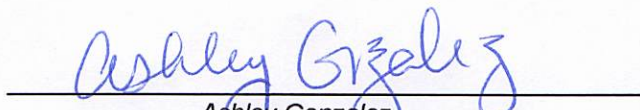
That she is Classifieds Leader of the The Facts, a daily newspaper of general circulation, printed and published in **Brazoria County, Texas**; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

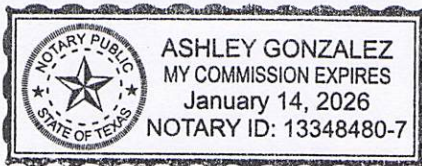
03/27/2024

That said newspaper was regularly issued and circulated on those dates.


Advertising Director

Subscribed to and sworn to me this **27th day of March, 2024.**


Ashley Gonzalez
Notary Public, State of Texas, Brazoria County, Texas
My commission expires January 14, 2026



City Of Sweeny
Kaydi Smith
P O Box 248
Sweeny, TX 77480

Acct #17231 Ad #1210775

Affidavit of Publication

**Request for Proposals
CITY OF SWEENY**

The City of Sweeny plans to apply for a Resilient Communities Program (RCP) grant from the Texas General Land Office (GLO) for eligible activities. The CITY is seeking to contract with a qualified planning consultant to assist in the application preparation, development of the planning process and associated planning reports, and grant contract compliance. Please mail via UPS or hand deliver your proposal of services and a statement of qualifications for the proposed services to the following address:

102 W. Ashley Wilson Road,
Sweeny, Texas 77480.

Proposals must be received no later than 2:00 p.m. on THURSDAY, APRIL 25, 2024 to be considered. The CITY OF SWEENY reserves the right to negotiate with any and all individuals or firms that submit proposals and may award one or more contracts to one or more service provider(s). Section 3 Residents and Business Concerns, Minority Business Enterprises, Small Business Enterprises and Women Business Enterprises, and Labor Surplus Area firms are encouraged to submit proposals. CITY OF SWEENY is an Affirmative Action/ Equal Opportunity Employer. Servicios de traducción están disponibles por petición.

Additional information can be obtained under the budget and finance page of the City's website at www.sweenytx.gov.



CITY OF SWEENY

Item 6.

102 W. Ashley Wilson Rd. • PO Box 248 • Sweeny, Texas 77480 • P: (979) 548-3321 • F: (979) 548-7745

The following will be used to request an item to be placed on the agenda with the Sweeny City Council.

Personal Information:

Name: sweeny Lion's club

Mailing Address: [REDACTED]

Physical Address:

Email(s): [REDACTED]

Phone(s): [REDACTED]

Please include specific details of the item you wish to be placed on the agenda.

* On August 3rd the Lion's Club will be hold their annual back to school festvial and would like to ask council for permission to use the backyard park, grounds around city hall for this event.

Signature: Carief Massey Date: 6/5/24

Requests must be received by the City Manager by close of business 10 days prior to the scheduled meeting date for placement. Administration and/or their designee reserves the right to delay the item to the following regularly scheduled meeting if it is determined that more time is needed in order to compile information specific to the request.

Once Council has acted on an agenda item; that item cannot be placed on the agenda for a period of six (6) full months. Exception is provided if three members of Council ask that the item be returned early to the agenda, or the Mayor or City Manager determines it is in the interest of the City to do so.



AGENDA MEMO

Business of the City Council
City of Sweeny, Texas

Item 6.

| | | | |
|---|---|---------------------|-----------------------|
| Meeting Date | 06/18/2024 | Agenda Items | |
| Approved by City Manager | | Presenter(s) | Caniel "Shaun" Massey |
| Reviewed by City Attorney | | Department | Parks |
| Subject | Discussion and possible action for usage of City property; Lions Club | | |
| Council Strategic Goals | Sense of Community | | |
| Attachments / Supporting documents | | | |
| Financial Information | Expenditure Required: | N/A | |
| | Amount Budgeted: | N/A | |
| | Account Number: | - | |
| | Additional Appropriation Required: | - | |
| | Additional Account Number: | - | |

Executive Summary

The Lions Club is requesting the usage of City owned property for their annual back to school event on August 3rd, 2024 from 1:00 p.m. to 11:30 p.m.

The Lions Club is requesting to use the property directly behind and beside City Hall for the event and Backyard Park. The backpack give away would start at 6 p.m. Lions Club will be hosting a community movie to start between 7-8:30 p.m.

There will NOT be alcohol or a need for security. No entrances/exits will be barricaded, only handicapped parking signage placed.

Request for usage is being made as it would encroach on allowable times of Park rules and would encompass the property behind and beside City Hall.

Recommended Action

To approve



CITY OF SWEENY

Item 7.

102 W. Ashley Wilson Rd. • PO Box 248 • Sweeny, Texas 77480 • P: (979) 548-3321 • F: (979) 548-7745

The following will be used to request an item to be placed on the agenda with the Sweeny City Council.

Personal Information:

Name: sweeny parks & recs

Mailing Address: [REDACTED]

Physical Address:

Email(s): [REDACTED]

Phone(s): [REDACTED]

Please include specific details of the item you wish to be placed on the agenda.

* we would like to ask council to reduce the members on park board from 7 members to 5 due to lack members attendance to hold a quorum.

~~* to ask council to hold a community work day at mlk park to help demo and install the new pavilion at the park~~

**Not added to Agenda;
Kds/CS.

Signature: Carief Massey Date: 6/5/24

Requests must be received by the City Manager by close of business 10 days prior to the scheduled meeting date for placement. Administration and/or their designee reserves the right to delay the item to the following regularly scheduled meeting if it is determined that more time is needed in order to compile information specific to the request.

Once Council has acted on an agenda item; that item cannot be placed on the agenda for a period of six (6) full months. Exception is provided if three members of Council ask that the item be returned early to the agenda, or the Mayor or City Manager determines it is in the interest of the City to do so.



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

Item 7.

| | | | |
|------------------------------------|---|--------------|--------------------------|
| Meeting Date | 06/18/2024 | Agenda Items | |
| Approved by City Manager | | Presenter(s) | Caniel "Shaun" Massey |
| Reviewed by City Attorney | | Department | Parks & Recreation Board |
| Subject | Discussion and possible action to reduce the number of board members on the Parks and Recreation Board. | | |
| Council Strategic Goals | Sense of Community | | |
| Attachments / Supporting documents | Minutes 02/19/2008; Minutes 03/18/2008 | | |
| Financial Information | Expenditure Required: | N/A | |
| | Amount Budgeted: | N/A | |
| | Account Number: | | |
| | Additional Appropriation Required: | | |
| | Additional Account Number: | | |

Executive Summary

The Parks & Recreation Board is requesting for Council to reduce the number of board members, from seven (7) to five (5), as the establishment of a quorum has become difficult due to lack of participation.

In February of 2022, Council amended the Parks and Recreation Board ordinance appointing a seven (7) member board.; Ordinance No. 100-22; §35.01.

*35.01 ESTABLISHMENT. The City Council shall establish a Park and Recreation Board by appointing a **seven-member Board**. Members appointed to the Board must live within ten miles of the center of the City of Sweeny. (Ord. 102-94, passed 10-19-93; Am. **Ord. 100-22, passed 2-15-22**)*

Previously, the Parks and Recreation Board was a five (5) member board. The minutes of the 02/19/2008 meeting state that the Parks & Rec Board "would be a five member board." The 03/18/2008 meeting minutes indicate appointment of five individuals to the Parks and Recreation Board.

The request is to revert back to a five (5) member board. This would require an ordinance amendment, if approved, to be brought back to Council for final approvals.

Recommended Action

If approving:

Motion: Move to approve a board member reduction for the Parks and Recreation Board; decreasing from seven (7) members to five (5) members.

A regular meeting of the City Council was held at City Hall on Tuesday, February 19, 2008

**** TAPE DID NOT RECORD ****

1. Call To Order

Mayor Piper called the meeting to order. Reminded Council and audience meetings are conducted in strict compliance with Roberts Rule of Order.

2. Invocation

Invocation was given by Charlie Stevenson

3. Roll Call

Council present: Mayor Larry Piper, Gary Coker, Rodney Weems, and Linda Diaz.
Absent: Thomas Lemon and Neal Bess Jr.

Also present: Tim Moss, City Manager; Charlie Stevenson, City Attorney, and Homer Toscano, Director of Public Works. Absent: Gary Stroud, Chief of Police.

4. Pledge of Allegiance

Pledge of Allegiance was recited.

5. Presentations by Citizens -

Visitors: Al Lindley, Frank Lawrence, Doug and Tammy Issacs

6.. * Consent Items

A. Approval of Minutes - January 15, 2008

B. Approval of Bills- \$27, 387.97

Rodney Weems questioned the bill for Dan Schaefer. Tim Moss explained Dan is our consultant.

Gary Coker made a motion to accept the consent items as read. Rodney Weems seconded the motion. All in favor; motion carried.

7. * Public Hearings

A.

8. Fire Department Report

No one present from Fire Department to give report.

9. Old Business

A. Final Plat Approval Subdivision of Property / Mr. Mayberry

Gary Coker made a motion to approve the final plat approval of property. Rodney Weems seconded. All in favor; motion carried.

10. New Business

A. Ordinance to Call Election - May 10, 2008

Charlie Stevenson read the Ordinance. Rodney Weems made a motion to approve the Ordinance to Call Election as read. Gary Coker seconded. All in favor; motion carried.

B. Joint Election Agreement with Brazoria County

Rodney Weems made a motion to join into the joint election agreement with Brazoria County. Linda Diaz seconded. All in favor; motion carried.

C. Proposed Voting Center Pilot Program / Brazoria County

Rodney Weems made a motion to approve the proposed voting center pilot program in Brazoria County. Gary Coker seconded. All in favor; motion carried.

D. Appoint Park and Recreation Board / Neal Bess and or Rodney Weems

This would be a five member board by Ordinance. Neal Bess would be Council liaison with this board. Rodney Weems made a motion to accept applications for the Park and Recreation Board. Gary Coker seconded. All in favor; motion carried.

E. Discuss Personnel Policy Overtime Pay / Tim Moss

Tim Moss suggested to change personnel policy to read that vacation and holidays would be considered as worked days. Gary Coker made a motion to table until next meeting. Linda Diaz seconded. All in favor; motion carried.

F. SEDC - Pocket Parks / Frances Jammer

Rodney Weems made a motion to approve SEDC to donate \$11,000.00 to the pocket parks. Gary Coker seconded. All in favor; motion carried.

G. Preliminary Approval to Subdivide Property at 1303 Ave A / Drew Jolly

Gary Coker made a motion to give preliminary approval to subdivide the property located at 1303 Ave A. Linda Diaz seconded. All in favor; motion carried.

11. *Reports of Advisory Boards & Commissions

None

12. Mayor, Council and Staff Reports

Gary Coker –

Thomas Lemon – Absent

Neal Bess – Absent

Mayor –

Rodney Weems –

Linda Diaz –

Tim Moss –

Chief Stroud – Absent

Homer Toscano –

13. *Announcements

None

14. Closed Executive Session in Accordance with the Open Meetings Act, Tex. Gov't Code

§ 511.071, § 551.072 and § 551.074. To Discuss:

OPEN MEETING:

15. Discussion and action on any items discussed in Executive Session

Rodney Weems made a motion for Charlie Stevenson to settle the case of Lance vs. City of Sweeny for \$1,000.00. Gary Coker seconded. All in favor; motion carried.

16. Adjournment

Being no further business meeting adjourned at 7:52 PM

PASSED AND APPROVED THIS 18 DAY OF March, 2008



Reatta Minshew, City Secretary

A regular meeting of the City Council was held at City Hall on Tuesday, March 18, 2008

1. Call To Order

Mayor - Pro Tem Gary Coker called the meeting to order. Reminded Council and audience meetings are conducted in strict compliance with Roberts Rule of Order.

2. Invocation

Invocation was given by Charlie Stevenson

3. Roll Call

Council present: Mayor Pro-Tem Gary Coker, Rodney Weems, Linda Diaz and Thomas Lemon. Absent: Neal Bess Jr.

Also present: Tim Moss, City Manager; Charlie Stevenson, City Attorney, and Homer Toscano, Director of Public Works. Absent: Gary Stroud, Chief of Police.

4. Pledge of Allegiance

Pledge of Allegiance was recited.

5. Presentations by Citizens -

Visitors: Al Lindley, Gloria Harrison, Alvin Bannert, Mark Gregurek

6.. * Consent Items

A. Approval of Minutes - February 19, 2008 and Special Meeting March 3, 2008

B. Approval of Bills- \$30,132.79

Rodney Weems made a motion to accept the consent items as read. Thomas Lemon seconded the motion. All in favor; motion carried.

7. * Public Hearings

A.

8. Fire Department Report

No one present from Fire Department to give report.

9. Old Business

A. Amend Personnel Policy - Overtime Pay / Tim Moss

Tim Moss discussed the differences between the current policy and proposed policy. With the proposed policy vacation, holidays, etc., except for sick time will be considered as worked days. If someone works the holiday they will get receive double time for their time worked and a comp. day for the holiday. Rodney Weems made a motion to accept the proposed policy as read. Linda Diaz seconded. All in favor; motion carried.

10. New Business

A. Discuss 1104 Old Ocean Ave / Jay or Charlene Pierce.

No one present. Item resolved; home burned several months ago. Property has been sold and new owner (Mark Roome) will demolish home and intends to build new home. No action taken.

B. Replace Rodney Weems on Planning and Zoning Board of Commissioners

Discussion made; no names available at this time. Advertising to be done on City sign and Connect CTY. Rodney Weems made a motion to table until April meeting. Linda Diaz seconded. All in favor; motion carried.

C. Preliminary Approval to Subdivide Property at 204 Silverleaf / Lisa Achten

Mr. Achten showed plat showing the property at 204 Silverleaf subdivided; the property would be divided between the property owners on each side. Discussion made. Rodney Weems made a motion to accept the preliminary approval to subdivide property at 204 Silverleaf. Thomas Lemon seconded. All in favor; motion carried.

D. Proclaim April as Fair Housing Month

Mayor Pro- Tem Gary Coker read proclamation. No action taken

E. Request Setback Variance on Pool Cover 609 Rural Lane / Dudley Kisonda

Mr. Kisonda is in process of trying to sell property at 609 Rural Lane; he wanted a variance for the pool cover just in case something is brought up process of home selling. Discussion made. Rodney Weems made a motion to grant the variance on 609 Rural Lane pool cover. Thomas Lemon seconded. All in favor; motion carried.

F. Request Setback Variance on Outside Buildings and Carport 804 Brockman / Larry Piper

No one present. Item resolved. No action taken.

G. Appoint / Approve Parks and Recreation Board / Rodney Weems

Eight residents have requested to join the Parks and Recreation Board. Kelly Stroud, Larry Dye, Terry Johnson, Dale Lemon, Dan Turbett, Devin Lemon, Katherine Bonner and Orient Pinson. Voting done by secret ballot. Kelly Stroud and Larry Dye are 2 year terms; Terry Johnson, Dale Lemon, and Dan Turbett 1 year term. Two members shall be appointed in each even numbered year and three members shall be appointed in each odd number year, within 30 days after each regular city election, to serve terms of two years each. Rodney Weems made a motion to accept the Park and Recreation Board members and terms as previously mention. Thomas Lemon seconded. All in favor; motion carried.

11. *Reports of Advisory Boards & Commissions

Rodney Weems, stated the Planning and Zoning Board of Adjustments met on March 11, 2008. Variance was granted to S & E Roofing for a storage unit. He also reminded all that the Planning and Zoning Board of Commissioners will meet on Thursday, March 20, 2008. Their agenda is to discuss accessory buildings and their limitations, and the possibility of re-zoning of FM 524 and FM 1459 for multi-use. Discussion also to be

made regarding carports. The Planning and Zoning Board of Adjustments will also meet; their meeting will be Tuesday, March 25, 2008.

12. Mayor, Council and Staff Reports

Gary Coker – None

Thomas Lemon – Thanked Tim and our Public Works Dept. on the drainage work on the West side of the city.

Neal Bess – Absent

Rodney Weems – None

Linda Diaz – None

Tim Moss – Thanked the Fire Department and Auxiliary for the Easter Egg Hunt; the kids had a good time.

Chief Stroud – Absent

Homer Toscano – None

13. *Announcements

None

14. Closed Executive Session in Accordance with the Open Meetings Act, Tex. Gov't Code

§ 551.071, § 551.072 and § 551.074. To Discuss:

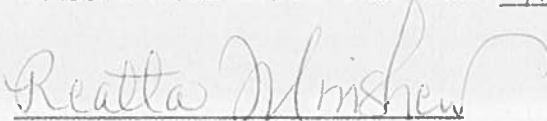
OPEN MEETING:

15. Discussion and action on any items discussed in Executive Session

16. Adjournment

Being no further business meeting adjourned at 7:50 PM

PASSED AND APPROVED THIS 15 DAY OF April, 2008


Reatta Minshew, City Secretary



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

Item 8.

| | | | |
|---|---|---------------------|----------------------------------|
| Meeting Date | 06.18.2024 | Agenda Items | |
| Approved by City Manager | Yes | Presenter(s) | Lindsay Koskiniemi, City Manager |
| Reviewed by City Attorney | No | Department | Development |
| Subject | Discussion and possible action on follow up of requested item to discuss status of property located at 1301 Avenue A, per Council Member Pettigrew. | | |
| Council Strategic Goals | Provide information in this field on how this item meets at least one of the five of Council's Strategic Goals. | | |
| Attachments / Supporting documents | 1. Vibrant Economy – Strengthen Code of Ordinances | | |
| Financial Information | Expenditure Required: | N/A | |
| | Amount Budgeted: | N/A | |
| | Account Number: | | |
| | Additional Appropriation Required: | | |
| | Additional Account Number: | | |

Executive Summary

At the special City Council meeting on May 23, 2024, Council Member Pettigrew, Position 5, requested to discuss the status of the property generally described as 1301 Avenue A. The property is a mobile home park, and lots are not shown individually on the property plat. Utilities are ran across the ground, so utilities are individually metered, which is inconsistent with the property's legal description and recorded plat. The issue is that city utilities are run across private property, so that when there is a water or sewer leak, city employees are going on private property make repairs.

The City's Code provides that the City is responsible up to the customer's meter, and beyond the meter is the responsibility of the property owner. Currently, the situation is not being handled in that manner, so the City is working on private utilities and private property.

At the last meeting, the city manager offered to contact the property owner to hopefully identify an amicable solution to achieve Code compliance. On June 13, 2024, I, Lindsay Koskiniemi, spoke to one of two property owners, Mr. Eric Jones and explained the issue. Mr. Jones understood the issue and stated he would speak to the second property owner, Ms. Dakota Schmidt. One solution I offered was the possible use of a "master meter," similar to how some apartment complexed allocate utility billing in multifamily structures. I explained that it is not uncommon for older properties to not show individual lot lines, and replatting may be expensive. Installing a master meter in the City easement would provide Code compliance so that City employees are not working on private property in the event they respond to a repair.

Mr. Jones expressed hesitancy, as it would impose a hardship to allocate the bill among residents. This discussion is still in progress and is not final at this stage. I recommended the property



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

Item 8.

owner(s) attend the meeting on June 18th, as there is discussion on the agenda concerning their property.

Recommended Action

No recommended action at this time, as the property owner was only made aware less than a week ahead of this council meeting.

Staff will continue to work on finding a solution with Mr. Schmidt and Mr. Jones and report back and development or stagnancy in the process to City Council.



CITY OF SWEENY

102 W. Ashley Wilson Rd. • PO Box 248 • Sweeny, Texas 77480 • P: (979) 548-3321 • F: (979) 548-7745

The following will be used to request an item to be placed on the agenda with the Sweeny City Council.

Personal Information:

Name:

TIM PETTIGREW

Mailing Address:

[REDACTED]

Physical Address:

[REDACTED]

Email(s):

Phone(s):

[REDACTED]

Please include specific details of the item you wish to be placed on the agenda.

CITY WATER LINES - 1301 AVE. A

Signature

[REDACTED]

Date:

3/19/2024

Requests must be received by the City Manager by close of business 10 days prior to the scheduled meeting date for placement. Administration and/or their designee reserves the right to delay the item to the following regularly scheduled meeting if it is determined that more time is needed in order to compile information specific to the request.

Once Council has acted on an agenda item; that item cannot be placed on the agenda for a period of six (6) full months. Exception is provided if three members of Council ask that the item be returned early to the agenda, or the Mayor or City Manager determines it is in the interest of the City to do so.

Rec 3/19/24 11:38AM



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

Item 9.

| | | | |
|---|---|---------------------|----------------------------------|
| Meeting Date | 06.18.2024 | Agenda Items | |
| Approved by City Manager | Yes | Presenter(s) | Lindsay Koskiniemi, City Manager |
| Reviewed by City Attorney | Yes | Department | Gas Utility |
| Subject | Discussion and possible action to approve a resolution in support of the City of Sweeny grant application to the US Department of Transportation Fiscal Year 2024 Natural Gas Distribution Infrastructure Safety and Modernization Program. | | |
| Council Strategic Goals | 2. Infrastructure Investment – Support strategic investment in city facilities 4. Government Sustainability – Protect City's financial integrity, Improve efficiency through data technology | | |
| Attachments / Supporting documents | Proposed resolution | | |
| Financial Information | Expenditure Required: | N/A | |
| | Amount Budgeted: | N/A | |
| | Account Number: | | |
| | Additional Appropriation Required: | | |
| | Additional Account Number: | | |

Executive Summary

As a system owner / operator of a natural gas distribution system, the City of Sweeny is eligible to apply for the US Department of Transportation Fiscal Year 2024 Natural Gas Distribution Infrastructure Safety and Modernization Program. Furthermore, Sweeny's grant application proposes a comprehensive gas system project that is eligible for consideration.

City staff has been working on developing a capital project involving system-wide upgrades to replace several miles of gas distribution lines, install several isolation valves, and replace gas meters with fully digital meters that electronically pull in readings as opposed to the current method which involves several Public Works employees going house to house to read obsolete analog meters. This process is not efficient and often takes several days to read and re-read all gas meters.

Congressman Randy Weber of the 14th Congressional District of Texas and Representative Cody Vasut of Texas House District 25 have both agreed to support this project and write letters of support. This agenda item is a request for City Council to adopt a resolution in support of the City's application for grant funding to not only bring the gas system into compliance but to modernize through this funding opportunity.

This grant became available in the total amount of \$196,000,000 in 2021 to be allocated over 5 years. 2025 is the final year for this grant. The award floor for this announcement is \$10,000, and the award ceiling is \$125,000,000. Sweeny is asking for an amount that would overhaul the entire gas system and loop the main line to distribute pressure more evenly.



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

Item 9.

The deadline to submit this grant is June 20, 2024; however the City intends to submit Sweeny's application on June 19, 2024.

Recommended Action

Staff recommends approval.

Recommended motion:

"I move we approve a resolution in support of the City of Sweeny grant application to US Department of Transportation Fiscal Year 2024 Natural Gas Distribution Infrastructure Safety and Modernization Program for gas system repairs and upgrades for safety and modernization."

RESOLUTION NO. 24-108

A RESOLUTION OF THE CITY OF SWEENY, TEXAS,
AUTHORIZING THE SUBMISSION OF A FY24 NATURAL GAS
DISTRIBUTION INFRASTRUCTURE AND SAFETY
MODERNIZATION GRANT APPLICATION TO DEPARTMENT OF
TRANSPORTATION HAZARDOUS MATERIALS SAFETY
ADMINISTRATION; AUTHORIZING THE MAYOR OR CITY
MANAGER TO ACT AS THE AUTHORIZED REPRESENTATIVES
IN ALL MATTERS PERTAINING TO THE APPLICATION.

WHEREAS, the City Council of the City of Sweeny desires to submit an application for a FY24 Natural Gas Distribution Grant to the Department of Transportation Hazardous Materials Safety Administration; and

WHEREAS, the application is for replacing natural gas pipelines within the City of Sweeny to bring the pipeline system into compliance and to modernize the system with digital electronic gas meters to automate the system;

WHEREAS, it is in the best interest of the City to apply for said grant.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF SWEENY, TEXAS:

Section One (1): That a FY24 Natural Gas Distribution Grant application be filed with the Department of Transportation Hazardous Materials Safety Administration on behalf of the City of Sweeny.

Section Two (2): That said application is for a natural gas line replacement project and other modernization updates to the gas system in the City of Sweeny.

Section Three (3): That the City Council directs and designates the City Manager or Mayor to act in all matters in connection with this application to be authorized to execute this application and any subsequent contractual documents.

Section Four (4): That all funds will be used in accordance with all applicable, federal, state, local and programmatic requirements.

Section Five (5): That the City Council finds and declares that the meeting at which this resolution was passed complied with the requirements of the Texas Open Meetings Act.

Section Six (6): This Resolution shall take effect immediately upon passage.

PASSED AND APPROVED this _____ day of June, 2024.

NEAL BESS JR., Mayor Pro-Tem,
City of Sweeny, Texas

ATTEST:

KAYDI SMITH, City Secretary



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

| | | | |
|---|---|---------------------|----------------------------------|
| Meeting Date | 06.18.2024 | Agenda Items | |
| Approved by City Manager | Yes | Presenter(s) | Lindsay Koskiniemi, City Manager |
| Reviewed by City Attorney | Yes | Department | Finance |
| Subject | Discussion and possible action to adopt a resolution approving a comprehensive financial policy. | | |
| Council Strategic Goals | Goal 4: Government Sustainability <ul style="list-style-type: none">- Protect City's Financial Integrity- Ensure government transparency | | |
| Attachments / Supporting documents | <ul style="list-style-type: none">- Resolution to adopt Sweeny Comprehensive Financial Policy- Proposed Comprehensive Financial Policy | | |
| Financial Information | Expenditure Required: | N/A | |
| | Amount Budgeted: | N/A | |
| | Account Number: | | |
| | Additional Appropriation Required: | | |
| | Additional Account Number: | | |

Executive Summary

Annually, the City of Sweeny governing body is presented with renewal and approval of the City's investment policy. To the extent of staff's knowledge, no single comprehensive financial policy has been adopted by the City of Sweeny. This item presents a resolution to approve a proposed comprehensive financial policy that includes more than treasury and investment functions.

The proposed financial policy includes:

1. **Account, Auditing and Financial / Fiscal Reporting and Monitoring**
2. **Financial Consultants**
3. **Budget and Long-Range Financial Planning**
4. **Revenues and Resources**
5. **User Fees**
6. **Expenditures and Services**
7. **Fund Balance/Working Capital**
8. **Capital Expenditures and Improvements**
9. **Debt**
10. **Cash Management / Investments**
11. **Grants**
12. **Internal Controls / Purchasing**

This document does not replace the City's Investment Policy; rather it is included as "Exhibit A" to the proposed policy. Financial policies are a tool used by cities to professionalize department procedures, establish standards, and hold responsible parties accountable to following a uniform set of guidelines regarding municipal finance functions.



AGENDA MEMO

Business of the City Council
City of Sweeny, Texas

Recommended Action

Staff recommends approval.

Recommended motion:

"I move to approve a resolution adopting the Comprehensive Finance Policy as presented."

RESOLUTION NO. 24-109**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SWEENY, TEXAS APPROVING A CONSOLIDATED FINANCIAL POLICY STATEMENT FOR THE CITY OF SWEENY.**

WHEREAS, The City has previously adopted an Investment Policy related to Treasury Management and Investment to be replaced by one consolidated financial policy that includes Treasury and Investment procedures and policies in addition to several other areas of municipal finance; and

WHEREAS, The City's Audit consultant and various partner agencies have suggested the adoption of a Comprehensive set of Accounting and Financial Policies and Procedures; and

WHEREAS, The attached document is meant to be a "living document" that shall be reviewed and updated regularly to ensure the efficacy of the City's Financial Accountability.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SWEENY, TEXAS THAT:

The Comprehensive Financial Policy Statement attached hereto as Exhibit A for the City of Sweeny is hereby adopted and approved.

READ, PASSED, AND ADOPTED THIS 18TH OF JUNE 2024.

Neal Bess Jr., Mayor Pro-Tem

ATTEST:

Kaydi Smith, City Secretary

City of Sweeny

COMPREHENSIVE FINANCIAL MANAGEMENT POLICY STATEMENTS

Comprehensive Financial Management Policy Statement (CFMPS) is meant to assemble the City's Financial Policies into one document to be reviewed annually. Financial policies are statements of principles or goals adopted by City Council. Sweeny's CFMPS provides guidelines for operational and long-range planning, ensuring that the City is financially able to meet its immediate and long-term service objectives. The City intends for this document to provide municipal guidance on fiscal management and will make best efforts to comply.

- I. **Account, Auditing and Financial / Fiscal Reporting and Monitoring:** Maintain accounting practices that conform to generally accepted accounting principles (GAAP), the Governmental Accounting Standards Boards (GASB), and with prevailing federal, state, and local statutes and regulations. This document provides guidance on preparation and presentation of reports that analyze and evaluation the City's financial performance and economic condition.
- II. **Financial Consultants:** The City will employ the assistance of qualified, non-biased, independent consultants, auditors, and / or financial advisors as needed in the administration and management of the City's professional financial functions. These areas include but are not limited to audit services, debt administration, and delinquent tax collections. The principal factors in the selection of consultants will include experience/expertise, ability to perform the services, favorable references, methodology, and price.
- III. **Budget and Long-Range Financial Planning:** Establish guidelines for budgeting to ensure a financially sound City and establish a long-range financial planning process that assesses the long-term financial implications of current and proposed operating and capital budgets.
- IV. **Revenues and Resources:** Maintain a balanced and diverse revenue stream that minimizes the City's exposure to economic cycles and risk.
- V. **User Fees:** Design, maintain, administer, regularly review, and update as needed a fee schedule for fee-based services that will assure a reliable, equitable, and diversified, and sufficient revenue stream to support desired City services.
- VI. **Expenditures and Services (non-Capital):** Identify and set priorities for services, establish appropriate service levels, and administer the expenditure of available resources to help ensure fiscal stability and the effective and efficient delivery of services.

- VII. Fund Balance/Working Capital:** Maintain fund balances and net assets of the various operating funds at levels sufficient to protect the City's creditworthiness as well as its ability to withstand emergencies or economic fluctuations.
- VIII. Capital Expenditures and Improvements:** Annually review and monitor the state of the City's capital equipment and infrastructure, setting priorities for its replacement and renovation based on needs, funding alternatives, and availability of resources. Maintain at least a 5-year capital improvement project schedule to ensure appropriate project funding resources are in place to complete projects. CIP should be reviewed annually ahead of the beginning of the annual budget cycle commencement.
- IX. Debt:** Establish guidelines for debt financing that will minimize the impact of debt payments on current revenues and protect the city's creditworthiness.
- X. Cash Management / Investments:** Invest the City's operating cash in a manner that will ensure its absolute safety of principal, provide for the necessary liquidity needs of the City, and optimize yield relative to those restraints. All investment portfolio earnings and balances must be presented to the governing body on a quarterly basis consistent with Chapter 2256 of the Texas Local Government Code.
- XI. Grants:** Seek, apply for, and effectively administer federal, state, and local grants, to support the City's priorities and policy objectives.
- XII. Internal Controls and Purchasing:** Written procedures will be established and maintained by the Finance Director for all functions and financial cycles including cash handling and account procedures. Internal controls related to cash management, financial reporting, treasury management, data systems, and all other areas of finance will be required to be followed by all city employees. The City will adhere to statutory requirements of procurement pursuant to Chapter 252 of the Texas Local Government Code and all purchasing requirements described in the City's Charter. Where applicable, the City will strive to use historically underutilized businesses (HUB).

I. ACCOUNTING, AUDITING, AND FINANCIAL REPORTING

Maintain accounting practices that conform to generally accepted accounting principles and comply with prevailing federal, state, and local statutes and regulations. Prepare and present regular reports that analyze and evaluate the City's financial performance and economic condition.

A. Accounting Practices and Principles

The City will maintain accounting practices that conform the generally accepted accounting principles (GAAP) as set forth by the Governmental Accounting Standards Board (GASB), the authoritative standard setting body for units of local government. All city financial documents, except monthly interim financial reports, including official statements accompanying debt issues, Annual Comprehensive Financial Reports (ACFR) and continuing disclosure statements will meet standards. Monthly interim financial reports are on a modified accrual basis and will be reported as budgeted. At year-end the general ledger and financials will be concerted to full accrual basis of accounting.

B. Financial and Management Reports

Monthly financial reports will be prepared and reviewed by the City Manager and will be made available for the City Council and public to review. Quarterly reports will be prepared and presented to the City Council that explain key economic and fiscal developments, note significant deviations from the adopted budget, and when required, outline and remedial actions necessary to maintain the City's financial position.

C. Annual Audit

Pursuant to State Law, the City shall have its records and accounts audited annually and shall have annual financial statements prepared based on the audit and filed with the City Clerk within 180 days after the last day of the fiscal year. The audit shall be performed by a Certified Public Accountant (CPA) firm licensed to practice in the State of Texas. The audit firm shall provide a management letter to the City prior to the filing of the audit. The audit firm shall also provide a Single Audit of Federal and State grants when necessary. An official Annual Comprehensive Financial Report (ACFR) shall be issued no

later than six (6) months following the end of the fiscal year. The Finance Director shall be responsible for establishing a process to ensure timely resolution of audit recommendations.

D. Annual Financial Disclosure

As required by the Securities and Exchange Commission (SEC) Rule 15c2-12, with support of the City's financial advisor and bond counsel, will provide certain annual financial information to various information repositories through disclosure documents that include the necessary information within six months of fiscal year end. The City will also provide timely notices, not in excess of ten business days after the occurrence of the material event as defined in Rule 15c2-12, paragraph(b)(5)(i)(c).

E. Signature of Checks

All checks shall have two (2) signatures. Four (4) persons shall be authorized sign checks: The Mayor, City Manager, Finance Director, and City Secretary. Only individuals who have been authorized as a bank signatory by resolution approved by the City Council may sign checks.

II. FINANCIAL CONSULTANTS

The City will employ the assistance of qualified financial advisors and consultants as needed in the administration and management of the City's financial functions. These areas include but are not limited to audit services, debt administration, and delinquent tax collections. The principal factors in the selection of these consultants will include experience/expertise, ability and capacity to perform services, references, methodology, and price.

A. Selection of Auditors

Periodically, the City shall request proposals from qualified firms, including the current auditors if their past performance has been satisfactory. The City Council shall select an independent firm of certified public accountants to performance an annual audit of the accounts and records and render an opinion on the financial statements of the City.

- The City may rotate auditor firms every five years to ensure that the City's financial statements are reviewed and audited from an objective, impartial, and unbiased point of view. The rotation of the audit firm will be based upon the statements of qualifications received, the firms'

qualifications, capacity to perform, and the firm's ability to perform a quality audit within the city's availability of resources.

- When an incumbent auditor firm is selected after soliciting for statements of qualifications from qualified firms, the City may request the lead audit partner and lead reviewer to be rotated after a maximum of five years.
- Annually, the independent auditor will provide a letter of engagement to the City Council for annual audit services within a timeframe to meet 180-day fiscal year-end closing requirements for securities reporting.

B. Delinquent Tax Collection Attorney

Due to the nature of services and expertise required, the City shall hire a delinquent tax collections attorney to collect delinquent taxes, represent the City in filing bankruptcy claims, foreclose on real property, seize personal property and represent the City in court cases and property sales.

- If the City chooses to contract directly for delinquent tax collection services, requests for proposals or statements of qualifications are to be solicited periodically.
- The City may contract with the same firm used previously if based on the review process, it is determined it offers the best value.

C. Bond Counsel

Bond Counsel to the City has the role of an expert who provides an objective legal opinion concerning the issuance and sale of bonds and other debt instruments. As bond counsel are specialized attorneys who have developed necessary expertise in a broad range of practice areas, the City will contract such counsel for these services. Generally, bonds are not marketable without an opinion of bond counsel stating that the bonds are valid and binding obligations, stating the sources of payment and security for the bonds and that the bonds are exempt from state and federal income taxes.

- Due to the complexity of the City's financial structure and the benefits that come with a working historical knowledge of the City, the City may use the same bond counsel for many years.

D. Financial Advisory Services.

The City issues various types of financial securities to finance its Capital Improvement Program and other long term capital assets. Debt structuring and issuance required a comprehensive list of services associated with municipal transactions, including but not limited to: sale, analysis of market conditions, size and structure of the issues, preparation of disclosure documents, coordinating rating agency relations, evaluation of and advice on the pricing of securities, assisting with closing and debt management, calculating debt service schedules, and advising on financial management.

- As financial advisors to government entities have developed the necessary expertise in a broad range of services, the City will use a consultant for these services.
- Due to the complexity of the City's financial structure and the benefits that come with a working, historical knowledge of the City, the contract with the financial advisor shall be considered evergreen, however, with a termination clause.

III. BUDGET AND LONG-RANGE FINANCIAL PLANNING

Established guidelines for budgeting to ensure a financially sound City and to establish a long-range financial planning process that assesses the long-term financial implications of current and proposed operating and capital budgets.

A. Balanced Budget

The City Manager shall file annual with City Council, structurally balanced budget for the ensuing fiscal year pursuant to the prevailing state and local law. A structurally balanced budget is defined as a budget in which recurring revenues fund recurring expenditures and adherence to fund balance policies. Any structurally imbalanced budget proposal shall be accompanied by a plan to return the budget to structural balance.

B. Current Funding Basis

The City shall budget and operate on a current funding basis. Revenues and expenditures shall be budgeted on a cash basis. Expenditures shall be budgeted and controlled so as not to exceed current revenues. Recurring expenses will be funded exclusively with recurring revenue sources to facilitate operations on a current funding. Basis.

C. Use of Non-Recurring Revenues

Non-recurring revenue sources, such as a one-time revenue remittance or fund balance in excess of policy should only be budgeted and used to fund non-recurring expenditures, such as capital purchases or capital improvement projects. This will ensure that recurring expenditures are not funded by non-recurring sources. Large deposits of unanticipated revenue (such as sales tax) not forecasted in regular, recurring cash flow projections or in the annual budget, shall be moved to a high interest yielding savings or investment account.

D. Tax Rate

The City Manager will recommend a tax rate that the City requires in order to operate efficiently and effectively and to pay its Debt Service for current and anticipated capital projects. The City shall strive to maintain stable, predictable tax revenues that do not fluctuate from year to year.

The tax rate will be adopted by the City Council in full compliance with Truth in Taxation Requirements pursuant to the Texas Constitution.

E. Revenue Forecasting

To protect the City from revenue shortfalls and to maintain a stable level of services, the City shall use a conservative, objective and analytical approach when preparing revenue estimates. The process shall include analysis of probable economic changes and their impacts on revenues, and historical collection rates and trends. This approach should reduce the likelihood of actual revenues falling short of budget estimates and should avoid mid-year services changes.

F. Reporting During the Fiscal Year

The Finance Director will present fiscal year-to-date budget to actual reports to City Council quarterly detailing any budget concerns and corrective actions plans.

G. Avoidance of Operating Deficits

The City shall take immediate corrective action if at any time during the fiscal year expenditure and revenue projections are such that an operating deficit is projected at year end. Corrective actions in order of precedence are as identified in the Fund Balance Policy:

1. Budget amendment from Unassigned Fund Balance in excess of 60-day requirements.
2. Reduce transfers to Capital Improvement Fund if project timing allows.
3. Defer purchases of Capital items.
4. Reduce budget expenditures to only what is critically necessary to operate.
5. Increase fees.
6. Use a minimum unassigned fund balance – 60 day of normal operating expenditures.

Excess fund balance, which is a one-time revenue sources, may be used to fund an annual operating deficit only with prior approval of a plan to replenish the fund balance if it is brought down below policy level of 90-day operational cost.

H. Budget Amendment or Adjustment

Under the provisions of State law and City Charter, the budget may be amended or adjusted.

Amendment of the adopted budget involves an addition to or reduction of existing appropriations. At the request of the City Manager, the City Council may by Ordinance make supplemental appropriations for the fiscal year up to the amount of excess. A budget amendment changes the overall budget total, whereas a budget adjustment does not.

The City Manager is authorized to make budget adjustments which area a transfer of budgeted amounts within and among departments; however, any revisions that alter the total expenditures / expense must be approved by the City Council.

I. Central Control

Unspent funds in salary and capital allocation may not be spent for any purpose other than their specifically intended purpose without prior authorization of the City Manager.

J. Budget Participation

The City Manager is responsible for filing a proposed budget with the City Clerk's office according to statute. Ahead of that required date, individual city departments and city-supported boards and commissions will be required to

participate in the annual budget process and present individual budgets to City Council for review.

IV. REVENUES AND RESOURCES

The City will maintain a balanced and diverse revenue stream that minimizes the City's exposure to economic cycles and risk.

A. User Fees

For services that benefit specific users (private / individual or mixed services), the City shall establish and collect fees to recover the cost of those services.

B. Property and Sales Tax

Where services provide a general public benefit, the City shall finance those services through property and sales taxes.

C. Administrative Services Charges

The City shall establish a method to determine annually the administrative services charges due to the General Fund from the Enterprise Fund for overhead and staff support. Where appropriate, the Enterprise Fund shall pay the General Fund for direct services rendered. Personnel costs shall be equitably split among funds in the annual budget.

D. Fund Transfers for funding Capital Improvement Projects

Annually during the budget and capital improvement development process, the amount to be transferred from the Enterprise and other funds for Capital funding will be determined and budgeted accordingly.

E. CIP Planning

At least annually, the City Manager shall conduct a Capital Project Planning workshop with the City Council, department directors, and other stakeholders, ahead of the annual budget process. The CIP plan will be updates regularly by the City Manager or his / her designee.

F. Fund Transfers to the Debt Service Fund

When debt is issued for Enterprise Fund and / or other fund projects, the amount will be determined, and an annual allocation of debt service will be

calculated and transferred from the said funds to the debt service fund for debt repayment.

G. Water/ Wastewater Revenue Billings

Water and wastewater revenues are billed in arrears, as customer meters are read monthly for the previous month's water usage. At year end, revenue is accrued to adjust revenues to a full accrual basis of accounting but during the year, revenues are recorded on a cash basis.

H. Write-off Uncollectible and Receivables Excluding Court Fines, Fees, and Warrants

Receivables shall be considered for write-off as follows:

- Undeliverable mail – accounts that remain outstanding for 12 months and all steps have been exhausted.
- The release or extinguishment in whole or in part, or any indebtedness, liability, or obligations as authorized by State Law.
- Accounts outstanding for 7 years, identified as uncollectible, and all attempts to collect have been taken.
- The write-off of uncollected accounts is a bookkeeping entry only and does not release the debtor from any debt owed to the City.

V. USER FEES

Design, maintain and administer a fee structure for fee-based services that will assure a reliable, equitable, diversified, and sufficient revenue stream to support desired City services.

For services that benefit specific users, the City shall establish and collect fees to recover the costs of those services. The City Council shall determine, with the recommendation of the City Manager or his / her designee, the appropriate cost recovery level and establish fees. Where feasible and desirable, the City shall seek to recover full direct and indirect costs. User fees shall be reviewed on a regular basis to calculate their full cost recovery levels, to compare them to the current fee structure, and to recommend adjustments where necessary. The City shall make every effort to avoid subsidizing costs of services.

1. In determining a charge or fee, each department should identify what factors are to be taken into account when pricing services. They should

determine whether the City intends to recover the full cost of providing services. If the full cost of a service not received, then an explanation of the department's rationale for this deviation should be provided.

2. The full cost of providing a service should be calculated in order to provide a basis for setting the charge or fee. Full cost incorporates direct and indirect costs, including operations and maintenance, overhead, man hours, and charges for the use of capital facilities.
3. Changes and fees should be reviewed and updated periodically based on factors such as the impact of inflation, other cost increases, the adequacy of the coverage of costs, and current competitive rates.
4. User Fees – General Fund
 - a. For services that benefit specific users (private / individual or mixed services), the City shall establish and collect fees to recover the costs of those services. Where services provide a general public benefit, the City shall finance those services through property and sales taxes.
 - b. Costs of services are defined as full cost – direct, indirect, and overhead.
 - c. Factors to include when setting fees should include but not be limited to: market and competitive pricing, effect on demand for services, and impact of users, which may result in recovering something less than full cost.
5. User Fees – Enterprise Fund
 - a. Utility rates and other fund user fees shall be set at levels sufficient to cover operating expenditures (direct and indirect), meet debt obligations, and debt service coverage, and provide adequate levels of working capital.
 - b. The City shall seek to eliminate all forms of subsidization to the Enterprise Fund from the General Fund.
 - c. If necessary, revenue forecasts shall be built around smaller rate increases annually versus higher rate increases periodically.

Once a fee has been proposed for a particular service, the fee will be compared to market, evaluated for potential effects on users such as low-income households, market demands of service, etc. A fee will then be recommended to the City Manager

and presented to City Council based on all information gathered through the fee evaluation.

VI. EXPENDITURES AND SERVICES (NON-CAPITAL)

Identify and set priorities for services, establish appropriate service levels and administer the expenditure of available resources to help ensure fiscal stability and the effective and efficient delivery of services.

A. Annual Expenditures

The City will only propose operating expenditures which can be supported from on-going operating revenues. Before the City undertakes any agreement with that would create fixed on-going expenses, the cost implications of such agreements will be fully determined for current and future years. Capital expenditures may be funded from one-time revenues, but the operating budget expenditure impacts of capital expenditures will be reviewed for compliance with this policy.

B. Departmental Service Plans

Each department will prepare a business plan with department-specific performance metrics beginning in Fiscal Year 2024 – 2025, or as soon as practicable, to measure service delivery. Business plans will define services, service levels, and describe the resources necessary to provide current (base) level of service. A projection of resources needed to provide identified service will be prepared. Any anticipated changes in services or service levels will be listed. Every effort shall be made to link services to Council priorities defined in the Strategic Plan. Service plans developed in a given year will be presented to City Council prior to the development of the City Manager's proposed annual budget.

C. Maintenance of Capital Assets

Within the resources available each fiscal year, the City shall maintain Capital assets and infrastructure at a sufficient level to protect the City's investment, to minimize future replacement and maintenance costs, to maintain service levels, to extend the useful lives of capital assets, and to anticipate a reasonable replacement schedule and associated funding necessary to support maintenance and replacement of capital assets.

D. Inter-Fund Administrative Services

The City will assess administrative services provided by the General Fund to other Funds. The cost of the services provided will be budgeted as a transfer to / transfer from each Fund's budgeted year. Anticipated costs for services will be budgeted and costs allocated to appropriate budgets to minimize the number of transfers to allocate costs to appropriate funds.

E. Purchasing

The City shall conduct its purchasing and procurement functions in accordance with applicable local, State, and Federal laws. Staff shall make every effort to capitalize on savings available through competitive processes and "best value" purchasing.

VII. FUND BALANCE / WORKING CAPITAL

Maintain the fund balance and net assets of the various operating funds at levels sufficient to protect the City's creditworthiness as well as its ability to withstand emergencies or economic fluctuations.

1. The City will strive to maintain a minimum unassigned fund balance in the General Fund equal to 120 days of normal operating expenditures but not less than 90 days of operating expenditures. This amount is projected each year at the end of the fiscal year, recognizing that Fund Balance levels can fluctuate from month to month in normal course of operations. During each budget process, the level of unassigned fund balance will be reviewed and if based on current economic and financial conditions a change is determined to be in the best interest of the City, it will be proposed during the budget process for City Council approval.
2. The City will strive to maintain working capital sufficient to provide for reserves for emergencies and revenue shortfalls in the Enterprise Fund. The reserve will be a minimum of 90 days of normal operating expenditures in funds that have major infrastructure or assets. Funds without major infrastructure or assets will have no minimum balance requirement.
3. The City shall maintain sufficient reserved in its Debt Service Fund, which shall equal or exceed the requirements dictated by its bond ordinances.

VIII. CAPITAL EXPENDITURES AND IMPROVEMENTS

Annually review and monitor the state of the City's capital equipment and infrastructure, setting priorities for its replacement and renovation based on needs, funding alternatives, and availability of resources.

A. Capitalization Threshold for Tangible Capital Assets

Tangible Capital items should be capitalized only if they have an estimated useful life of at least three years following the date of acquisition or significantly extend the useful life of an existing capital asset and cannot be consumed, unduly altered, or materially reduced in value immediately by use and have a cost of not less than \$5,000 for an individual item.

The capitalization threshold of \$5,000 will be applied to individual items rather than to a group of similar items (i.e., desks, chairs, etc.).

Computer software, regardless of cost, will not be capitalized.

B. Five-Year Capital Improvement Plan (CIP)

The City shall annually prepare a five-year Capital Improvement plan based on the needs for Capital improvements and equipment, the status of the City's infrastructure, replacement and renovation needs, and potential new projects. For every project identified in the plan, a project scope and project justification will be provided. Also, project costs shall be estimated, funding sources identified, and annual operation and maintenance costs computed.

Citizens, Parks and Recreation Board, Planning and Zoning Board, Sweeny Economic Development Corporation, etc., will be provided opportunities to review the list of CIP projects for the 5-Year CIP and may suggest additions and/or changes to the plan as appropriate before it is presented to City Council, or a joint working session may be conducted among City Council and stakeholders with advanced posting on quorums as applicable.

The City Manager is charged with recommending a Capital Improvement Plan to City Council. Projects submitted, either by staff, through a neighborhood or citizen request, or through joint participation of stakeholder groups, will be reviewed in conjunction with the entire Capital Improvement Project program

and submitted to City Council for final considerations. The Five-Year CIP shall be filed and adopted with the Annual Budget.

The Five-Year CIP shall be limited to the affordability limits identified in the long-range financial plans of the City, taking into considerations available cash, bond issuances, operating costs, etc.

Projects that requested but cannot be funded in the Five-Year CIP may be include in the CIP for future reference as an appendix of unfunded requests.

Annually, through the budget process and at year-end, projects are to be reviewed and if identified as complete, will be closed by Finance and any remaining funds will be applied to Fund Balance. Funds remaining from bond proceeds will only be used in accordance with the legal use of those funds pursuant to bond covenants.

Appropriations for Capital Projects are for the life of the project; therefore, re-appropriation of Capital funding for budgeted projects will not be necessary.

C. Capital Expenditure Financing

The City recognizes that there are three basic methods of financing its Capital requirements: funding from current revenues, funding from Fund Balance as allowed by the Fund Balance Policy, or funding through the issuance of debt. Types of debt and guidelines for issuing debt are set forth in the Debt Policy Statements below.

D. Capital Improvement Project Reporting

Capital project status reports shall be updated quarterly and included in quarterly leadership updates to City Council, or as often as needed to keep the governing body informed on project work and status. These reports will be presented by individual department directors.

IX. DEBT

Establish guidelines for debt financing that will minimize the impact of debt payments on current revenues and protect the City's creditworthiness.

A. Use of Debt Financing

Debt financing to include General Obligation Bonds, Revenue Bonds, Certificates of Obligations, Lease/Purchase Agreements, and other Obligations permitted to be issued or incurred under Texas Law, shall only be used to acquire capital assets and refinance existing debt obligations. In deliberations to issue debt, the City will first consider whether it is prudent to finance such assets from other available sources including current revenues or fund balance. Such deliberations will consider the effect on the City's Fund Balance Policy and liquidity, particularly in the context of prudent financial management and credit rating implications. When possible, the City will pay cash for Capital expenditures and improvements within the financial affordability of each fund versus issuing debt. Debt maturing beyond current fiscal year will not be used to fund current operating expenditures. The City, when appropriate, may issue short-term obligations maturing within the current fiscal year for cash flow management purposes.

B. Debt Financing

1. Affordability

The City shall use an objective analytical approach to determine whether it can afford to issue new general-purpose debt, both General Obligation Bonds and Certificates of Obligation. This process shall compare standards of affordability of the current values for the City. For tax-backed debt, such standards of affordability may include debt per capita, debt as a percent of taxable value per capita, and tax rate. The process shall also examine the direct costs and benefits of the proposed expenditures. The decision on whether or not to issue new debt shall be based on the costs and benefits, current condition of the municipal bond market, City's ability to "afford" new debt as determined by the aforementioned standards, and a review of the project's cash requirements as determined by the project's proposed timeline.

2. Debt Capacity

The City shall complete a debt capacity assessment to ensure that proposed debt is affordable and contributes to the financial strength of the City. The debt capacity is the upper limit on the dollar amount of capital improvements that the City can afford to fund from debt.

Debt capacity calculations for long-term planning shall assume market rates or higher for the average annual interest costs at the time the capacity is determined. The analysis shall not assume future refunding of any outstanding bonds and shall consider debt service requirements on both current and proposed debt.

For tax supported debt, maximum capacity shall be determined by an amount of annual debt service that the City can absorb within the current or proposed tax rate allocation for debt based on assumed growth in assessed valuation.

For revenue debt, maximum capacity shall be determined by the amount of annual debt service the City can absorb within a proposed rate structure that has been reviewed with City Council and which can support the proposed debt within the additional bonds test as defined in the revenue bond covenants. The City shall not exceed debt capacity as defined through bond covenants or fall below bond coverage ratios for additional revenue bonds. The City may choose to maintain target coverage margins in excess of legal requirements under bond covenants.

Factors that will be included in the annual debt capacity determination shall include:

- Existing debt obligations
- Evaluation of revenue and expenditure trends
- Debt per capita
- Debt to assessed value ratio
- Taxable value per capita
- Statutory or constitutional requirements
- Market factors such as interest rates, credit rating, or market status

C. General Obligation Bonds (GO)

General Obligation bonds require voter approval except for refunding bonds.

1. GO Bonds must be issued to accomplish projects identified in the Bond referendum and associated material.
2. GO Bonds must be issued for projects that are in accordance with the wording in the bond propositions.

D. Certificates of Obligation

Certificates of Obligation may be issued without voter approval to finance any Public Works project or Capital Improvement, as permitted by State Law. Should the City's capital funding evaluation support the issuance of Certificates of Obligations, they shall be issued only after determining the City's ability to assume additional debt based on the standards identified above.

Circumstances in which Certificates of Tax Notes might be issued can include but are not limited to the following:

- The City may issue CO's when there is insufficient funding on the General Obligation bond-financed capital improvement projects in progress;
- The City may issue CO's when emergency (urgent, unanticipated) conditions require a capital improvement to be funded rapidly;
- The City may issue CO's for projects when there is no other funding source available and the project is determined to be in the interest of the City or in the interest of public health and safety;
- The City may issue CO's or Tax Notes for a project to comply with regulatory mandates.

E. Revenue Bonds

For the City to issue Revenue Bonds, revenues as defined in the ordinance authorizing the Revenue Bonds in question shall be established and maintained to provide debt service coverage at least to comply fully with all bond covenants. Annual adjustments to the City's rate structures for enterprise funds shall be considered during the budget process and will be made as necessary to maintain the coverage factor. The City may choose to maintain target coverage margins in excess of legal requirements under bond covenants.

F. Debt Structures

The City shall normally issue bonds with a life not to exceed 25 years for General Obligation Bonds and Revenue Bonds, but in no case longer than the useful life of the asset.

1. The City shall seek level or declining debt repayment schedules.

2. The City shall seek to retire its debt with as short an average life as possible.
3. There should be no debt structures that include increasing debt service levels in years beyond the first and second year, except as special situations may warrant.
4. There shall be no “balloon” bond repayment schedules which consist of low annual payments and one large payment of the balance due at the end of the term.
5. The City shall seek debt instruments allowed by applicable law that do not restrict early pay off.
6. There shall always be at least interest paid in the first fiscal year after a bond sale and principal payments starting generally no later than the second fiscal year after the bond issue.

G. Refunding

The City’s financial advisor shall monitor the municipal bond market for opportunities to obtain interest savings by refunding outstanding debt. As a general rule, the net present value savings of a particular refunding should exceed 3.0% of the refunded maturities unless (1) a debt restructuring is necessary, or (2) bond covenant revisions are necessary to facilitate the ability to provide services or to issue additional debt.

H. Interest Earnings on Debt Proceeds

The expenditure of interest earnings on debt issued will be limited to funding changes to the bond financed capital improved plan in compliance with the voted propositions, cost overruns on bond projects, or be applied to debt service payments on the bonds issued.

I. Bond Elections

Timing of General Obligation Bond elections shall generally be determined by the inventory of current authorized unused bonds remaining to be sold and the five-year capital improvement program. The total dollar amount of bond election propositions recommended to the voters may not exceed the City’s estimated ability to issue the bonds within a 10-year period.

An analysis showing how the new debt combined with current debt impacts the City's tax rate and debt capacity will accompany every future bond issue proposal.

J. Sale Process

The City shall use a competitive bidding process in the sale of debt unless the nature of the issue warrants a negotiated sale. The City may utilize a negotiated process when the issue is, or contains, a refinancing that is dependent on market/interest rate timing. The City may issue certain issues as direct placements to state or federal agencies. Except for direct placements to state or federal agencies, the City shall award the bonds based on a true interest cost (TIC) basis.

K. Rating Agency Presentations

Full disclosure of operations and open lines of communications shall be maintained with the rating agencies. City staff, with the assistance of financial advisors, shall prepare the necessary materials and presentation to the rating agencies. Credit rating will be sought from one or more of the nationally recognized municipal bond rating agencies, currently Moody's Investor Services, Standard & Poor's, and Fitch Inc., as recommended by the City's financial advisor.

L. Bond Ratings

The City will prudently manage the General and Enterprise Funds and attempt to issue and structure debt to help maintain or increase the current bond rating.

M. Lease/Purchase Agreements

The City will use lease/purchase agreements when it is cost-efficient and provides for more attractive terms than other alternatives.

N. Compliance

The City will comply with its continuing disclosure obligations to inform the Municipal Securities Rulemaking Board through the EMMA website (Electronic Municipal Market Access) of any and all continuing disclosure document and annual financial statements.

X. CASH MANAGEMENT AND INVESTMENTS

Invest the City's operating cash in a manner that will ensure its absolute safety of principal, provide necessary liquidity needs of the City, and optimize yield relative to those constraints.

A. Investment Management

1. All aspects of cash/investment management shall be designed to ensure safety and integrity of the City's financial assets.
2. Cash/investment management activities shall be conducted in full compliance with prevailing local, state, and federal regulations.
3. The City will utilize competitive bidding practices wherever practical, affording no special advantage to any individual or corporate member of the financial or investment community.
4. The City will only do business with City authorized broker/dealers approved by the City Council and/or financial institutions that have executed written certification of their review of the City's Investment Policy.
5. Only employees authorized by City Council may perform treasury and investment duties. Each of the employees designated to serve as Investment Officers shall be bonded.
6. The City shall design and establish policies relating to a variety of cash/investment management issues, such as the eligibility and selection of various broker/dealers, safekeeping requirements, collateral requirements, delivery versus payment requirements, weighted average maturity requirements and such other aspects of the program (See Investment Policy).
7. Investments of the City shall be made with the exercise of judgement and care which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment.
8. The City's Treasury and Investment Officer will present a quarterly investment report to the governing body which will contain signatures of at least two bonded treasury employees pursuant to Chapter 2256 of Texas Local Government Code.
9. Treasury staff will retain as much fund balance as practicable in high interest bearing, low risk accounts approved by the State of Texas pursuant to Chapter 2256 of Texas Local Government Code (such as TexPool, Logic,

Tex Class, etc.) to maximize interest earnings and transfer funds as required to meet current obligations.

B. Treasury and Investment Strategy

The City's investment program seeks to achieve safety of principal, adequate liquidity to meet cash needs, and reasonable yield commensurate with the preservation of principal and liquidity. Refer to the City's Investment Policy (Exhibit A) as adopted by City Council annually for detail.

1. Funds will be transferred from pool accounts to pay capital costs of projects for which the debt was issued when due.
2. City staff members with treasury and investment responsibility are required to take and maintain current Public Funds Investment Act training by an approved provider (TML, North Central Texas Council of Governments, etc.) every two years.

C. Interest Income

Interest earned from investments shall be distributed to the funds from which the funds were provided.

1. When debt is issued, the proceeds will be put into a high interest earning approved account such as TexPool, TexPool Prime, Tex Star, Logic, etc. to maximize interest earnings.

D. Arbitrage Investments and Reporting

The City's investment position as it related to arbitrage is as follows: Investments on bond proceeds will be made with safety of principal and liquidity in mind but with a competitive rate of return. Bond proceeds will be invested in separate instruments and not comingled with other investment purchases. Arbitrage rebate calculations will be performed as required in all debt issues and funds set aside annual for any positive arbitrage. Arbitrage will be rebated to the Internal Revenue Service as needed.

E. Depository

The City of Sweeny will select its official bank depository through a formal bidding process to provide the City with the most comprehensive, flexible, and cost-effective banking services available. The City will, at a minimum, bid depository services every five years.

F. Collateralization of Deposits

1. The City shall have pledged collateral held at an independent third-party institution and evidenced by a written receipt.
2. The value of the pledged collateral should be marked to market monthly and shall be at least 103percent of par of market value of the investments, whichever is greater.
3. Substitutions of collateral shall meet the requirements of the collateral agreement and have prior written approval. Collateral shall not be released until the replacement collateral has been received.
4. The pledge of collateral shall comply with the City's Investment Policy.

XI. **GRANTS**

The City will seek, apply for, and effectively administer federal, state, and local grants, to support City's priorities and policy objectives.

A. Grant Guidelines

The City shall apply and facilitate the application for only those grants that are consistent with the objectives and high priority needs identified by the City Manager and City Council.

Grant funding will be considered to leverage City funds. Inconsistent and/or fluctuating grants should not be used to fund ongoing programs.

The potential for incurring ongoing costs, to include assumptions of support for grant-funded position from local revenues, will be considered prior to applying for a grant.

B. Grant Review

All grant submittals shall be reviewed for their cash match requirements, their potential impact on the operating budget, and the extent to which they meet the City's goals. If there is a cash match requirement, the source of funding shall be identified prior to application.

The City Manager shall approve all grant submissions and City Council shall approve all grant acceptance \$50,000 or more and any grant acceptance regardless of the dollar amount if a budget amendment is required.

C. Grant Termination and /or Reduced Grant Funding

In the event of reduced grant funding, City resources will be substituted only after all program priorities and alternatives are considered during the budget process, unless the City is obligated through the terms of the grant to maintain the positions.

The City shall terminate grant-funded programs and associated positions when grants funds are no longer available, and it is determined that the program no longer supports City goals, and/or is no longer in the best interest of the City, unless the City has obligated itself through the terms of the grant to maintain the positions.

XII. INTERNAL CONTROLS AND PURCHASING

Internal controls are procedures that all employees and members of city-supported boards and commission are required to follow to support best management practices and safeguard the City's assets related to cash management and control, management of public funds and budgetary allocations, and protection of city interests.

A. Segregation of duties and Internal Controls

It is the responsibility of department directors and board chairpersons to implement internal controls that segregate duties so that not one single person has complete control of cash management or other transactions that carry potential for miscounting or misappropriation. Chairpersons of city supported boards will abide by this finance policy and any questions or need for clarity will be directed to the City's Finance Director.

1. All checks for City accounts and city-supported boards will require two signatures from authorized bank signatories.
2. All bank signatories must be approved by City Council. City employees serving as bank signatories must be bonded.
3. When cash collections are prepared for bank deposits, at least two people will separately count the collected proceeds in the presence of the other, and both will sign attesting to the amount of

the deposit prepared. All bank deposits will be prepared in sealed bags or envelopes. Deposit slips will be submitted to the City's Finance Department for regular banking reconciliations.

4. No department of the City will have debit cards or cash liquidity. Credit cards will be authorized with appropriate credit levels by the City's Finance Director, and individual department directors shall be responsible for the monthly reconciliation of a credit card statements and submitted to the Finance Department for payment in a timely manner to avoid late payments. Officers of applicable boards and commissions may be authorized a credit card, and all receipts and backup documentation must be submitted in a timely manner to the Finance Department for payment.
5. All invoices will be sent to accountspayable@sweenytx.gov.
6. All staff members and elected officials with access to a city-owned computer or smart device will be required to take Cyber Security Training pursuant to Texas Government Code Section 2054.5191
7. No City employee, elected official, or representative of any City-sponsored board or committee shall use smart applications attached to personal funds, such as Cash App, Venmo, Zelle, or other application or instrument required to be supported by any personal checking account for the collection of proceeds from city events, boards, commissions, etc. No public funds shall ever be intermingled with any personal funds of any individual or other organization.

B. Encumbrances and Requisition to Purchase Order

Once the City finalizes migration to a full web-based enterprise resource planning (ERP) system inclusive of all transaction procedures into one uniform software, all transactions will be encumbered so as to maintain a budget-to-actual information in real time.

1. Transactions will be encumbered utilizing the accounting system. All vendors must be previously registered with completed W-9 information in the system prior to payment being issued.
2. A transaction is encumbered when it is initiated through a requisition in the system, and the funds for said transaction are "earmarked" for that transaction. Requisition do not constitute authorization to make the purchase. Requisitions initiate the

transaction with a sequential number and the request is then routed in the workflow to the authorizing agent – department director, supervisor, etc.

3. When the supervisor or director has approved the requisition, it then becomes a purchase order, and a specific number is assigned to the purchase order.
4. Certain transactions may not be approved without additional authority if not budgeted in the approved budget or if they exceed purchasing thresholds.

C. Purchasing Thresholds and Procurement

The City Manager will set the thresholds for purchasing power of individual department directors consistent with the City's Charter and all applicable state and local guidelines.

1. City Manager may make purchases up to \$49,999.99 pursuant to the City's Charter and applicable state law. Purchases should be included in the City's adopted budget, and if not, a budget amendment or adjustment may be required. Budget amendments require Council approval.
2. Department Directors may make purchases for up to \$1,000. Purchases between \$1000 and \$3500 required the Finance Director's approval, and for purchases exceeding \$3500, the City Manager's approval is required.
3. For any purchases of \$3500 or more, the City should seek at least three quotes and all bids should be included with the purchase order back up documentation. Some circumstances will not require 3 bids such as emergency purchases, sole source providers, and use of approved state procurement cooperatives to acquire goods and services, construction, technology, and other purchases not deemed to be a specialized professional service.
4. The City will utilize the competitive sealed bid process for purchases of at least \$50,000 pursuant to Chapter 252 of Texas Local Government Code. This only applies to goods and services not deemed professional services. Every effort will be made to seek bids from Historically Underutilized Businesses (HUBs) and Veteran, Minority and Women Owned Businesses.

5. Professional services such as City general counsel, financial auditing, and engineering will be procured by solicitation of professional qualifications. Consideration will be based on credentials, references, capacity to perform, and other considerations that the City may find pertinent to seeking a professional services provider.

D. Cryptocurrency and Blockchain Technology

This section assumes at a later time, the City will need expand the Comprehensive Finance Policy to include cryptocurrency and blockchain technology. This section is reserved for the purpose of expanding this section of the policy as more best management practices related to these subjects become available from municipal finance authorities such as Generally Accepted Accounting Principles (GAAP), Government Accounting Standards Board (GASB), Government Finance Officers Association (GFOA), etc.

1. Currently, no cryptocurrency, such as Bitcoin or other form of online currency, is recognized by the City of Sweeny for methods of payment. Only the US Dollar is utilized by the City of Sweeny for exchange of goods and services.
2. Blockchain technology is not currently utilized, however, the City has the option to utilize this technology to prevent fraud or other malicious activity.

CITY OF SWEENY

INVESTMENT POLICY

CITY OF SWEENEY, TEXAS- INVESTMENT POLICY

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I. INVESTMENT AUTHORITY AND SCOPE OF POLICY

POLICY STATEMENT

This policy is designed to serve as a guide for the investment of all City of Sweeny (City) funds by the individuals designed by the City Council as having the authority and responsibility for making such investments. The policy reflects the concept that the City, by the law, manages funds. The City is public trust for those assets acquired pursuant to City Charter and Statutes.

This policy is served to satisfy the statutory requirements of Texas Government Code Chapter 2256 (The Public Funds Investment Act) to define and adopt a formal investment policy. See attachments A: *Certification City Council Action to Approve Investment Policy*. This policy will be reviewed and approved by the City Council at least annually according to Section 2256.005(e).

It is the policy of the City that all funds shall be kept invested until required for payment of operating and maintenance expenses, debt services, construction costs, claims not covered by insurance, or any other debt or amount rightfully due owed by the City. The City shall maintain a comprehensive cash management program which includes collection of accounts receivable, vendor payment in accordance with invoice terms, and prudent investment of its available cash.

Provisions and restrictions set forth in State and Federal Laws, in bond Ordinances for each of the separate funds and in other ordinances (including subsequently adopted Bond Ordinances or State or Federal laws enacted), shall govern administration and investment of City funds all of which are incorporated into this policy. If there should ever be conflicts between this policy and other laws and ordinances, such other laws and ordinances will control.

To assure optimum investment return within cash flow constraints, funds shall be invested on the basis of the highest dollar return, through competitive bid or offer process; however, first consideration shall be given to preservation and safety capital. When determining the term of an investment, market trends and economic conditions shall be recognized factors within the parameters of projected expenditure due dates. Arbitrage regulations shall be strictly observed.

Portfolio composition and eligible investments shall be set forth in this policy.. Arbitrage regulations, as referred to in this policy, concern the investment of bond proceeds (construction funds), interest and sinking funds, and reserve funds.

It shall be recognized that speculation is inappropriate, and the volatile instruments are to be avoided any circumstances. The portfolio is basically a buy-and-hold structure to serve City needs.

Funds Included

This investment policy applies to all financial assets of all of the City at the present time and any funds to be created in the future.

Investment Officers

In accordance with Chapter 2256, Sec. 2256.005(f), the City Council shall designate the as Investments Officers of The City. See *attachment B: Certificate of Council Action to Designate Authorized Investment officers*. Each of the employees designated to serve as Investment Officers shall be bonded employees.

If an Investment officer has a personal relationship with an entity—or is related within the second degree by affinity or consanguinity to an individual—seeking to sell investment to the City, the Investment Officer must file a statement disclosing that personal business interest—or relationship—with the Texas Ethics Commission and the City Council in accordance with the Government Code 2256.005(i).

Investment Officers shall refrain from personal business activity that could conflict with proper execution of the investment programs, or which could impair their ability to make impartial investment decisions. Investment Officers shall disclose to the City Manager any material financial interests in financial institutions that conduct business with the City, and shall disclose any large personal financial or investment positions that could be related to the performance of the City's portfolio. Investment Officers shall subordinate their personal investment transactions to those of the city, particularly with the regard to the timing of the purchase and sales.

The Investment Officers have the authority to purchase or sell, and approved securities without limitation as to dollar amount, subject to this policy. Procedures shall provide for dual signature authorization for the purchase or sale of any security. The Investment Officers shall participate in and properly account for investments and pledged collateral in order to maintain appropriate internal controls.

II. INVESTMENT OBJECTIVES

General Statements

City funds will be invested in accordance with federal and state laws, this investment policy and applicable written administrative procedures. The City will invest according to investment strategies for each fund as approved by the City Council in accordance with Sec. 2256.005(d).

Safety and Maintenance of Adequate Liquidity

The City is concerned about the return of its principal; therefore, safety is a primary objective in any investment transaction. The City's investment portfolio must be structured in conformance with an asset/liability management plan which provides for liquidity necessary to pay obligations as they come due.

Diversification

It will be the City's policy to diversify its portfolio to eliminate the risk of loss resulting from overconcentration of assets in a specific maturity, or a specific issuer, or a specific class of investments. Investments shall always be selected that provide for stability of income and reasonable liquidity.

Yield

It will be the City's objective to earn the maximum rate in return allowed on its investments within the policies imposed by its safety and liquidity objectives, investment strategies for each fund, arbitrage regulations, and state and federal law governing investment of public funds.

Maturity

Portfolio maturities will be structured to meet the City's financial obligations first and then to achieve the highest return of interest. When making investment decisions, maturity restraints will be determined based upon cash flow needs and the

investment strategy for each fund. The maximum allowable stated maturity of any individual investment owned by the City is three (3) years.

Quality and Capability of Investment Management

It is the City's policy to provide training required by the Public Funds Act Sec. 2256.008 and periodic training in investments for each Investment Officer through courses and seminars offered by professional organizations and associations in order to insure the quality, capability and currency of the Investment Officers in making sound investment decisions. A newly appointed Investment Officer must attend at least one training session within twelve (12) months of their appointment. Eight hours of training each subsequent two fiscal year period will also be required in accordance with law.

Investment Strategies

Bond Reserve Funds

The City's Bond Reserve Fund shall include investments appropriate to provide reserves to meet and shortfalls in the City's debt service funds. As the Bond Reserve Fund is not anticipated to be utilized except in the case of extreme situations, maturities in the fund is generally expected to be invested for longer terms (one to three years). However, in no instance should an investment maturity exceed the latest establishment debt service requirement/payment date for that particular bond issuance. All bond Reserve Fund investment instruments liquidations are unlikely, however should they be necessary, the comparatively longer-term nature of the instruments could result in material losses depending on the financial and economic conditions existing. Bond Reserve Fund investments will be structured to achieve the most competitive yields attainable, given appropriate diversification and safety requirements.

Bond Debt Service Funds (Interest and Principal Funds)

The City's Debt Service Funds shall include investments appropriate to meet periodic payments required by bond amortization schedules. As such, investment maturities are limited by pertinent debt service requirements and by related tax law addressing maximum funding levels for such funds (arbitrage considerations). All Debt Service Fund investment instruments must meet credit and safety criteria as required by the Public Funds Investment Act instruments must meet credit and safety criteria as required by the Public Funds Investment Act and the City's Investment Policy. Due to their specific purpose and short-term nature, involuntary investment liquidations are unlikely in these funds, however should they be

necessary, their short-term nature would make material losses highly unlikely. Investments will be structured to achieve the most competitive yields attainable, given the pertinent liquidity requirements. Appropriately competitive and reasonable investment instruments will be compared prior to making an investment.

General Fund

The General Fund shall include investments suitable for a fund requiring a high degree of liquidity. All investment instruments must meet credit and safety criteria as required by the Public Funds Investment Act and the City's Investment Policy. Additionally, General Fund investments shall be diverse and include a variety of investment instruments. Due to their short-term nature, involuntary investment liquidations are unlikely for the General Fund, however should they be necessary, the short-term nature of the instruments would make material losses highly unlikely. General Fund investments will be structured to achieve the most competitive yields attainable, given the pertinent liquidity requirements. Appropriately competitive and reasonable investment instruments will be compared prior to making an investment.

Enterprise Fund

The Enterprise Fund shall include investments suitable for a fund requiring a high degree of liquidity. All investment instruments must meet credit and safety criteria as required by the Public Funds Act and Enterprise Fund shall include investments suitable for a fund requiring a high degree of liquidity. All investment instruments must meet credit and safety criteria as required by the Public Funds Act and the City's Investment Policy. Additionally, General Fund investments shall be diverse and include a variety of investment instruments. Due to their short-term nature, involuntary investment liquidations are unlikely for the Enterprise Fund, however should they be necessary, the short-term nature of the instruments would make material losses highly unlikely. Enterprise Fund investments will be structured to achieve would make material losses highly unlikely. Enterprise Fund investments will be structured to achieve the most competitive yields attainable, given the pertinent liquidity requirements. Appropriately competitive and reasonable investment instruments will be compared prior to making an investment.

Construction Funds

The City's Construction Funds shall include investments appropriate to meet construction expenditure requirements for which the funds were acquired. Maturities are also limited by related tax law addressing required spending terms. Construction Funds'

investment instruments must meet credit and safety criteria as required by the Public Funds Investment Act and the City's Investment Policy. Because involuntary investment liquidations are unlikely. Investments will be structured to achieve the most competitive yields attainable, given the pertinent liquidity requirements. Appropriately competitive and reasonable investment instruments will be compared prior to making an investment.

Other Miscellaneous City of Sweeny Funds (Special Revenue Fund)

Other City funds shall include investments suitable for their particular purposes, including their unique liquidity requirements. Similarly, the average maturity of investments will be tailored to the individual fund's purposes and requirements. All investment instruments must meet credit and safety criteria as required by the Public Funds Investment Act and the City's Investment Policy. Because investments are made in accordance with specific fund expenditure requirements, involuntary investment liquidations are unlikely. Investments will be structured to achieve the most competitive yields attainable, given the pertinent requirements. Appropriately competitive and reasonable investment instruments will be compared prior to making an investment.

III. INVESTMENT TYPES

Authorized

The City's Investment Officer's shall use only the following authorized investment instruments consistent with governing law and with a maximum maturity of three (3) years (Government Code 2256):

- A. Except as provided by Government Code 2256.009(b), the following are authorized investments:
 - 1. Direct obligations of the United States Government, its agencies and instrumentalities excluding mortgage-backed securities;
 - 2. Obligations of any US state including its agencies, counties, cities, and other political subdivisions rated as to investment by a nationally recognized investment rating firm not less than "A" or its equivalent"
 - 3. Other obligations, the principal and the interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of the United States.
- B. Time and demand deposits
 - 1. Depository Certificates of Deposit issued by a state or national bank domiciled in this state that areGuaranteed or insured by the Federal Deposit Insurance Corporations or its successor: orSecured by eligible collateral as listed in Section IV with a 102% margin.
 - 2. Deposits in Texas credit unions which are insured by the National Credit Union Share Insurance Fund.
- C. Eligible investment pools which strive to maintain a \$1 net asset value (as discussed in the Public Funds Investment Act, Sec. 2256.016-2256.019) as authorized by the Council. An investment pool shall invest the funds it receives from entities in authorized investments permitted by the Public Funds Investment Act. *See Attachment B: Certification of Council Action to Approve Authorized Investment Pools.* In order to be eligible, an investment pool must meet the following conditions.

Prohibited

The City's Investment Officers have no authority to use any of the following investment instruments which are strictly by the Public Funds Investment Act, Section 2256.009(b):

- A. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal;
- B. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;
- C. Collateralized mortgage obligations that have a stand final maturity date of greater than ten
- D. Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

IV. INVESTMENT RESPONSIBILITY AND CONTROL

Investment Institutions Defined

Investment Officers shall invest City funds with any or all of the following institutions or groups consistent with federal and state law and the current Depository Bank Contract:

Banks

City designated banking services depository bank; and,
Other state or national banks doing business in Texas that are members of the FDIC and will, if required, provide collateral above the FDIC insurance coverage.

Broker/dealers

FINRA registered securities brokers and dealers who are registered in Texas and licensed under the Texas Securities Act. Broker/dealers may be primary dealers or regional broker/dealers. The list of Council annually authorized broker/dealers is attached and made part of this policy. *See attachment D: Certification of Council Action to Approve Eligible Investment Institutions.*

Depository Restrictions and Security of Funds

Other than for paying agent purposes, the City shall utilize as depositories only federally or state chartered banks or trust companies in the State of Texas in which deposits are fully insured by the FDIC. Said depositories shall be subject to all restrictions set forth in City Bond Resolutions and in this policy for all time and demand deposits.

At a public meeting held at a designated time, the City Council will review applications from one or more banks for deposit of City funds. Notice the Council Meeting at which applications are to be reviewed shall be published as required by law.

To the extent not covered by the FDIC, funds held at a bank or trust company shall be collateralized at all times. Investment securities pledged as collateral shall at all times be at least equivalent to 102% in aggregate market value, excluding accrued interest, of the amount of funds on deposit plus interest accrued, to the extent not covered by the FDIC or by other authorized collateral pursuant to the Public Funds Investment Act.

Authorized collateral is to be held by an independent third party financial institution and monthly reports stating the collateral and its market value is to be sent monthly to the Investment Officers. Collateral shall include only:

- Obligations of the US Government, its agencies and instrumentalities including mortgage backed securities,
- State and government debt rated A or better,
- FHLB letters of credit

Qualifications for Approval of Broker/Dealers

In accordance with Public Funds Investment Act Sec. 2256.005(k), a written copy of this investment policy shall be presented to any pool in which the City chooses to participate. The representative of the pool shall execute a written instrument substantially to the effect that the pool has:

- A. Received and thoroughly reviewed the City's investment policy; and
- B. Acknowledged that the organization has implemented reasonable procedures and controls in an effort to preclude investment of City funds not authorized by this policy.

Annually the City Council will review and approve the list of authorized broker/dealers with whom the City may transact investment business. A copy of the City Policy shall be sent to each authorized broker/dealer.

City Council members, Financial Officers and investment officers will evaluate the brokers/dealer's financial soundness. All security transactions will be settled on a Delivery Versus Payment (DVP) basis so that no City funds are released until the security has been received and safekept by the City's custodian or safekeeping agent.

Recommendations will be made to Council annually to review and approve the updated broker/dealer list. A broker/dealer must be approved in this manner and added to the approved list before any business can be transacted.

The City will conduct an ongoing review of publicly available financial records, reports, rating service information and any other data relevant to the financial soundness of the institution or broker/dealer with whom the City is doing business.

Standards of Operation

Bidding procedure: Investment of City funds may be made only after competitive bids are solicited from at least three qualified investment institutions or broker/dealers as defined herein and as provided by State Statute. The bids may be solicited orally. The City must attempt to solicit bids initially from qualified deposit institutions defined herein located within the territorial limits of the City of Sweeny or from authorized broker/dealers.

Documentation of Investments: All investment decisions shall be internally documented and approved before execution by any two Investment Officers. Any of these Officers may order investments orally, but shall follow up the investment order with a written

confirmation to the financial institution or broker/dealer. Written investment instructions shall contain information relative to the name and account number of the fund from which the investment was placed disposition of interest to be earned, term, invested amount, rate of interest, yield, purchase date, and maturity date of the investment. Documentation should also note prices from the competitive bidding process.

Delivery vs. Payment

All securities purchased by the City and held in safekeeping in a third party safekeeping institution shall be purchased "delivery versus payment." That is, the City shall authorized the release of its funds only after it has received notification from the safekeeping institution that purchased security has been received in the City's safekeeping account. This notification may be oral, but the safekeeping institution must follow up with original safekeeping receipt to the City within 24 hours.

Depository time and demand deposit over the FDIC coverage must have collateral pledged and safekept before any funds are transferred. Collateral confirmation shall be from the third party safekeeping institution that adequate collateral has been pledged to the City before releasing funds for the investment. This confirmation may be oral, but must be confirmed in writing within 24 hours with a original safekeeping receipt .

Audit Control

The City will have an annual financial audit of all funds by an independent auditing firm as part of the annual audit. An annual compliance audit of management controls on investments and adherence to the City's established investment policies in accordance with the Government Code 2256.005(m) shall be made by the investment officers annually.

Standard of Care

In accordance with Government Code 2256.006, investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. Investment of funds shall be governed by the following investment objectives, in order of priority: preservation and safety of principal; liquidity; and yield.

In determining whether an Investment Officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration.

- A. The investment of all funds, or funds under the City's control, over which the officer had responsibility rather than a consideration as to the prudence of a single investment; and

- B.** Whether the investment decision was consistent with the written Investment Policy of the City.

The City Council, Investment Officers, and other Accounting Division personnel shall be not be held responsible in the event of investment loss, provided the Investment Policies of the City Council have been followed.

V. INVESTMENT REPORTING AND PERFORMANCE EVALUATION

Quarterly Report

In accordance with the government code 2256.023, not the less than quarterly, the Investment Officers shall prepare and submit to the Council and City Manager a written report of investment transactions and holdings for all funds for the preceding reporting period within a reasonable time after the end of the period. The report must:

- A.** Describe in detail the investment position of the City on the date of the report;
- B.** Be prepared jointly by all Investment Officers;
- C.** Be signed by each Investment Officer;
- D.** Contain a summary statement of each pooled fund group that states the:
 - 1. Beginning market value for the reporting period
 - 2. Additions and changes to the market value during the period; and
 - 3. Ending market value for the period;
- E.** State the book value and market value of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested;
- F.** State the maturity date of each separately invested asset that has a maturity date;
- G.** State the account of fund or pooled group fund for which each individual investment was acquired: and
- H.** State the compliance of the investment portfolio as it relates to:
 - 1. The investment strategy expressed in the City's investment strategy document: and
 - 2. Relevant provisions of this policy.

Monitoring of Investment Ratings

In accordance with the government code 2256.021, the Investment Officers shall monitor ratings changes in investments held by public funds. On a quarterly basis, the Investment Officers will review and verify that investments meet the policy required investment

ratings. If required investment ratings are not met the security must be liquidated as soon as practical.

Policy Previsions

This policy may only be amended by action of the City Council of the City of Sweeny. Investment Policy revisions may become necessary with changes in state law, City needs, the economy, and investment opportunities.

VI. INVESTMENT COLLATERAL AND SAFEKEEPING

Collateral or Insurance

City Investment Officers shall assure and monitor that all are depository funds are fully collateralized or insured consistent with federal and state law, including the Public Funds Collateral Act, and the Bank Depository Contract in one or more of the following manners:

- A. FDIC Coverage
- B. Direct obligations of the United States Government, its agencies and instrumentalities including mortgage-backed securities;
- C. Obligations of any US State including Agencies, Countries, Cities, and other political subdivisions having been rated as to investment quality by a nationally recognized investment rating firm, and having received a rating of not less than "A" or its equivalent;
- D. FHLB irrevocable letters of credit.

Safekeeping

All purchased securities shall be held in safekeeping by the City, or City account in a third part non-affiliated financial institution.

Custody All pledged collateral securities for time and demand accounts in any bank shall be held in safekeeping by an independent third party non-affiliated financial institution, or with the Federal Reserve Bank.

Safekeeping receipts must be issued to the City in a timely manner and must provide the following information:

- A. Effective date of the safekeeping receipt;
- B. Description of pledged security;
- C. Amount pledged (market value);
- D. Maturity date;
- E. Coupon rate;

Securities are to remain pledged to the City until written notification to release same is received by the safekeeping bank from the City.

Attachment A: Certification of Council Action to Approve Investment Policy

At its regular meeting of February 17, 2015, the City Council approved the City of Sweeny Investment Policy. The Policy was written in accordance with recent revisions to Texas Government Code Chapter 2256.

The motion was made by Ray Bailey, seconded by Rachel Wells, and was unanimously approved.

Mayor
City of Sweeny, Texas

Attachment B: Certificate of Council Action to Designate Authorized Investment Officers

At their meeting of MAY 18, 2010 the City Council approved the City of Sweeny Investment Policy. Page 2 of the policy designates the authorized Investment Officers

The employees presently serving in the positions designated as Investment Officers are as follows: CINDY KING, City Manager and REATTA MINSHEW, City Secretary.

This motion was made by Ray Bailey, seconded by Dale Lemon, and was unanimously approved.

Kenneth Lott
Mayor
City of Sweeny, Texas

Attachment C: Certification of Council Action to Approve Authorized Investment Pools

At its regular meeting of December 19, 1995, the City Council approved the following list of authorized Investment Pools:

- Texas Local Government Investment Pool (TexPool)

The motion was named by Dale Thames, seconded by Dan Ellis and was unanimously approved.

Mayor
City of Sweeny, Texas

Attachment D: Certification of Council Action to Approve Broker Dealers

At its regular meeting of December 19, 1995, the City Council approved the following list of authorized of broker/dealers:

Government Securities Brokers/Dealers

The motion was made by Dale Thames, seconded by Dan Ellis, and was unanimously approved.

Mayor
City of Sweeny, Texas

NO. 106-03

A RESOLUTION AMENDING THE CITY OF SWEENY INVESTMENT POLICY

WHEREAS, the City of Sweeny, Texas, has adopted an investment policy pursuant to Chapter 2256 of the Texas Government Code, commonly known as the Public Funds Investment Act; and

WHEREAS, the City of Sweeny, Texas, desires to amend its investment policy to include credit unions in the definition of eligible investment institutions and to make additions to the list of approved eligible investment institutions;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SWEENY, TEXAS:

The City of Sweeny hereby amends Section IV. Of said policy to add a subpart D. to Investment Institutions Defined, as follows:

“D. a credit union domiciled in the State of Texas which is insured by the NUCA.”

The City of Sweeny hereby amends Schedule D to approve the following eligible investment institutions:

Banking Institutions

- First State Bank of Louise
- Prosperity Bank
- Old Ocean Federal Credit Union
- Sweeny Teachers Federal Credit Union

PASSED AND ADOPTED by the City Council of the City of Sweeny, Texas, this the 16th day of September, 2003.

Approved:

Attest:

Larry Piper, Mayor

Reatta Minshew, City Secretary

NO. 103-11

A RESOLUTION AMENDING THE CITY OF SWEENEY INVESTMENT POLICY

WHEREAS, the City of Sweeny, Texas, has adopted an investment policy pursuant to Chapter 2256 of the Texas Government Code, commonly known as the Public Funds Investment Act; and

WHEREAS, the City of Sweeny, Texas, desires to amend its investment policy to include credit unions in the definition of eligible investment institutions and to make additions to the list of approved eligible investment institutions;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SWEENY, TEXAS:

The City of Sweeny hereby amends Section IV. Of said policy to add a subpart D. to Investment Institutions Defined, as follows:

“D. a credit union domiciled in the State of Texas which is insured by the NUCA.”

The City of Sweeny hereby amends Schedule D to approve the following eligible investment institutions:

PASSED AND ADOPTED by the City Council of the City of Sweeny, Texas, this the 18th day of January, 2011.

Approved:

Attest:

Kenneth Lott, Mayor

Reatta Minshew, City Secretary



AGENDA MEMO

Business of the City Council
City of Sweeny, Texas

| | | | |
|---|--|---------------------|----------------|
| Meeting Date | 06/18/2024 | Agenda Items | |
| Approved by City Manager | | Presenter(s) | City Manager |
| Reviewed by City Attorney | | Department | Administration |
| Subject | Discussion and possible action to elect participation and execute continued cooperative agreement as a participating jurisdiction with Brazoria County for the CDBG, HOME, and ESG programs for potential housing and community development efforts. | | |
| Council Strategic Goals | Vibrant Economy, Sense of Community, and Safe & Beautiful City | | |
| Attachments / Supporting documents | Urban County Participation Letter, Participating Cities List, Sweeny pdf., Notice to Withdrawl of Remain, Updated Amendment 2025-2027 | | |
| Financial Information | Expenditure Required: | N/A | |
| | Amount Budgeted: | N/A | |
| | Account Number: | | |
| | Additional Appropriation Required: | | |
| | Additional Account Number: | | |

Executive Summary

Attached is a notice to requalify as a participating jurisdiction with the Brazoria County CDBG, HOME, and ESG programs. Every three years the County is required to provide notice to cities of their option to remain or withdraw as a participating city with the County in its HUD program funds.

Attachments include the letter to Sweeny of its options with explanation, a list of participating cities, the prior agreement signed in 2009 opting to participate, and the new amendment/addendum to the cooperative agreement.

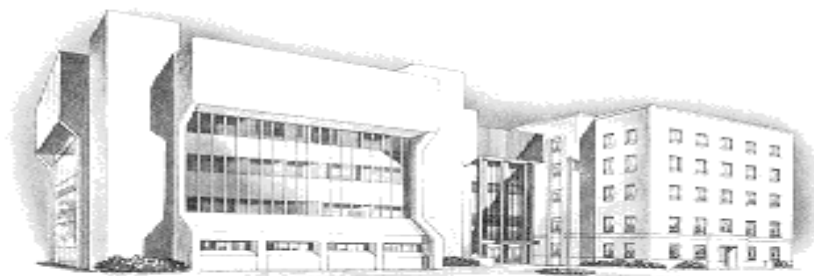
The City must return the completed forms by June 24, 2024 to Brazoria County electing participation and signing the agreement if choosing to continue the partnership.

Recommended Action

Staff recommends approval.

Motion: I move to approve the cooperative agreement with Brazoria County and elect to remain as a participating jurisdiction in the Brazoria County CDBG, HOME, and ESG Programs.

DAPHNE LEMELLE
DIRECTOR



JENNIFER CRAINER
ASSISTANT DIRECTOR

BRAZORIA COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

May 31, 2024

Dear Mayor:

This year Brazoria County will be re-qualifying for the Community Development Block Grant (CDBG) and HOME Program funds from the U. S. Department of Housing and Urban Development (HUD) for FYs 2025-2027. The County has to re-qualify for these funds every three years. Currently, twenty Cities in the County participate in the Brazoria County CDBG and HOME Programs. A list of these Cities is attached hereto.

Your city is currently a participating jurisdiction. If your City wishes to continue participating or elects to opt-out of the Brazoria County CDBG and HOME Program, you will need to notify this office by completing the attached ***Notice to Withdraw or Remain as a Participating Jurisdiction***. We must receive this notification in our office no later than **5:00 p.m. on June 24, 2024**. Additionally, attached for your review is the Addendum to Cooperation Agreement reflecting updates to the original agreement. If you elect to continue, we request that this Addendum be reviewed, signed and submitted back to Brazoria County Community Development by **June 24, 2024**.

Please note that by continuing to be included in the County's program, your City will not be eligible to apply for grants under the Texas Community Development Program (TX-CDBG) or the Texas HOME Investment programs. This will not however affect any other grant program you wish to apply for (e.g., Texas Parks and Wildlife Department, Federal Aviation Administration/Texas Aeronautical Commission, Texas State Library, Criminal Justice Council, etc.)

We do hope that your City will continue to be a partner with the County and we look forward to continuing housing and community development efforts within your City.

As indicated above, please send your signed notice, and addendum, as applicable, to Daphne Lemelle, Brazoria County Community Development, 1524 E. Mulberry, Suite 162, Angleton, Texas, 77515.

If you have any questions about the program, please feel free to call me at (979) 864-1860.

Sincerely,

Daphne Lemelle
Community Development Program Director

1524 EAST MULBERRY, SUITE 162, ANGLETON, TEXAS 77515

Angleton Area
(979) 864-1427

Brazosport Area
(979) 388-1427

Houston Area
(281) 756-1427

Fax Number
(979) 864-1827

**Participating Cities in Brazoria County
CDBG and HOME Programs**

Alvin
Angleton
Bailey's Prairie
Bonney
Brazoria
Brookside Village
Clute
Danbury
Freeport
Holiday Lakes
Iowa Colony
Jones Creek Village
Lake Jackson
Manvel
Oyster Creek Village
Richwood
Sandy Point
Surfside Beach
Sweeny
West Columbia

Non-Participating Cities

Hillcrest Village
Liverpool
Pearland
Quintana

THE STATE OF TEXAS §
 §
 COUNTY OF BRAZORIA §

COOPERATION AGREEMENT

This agreement, made and entered into by Brazoria County, a body corporate and politic under the laws of the State of Texas, hereinafter sometimes referred to as "County", and the City of Sweeny, a municipal corporation under the laws of the State of Texas, hereinafter sometimes referred to as "City".

WITNESSETH:

WHEREAS, on May 19, 2009 the City elected to have its population included as a portion of that population to the County in the County's "urban county" application(s) to the U.S. Department of Housing and Urban Development for funding for the Community Development Block Grant Program; and

WHEREAS, the City's area and population are within the boundaries of Brazoria County; and

WHEREAS, the County is willing to cooperate with the City in assisting in undertaking community renewal and housing activities; and

WHEREAS, the Texas Legislature has enacted the "Texas Community Development Act of 1975," codified as V.T.C.A., Local Government Code, Chapter 373, which provides, in part, for the authorization of cities to implement a community development program; and

WHEREAS, the governing bodies of the County and City duly authorizes this Agreement and authorizes their Chief Executive Officers to execute this Agreement on behalf of their entity and that any and all previous agreements in conflict herewith are hereby made void; and

WHEREAS, the Texas legislature has further enacted "The Interlocal Cooperation Act," and codified as V.T.C.A., Government Code, Chapter 791, which provides, in part, that the County may contract with the City to perform governmental functions and services for the City.

NOW, THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS: That the County and the City, in consideration of the mutual covenants and agreements herein contained, do mutually agree as follows:

I.

The City and the County agree to allow the U.S. Department of Housing and Urban Development to use the City's population and other necessary demographic characteristics in the determination of whether the County will qualify as an "urban county" as defined in the Housing and Community Development Act of 1974, as amended, and the rules and regulations promulgated pursuant thereto and in determining the County's annual funding allocations.

II.

The City and the County acknowledge that this Cooperation Agreement covers both the Community Development Block Grant (CDBG) Entitlement Program and the HOME Investment Partnership Program. Furthermore, the City understands that it may not apply for grants under the small cities or State Community Development Block Grant Programs from appropriations during the period in which it is participating in the County's CDBG Program. The City further understands that it may not participate in a HOME Program or HOME consortium with other local governments except through the County.

III.

The City and the County acknowledge that no determination has been made at the time of execution of this Agreement as to where and for what purposes funding, if any, for the applicable Community Development Block Grant Programs will be sought or expended. In this regard, it is agreed that County shall not be obligated to seek or commit funds for expenditure in the City or for assistance to residents of the City. The City is aware that the execution of this Agreement does not constitute any guarantee on the part of the County that funds received pursuant to the CDBG and HOME Program, if any, will be expended for projects within the city limits of the City or for assistance to the residents of the City, and the City has received no assurance, written or oral, from the County to the contrary.

IV.

This Agreement shall remain in full force and effect for the period October 1, 2009 through September 30, 2012. The Agreement will be automatically renewed at the end of this period for consecutive three-year periods unless the Agreement is specifically terminated in writing by either party before the end of the County's three-year qualification period. The County agrees to notify the City by the date specified in HUD's Urban County Qualification Notice for each successive qualification period of the City's right to not participate and to send a copy of such notice to the HUD Field Office. The City and the County acknowledge that they are aware that Federal Regulations do not permit the County to allow the City to withdraw from this Agreement or otherwise terminate this Agreement at any time during the period covered by the Agreement.

The City and the County also acknowledge that it will adopt any amendment to this Agreement to incorporate any changes necessary to meet the requirements for cooperation agreements set forth in any Urban County Qualification Notice which may be applicable for any subsequent three-year period and to submit such amendment to HUD as provided in the Urban County Qualification Notice, and that failure by either party to adopt such amendments will void the automatic renewal of such qualification period.

Furthermore, the City and the County acknowledge that this Agreement remains in effect until the CDBG and HOME funds and program income received with respect to the initial *three*-year qualification period and any successive qualification periods are expended and the funded activities completed and that the County and City shall not terminate or withdraw from the Agreement while the Agreement remains in effect.

V.

The City agrees to inform Brazoria County of any income generated by the expenditure of CDBG and HOME funds received by the City and that any such income shall be paid to Brazoria County. Brazoria County may, in its sole discretion, allow the City to retain program income provided that any and all such income may only be used for eligible activities in accordance with all CDBG and HOME Program requirements as may then apply. The City understands that Brazoria County has the responsibility for monitoring income and reporting to HUD on the use of any such program income, and the City, therefore, agrees to meet such record keeping and reporting requirements as may be required by the County for this purpose. In the event of close-out or change in status of the City, any program income that is on hand or received subsequent to the close-out or change in status will be paid to Brazoria County.

VI.

The City agrees and understands that the following terms and conditions will apply with regard to real property acquired to improve in whole or in part using CDBG funds that is within the control of the City during the term of the Agreement.

- a) The City shall timely notify Brazoria County of any modification or change in the use of property from that planned at the time of acquisition or improvement, including disposition.
- b) The City shall reimburse Brazoria County in an amount equal to the current fair market value (less any portion thereof attributable to expenditures of non-CDBG funds) of property acquired or improved with CDBG funds that is sold or transferred for a use which does not qualify under CDBG regulations.

VII.

The City agrees that program income generated from the disposition or transfer of real property prior to or subsequent to the grant close-out, change of status, or termination of this Agreement shall be treated according to 24 CFR 570.504.

VIII.

The County and the City agree to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities, specifically urban renewal and publicly assisted housing.

The County and the City acknowledge that the County shall not fund activities in or in support of any cooperating units of general local government, including the City, which does not affirmatively further fair housing within its jurisdiction or that impedes the County's actions to comply with *its* fair housing certification.

IX.

In the performance of this Agreement, the County and all cooperating units of general local government executing this Agreement agree to take all actions necessary to assure compliance with County's certification required by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, the Fair Housing Act, Section 109 of Title I of the Housing and Community Development Act of 1974, and other applicable laws.

X.

The County and the City acknowledge that the City has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies against any individuals within its jurisdiction engaged in non-violent civil rights demonstrations. Furthermore, the City has adopted a policy and is enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within the jurisdiction.

XI.

The City agrees and understands that pursuant to 24 CFR 570.501(b), it is subject to the same requirements applicable to subrecipients, including the requirement of a written agreement as set forth in 24 CFR 570.503.

XII.

Should the U.S. Department of Housing and Urban Development reject or refuse to accept the Agreement for any reason, the County may terminate this Agreement by giving written notice of the same to the City.

XIII.

This Agreement shall be of no force and effect unless and until it is executed by both parties hereto and as set forth below.

IN WITNESS WHEREOF this instrument in duplicate originals has been executed by the parties hereto as follows:

- a. It has been executed on behalf of Brazoria County on the 26th day of MAY, 2009, by the County Judge of Brazoria County and attested by the County Clerk of Brazoria County pursuant to an order authorizing such execution.
- b. It has been executed on behalf of the City on the 20th day of May, 2009, by its Mayor and attested by its City Secretary, pursuant to action of the City Council of the City authorizing such execution.

BRAZORIA COUNTY


EJ King, County Judge

ATTEST

By: 
County Clerk

CITY OF SWEENY


Kenneth W. Lott, Mayor

ATTEST

By: 
Reatta Minshew, City Secretary

CERTIFICATE OF CITY ATTORNEY**CITY OF SWEENEY, TEXAS**

I have examined the foregoing Agreement, and as City Attorney for the City named therein, I hereby certify that the terms and provisions of this Agreement are fully authorized under State and local law applicable to the City (including but not limited to the City's Charter and ordinances).

May 20, 2009

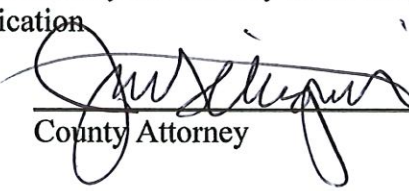


R. C. Stevenson, City Attorney

CERTIFICATE OF COUNTY ATTORNEY**BRAZORIA COUNTY, TEXAS**

I have examined the foregoing Agreement, and as statutory civil counsel to the County named therein, I hereby certify that the terms and provisions of the Agreement are fully authorized under State and local law, and that this agreement provides full legal authority for the County to undertake or to assist the City in undertaking essential community development and housing assistance activities, specifically urban renewal and publicly assisted housing. To the extent that this certificate relates the State and local law applicable to the City (including but not limited to the City's Charter and ordinances), this certificate is given in total reliance upon the Certificate of City Attorney and the undersigned disclaims any responsibility or liability for the City's Attorney and the errors or omissions, if any, in making such certification.

05/27/09
Date


County Attorney

AMENDMENT/ADDENDUM TO COOPERATION AGREEMENT

This Agreement Amendment/Addendum covers the CDBG Entitlement program and, where applicable, the HOME Investment Partnership (HOME) and Emergency Solutions Grants (ESG) Programs.

Per requirement of the CPD Notice 24-02: Instructions for Urban County Qualification for Participation in the Community Development Block Grant (CDBG) Program for Fiscal Years (FYs) 2025-2027 to read:

Paragraph II has been amended to read as follows:

The City and the County acknowledge that this Cooperation Agreement covers the Community Development Block Grant (CDBG) Entitlement Program, the HOME Investment Partnership Program (HOME) and the Emergency Solutions Grant (ESG) Program. Furthermore, the City understands that it may not apply for grants from appropriations under the small cities or State CDBG Programs. The City further understands and agrees that it may receive funding under the HOME and ESG programs only through the County, unless the County does not receive an allocation for such funding at which time the City may apply for HOME or ESG funding from the State.

Paragraph IV has been amended to read as follows:

This Agreement shall remain in full force and effect for the period October 1, 2025 through September 30, 2027. The Agreement will be automatically renewed at the end of this period for consecutive three-year periods unless the Agreement is specifically terminated in writing by either party before the end of the County's three-year qualification period. The County agrees to notify the City by the date specified in HUD's Urban County Qualification Notice for each successive qualification period of the City's right to not participate and to send a copy of such notice to the HUD Field Office. The City and the County acknowledge that they are aware that federal regulations do not permit the County to allow the City to withdraw from this Agreement or otherwise terminate this Agreement at any time during the period covered by the Agreement.

The City and the County also acknowledge that it will adopt any amendment to this Agreement to incorporate any changes necessary to meet the requirements for cooperation agreements set forth in any Urban County Qualification Notice which may be applicable for any subsequent three-year period and to submit such amendment to HUD as provided in the Urban County Qualification Notice, and that failure by either party to adopt such amendments will void the automatic renewal of such qualification period.

Furthermore, the City and the County acknowledge that this Agreement remains in effect until the CDBG, HOME and ESG funds and program income received with respect to the initial *three*-year qualification period and any successive qualification periods are expended and the funded activities completed and that the County and City shall not terminate or withdraw from the Agreement while the Agreement remains in effect.

Paragraph IX has been amended to read as follows:

In the performance of this Agreement, the County and all cooperating units of general local government executing this Agreement agree to take all actions necessary to assure compliance with County's certification required by Section 104(b) of Title I of the Housing and Community Development Act of

1974, as amended, and will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964, and the implementing regulations at 24 CFR Part 1, the Fair Housing Act and the implementing regulations at 24 CFR Part 100, and will affirmatively further fair housing. See 24 CFR 91.225(a) and 5.105(a). The County and City also agree to comply with Section 109 of Title I of the Housing and Community Development Act of 1974, and the implementing regulations at 24 CFR Part 6, which incorporates Section 504 of the Rehabilitation Act of 1973, and the implementing regulations at 24 CFR part 8, Title II of the Americans with Disabilities Act, and the implementing regulations at 28 CFR part 35, the Age Discrimination Act of 1975, and the implementing regulations at 24 CFR part 146, and Section 3 of the Housing and Urban Development Act of 1968, as well as other applicable laws. The City and County further agree that Urban County funding in no event will be used for activities in, or in support of, any cooperating unit of local government that impedes the County's actions to comply with the County's fair housing certification and duty to affirmatively further fair housing (AFFH).

Paragraph XIV now reads as follows:

This Agreement shall be of no force and effect unless and until it is executed by both parties hereto and as set forth below.

IN WITNESS WHEREOF this instrument in duplicate originals has been executed by the parties hereto as follows:

- a. It has been executed on behalf of Brazoria County on the _____ day of _____, 2024, by the County Judge of Brazoria County and attested by the County Clerk of Brazoria County pursuant to an order authorizing such execution.
- b. It has been executed on behalf of the City on the _____ day of _____, 2024, by its Mayor and attested by its City Secretary, pursuant to action of the City Council of the City authorizing such execution.

BRAZORIA COUNTY

L.M. "Matt" Sebesta, Jr.

ATTEST

By: _____
County Clerk

CITY OF SWEENY

Mayor Pro-Tem; Neal Bess Jr.

ATTEST

By: _____
City Secretary

CERTIFICATE OF CITY ATTORNEY**CITY OF _____, TEXAS**

I have examined the foregoing Agreement, and as City Attorney for the City named therein, I hereby certify that the terms and provisions of this Agreement are fully authorized under State and local law applicable to the City (including but not limited to the City's Charter and ordinances).

Date_____
City Attorney

ORDER

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

On this the _____ day of _____, 2024, the Commissioners' Court, sitting as the governing body of Brazoria County, Texas, at a regular meeting, upon motion of Commissioner _____ seconded by Commissioner _____, duly put and carried,

IT IS ORDERED that the County Judge be, and he is hereby authorized to execute, and the County Clerk is hereby authorized to attest for and on behalf of Brazoria County, an agreement between Brazoria County and the City of _____ for the purpose of cooperating in the County's Community Development Block Grant (CDBG), HOME, and Emergency Shelter Grant (ESG) Programs for Federal FY 2025-2027, which agreement is hereby referred to and made a part hereof for all purposes as though fully set out herein.

Signed by:

L. M. "Matt" Sebesta, Jr., County Judge

Commissioner "Dude" Payne, Pct. 1

Commissioner Ryan Cade, Pct. 2

Commissioner Stacy Adams, Pct. 3

Commissioner David Linder, Pct. 4



AGENDA MEMO

Business of the City Council
City of Sweeny, Texas

| | | | |
|---|---|---|----------------------------|
| Meeting Date | 06/18/2024 | Agenda Items | |
| Approved by City Manager | | Presenter(s) | Kaydi Smith |
| Reviewed by City Attorney | | Department | City Secretary; Ordinances |
| Subject | Discussion and possible action to consider adopting Ordinance 24-103, approving the updated drought contingency plan. | | |
| Council Strategic Goals | Vibrant Economy- Strengthen City's Code of Ordinances | | |
| Attachments / Supporting documents | Newly Updated DCP; Ordinance 24-103 | | |
| Financial Information | Expenditure Required: | Approx. \$250.00- ordinance portion only for codification | |
| | Amount Budgeted: | | |
| | Account Number: | 50-20-6717 | |
| | Additional Appropriation Required: | | |
| | Additional Account Number: | | |

Executive Summary

The updates to the Drought Contingency Plan, completed by our City Engineer, were approved at the April 23, 2024 Special meeting. The plan has been updated to comply with TCEQ requirements. The plan must be adopted by ordinance; ordinance has been completed by the City Attorney and is attached for viewing

The City has previously had a drought contingency plan in place, This newly updated DCP will replace the previous.

Recommended Action

Staff recommends approval.

Motion: I move to approve Ordinance 24-103; updating the City's Drought Contingency Plan.

ORDINANCE NO. 24-103

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SWEENY, TEXAS, ADOPTING A DROUGHT
CONTINGENCY PLAN FOR THE CITY; AND FINDING FACT.

WHEREAS, Chapter 11 of the Texas Water Code and Title 30 of the Texas Administrative Code requires Texas municipalities to develop, implement and submit drought contingency plans to the TCEQ or make them available for inspection every five years; and

WHEREAS, the City of Sweeny has developed a Drought Contingency Plan to meet the requirements of the TCEQ; and

WHEREAS, the City Council of the City of Sweeny recognizes the importance of adopting such a plan in case of severe drought conditions;

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

Section 1:

The findings of fact stated herein are found to be true and correct.

Section 2:

The City Council hereby adopts the Drought Contingency Plan attached to this Ordinance as the official plan and policy of the City of Sweeny, replacing any prior approved Drought Contingency Plans, and directs the administration of the City to follow all TCEQ rules in implementing said plan.

APPROVED AND ADOPTED _____, 2024.

NEAL BESS JR., Mayor Pro-Tem,
City of Sweeny

ATTEST:

KAYDI SMITH, City Secretary



Drought Contingency Plan for a Retail Public Water Supplier

Drought Contingency Plans must be formally adopted by the governing body of the water provider and documentation of adoption must be submitted with the plan. For municipal water systems, adoption would be by the city council as an ordinance. For other types of publicly-owned water systems (example: utility districts), plan adoption would be by resolution of the entity's board of directors adopting the plan as administrative rules. For private investor-owned utilities, the drought contingency plan is to be incorporated into the utility's rate tariff. Each water supplier shall provide documentation of the formal adoption of their drought contingency plan.

| | | |
|--|--|----------------------|
| Name: | City of Sweeny | |
| Address: | 102 West Ashley Wilson P.O. Box 248 Sweeny Texas 77480 | |
| Telephone Number: | (979) 548-3321 | Fax: (979) 548-7745 |
| Water Right No.(s): | N/A | |
| Regional Water Planning Group: | Region H | |
| Form Completed by: | William J. Huebner, P.E. | |
| Title: | Mayor | |
| Person responsible for implementation: | Dusty Hopkins | Phone: (979)548-3321 |
| Signature: | | Date: / / |

Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Sweeny (the City) hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X of this Plan.

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the City by means of scheduling and providing public notice of a public meeting to accept input on the Plan.

Section III: Public Education

The City will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of news media, social media, radio broadcasts on local radio station, local newspapers, telephone calls, person to person conversations, and notices mailed to all utility customers.

Section IV: Coordination with Regional Water Planning Groups

The service area of the City is located within the Region (H) and the City of Sweeny has provided a copy of this Plan to the Region H

Section V: Authorization

The Mayor, or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The Mayor or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City (*name of your water supplier*). The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section VII: Definitions

For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase

the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by the City.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Foundation watering: an application of water to the soils directly abutting (within 2 feet) the foundation of a building, structure.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than firefighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

Section VIII: Criteria for Initiation and Termination of Drought Response Stages

The Mayor or his/her designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified “triggers” are reached.

The triggering criteria described below are based on

daily consumption in relation to the total water production capacity of the wells in service at any time or in relation to the total firm high service (booster) pump capacity in the system. The well capacity shall mean the rate of production from all wells over a 24-hour period and the total firm booster pump capacity shall mean the total volume of water that can be pumped in a 24-hour period assuming the largest pump is out of service. The City has a master water meter on each well, which monitors the total daily water demand.

Utilization of alternative water sources and/or alternative delivery mechanisms:

There are no alternative water source(s) available to the City.

Stage 1 Triggers -- MILD Water Shortage Conditions

Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII Definitions, when total daily water demand equals or exceeds 40 percent of the total well capacity or firm booster pump capacity for seven consecutive days.

Requirements for termination

Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of seven consecutive days.

Stage 2 Triggers – MODERATE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when total daily water demand equals or exceeds 50 percent of the total well capacity or firm booster pump capacity for seven consecutive days.

Requirements for termination

Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of seven consecutive days. Upon termination of Stage 2, Stage 1, or the applicable drought response stage based on the triggering criteria, becomes operative.

Stage 3 Triggers – SEVERE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when total daily water demand equals or exceeds 60 percent of the total well capacity or firm booster pump capacity for three consecutive days.

Requirements for termination

Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days. Upon termination of Stage 3, Stage 2, or the applicable drought response stage based on the triggering criteria, becomes operative.

Stage 4 Triggers – CRITICAL Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when total daily water demand equals or exceeds 70 percent of the total well capacity or firm booster pump capacity for three consecutive days.

Requirements for termination

Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days. Upon termination of Stage 4, Stage 3, or the applicable drought response stage based on the triggering criteria, becomes operative.

Stage 5 Triggers – EMERGENCY Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when the Mayor, or his/her designee, determines that a water supply emergency exists based on:

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; **or**
2. Natural or man-made contamination of the water supply source(s).

Requirements for termination

Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days.

Section IX: Drought Response Stages

The Mayor, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

Notification

Notification of the Public:

The Mayor or his/ her designee shall notify the public by means of: news media, social media, radio broadcasts on local radio station, local newspapers, telephone calls, posting notices at public buildings, and person to person conversations. Notices mailed to all utility customers may be used at the discretion of the Mayor or his/her designee.

Additional Notification:

The Mayor or his/ her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

| Entity | Notification Stage |
|-------------------------------------|---|
| City Council | All Stages |
| TCEQ | All Stages |
| Street Superintendent | Stage 4: Critical Stage 5: Emergency |
| Water and Wastewater Superintendent | All Stages |
| Fire Chief | All Stages |
| Major water users | Stage 5: Emergency |

Stage 1 Response – MILD Water Shortage Conditions

Target: Achieve a voluntary reduction in the total well capacity or firm booster pump capacity to less than 40 percent.

Best Management Practices for Supply Management:

The City will reduce water demand by system water loss control and reduced or discontinued irrigation of public landscaped areas.

Voluntary Water Use Restrictions for Reducing Demand:

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to between the hours of 6 p.m. and 8:00 a.m. .
- (b) All operations of the City (*name of your water supplier*) shall adhere to water use restrictions prescribed for Stage 1 of the Plan.
- (c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 Response – MODERATE Water Shortage Conditions

Target: Achieve a voluntary in the total well capacity or firm booster pump capacity to less than 50 percent.

Best Management Practices for Supply Management:

The City will reduce water demand by system water loss control and reduced or discontinued irrigation of public landscaped areas.

Water Use Restrictions for Demand Reduction:

Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Monday, Wednesday, and Friday for customers located west of Hackberry Street, and Tuesday, Thursday, and Saturdays for water customers located east of Hackberry Street and no one shall water between the hours of 8 a.m. and 6 p.m. on Sundays. However, irrigation of landscaped areas is permitted on a daily basis by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system before 8 a.m. and after 6 p.m..
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

- (c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City.
- (f) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City, the facility shall not be subject to these regulations.
- (g) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- (h) The following uses of water are defined as non-essential and are prohibited:
 1. wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 2. use of water to wash down buildings or structures for purposes other than immediate fire protection;
 3. use of water for dust control;
 4. flushing gutters or permitting water to run or accumulate in any gutter or street; and
 5. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 3 Response – SEVERE Water Shortage Conditions

Target: Achieve a voluntary reduction in the total well capacity or firm booster pump capacity to less than 60 percent.

Best Management Practices for Supply Management:

The City will reduce water demand by system water loss control and reduced or discontinued irrigation of public landscaped areas.

Water Use Restrictions for Demand Reduction:

All requirements of Stage 2 shall remain in effect during Stage 3 except:

- (a) Irrigation of landscaped areas shall be further limited to a designated watering day.
 - a. NW: Customers located north of 4th Street and Brockman and west of Hackberry Street shall water on Mondays.
 - b. SE: Customers located south of 4th Street and Brockman and east of Hackberry Street shall water on Tuesdays.

- c. NE: Customers located north of 4th Street and Brockman and east of Hackberry Street shall water on Thursdays.
- d. SW: Customers located south of 4th Street and Brockman and west of Hackberry Street shall water on Fridays.

No one may water on Wednesdays, Saturdays, or Sundays. No one may water on any assigned day between the hours of 8 a.m. and 6 p.m. Hand watering flowers, flowerbeds, and potted plants may be done on any day before 8 a.m. and after 6 p.m. Watering shall be done by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.

- (b) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the City (*name of your water supplier*).
- (c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.
- (d) Foundation Watering (within 2 feet) may take place on the assigned water day only. Watering of trees may occur for two hours one day per week with a hand-held hose or with a dedicated zone using a Drip Irrigation system and/or Soaker Hose, provided no runoff occurs.
- (e) Anyone using more than 20,000 gallons of water per month at the time this stage is implemented will be charged a rate of \$5.00 per 1,000 gallons of water over the 20,000 gallons used.

Stage 4 Response – CRITICAL Water Shortage Conditions

Target: Achieve a voluntary reduction in the total well capacity or firm booster pump capacity to less than 70 percent.

Best Management Practices for Supply Management:

The City will reduce water demand by system water loss control and reduced or discontinued irrigation of public landscaped areas.

Water Use Restrictions for Reducing Demand:

All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- (a) No one may perform outdoor watering on any given day other than providing water for pets and livestock.
- (b) Foundations may be watered every two weeks. Customers located west of Hackberry Street may soak their foundation on the first and third Wednesday of the month between 6 p.m. and midnight. Customers located east of Hackberry Street may soak their foundation on the second and fourth Wednesday of the month between 6 p.m. and midnight. The increased rates implemented in stage 3 will remain in effect through this stage.

- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10 p.m.
- (c) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

Stage 5 Response – EMERGENCY Water Shortage Conditions

Target: Achieve a voluntary reduction in the total well capacity or firm booster pump capacity to less than 75 percent or reduce water use to prevent more than 50% depletion of stored water volumes at any time.

Best Management Practices for Supply Management:

The City will reduce water demand by system water loss control and reduced or discontinued irrigation of public landscaped areas.

Water Use Restrictions for Reducing Demand:

All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:

- (a) All non-essential water use shall be prohibited unless necessary for the preservation of health, safety, and welfare of residents. Water usage for livestock is exempt.
- (b)

Section X: Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from the City for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by Mayor , or his/her designee, in accordance with provisions of this Plan.
- (b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine. Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the Mayor (*designated official*) shall, upon due notice to the

customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established within the City's established fee schedule and any other costs incurred by the City in discontinuing service. In addition, suitable assurance must be given to the Mayor that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

- (c) Any person, including a person classified as a water customer of the City, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.
- (d) Any employee of the City, police officer, or other employee designated by the Mayor, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

Section XI: Variances

The Mayor, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Mayor, or his/her designee, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.



CITY OF SWEENY

102 W. Ashley Wilson Rd. • PO Box 248 • Sweeny, Texas 77480 • P: (979) 548-3321 • F: (979) 548-7745

The following will be used to request an item to be placed on the agenda with the Sweeny City Council.

Personal Information:

Name: Neal Bess Jr
 Mailing Address: [REDACTED]
 Physical Address: " " " "
 Email(s): [REDACTED]
 Phone(s): [REDACTED]

Please include specific details of the item you wish to be placed on the agenda.

Discuss & Considered the old Publice
 Work Building AS the New Animal
 Shelter

Signature: Neal Bess Jr Date: 5-17-24

Requests must be received by the City Manager by close of business 10 days prior to the scheduled meeting date for placement. Administration and/or their designee reserves the right to delay the item to the following regularly scheduled meeting if it is determined that more time is needed in order to compile information specific to the request.

Once Council has acted on an agenda item; that item cannot be placed on the agenda for a period of six (6) full months. Exception is provided if three members of Council ask that the item be returned early to the agenda, or the Mayor or City Manager determines it is in the interest of the City to do so.

Rec'd
 5/17/24 2:45p Kds



AGENDA MEMO

Business of the City Council
City of Sweeny, Texas

| | | | |
|---|---|---------------------|----------------------------------|
| Meeting Date | 06/18/2024 | Agenda Items | |
| Approved by City Manager | | Presenter(s) | Lindsay Koskiniemi, Karla Wilson |
| Reviewed by City Attorney | | Department | City Manager, Finance |
| Subject | Discussion and possible action to adopt a resolution for the City's participation in TexPool Prime | | |
| Council Strategic Goals | Government Sustainability: Protect the City's financial integrity. | | |
| Attachments / Supporting documents | 1. Resolution Authorizing Participation 2. Average Daily Net Yield 3. Participation Agreement | | |
| Financial Information | Expenditure Required: | N/A | |
| | Amount Budgeted: | N/A | |
| | Account Number: | | |
| | Additional Appropriation Required: | | |
| | Additional Account Number: | | |

Executive Summary

As authorized by City Council in August 2022, the City participates in the following investment pools allowed by the Public Funds Investment Act: LOGIC, TexSTAR, and TexPool.

This item is a request to adopt a resolution allowing the City's participation in TexPool Prime, which is different from TexPool. See the attached Pool Information that shows yield information for TexPool and TexPool Prime. By participating in the Prime pool, the City will have diverse and safe options to transfer funds to maximize interest revenue and cash liquidity.

Recommended Action

Staff recommends the City Council adopt a resolution to participate in TexPool Prime.



Resolution Authorizing Participation in the TexPool Investment Pools and Designating Authorized Representatives

WHEREAS,

("Participant") is a local government or state agency of the State of Texas and is empowered to delegate to the public funds investment pools the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

WHEREAS, it is in the best interest of the Participant to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the Texas Local Government Investment Pools ("TexPool/TexPool Prime"), public funds investment pools, were created on behalf of entities whose investment objectives in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act.

NOW THEREFORE, be it resolved as follows:

- A. That Participant shall enter into a Participation Agreement to establish an account in its name in TexPool/TexPool Prime, for the purpose of transmitting local funds for investment in TexPool/TexPool Prime.
- B. That the individuals, whose signatures appear in this Resolution, are authorized representatives of the Participant and are each hereby authorized to transmit funds for investment in TexPool/TexPool Prime and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.

Authorized Representatives of the Participant

These individuals will be issued P.I.N. numbers to transact business via telephone with a Participant Service Representative.

| | | |
|----|----------------------|----------------------|
| 1. | <input type="text"/> | <input type="text"/> |
| | Signature | Telephone Number |
| | <input type="text"/> | <input type="text"/> |
| | Printed Name | Fax Number |
| | <input type="text"/> | <input type="text"/> |
| | Title | Email |
| 2. | <input type="text"/> | <input type="text"/> |
| | Signature | Telephone Number |
| | <input type="text"/> | <input type="text"/> |
| | Printed Name | Fax Number |
| | <input type="text"/> | <input type="text"/> |
| | Title | Email |
| 3. | <input type="text"/> | <input type="text"/> |
| | Signature | Telephone Number |
| | <input type="text"/> | <input type="text"/> |
| | Printed Name | Fax Number |
| | <input type="text"/> | <input type="text"/> |
| | Title | Email |
| 4. | <input type="text"/> | <input type="text"/> |
| | Signature | Telephone Number |
| | <input type="text"/> | <input type="text"/> |
| | Printed Name | Fax Number |
| | <input type="text"/> | <input type="text"/> |
| | Title | Email |

Authorized Representatives of the Participant (continued)

| | | |
|----|----------------------|----------------------|
| 5. | <input type="text"/> | <input type="text"/> |
| | Signature | Telephone Number |
| | <input type="text"/> | <input type="text"/> |
| | Printed Name | Fax Number |
| | <input type="text"/> | <input type="text"/> |
| | Title | Email |
| 6. | <input type="text"/> | <input type="text"/> |
| | Signature | Telephone Number |
| | <input type="text"/> | <input type="text"/> |
| | Printed Name | Fax Number |
| | <input type="text"/> | <input type="text"/> |
| | Title | Email |

List the name of the Authorized Representative provided above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Printed Name

In addition and at the option of the Participant, additional authorized representative(s) can be designated to perform inquiry only of selected information. This limited representative cannot make deposits or withdrawals. If the Participant desires to designate a representative with inquiry rights only, complete the following information.

| | | |
|----|----------------------|----------------------|
| 1. | <input type="text"/> | <input type="text"/> |
| | Printed Name | Title |
| | <input type="text"/> | <input type="text"/> |
| | Telephone Number | Fax Number |
| | <input type="text"/> | <input type="text"/> |
| | | Email |
| 2. | <input type="text"/> | <input type="text"/> |
| | Printed Name | Title |
| | <input type="text"/> | <input type="text"/> |
| | Telephone Number | Fax Number |
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| 3. | <input type="text"/> | <input type="text"/> |
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| | Telephone Number | Fax Number |
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| 4. | <input type="text"/> | <input type="text"/> |
| | Printed Name | Title |
| | <input type="text"/> | <input type="text"/> |
| | Telephone Number | Fax Number |
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| | | Email |
| 5. | <input type="text"/> | <input type="text"/> |
| | Printed Name | Title |
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| | Telephone Number | Fax Number |
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| 6. | <input type="text"/> | <input type="text"/> |
| | Printed Name | Title |
| | <input type="text"/> | <input type="text"/> |
| | Telephone Number | Fax Number |
| | <input type="text"/> | <input type="text"/> |
| | | Email |

Authorized Representatives of the Participant (continued)

C. That this resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant, and until TexPool/TexPool Prime receives a copy of any such amendment or revocation.

This resolution is hereby introduced and adopted by the Participant at its regular/special meeting held on the

day of , 20.

Document is to be signed by a Board Officer, Mayor or County Judge and attested by a Board Officer, City Secretary or County Clerk.

Name of Participant

SIGNED:

Signature

Printed Name

Title

ATTEST:

Signature

Printed Name

Title

Delivery Instructions

Please return this document to **TexPool Participant Services:**

Email: texpool@dstsystems.com

Fax: 866-839-3291



Welcome to TexConnect



| | | | | | |
|---------|------------------|-------------------|-------------------|----------------|-----------------|
| Deposit | Withdrawal | Transfer | Multi Transaction | Vendor Payment | Maintenance |
| Reports | Report Scheduler | Report Access | Statements | Inquiry | Change Location |
| | | Help / Contact Us | Update Profile | Logout | |

Pool Information

Location: 77174

City of Sweeny

TexPool

| | |
|---------------------------------|---------------------|
| Average Daily Net Yield for May | 5.3161% |
| Average Dividend Factor for May | 0.000145646 |
| Information as of | June 12, 2024 |
| Daily Net Yield | 5.2995% |
| Dividend Factor | 0.000145191 |
| 7 Day Net Yield | 5.31% |
| Daily Assets | \$34,425,657,086.77 |
| Weighted Average Maturity | 37 days |
| Weighted Average Life | 91 days |
| NAV | 0.999893 |

TexPool Prime

| | |
|---------------------------------|---------------------|
| Average Daily Net Yield for May | 5.4549% |
| Average Dividend Factor for May | 0.000149449 |
| Information as of | June 12, 2024 |
| Daily Net Yield | 5.4536% |
| Dividend Factor | 0.000149414 |
| 7 Day Net Yield | 5.46% |
| Daily Assets | \$14,408,743,884.00 |
| Weighted Average Maturity | 44 days |
| Weighted Average Life | 81 days |
| NAV | 0.999927 |

Contact Information

| | |
|----------------------|----------------|
| Participant Services | 1-866-839-7665 |
|----------------------|----------------|

Performance quoted represents past performance which is no guarantee of future results. Investment return will vary. The value of an investment when redeemed may be worth more or less than the original cost. Current performance may be higher or lower than what is stated.

For more complete information, see the TexPool Investment Policy and Information Statement available on the TexPool web site, www.texpool.com. You should consider the investment's objectives, risks, charges, and expenses carefully before investing. Information about these and other important subjects is in the Investment Policy and Information Statement which you should read carefully before investing.

An investment in the Pool is not insured or guaranteed by any government or government agency. Although the manager of the Pool seeks to preserve the principal, it is possible to lose money by depositing money in the Pool.



TexPool Investment Pools Participation Agreement

Preamble

This participation agreement (the "**Agreement**") is made and entered into by and between the Comptroller of Public Accounts (the "**Comptroller**"), acting through the Texas Treasury Safekeeping Trust Company (the "**Trust Company**"), Trustee of the Texas Local Government Investment Pool (TexPool) and TexPool Prime, (collectively the "**TexPool Investment Pools**"), and [redacted] (the "**Participant**").

WHEREAS, the Interlocal Cooperation Act, TEX GOV'T CODE ANN, ch. 791 and the Public Funds Investment Act, TEX. GOV'T CODE ANN. ch. 2256 (the "**Acts**") provide for the creation of a public funds investment pool to which any local government or state agency may delegate, by contract, the authority to hold legal title as custodian and to make investments purchased with local funds;

WHEREAS, the Trust Company is a special purpose trust company authorized pursuant to TEX. GOV'T CODE ANN. § 404.103 to receive, transfer and disburse money and securities belonging to state agencies and local political subdivisions of the state and for which the Comptroller is the sole officer, director and shareholder;

WHEREAS, TexPool and TexPool Prime are public funds investment pools, which funds are invested in certain eligible investments as more fully described hereafter;

WHEREAS, the Participant has determined that it is authorized to invest in a public funds investment pool created under the Acts and to enter into this Agreement;

WHEREAS, the Participant acknowledges that the Trust Company is not responsible for independently verifying the Participant's authority to invest under the Acts or to enter this Agreement;

WHEREAS, the Participant acknowledges that the performance of TexPool Investment Pools is not guaranteed by the State of Texas, the Comptroller, or the Trust Company and that there is no secondary source of payment for the TexPool Investment Pools; and

WHEREAS, in an effort to ensure the continued availability of an investment pool as a vehicle for investment of local government funds and simultaneously provide for enhancement in services and potential decreases in management and administrative fees, Participant and Trust Company desire to provide in this Agreement that the Trust Company may obtain private professional investment management and related services.

NOW THEREFORE, for and in consideration of the mutual promises, covenants and agreements herein contained, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree with each other as follows:

Article I: Definitions

"Account" shall mean any account or accounts, established by the Participant in TexPool Investment Pools in accordance with this Agreement and the Operating Procedures (as defined herein), which Account represents an undivided beneficial ownership in TexPool Investment Pools.

"Authorized Investments" shall mean those investments which are authorized by the Investment Act (as herein defined) for investment of public funds.

"Authorized Representative(s) of the Participant" shall mean any individual who is authorized to execute documents and take such other necessary actions under this Agreement as evidenced by the duly enacted Resolution of the Participant.

"Authorized Representative(s) of the Trust Company" shall mean any employee of the Comptroller or Trust Company who is designated in writing by the Comptroller or the Trust Company's Chief Executive Officer to act as the authorized Trust Company representative for purposes of this Agreement and shall include employees of any private entity performing the obligations of the Comptroller under this Agreement.

"Board" shall mean the advisory board provided for in the Investment Act (as defined below).

"Investment Act" shall mean the Public Funds Investment Act, TEX. GOV'T CODE ANN. ch. 2256, as amended from time to time.

"Investment Policy" shall mean the written TexPool Investment Pools Investment Policies, as amended from time to time, relating to the investment and management of funds in TexPool Investment Pools as established by the Trust Company consistent with the Investment Act.

"Letter of Instruction" shall mean a written authorization and direction to the Trust Company signed by an Authorized Representative of the Participant.

Article I: Definitions (continued)

"Operating Procedures" shall mean the written procedures established by the Trust Company describing the management and operation of TexPool Investment Pools, and providing for the establishment of, deposits to and withdrawals from the Accounts, as amended from time to time.

"Participant" shall mean any entity authorized by the Acts to participate in a public funds investment pool that has executed this Agreement pursuant to a Resolution.

"Resolution" shall mean the resolution adopted by the governing body of a local governmental entity authorizing the entity's participation in TexPool Investment Pools and designating persons to serve as Authorized Representatives of the Participant.

Article II: General Administration

Section 2.01. TexPool Investment Pools Defined.

- (a) TexPool Investment Pools are public funds investment pools created pursuant to the Acts.
- (b) Subject to Section 6.10, the Trust Company agrees to manage the Participant's Account(s) in accordance with the Investment Act and the Investment Policy.

Section 2.02. Board.

- (a) The Board is composed of members appointed pursuant to the requirements of the Investment Act.
- (b) The Board shall advise the Trust Company on the Investment Policy and on various other matters affecting TexPool Investment Pools, and shall approve fee increases.

Section 2.03. General Administration.

- (a) The Trust Company shall establish and maintain the Investment Policy specifically identifying the Authorized Investments consistent with the Investment Act and the general policy and investment goals for TexPool Investment Pools.
- (b) The Trust Company shall establish and maintain the Operating Procedures, describing the management and operation of TexPool Investment Pools and providing for procedures to be followed for the establishment of, deposits to, and withdrawals from the Accounts and such other matters as are necessary to carry out the intent of this Agreement.
- (c) The Trust Company shall have the power to take any action necessary to carry out the purposes of this Agreement, subject to applicable law and the terms of this Agreement.

Section 2.04. Ownership Interest. Each Participant shall own an undivided beneficial interest in the assets of TexPool Investment Pools in an amount proportional to the total amount of such Participant's Accounts relative to the total amount of all Participants' Accounts in TexPool Investment Pools, computed on a daily basis.

Section 2.05. Independent Audit. TexPool Investment Pools are subject to annual review by an independent auditor consistent with Ch. 2256, TEX GOV'T CODE ANN. In addition, reviews of TexPool Investment Pools may be conducted by the State Auditor's Office and the Comptroller's office. The Trust Company may obtain such legal, accounting, financial or other professional services as it deems necessary or appropriate to assist TexPool Investment Pools in meeting its goals and objectives.

Section 2.06. Liability. Any liability of the Comptroller, the Comptroller's office, the Trust Company, representatives or agents of the Trust Company, any Comptroller employee, Trust Company or any member of the Board for any loss, damage or claim, including losses from investments and transfers, to the Participant shall be limited to the full extent allowed by applicable laws. The Trust Company's responsibilities hereunder are limited to the management and investment of TexPool Investment Pools and the providing of reports and information herein required.

Article III: Participant Requirement

Section 3.01. The Participation Agreement. The Participant must execute this Agreement and provide a Resolution authorizing participation in TexPool Investment Pools and designating persons to serve as Authorized Representatives of the Participant and any other documents as are required under, and substantially in the form prescribed by, the Operating Procedures before depositing any funds into TexPool Investment Pools. The Participant must provide an updated Resolution designating Authorized Representatives within 5 business days of the departure of any Authorized Representative of the Participant.

Section 3.02. Operating Procedures.

- (a) The Participant acknowledges receipt of a copy of the Operating Procedures. The Operating Procedures describe in detail the procedures required for the establishment of accounts, deposits to and withdrawals from TexPool Investment Pools, and related information.
- (b) The Operating Procedures may be modified by the Trust Company as appropriate to remain consistent with established banking practices and capabilities and when such modification is deemed necessary to improve the operation of TexPool Investment Pools.
- (c) The Participant hereby concurs with and agrees to abide by the Operating Procedures.

Article IV: Investments

Section 4.01. Investments. All monies held in TexPool Investment Pools shall be invested and reinvested by the Trust Company or Authorized Representatives of the Trust Company only in Authorized Investments in accordance with the Agreement, the Investment Policy and the Investment Act. Participant hereby concurs with any such investment so made by the Trust Company. Available funds of TexPool Investment Pools that are uninvested may be held at the Trust Company's account at the Federal Reserve Bank of Dallas, or any designated custodian account, or with a custodian selected by the Trust Company. All investment assets and collateral will be in the possession of the Trust Company and held in its book-entry safekeeping account at the Federal Reserve Bank, any designated custodian account, or with a custodian selected by the Trust Company.

Section 4.02. Failed Investment Transaction. In the extraordinary event that a purchase of securities results in a failed settlement, any resulting uninvested funds shall remain in the Trust Company's Federal Bank of Dallas account, any designated custodian account or with a custodian selected by the Trust Company. If an alternative investment can be secured after the failure of the trade to settle, TexPool Investment Pools will receive all the income earnings, including but not limited to, any compensation from the purchaser failing in the trade and the interest income from the alternative investment.

Section 4.03. Investment Earnings and Losses Allocation. All interest earnings in TexPool Investment Pools will be valued daily and credited to the Participant's Accounts monthly, on a pro rata allocation basis. All losses, if any, resulting from the investment of monies in TexPool shall also be allocated on a pro rata allocation basis. All earnings and losses will be allocated to the Participant's Accounts in accordance with generally accepted accounting procedures.

Section 4.04. Commingling of Accounts. Participant agrees that monies deposited in TexPool and TexPool Prime, may be commingled with all other monies held in TexPool and TexPool Prime, respectively for purposes of common investment and operational efficiency. However, each Participant will have separate Accounts on the books and records of TexPool Investment Pools, as further provided for in the Operating Procedures.

Article V: Fees, Expenses and Reports

Section 5.01. Fees and Expenses. The Participant agrees to pay the amount set forth in the fee schedule. Participant agrees that all fees shall be directly and automatically assessed and charged against the Participant's Accounts. The basic service fee shall be calculated as a reduction in the daily income earned, thus only the net income shall be credited to the Participant's Account. Fees for special services shall be charged to each Participant's account as they are incurred or performed. A schedule of fees shall be provided to the Participant annually. Each Participant will be notified thirty (30) days prior to the effective date of any change in the fee schedule.

Section 5.02. Reports. A monthly statement will be mailed to the Participant within the first five (5) business days of the succeeding month. The monthly statement shall include a detailed listing of the balance in the Participant's Accounts as of the date of the statement; all account activity, including deposits and withdrawals; the daily and monthly yield information; and any special fees and expenses charged. Additionally, copies of the Participant's reports in physical or computer form will be maintained for a minimum of three prior fiscal years. All records shall be available for inspection at all reasonable hours of the business day and under reasonable conditions.

Section 5.03. Confidentiality. The Trust Company and any private entity acting on behalf of the Trust Company for purposes of this Agreement will maintain the confidentiality of the Participant's Accounts, subject to the Public Information Act, TEX GOV'T CODE ANN. ch. 552, as amended.

Article VI: Miscellaneous

Section 6.01. Notices. Any notices, Letters of Instructions or other information required or permitted to be given hereunder shall be submitted in writing and shall be deemed duly given when deposited in the U.S. mail postage prepaid or successfully transmitted via facsimile addressed to the parties as follows:

To the **Participant**:

Participant

Address

City

State

Zip

Telephone

Fax

Article VI: Miscellaneous (continued)

To **Trust Company** with respect to contractual matters or disputes under this Agreement:

Texas Treasury Safekeeping Trust Company
Attn: TexPool Investment Pools
Rusk State Office Building
208 East 10th Street
Austin, TX 78701
Telephone: (512) 463-4300
FAX No.: (512) 463-4368

To **TexPool Investment Pools** with respect to operational matters, including enrollment documents; changes to Authorized Representatives; Bank Information Sheets; initiation of deposits or withdrawals of funds; changes to addresses; audit confirmation requests; and account inquiry:

TexPool Participant Services
1001 Texas Ave., Suite 1150
Houston, TX 77002
Telephone: 1-866-839-7665 (1-866-TEX-POOL)
FAX No.: 1-866-839-3291 (1-866-TEX-FAX1)

The Participant and the Trust Company agree to notify the other of any change affecting this information and agree that unless and until so notified, the other party shall be entitled to rely on the last information provided.

Section 6.02. Taxpayer Identification Number. The Participant's taxpayer identification number assigned by the Internal Revenue Service is: [REDACTED]. The Participant hereby agrees to notify the Trust Company of any change affecting this Taxpayer Identification number and agrees that unless and until so notified, the Trust Company shall be entitled to rely on same in providing any and all reports or other information necessary or required by the Federal tax laws as amended from time to time.

Section 6.03. Severability. If any provision of this Agreement shall be held or deemed to be in fact illegal, inoperative or unenforceable, the same shall not affect any other provision or provisions herein contained or render the same invalid, inoperative or unenforceable to any extent whatsoever.

Section 6.04. Execution of Counterparts. This Agreement may be simultaneously executed in several separate counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 6.05. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas. Venue for any dispute under this Agreement shall be in Travis County, Texas.

Section 6.06. Captions. The captions or headings in this Agreement are for convenience only and in no way defined, limit or describe the scope or intent of any provisions, articles or sections of this Agreement.

Section 6.07. Amendments.

- (a) The Trust Company shall advise the Participant in writing of any amendments to this Agreement no less than 45 days prior to the effective date of such amendment. The Participant may ratify the proposed amendment of this Agreement by letter to the Trust Company. If the Participant elects not to ratify the amendment, the Participant may terminate this Agreement in accordance with Section 6.08. In the event the Participant fails to respond in writing to a notice of amendment prior to the effective date of such amendment, this Agreement shall be deemed amended.
- (b) The Trust Company may periodically revise the Operating Procedures from time to time as it deems necessary for the efficient operation of TexPool Investment Pools. The Participant will be bound by any amendment to the Operating Procedures with respect to any transaction occurring subsequent to the time such amendment takes effect, provided, however, that no such amendment shall affect the Participant's right to cease to be a Participant.

Section 6.08. Termination. This Agreement may be terminated by either party hereto, with or without cause, by tendering 30 days prior written notice in the manner set forth in Section 6.01 hereof.

Section 6.09. Term. Unless terminated in accordance with Section 6.08, this Agreement shall be automatically renewed on each anniversary date hereof.

Section 6.10. Assignment. The Trust Company may enter into an agreement with a third party investment manager to perform its obligations and service under this Agreement, provided that such third party investment manager shall manage TexPool Investment Pools according to the Investment Act, Investment Policy and in a manner consistent with that directed by the Trust Company. The Trust Company also shall have the right to assign its rights and obligations under the Agreement to a third party investment manager if the Trust Company determines that such assignment is in the best interest of the State and Participants. In the event a successor pool to TexPool or TexPool Prime is deemed by the Trust Company to be in the best interest of the State and the Participant, the Trust Company may take any action it deems necessary to assign its rights and benefits under any third party agreements and transfer the assets from TexPool Investment Pools to any successor pool.

Article VI: Miscellaneous (continued)

In **Witness Whereof**, the parties hereto have caused this Agreement to be executed as of the dates set forth below, and the Agreement shall be effective as of the latest such date.

Document is to be signed by a Board Officer, Mayor or County Judge, Certificate of Incumbency is to be signed by a Board Officer, City Secretary or County Clerk.

Name of Participant

SIGNED:

Signature

Printed Name

Title

Date

**TEXAS TREASURY SAFEKEEPING TRUST COMPANY
COMPTROLLER OF PUBLIC ACCOUNTS:**

Signature

Printed Name

Title

Date

CERTIFICATE OF INCUMBENCY:

The preceding signatory is a duly appointed, acting, and qualified officer of the Participant, who, in the capacity set forth above is authorized to execute this Agreement.

IN WITNESS WHEREOF, I have duly executed this certificate as of the ____ day of _____, 20__.

Signature

Printed Name

Title

Delivery Instructions

Please return this document to **TexPool Participant Services:**

Email: texpool@dstsystems.com

Fax: 866-839-3291



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

| | | | |
|---|--|---------------------|----------------------------------|
| Meeting Date | 06.18.2024 | Agenda Items | |
| Approved by City Manager | Yes | Presenter(s) | Lindsay Koskiniemi, City Manager |
| Reviewed by City Attorney | No | Department | Emergency Management |
| Subject | Discussion and possible action on hurricane preparedness for the 2024 Hurricane Season | | |
| Council Strategic Goals | N/A | | |
| Attachments / Supporting documents | N/A | | |
| Financial Information | Expenditure Required: | N/A | |
| | Amount Budgeted: | N/A | |
| | Account Number: | | |
| | Additional Appropriation Required: | | |
| | Additional Account Number: | | |

Executive Summary

Hurricane season kicked off on June 1, 2024 and lasts through November 30, 2024. Two years ago, City Council named the Sweeny Community the new Emergency Operations Center (EOC) with Sweeny City Hall as a backup, in the event the City has to declare an emergency and stand up EOC.

The Community Center was named the new EOC site because the City received a grant for the provision of an commercial generator. We have since learned that the generator is not scheduled to arrive until August, and the installation will take several weeks due to electrical panel upgrades and expanding the concrete slab. Four (4) additional phone lines have been added to the Community Center as well as two (2) additional phone lines at the Seniors Building.

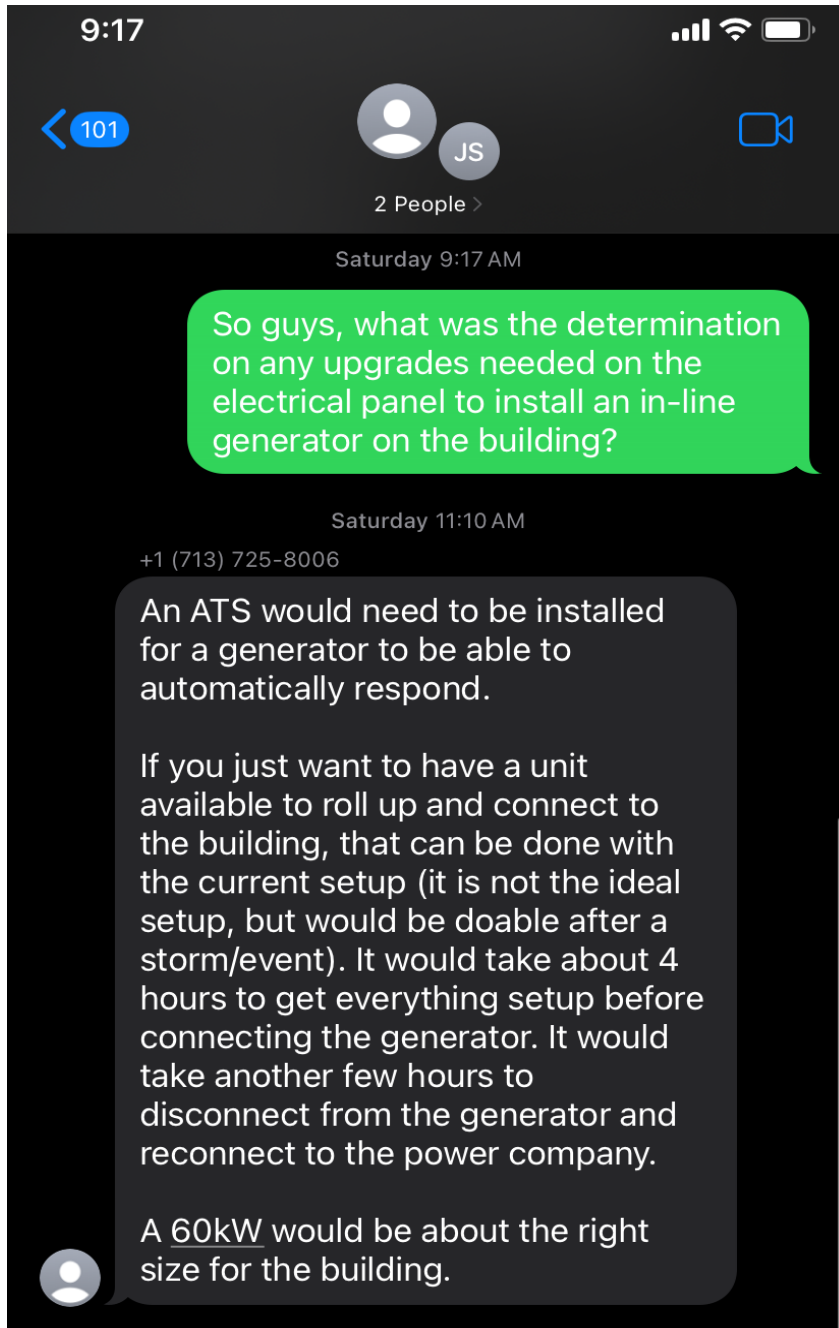
On May 30, 2024, City staff including the city manager, police chief, mayor, and emergency management coordinator, explored the possibility of making the Seniors' Building the new EOC, however, that building has no generator. Staff had the generator contractor on the grant funded generator project, Coastal Power Products, look at the electrical panel at the SB to see what would be needed to install a generator. The determination is provided in the screen shot of the text below:



AGENDA MEMO

Business of the City Council
City of Sweeny, Texas

Item 15.



Since this is not a “quick fix” solution, the city manager reached out to TDEM to request an interlocal agreement for the provision of a mobile unit in the event of a declared emergency. At the time of finalizing the agenda packet for this meeting, staff had not received a determination from TDEM.

The STEERS list, comprised of names of people in the community who would need to be evacuated by EMS, has been updated, and there are a total of 26 Sweeny residents on the STEERS list.

Recommended Action

No recommended action. Update only.



AGENDA MEMO

Business of the City Council
City of Sweeny, Texas

| | | | |
|---|---|---------------------|----------------|
| Meeting Date | | Agenda Items | |
| Approved by City Manager | | Presenter(s) | City Manager |
| Reviewed by City Attorney | | Department | Administration |
| Subject | Discussion and possible action to approve a resolution designating the Emergency Operations Center and an alternate location. | | |
| Council Strategic Goals | Sense of Community; Safe and Beautiful City | | |
| Attachments / Supporting documents | Previous Resolution 23-104; Proposed Resolution EOC | | |
| Financial Information | Expenditure Required: | N/A | |
| | Amount Budgeted: | N/A | |
| | Account Number: | | |
| | Additional Appropriation Required: | | |
| | Additional Account Number: | | |

Executive Summary

Previously Council designated the Community Center as the Emergency Operations Center with City Hall as an alternate location; Resolution 23-104.

Request has been made to change the alternate location to the Seniors Building. This would still leave the Community Center as the Emergency Operations Center, only designating a change to the alternate location.

Proposed Resolution is attached.

Recommended Action

To Approve:

I move we approve the resolution designating the Community Center as the Emergency Operations Center and the Seniors Building as an alternate location.

RESOLUTION NO. 24-111

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SWEENY, BRAZORIA COUNTY, TEXAS, DESIGNATING THE SWEENY COMMUNITY CENTER AS THE CITY EMERGENCY OPERATIONS CENTER; DESIGNATING THE SWEENY SENIORS BUILDING AS AN ALTERNATE EMERGENCY CENTER; AND FINDING FACT.

WHEREAS, the City of Sweeny is required by Chapter 36 of the Code of Ordinances to develop an Emergency Management Plan for the City; and

WHEREAS, the City of Sweeny has developed and adopted an Emergency Management Plan which needs to be updated to designate the official Emergency Operations Center; and

WHEREAS, the City Council desires to name the Sweeny Community Center as the Emergency Operations Center;

WHEREAS, the City Council desires to name the Sweeny Seniors Building as the Alternate Emergency Operations Center; and

WHEREAS, the City Council is now convened in its Regular Session;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF SWEENY, TEXAS:

SECTION ONE (1):

The recitals of fact and findings above are found to be true and correct.

SECTION TWO (2):

The City Council hereby designates the Community Center, of the City of Sweeny as the Emergency Operations Center. The City Council further designates the Sweeny Seniors Building as the alternate Emergency Operations Center.

PASSED AND ADOPTED, this the 18th day of June, A.D. 2024.

NEAL BESS JR., MAYOR PRO-TEM OF
THE CITY OF SWEENY, TEXAS

ATTEST:

KAYDI SMITH, CITY SECRETARY,
CITY OF SWEENY, TEXAS

RESOLUTION NO. 23-104

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SWEENY, BRAZORIA COUNTY, TEXAS, DESIGNATING THE SWEENY COMMUNITY CENTER AS THE CITY EMERGENCY OPERATIONS CENTER; DESIGNATING CITY HALL AS AN ALTERNATE EMERGENCY CENTER; AND FINDING FACT.

WHEREAS, the City of Sweeny is required by Chapter 36 of the Code of Ordinances to develop an Emergency Management Plan for the City; and

WHEREAS, the City of Sweeny has developed and adopted an Emergency Management Plan which needs to be updated to designate the official Emergency Operations Center; and

WHEREAS, the City Council desires to name the Sweeny Community Center as the Emergency Operations Center; and

WHEREAS, the City Council desires to name the Sweeny City Hall as the Alternate Emergency Operations Center; and

WHEREAS, the City Council is now convened in its Regular Session;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF SWEENY, TEXAS:

SECTION ONE (1):

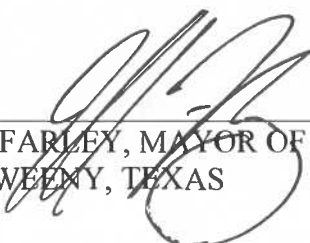
The recitals of fact and findings above are found to be true and correct.

SECTION TWO (2):

The City Council hereby designates the Community Center of the City of Sweeny as the Emergency Operations Center of said City. The City Council further designates the Sweeny City Hall as the alternated Emergency Operations Center.

PASSED AND ADOPTED, this the 17 day of January,

A. D. 2023.



JEFF FARLEY, MAYOR OF THE CITY
OF SWEENY, TEXAS

ATTEST:



KAYDI SMITH, CITY SECRETARY,
CITY OF SWEENY, TEXAS



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

| | | | |
|---|--|---------------------|-----------------------------|
| Meeting Date | 06/18/2024 | Agenda Items | |
| Approved by City Manager | | Presenter(s) | Kaydi Smith; City Secretary |
| Reviewed by City Attorney | | Department | Zoning |
| Subject | Discussion and possible action to appoint applicants to the Planning and Zoning Board of Commissioners | | |
| Council Strategic Goals | Sense of Community | | |
| Attachments / Supporting documents | Applications Received: Stephen Nance, Caniel Massey, Cerrington Massey | | |
| Financial Information | Expenditure Required: | N/A | |
| | Amount Budgeted: | N/A | |
| | Account Number: | | |
| | Additional Appropriation Required: | | |
| | Additional Account Number: | | |

Executive Summary

Three board members terms expired at the end of May for the Planning and Zoning Board of Commissioners. Each of these members have re-submitted applications to be re-considered as a continued member. All members serve a two year term. The BOC is comprised of seven members. Currently the board has 4 members. This is a volunteer board that meets on an as needed basis.

Submitted applications for renewal are specified below in the order of the application received date.

Stephen Nance
Caniel Massey
Cerrington Massey

At the end of May 2023, three members met their term and did not re-apply. Leaving three vacancies plus the already un-filled position; equaling four total vacant positions. One applicant was appointed by Council January 16, 2024 to fulfil one open position. The board is currently comprised of four members.

The vacancies have been posted year round on the website, marquee, and Facebook with no other applications being received.

Recommended Action

To re-appoint Stephen Nance, Caniel Massey, and Cerrington Massey to the Planning and Zoning Board of Commissioners for an additional two year term; expiring 2026.



CITY OF SWEENY

Application Expiration Date

102 W. Ashley Wilson Rd. • PO Box 248 • Sweeny, Texas 77480 • P: (979) 548-3321 • F: (979) 548-7745

APPLICATION FOR BOARDS & COMMISSIONS

Please complete and return applications to the Office of the City Secretary at info@sweenytx.gov
All applications received are retained for one calendar year, starting from the date in which applications is received. In the event a position in the board you have chose Once application has expired, you will be required to resubmit.

APPLICATION FOR:

Crime Control & Prevention District

☐

Parks & Recreation Board

☐

Planning & Zoning Board of Commissioners

☒

Sweeny Economic Development Corporation (SEDC)

☐

PERSONAL INFORMATION:

Nance

Stephen

Last Name

First Name

Date of Birth

Phone

Email

Chief of Staff - STP

Occupation

Mailing & Physical Address

Are you are resident of Sweeny? ☒ Yes ☐ No

If no, do you live within 10 miles of the center of Sweeny ? ☐ Yes ☐ No

Length of residency 14 years

Are you a Registered Voter in Brazoria County? ☒ Yes ☐ No

Voters Registration Number

Drivers License Number

CONFLICT OF INTEREST:

Do you, your spouse, or your employer have any financial interest, directly or indirectly, in matters that might come before the board or commission being applied for? ☐ Yes ☒ No

Do you, your spouse, or your employer have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies, or service?

SERVICE INFORMATION:

Please list all City affiliated boards/commissions you are currently serving on and provide length of service.

Matagorda County United Way Board - 1 year



CITY OF SWEENY

Application Expiration Date _____

102 W. Ashley Wilson Rd. • PO Box 248 • Sweeny, Texas 77480 • P: (979) 548-3321 • F: (979) 548-7745

Please provide a brief background on yourself and tell why you are applying for the specified position. What is your vision for specified organization? *Please note that all boards and commissions are on a volunteer basis. No compensation is awarded for serving.*

This will be my 3rd Term on the Planning & Zoning Board - I wish to continue to bring a rational mind to the various issues we run into with zoning ordinances.

REFERENCES:

Please provide contact information for two (2) references:

Name (First, Last) Gary Coker
 Phone Number [REDACTED]
 Email [REDACTED]
 How acquainted? Friends for 14 years

Name (First, Last) Gavin Meyers
 Phone Number [REDACTED]
 Email [REDACTED]
 How acquainted? Friends for 14 years


 SIGNATURE

06/03/2024

DATE

FOR OFFICE USE ONLY:

Date Received _____ Time _____ By _____

Forwarded to Board/President/Affiliate _____ Date/Time _____

Application Expiration Date _____ (one year from date received)



CITY OF SWEENY

Application Expiration Date

102 W. Ashley Wilson Rd. • PO Box 248 • Sweeny, Texas 77480 • P: (979) 548-3321 • F: (979) 548-7745

APPLICATION FOR BOARDS & COMMISSIONS

Please complete and return applications to the Office of the City Secretary at info@sweenytx.gov
All applications received are retained for one calendar year, starting from the date in which applications is received. In the event a position in the board you have chose Once application has expired, you will be required to resubmit.

APPLICATION FOR:

Crime Control & Prevention District ☐

Parks & Recreation Board ☐

Planning & Zoning Board of Commissioners ☒

Sweeny Economic Development Corporation (SEDC) ☐

PERSONAL INFORMATION:

MASSEY

Last Name

CANIEL

First Name

Date of Birth

[REDACTED]

Phone

[REDACTED]

Email

ELECTRICIAN

Occupation

Mailing & Physical Address

Are you are resident of Sweeny? ☒ Yes ☐ No

If no, do you live within 10 miles of the center of Sweeny ? ☐ Yes ☐ No

Length of residency _____

Are you a Registered Voter in Brazoria County? ☒ Yes ☐ No

Voters Registration Number _____

Drivers License Number _____

CONFLICT OF INTEREST:

Do you, your spouse, or your employer have any financial interest, directly or indirectly, in matters that might come before the board or commission being applied for? ☐ Yes ☒ No

Do you, your spouse, or your employer have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies, or service?

SERVICE INFORMATION:

Please list all City affiliated boards/commissions you are currently serving on and provide length of service.

PARKS & RECS/ BOC



CITY OF SWEENEY

Application Expiration Date

102 W. Ashley Wilson Rd. • PO Box 248 • Sweeny, Texas 77480 • P: (979) 548-3321 • F: (979) 548-7745

Please provide a brief background on yourself and tell why you are applying for the specified position. What is your vision for specified organization? *Please note that all boards and commissions are on a volunteer basis. No compensation is awarded for serving.*

PRESIDENT OF SWEENEY LION'S CLUB

MEMBER OF BOC

CITY OF SWEENEY PARKS & REC

REFERENCES:

Please provide contact information for two (2) references:

Name (First, Last) JENNY MASSEY
 Phone Number [REDACTED]
 Email [REDACTED]
 How acquainted? WIFE

Name (First, Last) CERRINGTON MASSEY
 Phone Number [REDACTED]
 Email [REDACTED]
 How acquainted? SON

SIGNATURE Canief Massey DATE 6-4-24

FOR OFFICE USE ONLY:

Date Received _____ Time _____ By _____

Forwarded to Board/President/Affiliate _____ Date/Time _____

Application Expiration Date _____ (one year from date received)



CITY OF SWEENEY

Application Expiration Date

102 W. Ashley Wilson Rd. • PO Box 248 • Sweeny, Texas 77480 • P: (979) 548-3321 • F: (979) 548-7745

APPLICATION FOR BOARDS & COMMISSIONS

Please complete and return applications to the Office of the City Secretary at info@sweenytx.gov
All applications received are retained for one calendar year, starting from the date in which applications is received. In the event a position in the board you have chose Once application has expired, you will be required to resubmit.

APPLICATION FOR:

Crime Control & Prevention District ☐

Parks & Recreation Board ☐

Planning & Zoning Board of Commissioners ☒

Sweeny Economic Development Corporation (SEDC) ☐

PERSONAL INFORMATION:

MASSEY _____ CERRINGTON _____ [REDACTED] _____
Last Name First Name Date of Birth

[REDACTED] _____ TEACHER _____
Phone Email Occupation

[REDACTED] _____
Mailing & Physical Address

Are you are resident of Sweeny? ☒ Yes ☐ No
If no, do you live within 10 miles of the center of Sweeny ? ☐ Yes ☐ No
Length of residency _____

Are you a Registered Voter in Brazoria County? ☒ Yes ☐ No
Voters Registration Number _____
Drivers License Number _____

CONFLICT OF INTEREST:

Do you, your spouse, or your employer have any financial interest, directly or indirectly, in matters that might come before the board or commission being applied for? ☐ Yes ☒ No

Do you, your spouse, or your employer have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies, or service?

SERVICE INFORMATION:

Please list all City affiliated boards/commissions you are currently serving on and provide length of service.

SWEENEY PARKS & RECS _____

MEMEBER OF BOC _____



CITY OF SWEENEY

Application Expiration Date

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Please provide a brief background on yourself and tell why you are applying for the specified position. What is your vision for specified organization? *Please note that all boards and commissions are on a volunteer basis. No compensation is awarded for serving.*

SWEENEY LION'S CLUB

REFERENCES:

Please provide contact information for two (2) references:

Name (First, Last) CANIEL MASSEY
 Phone Number [REDACTED]
 Email
 How acquainted? FATHER

Name (First, Last) JENNY MASSEY
 Phone Number [REDACTED]
 Email
 How acquainted? MOTHER

Carrington Massey
 SIGNATURE

6/5/24
 DATE

FOR OFFICE USE ONLY:

Date Received _____ Time _____ By _____

Forwarded to Board/President/Affiliate _____ Date/Time _____

Application Expiration Date _____ (one year from date received)



CITY OF SWEENY

Item 18.

102 W. Ashley Wilson Rd. • PO Box 248 • Sweeny, Texas 77480 • P: (979) 548-3321 • F: (979) 548-7745

The following will be used to request an item to be placed on the agenda with the Sweeny City Council.

Personal Information:

Name: REESE COOK

Mailing Address: [REDACTED]

Physical Address: [REDACTED]

Email(s): RCOOK@SWEENYTX.GOV

Phone(s): [REDACTED]

Please include specific details of the item you wish to be placed on the agenda.

REQUEST FOR COUNCIL TO CONSIDER CHANGES TO PLANNING AND ZONING ORDINANCE 110-173, 2(a) AS PRESENTED BELOW...

AS CURRENTLY ADOPTED...

a. Lot dimensions and corners. The actual shape, proportion and dimensions of the lot to be built upon and satisfactory evidence that actual corners of the lot are known and are identified by stakes or rods and established on the ground. The proposed fence should be within the property line of the lot seeking the permit.

PROPOSED CHANGED...

a. Lot dimensions and corners. The actual shape, proportion and dimensions of the lot(s) to be built upon and satisfactory evidence that actual corners of the lot(s) are known and are identified by stakes or rods and established on the ground. The proposed fence should be within the owner's property line(s) of the lot(s) seeking the permit.

Signature: RC Cook Date: 05/23/2024

Requests must be received by the City Manager by close of business 10 days prior to the scheduled meeting date for placement. Administration and/or their designee reserves the right to delay the item to the following regularly scheduled meeting if it is determined that more time is needed in order to compile information specific to the request.

Once Council has acted on an agenda item; that item cannot be placed on the agenda for a period of six (6) full months. Exception is provided if three members of Council ask that the item be returned early to the agenda, or the Mayor or City Manager determines it is in the interest of the City to do so.