

**CITY OF INGLESIDE
REGULAR CITY COUNCIL MEETING
AGENDA
JULY 9, 2024
6:30 PM**

Notice is hereby given that the Ingleside City Council will hold a Regular City Council Meeting on July 9, 2024, at 6:30 PM. The Meeting will be held in person at City Hall, 2671 San Angelo Street, Ingleside, Texas. Members of the public can view the meeting via live stream at <https://inglesidetx.gov/>.

With respect to any subject matter set forth below, the City Council may take action, unless otherwise expressly indicated with respect to any particular subject matter.

Opening Agenda

1. Call Meeting to Order.
2. Roll Call.
3. Invocation.
4. Pledge of Allegiance.

5. Citizen Comments and Reports.

Persons wishing to address the Council and who have registered using the Citizen Participation Form will have up to three minutes to speak. In accordance with the Open Meetings Act, Council may not discuss or take action on any item that has not been posted on the agenda. While civil public criticism is not prohibited; disorderly conduct or disturbance of the peace as prohibited by law shall be cause for the chair to terminate the offender's time to speak.

6. Staff Comments and Reports.

The Council may discuss any subject which is specifically listed under this item.

- a. Council Comments and Reports.
- b. Announcements of Community Interest and/or upcoming events.
- c. Report on Concession Stand at NO Simmons.

Presentations

7. Introduction of New Chief of Police Martin Molina.

Consent Agenda

All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of the items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

8. Deliberate and take appropriate action on second and final reading of an Ordinance amending Chapter 38 - Offenses and Miscellaneous Provisions, Article VI. - Fireworks, Ingleside Code Ordinances and further providing for effective date reading, severance, and publication.
9. Deliberate and take appropriate action on second and final reading of an Ordinance amending Chapter 46 - Solid Waste, Article I. - In General, Section 46-3 - Burning, Burying, or Similar Disposal, Ingleside Code of Ordinances and further providing for effective date, reading, severance, and publication.
10. Deliberate and take appropriate action on the second and final reading of an Ordinance amending the Personnel Policies and Procedures, Section 2. Employee Responsibilities: 2.K. Arrests, Confinements, and Indictments, 2.L. Telephone Contact, 2.N. General E-mail & Voice Mail Policy, 2.O. Network Security Policy, 2.P. Provided Equipment, 2.Q. Social Media Policy, 2.R. Employee Guidelines: Use of City's Social Media on Work Time, 2.S. Employee Guidelines: Use of Personal Social Media While Not on Work Time; and Creating 2.T. Establishing Accounts with Other Online Services; Providing for effective date; Reading; Severance; and Publication.
11. Deliberate and take appropriate action on the second reading and adoption of a Resolution of the City of Ingleside, Texas, approving a project of the City of Ingleside Development Corporation; complying with Section 505.158, Texas Local Government Code; and providing for two separate Readings and an Effective Date.
12. Deliberate and take appropriate action to rescind the Mayoral Declaration of Disaster and Executive Order #111, that recognizes the COVID disaster, to effectively end on July 09, 2024.
13. Deliberate and take appropriate action on the renewal of the Mayoral Declaration of Local Disaster Order Proclaimed by Mayor Adame in accordance with the Texas Government Code §418.108, as amended for the period July 10, 2024 through July 23, 2024.
14. Deliberate and take appropriate action on the Regular Meeting Minutes of June 25, 2024.
15. Deliberate and take appropriate action on acceptance of the HOT Fund Post Event Form and payment authorization to the Ingleside Chamber of Commerce for \$15,979.28 for the Light'n Fires BBQ Cookoff Summerfest Event held May 31 and June 1, 2024.
16. Deliberate and take appropriate action on the Ingleside Chamber of Commerce & Visitors Center request for a Special Use Permit for "Renaissance Faire" on December 14th & 15th, 2024, as required by City Ordinance 2019-14, for the use of Live Oak Park.
17. Deliberate and take appropriate action on the City of Ingleside Parks & Recreation Event request considering a Special Use Permit for "Ingleside Light'n Fires Barbecue Cookoff" to be held on January 24 & January 25, 2025, at NO Simmons Park.
18. Deliberate and take appropriate action on the Ingleside Chamber of Commerce & Visitors Center request for a Special Use Permit for "Ingleside Round Up Days" on March 21st, 22nd,

and 23rd, 2025, as required by City Ordinance 2019-14, for the use of N.O. Simmons Park.

Public Hearing

The City Council shall call a public hearing on each item below in this section. Any person wishing to address the City Council on these items should please come forward when that public hearing is called.

Regular Agenda

19. Deliberate and take appropriate action on a Resolution authorizing the City of Ingleside, Texas to consent to the partial assignment of the Chapter 380 Agreement from Flint Hills Resources Corpus Christi, LLC to J Enbridge Ingleside Oil Terminal, LLC, as related to a 43.55-acre portion of the land and authorize the Mayor to execute all documents related; and setting an effective date.
20. Deliberate and take appropriate action on a Resolution of the City Council of the City of Ingleside, Texas, regarding the creation and appointment of a Charter Review Commission; Providing a charge for the Commission; Appointing members to the Commission; Requiring a Public Hearing; Establishing a term for the Commission; Engaging professionals for assistance; Adopting a repealer clause; Providing for severability; and Establishing an effective date.
21. Deliberate and take appropriate action on a Resolution designating authorized signatories for Contractual Documents and Documents for requesting funds pertaining to the Community Development Block Grant - MITIGATION PROGRAM (CDBG-MIT) program for the General Land Office (GLO) state contract number 24-065-054-E564 by the City Council of the City of Ingleside, Texas.
22. Deliberate and take appropriate action on a Resolution regarding civil rights and the associated policies of the Housing and Community Development Block Grant - Disaster Recovery (CDBG-MIT) grant and the Texas General Land Office (GLO) for the City of Ingleside, Texas.
23. Deliberate and take appropriate action of the proclamation declaring April as Fair Housing Month in the City of Ingleside, Texas.
24. Deliberate and take appropriate action on the first reading of an Ordinance amending the Fiscal & Budgetary Policy for the City of Ingleside, Texas.
25. Deliberate and take appropriate action on the first reading of an Ordinance to amend the Procurement Policy and Procedures for the City of Ingleside.
26. Deliberate and take appropriate action to accept the easement from the Ingleside Independent School District to the City of Ingleside for the Hultgreen Project.
27. Deliberate and take appropriate action on Live Oak Park tennis court resurfacing.

Executive Session

28. Closed Session

City Council will meet in Closed Session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:

- A. Section 551.087 Deliberation Regarding Economic Development Negotiations – Update on ongoing industry and retail negotiations.
- B. Section 551.071 Consultation with Attorney to seek or receive legal advice regarding pending litigation.

29. Open Session

City Council will reconvene in Open Session at which time action on the matter(s) discussed in Closed Session may be considered.

- A. Section 551.087 Deliberation Regarding Economic Development Negotiations – Update on ongoing industry and retail negotiations.
- B. Section 551.071 Consultation with Attorney to seek or receive legal advice regarding pending litigation.

Closing Agenda

30. Items to consider for placement on future agendas.

31. Adjourn.

Special Accommodations

This facility is wheelchair accessible and there are special parking spaces near the main entrance. Request for accommodations or special services must be made 48 hours prior to this meeting. Please contact City Secretary's Office at (361) 776-2517 or Fax (361) 776-1027 or email citycouncilquestions@inglesidetx.gov for further information.

With respect to any subject matter listed on this agenda, the City Council may meet in Closed Executive Session, if and to the extent allowed by Chapter 551 of the Texas Government Code, including, but not limited to, any of the following sections of Chapter 551: Section 551.071 Consultations with Attorney, Section 551.072 Deliberation about Real Property, Section 551.073 Deliberation regarding Prospective Gift, Section 551.074 Personnel Matters, Section 551.087 Deliberation regarding Economic Development Negotiations, and Section 551.089 Deliberation regarding Security Devices Or Security Audits.

Certification

I, Jana Stork, certify that the above notice of this Regular Meeting of the City Council was posted on the City Hall bulletin board at 2671 San Angelo Street, Ingleside, Texas on July 5, 2024 by 4:00 p.m.



Jana Stork, Assistant City Secretary

This public notice was removed from the official posting board at the Ingleside City Hall on the following:

Date: _____

Time: _____

By: _____

City Secretary's Office
City of Ingleside, Texas

CITY COUNCIL AGENDA
Regular Meeting: July 9, 2024

AGENDA ITEM: 6.a

Council Comments and Reports.

SUBMITTED BY:

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

FISCAL ANALYSIS:

RECOMMENDATION:

ATTACHMENTS:

None

CITY COUNCIL AGENDA
Regular Meeting: July 9, 2024

AGENDA ITEM: 6.b

Announcements of Community Interest and/or upcoming events.

SUBMITTED BY: Ruby Beaven, Director of Administrative Services/City Secretary

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

- A. Mr. Kippy June 4 – July 12
 - B. IPD Field Day July 17
 - C. Ingleside Fire Rescue Golf Tournament July 27
 - D. Volunteers needed for Boards & Commissions
 - E. City of Ingleside Newsletter Vol. 3
-

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Information Only.

ATTACHMENTS:

1. 2024, 07-09 Community Events v2

ADVENTURE — BEGINS AT — YOUR LIBRARY™

INGLESIDE PUBLIC LIBRARY

3rd-6th Grade

TUESDAYS

10a - 11a

Pre-K - 2nd Grade

WEDNESDAYS

10a - 11a



© CSLP

Mr. Kippy
THURSDAY

3:30 P - 4:30 P

FRIDAY

8:30 A - 9:30 A

JUNE 4 - JULY 12, 2024



IPD FIELD DAY



@N.O. SIMMONS PARK



- > BASKETBALL
- > TUG-OF-WAR
- > SOCCER
- > VOLLEYBALL



- > WATER GAMES
- > BADMITTON
- > FOOTBALL TOSS
- > CORNHOLE



WEDNESDAY, JULY 17, 9AM-1PM



PARKS &
RECREATION



Ingleside Fire Rescue

Golf Tournament



Get a team, grab your clubs and meet us for some fun at:

**Sinton Municipal Golf Course
13698 Rob and Bessie Park Circle
Sinton, TX 78387**

Date: July 27, 2024 – Sign up deadline is July 12th, 2024

Time: Be there by 7:30 a.m. – Tee time is @ 8:00 a.m.

\$280.00 Per Team (Green Fee Included)

Raffle Tickets will be sold during and after the Tournament

Awards & Raffle to be held following the tournament at:

**Ingleside Volunteer Fire Department
2425 8th Street
Ingleside, TX 78362**

**For more information on the tournament or to make a
donation please contact:**

**Elisabeth Staton – (361) 676-2933,
Ruben Adame – (361) 537-3846 or**



Volunteers Needed!

Looking for an opportunity to serve your community?

You can find additional information like qualifications, duties, terms and an application at

<http://inglesidetx.gov/297/Boards-Commissions>.

Please email your completed application and/or questions to the City Secretary at citysecretary@inglesidetx.gov.



City of Ingleside

NEWSLETTER

Vol. 3
July-September



City Manager Brenton B. Lewis

Employee Spotlight

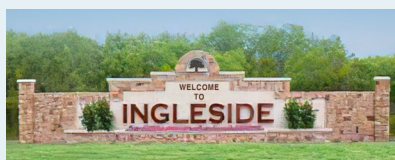
OFFICER JARROD BOUDREAUX

Jarrold has been with the city for almost 3 years. He worked in Code Compliance for 2 years and now he is a Police Officer.

He enjoys educating his community about the law and how the ordinances work within the city.

On Jarrold's spare time, he loves to play boardgames with his family who also motivate him to be the best officer he can be.

He also loves to go fishing, hunting and play video games, "Fall Out: New Vegas" being his favorite!



CITY DEPARTMENTS

Development Services/Building Inspections

& Permits/Code Compliance

Gene Delauro, Interim—361-776-3815

City Hall - 361-776-2517

Administrative Services/City Secretary

Ruby Beaven—Option 9

Finance Caron S. Vela—Option 5

Human Resources

Leticia Mejia—Option 3

Utility Billing Isabel Valdez—Option 1

Economic Development

Jodi Carr—361-776-3815

Fire Department

Chief Thomas Miller—361-776-7422

Infrastructure Services/Public Works/

Parks & Recreation

Gary Paredes—361-776-3815

Parks-361-776-3438

Municipal Court

Judge Valarie Glover—361-775-1188

Police Department/Animal Control

Assistant Chief Molina—361-776-2531

Public Library

Belinda Casanova—361-776-5355

OTHER IMPORTANT NUMBERS

After Hours

Water & Sewer 361-776-2531

Emergency Numbers

*Fire * Police*

*Emergency Medical Services— 9-1-1

Ingleside Chamber of Commerce

Barbara Gregg—361-776-2906

Ingleside ISD

Scot Kilgore—361-776-7631 ext. 5

Residential Brush and Bulk Collection

As a reminder, Republic Services, the City's garbage contractor, is now collecting both brush and bulk items together on a quarterly basis for residential customers. Set out day for the next scheduled pickup is July 14th for Zones 1 & 2 and July 21st for Zones 3 & 4. All yard waste (tree trimmings, branches, palms) and bulky items must be placed at curbside up to seven (7) days prior, but no later than 7 am on the first day of pick-up by zone or you may be in violation of the City's ordinance. To find out what zone you are in or to get more information, please call the Utility Billing Office at (361) 776-2517, Option 1.



Volunteers Needed!

Looking for an opportunity to serve your community?

You can find additional information like qualifications, duties, terms and an application at

<http://inglesidetx.gov/297/Boards-Commissions>.

Please email your completed application and/or questions to the City Secretary at citysecretary@inglesidetx.gov.

Ingleside Public Library



Hours

Monday: 8:30 am - 7:00 pm
Tuesday: 8:30 am - 7:00 pm
Wednesday: 8:30 am - 6:00 pm
Thursday: 8:30 am - 6:00 pm
Friday: 8:30 am - 5:00 pm
Saturday: 9:00 am - 2:00 pm
Sunday: Closed

Address

P.O. Drawer 400
2775 Waco Street,
Ingleside, TX 78362

Phone: 361-776-5355

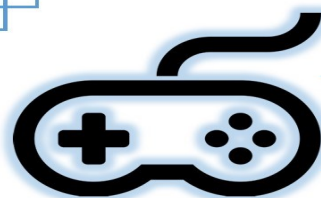
Fax: 361-776-2264

E-Mail:

bcasanova@inglesidetx.gov

Facebook:

<https://www.facebook.com/profile.php?id=100092487457855>



Ingleside Public Library

Game Day!

The Ingleside Public Library welcomes you to come by on Fridays from 2:30-4:30 pm to play videogames! We will have PlayStation 4, Nintendo Wii, and Switch with an assortment of games and controllers.

We also have board games and puzzles available to use. You can bring your own card decks: Pokémon, Yugioh, Magic or play DnD.



Come Join Us!

FREE

ONCE UPON A STORYTIME
-WITH BALLOONS
PRESENTS



PECOS BILL

WE'LL HAVE A RIPSNORTIN' TIME
LEARNIN' ABOUT ONE OF THE GREAT
TALL TALES OF AMERICA

**INGLESIDE PUBLIC LIBRARY
SUMMER READING PROGRAM
ENTERTAINMENT**

**Tuesday July 9th, 2024
HUMBLE YOUTH CENTER**

2821 Main St, Ingleside, TX 78362

2:00 pm



YIPPEE-YI-YO-KIYAY!



© CSLP



Ingleside Parks and Recreation **WHAT'S THE SCOOP?**

**JULY
13**

SUMMER MOVIE SERIES FT. WONKA

Bring your own pool and blankets and come and relax while enjoying the screening of "Wonka" at N.O. Simmons Park at sundown.

**AUG
10**

BACK TO SCHOOL BASH

Come and join us at the Charles H. Doherty Swimming Pool for one last hurrah before the school year kicks off!

**AUG
22**

TODDLER TIME

We are excited to announce the return of Toddler Time this year! Come and socialize with other adults while your toddler enjoys some playtime. Toddler time is open to children aged 5 and under.

NOT YOUR MOTHERS BOOK CLUB

Are you a book lover? Are you interested in socializing with other adults while engaging in lively discussions? Come and join us at the Humble Youth Station every other Tuesday at 6 PM for our latest book club meeting.

**STAY UPDATED BY FOLLOWING US ON FACEBOOK
@INGLESIDEPARKSANDREC**

Human Resources

NOW HIRING



**PATROL OFFICER
SCHOOL RESOURCES OFFICER
WARRANT OFFICER
TELECOMMUNICATIONS OFFICER
ANIMAL CONTROL OFFICER
EQUIPMENT OPERATOR I
MECHANIC
STREETS/FACILITIES LABORER
WASTEWATER LABORER
WATER LABORER
SEASONAL PART-TIME LIFEGUARD
IT COORDINATOR
ASSOCIATE PLANNER
VOLUNTEER APPRENTICE MEMBER (FIRE DEPT.)**

**CHECK OUR CITY WEBSITE FOR
MORE DETAILS!**

WWW.INGLESIDETX.GOV

City Council Members

Oscar Adame, Mayor

Tracy Long, Mayor Pro Tem

Julio Salinas, Place 1

David Pruitt, Place 2

Stewart Wilson, Place 3

Steve Diehl, Place 5

John Salinas, Place 6



The Council meets every 2nd and 4th of the month at 6:30 p.m.

Located at the City Hall 2671 San Angelo St., Ingleside TX, 78362

CITY COUNCIL AGENDA
Regular Meeting: July 9, 2024

AGENDA ITEM: 6.c

Report on Concession Stand at NO Simmons.

SUBMITTED BY: Gary Paredez, Director of Infrastructure Services

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

Council expressed interest in staff preparing the concession stand at NO Simmons park for operations. The staff removed stored items, cleaned out the facility, repaired light fixtures and painted the interior. Currently, this building is operational and ready for use, and staff is actively seeking an operator for the concession stand. The soccer league has also expressed an interest in operating the concession stand during their scheduled league play.

FISCAL ANALYSIS:

NA

RECOMMENDATION:

Update information only.

ATTACHMENTS:

1. Concession Stand (1)
2. Concession Stand (2)





CITY COUNCIL AGENDA

Regular Meeting: July 9, 2024

AGENDA ITEM: 7

Introduction of New Chief of Police Martin Molina.

SUBMITTED BY: Brenton Lewis, City Manager

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

The City of Ingleside executive team, with support from the elected body, is an advocate for succession planning and the benefits of promoting from within. Therefore, staff would like to introduce Martin C. Molina as the Chief of Police for the City of Ingleside. Chief Molina was hired as the Ingleside Assistant Chief of Police on June 28, 2021, after working for the Bexar County Sheriff's Office for 38 years, where he held various positions and rose to the rank of Captain.

Chief Molina's academic achievements in criminal justice are equally impressive. He holds a bachelor's degree from Wayland Baptist University. He has furthered his knowledge with a Master's Peace Officer and Police Instructor license from the Texas Commission of Law Enforcement (TCOLE) and over 6,600 certified hours of TCOLE career and professional training credit.

Additionally, he is a graduate of the FBI National Academy (class #246) and the Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT) Leadership Command College (LCC).

Chief Molina's leadership was evident as Interim Chief twice at the Ingleside Police Department. His commitment to the community's safety is unwavering, and he continues to steer the agency in the right direction. Chief Molina holds an additional duty and responsibility as the City of Ingleside Emergency Management Coordinator (EMC). Chief Molina is a member of the Coastal Bend Police Chiefs Association (CBPCA), the Texas Police Chief Association (TPCA), and the Coastal Bend Emergency Management Association (CBEMA). Chief Molina's immediate family includes his wife, Susie, a daughter, Elizabeth, a son, Martin III, and four grandchildren.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

N/A

ATTACHMENTS:

None

CITY COUNCIL AGENDA

Regular Meeting: July 9, 2024

AGENDA ITEM: 8

Deliberate and take appropriate action on second and final reading of an Ordinance amending Chapter 38 - Offenses and Miscellaneous Provisions, Article VI. - Fireworks, Ingleside Code Ordinances and further providing for effective date reading, severance, and publication.

SUBMITTED BY: Thomas Miller, Fire Chief, Gene Delauro, Interim Building Official

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

Existing regulatory language relating to fireworks has been incorporated in Chapter 34 – Fire Prevention and Protection. The first reading of this Ordinance was approved on first reading on June 25, 2024, and moved to second reading for this meeting.

FISCAL ANALYSIS:

None

RECOMMENDATION:

Staff recommends approval of the revised Ordinance amending Chapter 38 - Offenses and Miscellaneous Provisions, Article VI. - Fireworks, and to approve on second reading.

ATTACHMENTS:

1. Ch 38 OFFENSES AND MISCELLANEOUS PROVISIONS

ORDINANCE NO. 2024-_____

AN ORDINANCE AMENDING CHAPTER 38 – OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE VI. – FIREWORKS, INGLESIDE CODE OF ORDINANCES AND FURTHER PROVIDING FOR EFFECTIVE DATE, READING, SEVERANCE, AND PUBLICATION.

WHEREAS, the language in Article VI - Fireworks has been incorporated in Chapter 34 – Fire Prevention and Protection adopted by Ordinance 2024-11

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE, COUNTY OF SAN PATRICIO, STATE OF TEXAS:

Section 1. Amendment. Chapter 38 – Offenses and Miscellaneous Provisions, Article VI. - Fireworks is hereby amended to read as follows, new matter being indicated by language and underscoring in red and deleted language by strikethrough in black.

ARTICLE VI. FIREWORKS

Sec. 38-70. Definitions.

~~[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]~~

~~*Fireworks.* The term "fireworks," as used in this article, means a composition or device designed for entertainment to produce a visible or audible effect by combustion, explosion, deflagration, or detonation (V.T.C.A., Occupations Code § 2154.001 and Texas Administrative Code, Title 28, Part 1, Chapter 34, Subchapter H) and includes, without limitation, firecrackers, cannon crackers, skyrockets, torpedoes, Roman candles, sparklers, squibs, fire balloons, star shells, gerbs, any other item intended for use in obtaining a visible or audible pyrotechnic display, and all compositions and devices within the commonly accepted meaning of the word "fireworks", or defined as such within Texas Occupations Code or Texas Administrative Code cited above, whether herein specifically listed or not.~~

~~*Person.* The term "person," as used in this article, shall mean and include any natural person, association of persons, partnership, corporation or agent or officer of a corporation, and shall also include all warehousemen, common and private carriers, bailees, trustees, receivers, executors and administrators.~~

~~(Ord. No. 2019-01, § 1, 1-8-19)~~

Sec. 38-71. Prohibitions.

~~(a) It shall be unlawful for any person to use, discharge, ignite, detonate, fire, or otherwise set in action any fireworks.~~

~~(b) It shall be unlawful for any person to manufacture, assemble, store, transport, receive, keep, sell, offer, or possess with intent to sell, use, discharge, ignite, detonate, fire, or otherwise set in action any fireworks.~~

~~(c) It shall be unlawful for any parent or guardian of any child under the age of 14 to permit or allow such child to use, discharge, ignite, detonate, fire or otherwise set in action any fireworks.~~

~~(Ord. No. 2019-01, § 1, 1-8-19)~~

Sec. 38-72. Exceptions to prohibitions.

~~The prohibition of this article shall not apply to (a) signal flares and torpedoes of the type and kind commonly used by railroads and which signal flares and torpedoes are in fact possessed by a railroad for use in railroad operations; (b) to any marine signal flare or rocket of the type and kind commonly carried by a vessel at sea for its own use and which signal flares or rockets are in fact possessed only for ship operations; (c) signal flares or rockets for military or police use; (d) when a permit to use and discharge fireworks for public exhibition has been issued under the provisions of this article; or (e) exemptions set forth at V.T.C.A., Occupations Code § 2154.002.~~

~~(Ord. No. 2019-01, § 1, 1-8-19)~~

Sec. 38-73. Permit for public exhibition.

~~(a) Any person desiring to put on a public exhibition, display or showing of fireworks shall first obtain a permit to do so from the city manager.~~

~~(b) No such permit shall be issued unless application for same has been filed in writing with the city manager, stating the names and contact information of the exhibitor and sponsor, and the time, place and nature of the display, and the applicant must show financial responsibility in the amount of no less than \$300,000.00, to consist of either acceptable liability insurance, surety bond or cash bond. The permittee must comply with all rules and regulations of the state and reasonable requirements of the fire marshal.~~

~~(Ord. No. 2019-01, § 1, 1-8-19)~~

Sec. 38-74. Nuisance, seizure and destruction.

~~Violation of this article is hereby declared to be a common and public nuisance. The fire marshal is directed and required to seize and cause to be safely destroyed any fireworks found to be in violation of this article. Any member of the fire department or any police officer of the city or any other duly constituted peace officer is empowered to stop the transportation of and detain any fireworks found being transported illegally or to close any building where any fireworks are found stored illegally, until the fire marshal can be notified in order that the fireworks may be seized and destroyed in accordance with the terms of this section. The fire marshal is hereby authorized to enter any building where the unlawful presence of fireworks is suspected in order to inspect the same for the presence of such fireworks.~~

~~(Ord. No. 2019-01, § 1, 1-8-19)~~

Sec. 38-75. Injunctive relief.

~~Notwithstanding the penal provisions of this article, the city shall be entitled to such injunctive relief as may be necessary to prevent unlawful storage, transportation, keeping or use of fireworks, to aid the fire marshal in the discharge of his duties, and to prevent any person from interfering with the seizure and destruction of fireworks, but it shall not be necessary to obtain any such injunctive relief as a prerequisite to such seizure and destruction.~~

~~(Ord. No. 2019-01, § 1, 1-8-19)~~

Sec. 38-76. Penalties for violations of article.

~~(a) Any person who shall violate section 38-71(b) shall be fined \$200.00 for each offense. If the fireworks are separately wrapped or packaged, the doing or omitting to do any act prohibited by this article shall be a separate offense as to each such separately wrapped or separately packaged fireworks. Each day that a violation of this article shall continue with respect to any package of fireworks shall constitute a separate offense.~~

~~(b) Any person who shall violate section 38-71(a) or section 38-71(c) above shall be fined not less than \$75.00 nor more than \$200.00.~~

~~(Ord. No. 2019-01, § 1, 1-8-19)~~

Section 2. Effective Date. As provided by Article III, Section 3.11C of the Charter of the City of Ingleside, this ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the City of Ingleside.

Section 3. Reading. As provided by Article III, Section 3.11.B of the Charter of the City of Ingleside, this ordinance, or the caption of it, shall be read at two City Council meetings with at least two weeks elapsing between each reading.

Section 4. Severance. If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

Section 5. Publication. As provided by Article III. Section 3.11C, this ordinance shall be published one time in the official newspaper of the City of Ingleside, San Patricio County, Texas, which publication shall contain the caption of this ordinance stating in substance the purposes of same.

PASSED, ORDAINED, APPROVED AND ADOPTED this 9th day of July 2024 by ___ (ayes) to ___ (nays) with ___ abstentions by a vote of the City Council of the City of Ingleside.

CITY OF INGLESIDE, TEXAS

Pedro Oscar Adame, Mayor

ATTEST:

Ruby Beaven, City Secretary

First Reading: June 25, 2024

Second Reading: July 9, 2024

CITY COUNCIL AGENDA

Regular Meeting: July 9, 2024

AGENDA ITEM: 9

Deliberate and take appropriate action on second and final reading of an Ordinance amending Chapter 46 - Solid Waste, Article I. - In General, Section 46-3 - Burning, Burying, or Similar Disposal, Ingleside Code of Ordinances and further providing for effective date, reading, severance, and publication.

SUBMITTED BY: Thomas Miller, Fire Chief, Gene Delauro, Interim Building Official

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

Existing regulatory language relating to burning waste has been incorporated in Chapter 34 – Fire Prevention and Protection. The first reading of this Ordinance was approved on first reading on June 25, 2024, and moved to second reading for this meeting.

FISCAL ANALYSIS:

None

RECOMMENDATION:

Staff recommends approval of the revised Ordinance amending Chapter 46 - Solid Waste, Article I. - In General, Section 46-3 - Burning, Burying, or Similar Disposal on second reading.

ATTACHMENTS:

1. Ch 46 SOLID WASTE

ORDINANCE NO. 2024-_____

AN ORDINANCE AMENDING CHAPTER 46 – SOLID WASTE, ARTICLE I. – IN GENERAL, SECTION 46-3 – BURNING, BURYING OR SIMILAR DISPOSAL, INGLESIDE CODE OF ORDINANCES AND FURTHER PROVIDING FOR EFFECTIVE DATE, READING, SEVERANCE, AND PUBLICATION.

WHEREAS, the language relating to burning in Section 46-3 – Burning, burying or similar disposal has been incorporated in Chapter 34 – Fire Prevention and Protection by Ordinance 2024-11

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE, COUNTY OF SAN PATRICIO, STATE OF TEXAS:

Section 1. Amendment. Chapter 38 – Offenses and Miscellaneous Provisions, Article VI. - Fireworks is hereby amended to read as follows, new matter being indicated by language and underscoring in red and deleted language by strikethrough in black.

Sec. 46-3. Burning, ~~b~~Burying or similar disposal.

The disposal of garbage, refuse, rubbish, and/or stable matter by ~~fire~~, burial or any method other than provided in this chapter in any place within the city is absolutely prohibited.

(a) ~~— Burning of brush/green waste can be permitted on a case-by-case basis. Citizens must contact Ingleside Code Enforcement and the city fire marshal to arrange an inspection of the proposed burn site. Inspectors will determine if burning is permitted based on the presence of other fuel sources around the proposed burn site, access to water sources for fire suppression, etc. If the site is approved by code enforcement officials and the fire marshal, the citizen must contact the city police department to receive a final approval. Burning will not be permitted if:~~

- ~~(1) — The County of San Patricio is under a burn ban, or;~~
- ~~(2) — The citizen has not had their site inspected by code enforcement and the fire marshal, or;~~
- ~~(3) — The citizen intends to burn after dusk, or;~~
- ~~(4) — Wind speeds on the day in question are greater than ten miles per hour, or;~~
- ~~(5) — The fire marshal, chief of police, or code enforcement officials determine that burning is unsafe for any other reason.~~

Section 2. Effective Date. As provided by Article III, Section 3.11C of the Charter of the City of Ingleside, this ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the City of Ingleside.

Section 3. Reading. As provided by Article III, Section 3.11.B of the Charter of the City of Ingleside, this ordinance, or the caption of it, shall be read at two City Council meetings with at least two weeks elapsing between each reading.

Section 4. Severance. If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

Section 5. Publication. As provided by Article III. Section 3.11C, this ordinance shall be published one time in the official newspaper of the City of Ingleside, San Patricio County, Texas, which publication shall contain the caption of this ordinance stating in substance the purposes of same.

PASSED, ORDAINED, APPROVED AND ADOPTED this 9th day of July 2024 by ____ (ayes) to ____ (nays) with ____ abstentions by a vote of the City Council of the City of Ingleside.

CITY OF INGLESIDE, TEXAS

Pedro Oscar Adame, Mayor

ATTEST:

Ruby Beaven, City Secretary

First Reading: June 25, 2024

Second Reading: July 9, 2024

CITY COUNCIL AGENDA

Regular Meeting: July 9, 2024

AGENDA ITEM: 10

Deliberate and take appropriate action on the second and final reading of an Ordinance amending the Personnel Policies and Procedures, Section 2. Employee Responsibilities: 2.K. Arrests, Confinements, and Indictments, 2.L. Telephone Contact, 2.N. General E-mail & Voice Mail Policy, 2.O. Network Security Policy, 2.P. Provided Equipment, 2.Q. Social Media Policy, 2.R. Employee Guidelines: Use of City's Social Media on Work Time, 2.S. Employee Guidelines: Use of Personal Social Media While Not on Work Time; and Creating 2.T. Establishing Accounts with Other Online Services; Providing for effective date; Reading; Severance; and Publication.

SUBMITTED BY: Tommy Saucedo, Information Technology Director, Ruby Beaven, Director of Administrative Services/City Secretary

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

City of Ingleside realizes that updates and refinements to our standardized Employee Policy and Procedural Manual are an ongoing and necessary practice. The purpose for the update to the Personnel Policies and Procedures, Section 2. Employee Responsibilities for Information Technology Policy and Procedures is to enable the City of Ingleside to stay current with today's Technology. For day-to-day operations.

1. This policy governs the City of Ingleside's technology resources operated by the City employees and all other authorized users. Technology includes, but is not limited to desktops, laptops, mobile devices, networking equipment, networked devices, servers, software, electronic mail, phones, cellular phones, control systems, Internet, the city website, the streaming system for City meetings, and all other electronic systems or devices.
2. To protect the confidentiality, integrity, and availability of the City of Ingleside information systems. The computing or networking resources need to be accessible and secure for appropriate use consistent with the mission of the City of Ingleside.
3. Users of information resources must protect their online identity from use by another individual, the integrity of information resources and the privacy of electronic information. In addition, users must refrain from seeking to gain unauthorized access, honor all copyrights and licenses and respect the rights of other users of information resources. These standards shall be amended as necessary to remain current with various needs and risks and are included in this policy by reference. Failure to comply with these rules and requirements shall be considered an improper use.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Staff recommends passing the second reading and approving the Ordinance amending the Personnel Policies and Procedures, Section 2. Employee Responsibilities.

ATTACHMENTS:

1. IT Policy Ordinance (V2)_DRAFT
2. Attachment A_Section 2_Track Changes DRAFT

ORDINANCE 2024-XX

AN ORDINANCE AMENDING THE PERSONNEL POLICIES AND PROCEDURES, SECTION 2. EMPLOYEE RESPONSIBILITIES: 2.K. ARRESTS, CONFINEMENTS, AND INDICTMENTS, 2.L. TELEPHONE CONTACT, 2.N. GENERAL E-MAIL & VOICE MAIL POLICY, 2.O. NETWORK SECURITY POLICY, 2.P. PROVIDED EQUIPMENT, 2.Q. SOCIAL MEDIA POLICY, 2.R. EMPLOYEE GUIDELINES: USE OF CITY'S SOCIAL MEDIA ON WORK TIME, 2.S. EMPLOYEE GUIDELINES: USE OF PERSONAL SOCIAL MEDIA WHILE NOT ON WORK TIME; AND CREATING 2.T. ESTABLISHING ACCOUNTS WITH OTHER ONLINE SERVICES; PROVIDING FOR EFFECTIVE DATE; READING; SEVERANCE; AND PUBLICATION.

WHEREAS, the City Council of Ingleside Employee Policy and Procedural Manual was adopted in February 2018; and

WHEREAS, the City of Ingleside realizes that updates and refinements to our standardized Employee Policy and Procedural Manual are an ongoing and necessary practice; and

WHEREAS, the City Council finds that the City should amend the current citywide Employee Policy and Procedural Manual to more effectively meet vital City needs; and,

WHEREAS, the City Council wishes to amend the Employee Policy and Procedural Manual to amend Section 2. Employee Responsibilities.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE, COUNTY OF SAN PATRICIO, STATE OF TEXAS:

SECTION 1. AMENDMENT. The City of Ingleside hereby amends the Employee Policy and Procedural Manual, Section 2. Employee Responsibilities as attached hereto as **Attachment A**, and as otherwise described is hereby amended to read with new matter being indicated by underscoring and deleted matter by interlineations.

SECTION 2. EFFECTIVE DATE. As provided by Article III, Section 3.11.0 of the Charter of the City of Ingleside, this ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the City of Ingleside.

SECTION 3. READING. As provided by Article III, Section 3.11.B of the Charter of the City of Ingleside, this ordinance or the caption of it shall be read at two city council meetings with at least two weeks elapsing between each reading.

SECTION 4. SEVERANCE. If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not

affect the balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

SECTION 5. PUBLICATION. If and as required by Article III, Section 3.11.0 of the Charter of the City of Ingleside, the caption of this ordinance shall be published one time in the official newspaper of the City of Ingleside, San Patricio County, Texas.

PASSED, ORDAINED, APPROVED, AND ADOPTED this 9th day of July, 2024.

CITY OF INGLESIDE

Pedro Oscar Adame, Mayor

ATTEST:

Ruby Beaven, City Secretary

First Reading: June 25, 2024

Second Reading: July 09, 2024

SECTION 2. EMPLOYEE RESPONSIBILITIES

2.A. GENERAL EMPLOYEE RESPONSIBILITIES

The city is a public tax-supported organization. Its employees must adhere to high standards of public service that emphasize professionalism, courtesy and avoidance of even the appearance of illegal or unethical conduct.

Employees are required to give a full day's work, to carry out efficiently the work items assigned as their responsibility, to maintain honest conduct, and to do their part in maintaining good relationships with the public, their supervisors, city officials and their fellow employees.

2.B. DRESS, APPEARANCE, AND UNIFORMS

Employees must, at all times, dress appropriately and professionally and present a clean and neat appearance while at work and while representing the City or conducting City business. The City allows business casual dress in the work place year-round, in accordance with this policy. This policy applies to all employees except those who are required to wear uniforms or city issued shirts. Department directors and supervisors are responsible for enforcing this policy in their respective departments in order to maintain acceptable dress and appearance.

Professional business attire or a required uniform shall be worn when an employee's Department Director determines a need to present a more formal professional appearance for meetings or special events. Attire for personnel scheduled to attend City Council meetings, receptions, and similar functions should wear clean and presentable attire that is typical for the job function (i.e. suits or dresses for the Administration office, a polo with the City logo and slacks for Parks & Recreation), unless otherwise directed by the City Manager.

Employees must remember that they are professional 100% of the time and are dressing for business, not for pleasure. All clothing must be clean, not wrinkled and in good repair and appropriate to the work setting. Attire must always reflect a professional business attitude and presence. Provocative, suggestive articles or other inappropriate dress are not allowed in the workplace. When there is a question on whether or not an item of clothing is prohibited, employees should err in favor of being conservative and assume that it is not acceptable attire.

The City Manager may designate a specific day in which casual attire may be worn. However, it is at the City Manager's discretion and the attire worn on "casual days" should still reflect an appropriate professional appearance. Department directors may occasionally allow employees to wear casual attire if a specific work assignment dictates that casual attire is appropriate or to ensure the safety of an employee.

2.B.1. Standards for Business Casual Work Attire

- ◆ Cut, Ripped, or Stained Jeans, T-shirts and athletic shoes are not acceptable during normal work hours unless a special day is declared by the City Manager or as specifically approved by the appropriate Department Director as work assignment dictates.

- ◆ Sweatshirts, sweat pants of any type are not acceptable unless a special casual wear or festive occasion is declared by the City Manager.
- ◆ Shorts shall not be worn unless they are part of a City department's approved uniform and worn with a shirt that identifies them as an employee of a particular City department or division or approved by the department director as special circumstances warrant.
- ◆ Women: Camisoles or tank tops are required to be worn under low cut blouses/tops. Clothing, with thin or spaghetti straps or less than 1 inch shoulder strap tops, need to be worn with an acceptable jacket. Skirts and dresses shall be worn no shorter than 2 inches above the top of the knee. Ankle length and Capri dress slacks are appropriate. Dress shoes or dress sandals are appropriate. No more than 3 earrings in each ear may be worn, provided the earrings are not unprofessional in appearance.
- ◆ Men: Knit shirts with collar, banded collar shirts, short sleeve or long sleeve dress shirts without a tie are acceptable. All shirts are to be tucked in unless specifically designed to be worn outside trousers. Dress shoes, boots or loafers are acceptable footwear. Other forms of acceptable footwear may be approved by an employee's supervisor as work assignments dictate.
- ◆ No more than 3 earrings in each ear may be worn, provided the earrings are not unprofessional in appearance.

2.B.2. Examples of Inappropriate Attire.

- ◆ Provocative or revealing attire including low cut, bare backs, midriffs, body-hugging, see-through garments, tube tops or excessively loose or tight fabrics;
- ◆ Clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind;
- ◆ Un-pressed, soiled, ripped and tattered clothing;
- ◆ Visible tattoos, intentional scarring and branding deemed offensive by management **shall not be** displayed while on duty or in a city uniform. Employees shall cover all tattoo(s)/branding(s) deemed offensive by wearing a long-sleeved uniform shirt or blouse or a patch that shall cover shall cover all tattoo (s) and branding(s);
- ◆ Nose rings, eyebrow rings, tongue studs, lip piercings, gauge piercings, or similar type facial jewelry; visible body studs.
- ◆ Flip Flops, sandals, or any beach appropriate shoes, including open-toed shoes where work assignment dictates the use of close-toed shoes, or bare feet.

2.B.3. Jewelry. All jewelry worn by employees must be appropriate so it does not detract from a professional appearance or conflict with department uniform guidelines.

2.B.4. Hair and Facial Hair. Hair styles and hair colors must be appropriate to the employee's position and of natural hues, and extremes of any type are unacceptable. For example, green hair, Mohawk style haircuts, and severely spiked hair are not allowed. The length of hair must not pose a safety hazard for employees working around machinery and moving objects. Hair, including facial hair, must be clean and neatly groomed at all times.

2.B.5. Perfume and Cologne. While at work, employees should minimize the use of scented

aftershave, colognes, perfumes, and lotions as these products may impact the health of chemically-sensitive customers and other employees.

2.B.6. Personal Hygiene. All employees must maintain a clean, presentable appearance. Personal hygiene includes a regular bath/shower, use of deodorant, and appropriate oral hygiene.

2.B.7. Uniforms. The City supplies many Police, Parks and Recreation, and Public Works personnel with uniforms appropriate for the respective employees' positions. Employees in jobs that require a uniform will be told how and where the uniforms can be obtained. The City will provide replacement uniforms as necessary. City-owned or authorized uniforms may not be worn outside of work, for personal use, or by any third party, unless separately authorized by the employee's Department Director.

Employees who are provided with uniforms are required to wear their uniforms when on duty and keep them in good, clean and serviceable condition. An employee must wear his or her entire uniform when on duty; no part of the uniform shall be worn by itself.

When an employee's employment terminates, that employee must return his or her uniforms and any other City equipment that remains in the employee's possession. The City reserves the right to deduct from the employee's final paycheck the total cost of lost or damaged City property and unreturned uniforms. Employees will be required to sign an authorization form at time of employment to allow the City to deduct for these purposes.

2.B.8. Employee Purchasing of City Logo Clothing. Employees who work primarily in offices are not eligible to receive uniforms. However, employees are permitted to purchase City logo apparel at their own expense and at the City's contract price from selected vendors. Employees may wear apparel with City logos during work time in accordance with this section.

2.B.9. Exceptions. Employees having a conflict with any aspect of this policy, based on cultural or religious traditions or medical reasons, may request an exemption. The employee must place the request in writing to his or her Department Director. The Department Director and the Human Resources Director shall review the request and determine whether an exception will be granted. Final determination will be placed in the personnel file.

2.B.10. Enforcement. Employees and supervisors are responsible for ensuring compliance with the City's dress code standards. In all cases, the employee's supervisor (or Department Director or City Manager, as applicable) will make the determination as to acceptable dress, appearance and grooming. Employees should direct questions about appropriate appearance or dress to your supervisor, Department Director, or the Human Resources Department.

Department Directors shall specify requirements for uniforms and other work attire. Departments may impose special dress and grooming requirements necessary for employee safety, including use of appropriate personal protective equipment, shoes and clothing.

Supervisors are responsible for ensuring that employees know, understand and adhere to this policy as well as any department specific dress policy. Department Directors and supervisors shall counsel employees' whose dress, personal hygiene or grooming is inappropriate.

Each employee is expected to adhere to the clothing, uniform and personal appearance guidelines set forth in this policy. Each employee must use good judgment and common sense in selecting clothing that fits with the function of his/her position, while also promoting a professional image. In order to avoid bringing discredit to the City, employees shall exercise caution in their conduct when wearing uniforms or other apparel bearing the name or logo of the City of Ingleside.

Employees in violation of this policy may be sent home. Under such circumstances, non-exempt employees will not be paid for work time missed, and exempt employees will be required to make up the work time missed. Employees whose grooming or personal appearance violate this policy may be disciplined, up to and including termination of employment.

A Department Director, with approval of the City Manager, may make departmental exceptions to this policy when deemed necessary for business reasons or implement a more restrictive dress and appearance policy.

2.C. TIMELINESS AND ATTENDANCE.

Employees are to be punctual in reporting for work, keeping appointments, and meeting schedules for completion of work in accordance with the City's **Section 6. Attendance, Work Schedule, Time Reporting, and Overtime Policy**.

An employee who expects to be late for or absent from work must report the expected tardiness or absence to his or her supervisor **not later than 15 minutes after the time the employee is scheduled to begin work**, and preferably prior to the start of the workday, unless emergency conditions exist. (It is preferable, and may be required in some departments, for an employee who will be late or absent to contact his or her supervisor or department head four hours prior to the employee's scheduled time to begin work unless emergency conditions exist.) See also the City's **Section 8. Leave Time** Policy of these policies for matters involving planned absences.

Failure to report within the required period can be considered justification for disallowing paid sick leave or vacation for an absence. Unless otherwise approved by the supervisor, employees are expected to call on each day of absence. Where the nature of the absence necessitates an extended period of time off, longer reporting intervals may be approved by the supervisor. Frequent tardiness or unexcused absence is not permissible and is grounds for disciplinary action up to and including termination.

2.D. USE OF CITY PROPERTY, VEHICLES, AND EQUIPMENT

The City attempts to provide employees with adequate tools, equipment, vehicles and facilities for the job being performed, and the City requires all employees to observe safe work practices and lawful, careful, and courteous operation of vehicles and equipment. Any required safety equipment provided by the City must be used at all times.

From time to time, the City may issue various types of equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, uniforms, cell phones, computers, and computer-related equipment. Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties. At the time of issuance, employees may be

required to sign certain forms or other documentation evidencing their receipt of property and/or equipment and authorizing a payroll deduction for the cost of lost, damaged, or unreturned items. In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property up to and including criminal charges.

Employees must notify their supervisor immediately if any vehicle, equipment, machinery, tools, etc., appear to be damaged or defective, or are in need of repair. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of equipment, will result in disciplinary action.

2.D.1. Personal Use Prohibited. City property, materials, supplies, tools, equipment or vehicles may not be removed from the premises without prior written approval by the City Manager, or the Department Director, and may not be used for the personal benefit of an employee.

2.D.2. Use of City Vehicles. City-owned or leased vehicles may be used only for official City business. City-owned or leased vehicles may be driven only by authorized City employees.

If an employee drives a personal vehicle, or a City-owned, rented or leased vehicle on the job or while carrying out City-related business, the employee must comply with the following:

- ◆ Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.
- ◆ Drivers must obey all traffic rules and regulations prescribed by law and use every reasonable safety measure to prevent accidents. No one under the age of 18 may operate a City vehicle. Wearing of seat belts is mandatory.
- ◆ Always observe all posted laws and speed limits.
- ◆ Always wear seat belts when the vehicle is in operation.
- ◆ No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the Department Director in writing.
- ◆ No personal use of City-provided vehicles is allowed.
- ◆ All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor. City vehicles must be kept clean; dispose of trash and put away tools daily.
- ◆ Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.
- ◆ All drivers must be eligible for coverage under the City's insurance policy.
- ◆ Drivers covered by Department of Transportation (DOT) regulations must comply with the DOT regulations at all times.
- ◆ AT NO TIME MAY AN EMPLOYEE UNDER THE INFLUENCE OF ALCOHOL OR A PRESENCE IN THE SYSTEM OF ILLEGAL DRUGS DRIVE

A CITY VEHICLE OR A PERSONAL VEHICLE WHILE CONDUCTING CITY BUSINESS.

- ◆ EMPLOYEES INVOLVED IN AN ACCIDENT WHILE OPERATING A CITY VEHICLE, OR WHILE OPERATING A PERSONAL VEHICLE ON CITY BUSINESS, MUST IMMEDIATELY NOTIFY THE POLICE AND HIS/HER SUPERVISOR, DEPARTMENT DIRECTOR, AND/OR CITY MANAGER. IN CASES WHERE AN ACCIDENT INVOLVES A POLICE VEHICLE, THE POLICE DEPARTMENT WILL REQUEST THE COUNTY, SHERIFF, OR TEXAS DEPARTMENT OF PUBLIC SAFETY TO CONDUCT AN INVESTIGATION OF THE ACCIDENT AND FILE AN OFFICIAL ACCIDENT REPORT WITH THE CITY MANAGER. THE EMPLOYEE SHALL **NOT** LEAVE THE SCENE OF THE ACCIDENT UNLESS REQUIRED TO DO SO BECAUSE OF INJURY. THE EMPLOYEE MAY LEAVE THE SCENE AFTER THE POLICE INVESTIGATION IS COMPLETE OR IF THE POLICE DIRECT HIM/HER TO MOVE THE VEHICLE. ACCIDENT REPORTS, ALONG WITH ANY LAW ENFORCEMENT REPORT, MUST BE FILED BY THE EMPLOYEE WITH THE DEPARTMENT DIRECTOR AND THE CITY SECRETARY. IN ADDITION, THE EMPLOYEE IS REQUIRED TO PROVIDE A WRITTEN STATEMENT TO HIS/HER SUPERVISOR WITHIN TWENTY-FOUR (24) HOURS DETAILING THE INCIDENT AND INCLUDING WHETHER ANY CITATIONS WERE ISSUED.

2.D.3. Vehicle Allowance. An employee may be given a monthly allowance for consistently using such employee's own vehicle for City business if the use is deemed necessary by the City Manager. The amount of the allowance shall be determined by the City Manager.

2.D.4. Take Home Vehicles. A City vehicle may be assigned to a position or employee when it is more economical than payment of a car allowance or mileage reimbursement. Any employee residing outside the City limits or more than thirty (30) miles from his or her main job site shall be required to have written permission within his or her personnel file and signed by his or her supervisor, Department Director, and the Human Resource Manager and City Manager specifying the reason and circumstances.

To be eligible for assignment of a take-home vehicle, an employee must be subject to emergency call back during off duty hours to locations other than the employee's normal work station. No personal use of a take-home vehicle is permitted except to commute to and from home or work. A City vehicle is not to be used for personal business such as going to the bank, grocery store, etc., without prior written approval of the City Manager or department director. No alcoholic beverages or illegal drugs are allowed in City vehicles. No passengers (other than City employees) may be transported in take-home vehicles except as required by official duties.

If approved by the City Manager, use of a City owned vehicle may be included within a contract of employment and may be exempt from this policy.

The City's vehicles are classified as either "exempt" or "non-exempt" as prescribed by law. Most pickups, vans and automobiles are classified as "non-exempt" vehicles. Employees to whom a "non-exempt" vehicle is assigned for take-home may incur a federal income tax liability

for the benefit of commuting to and from work in a City vehicle. Police vehicles used by employees on call 24-hours are normally exempt from the benefit tax liability.

2.D.5. Driver's License Check. The City shall periodically check the driving record of a City employee who drives as part of the job duties to determine that the necessary qualifications are maintained as a City driver.

2.D.6. Public Perception. City employees must be aware of the fact that their actions while driving or in the vicinity of City vehicles are being observed by the public. Employees' irresponsible behavior and use of poor judgement reflects directly on the City and will not be tolerated. City employees must be courteous to other drivers and pedestrians.

2.D.7. Personal Property. All employees shall be solely responsible for their personal property at all times.

2.D.8. Cell Phone/Electronic Device Use Policy. Cell phone use is prohibited while driving a City vehicle. Traffic citations received for cell phone violation while driving a city vehicle or performing work for the City during working hours could be cause for disciplinary action, up to and including termination.

2.D.9. Violations of This Policy. The above is not a complete and exhaustive list of vehicle use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of a vehicle, may result in loss of driving privilege or disciplinary action, up to and including dismissal.

2.E. OUTSIDE EMPLOYMENT

2.E.1. Written Authorization Required. City employees may engage in outside employment provided they receive prior written approval from their Department Director, and the City Manager and received by the Human Resource Department to be placed in the personnel file. Authorized outside employment may be subject to review in the event of schedule changes or interference with City duties.

2.E.2. Outside Jobs Coordinated Through Police Department. Police officers authorized to work part-time jobs coordinated by and through the City's Police Department must perform the outside employment in accordance with applicable Police Department procedures and still require written approval from their Department Director, the Human Resources Director, and the City Manager and placed in the personnel file.

2.E.3. Prohibited Activities. Employees will not be permitted to engage in outside employment (including self-employment) or other activities that might discredit the City, result in a conflict of interest or a potential conflict of interest, or adversely affect the employee's job performance. City employees may not use City property, equipment, facilities, personnel or telephones for outside business activities or for personal gain, unless Memorandum of Understanding (MOU) is approved.

2.E.4. Workers' Compensation Coverage. Employees are not covered by the City's workers' compensation insurance while working for another employer. The only exception is when working events in the City limits of Ingleside and they are injured in the line of duty. (Example: working the tourist events with Ingleside Chamber of Commerce.)

2.E.5. Outside Employment While on Leave Prohibited. Approval for outside employment as set out in this policy does **not** authorize an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, administrative leave, or an unpaid leave of absence, or on restricted or light duty, to engage in any outside employment. Any exceptions must be expressly authorized in writing by the Department Director, the Human Resources Director, and by the City Manager and placed with the appropriate personnel, confidential medical, or confidential worker's compensation file.

2.E.6. Outside Employment Prohibited During Normal Working Hours. Employees are prohibited from conducting outside employment activities during normal working hours unless on approved leave.

2.F. EMPLOYEE SAFETY

The City is interested in all employees' safety and well-being. Accordingly, the City has developed safety rules and regulations. Each and every employee is required to comply with all safety rules and to exercise caution in all work activities. From time to time employees will be updated and reviewed on safety procedures in an effort to increase awareness of the importance of safety on the job. Employees can prevent accidents and injuries by following the safety rules of your job, by remaining alert and by THINKING SAFETY at all times. If an employee sees something that the employee believes is an unsafe act or an unsafe condition, the employee should immediately report it to a supervisor or to management.

2.F.1. Safety Rules. The following safety rules apply at all times, and some specific job descriptions may contain additional operational safety guidelines. Each employee must be familiar with such rules and apply them at all times.

- ◆ Use prescribed protective equipment such as eye protection, hearing protection, hard hats, safety shoes or boots, gloves, shields, etc., when those items are appropriate to the task being performed and/or when required by your supervisor or Department Director.
- ◆ Smoke only during designated times in authorized outside areas as approved by employee supervisor.
- ◆ Walk, do not run. Wipe spills and pick up fallen objects and debris. Keep floor surfaces clear of hazards and other obstacles, electric cords, etc. For your comfort and safety, wear shoes with non-slip soles, and in good condition. Do not wear sandals, sneakers, moccasins or tennis shoes on any job site where feet could be injured. Employees working in departments that require steel toe boots must wear them at all times.
- ◆ To avoid back injuries, use correct lifting methods. Get additional help with heavy (or difficult to handle) objects.
- ◆ Be aware of sharp tools. Use safety devices where provided, and do not alter or remove

- them in any way. Report hazards to management immediately.
- ◆ Material Data Sheets (MDS Sheets) - Employees will be shown the location of the City's Material Data Sheets. MDS sheets provide valuable information about various chemicals and other agents that may be encountered in the work. MDS explain possible reactions to exposure, and steps for employees should take if it occurs. Review this information from time to time.
 - ◆ Fire - Be alert for causes and report smoke, heat or unusual odors immediately. Alert other people in the area to the possibility of danger in order to evacuate, if necessary. Try to verify the location and call 911. Use proper portable extinguishers for small fires.
 - ◆ Do not put fingers, hands, feet or clothing in moving machinery.
 - ◆ Do not carry items in a manner that obscures vision.
 - ◆ Do not block access to fire extinguishers.
 - ◆ Do not touch open or loose electrical circuits.
 - ◆ Report unusual vibrations, smells, or noises coming from equipment.
 - ◆ Do not wear rings or jewelry that may affect the operation of machinery.
 - ◆ Do not perform maintenance or repairs on running equipment.
 - ◆ Do not remove or alter warning tags or safety devices.
 - ◆ Never leave nails or spikes protruding from planks or boards.
 - ◆ Perform routine maintenance at all scheduled intervals.
 - ◆ Do not use compressed air for cleaning clothing or floors.

Employees who violate these safety standards or who cause or worsen hazardous or dangerous situations may be subject to immediate disciplinary action, up to and including termination of employment.

2.F.2. Accident Reporting. All accidents and injuries, however slight or seemingly inconsequential, **must immediately be reported** to the appropriate supervisor, manager, or the Human Resources Department. Failure to report any accident or injury within 24 hours of its occurrence may lead to disciplinary action, up to and including termination of employment. Such reports are necessary so that the City can remain in compliance with applicable laws and begin workers' compensation benefit procedures where appropriate.

2.F.3. Accidents Involving City Equipment or Vehicles. Any employee involved in an accident while operating City equipment or vehicles shall report the accident immediately to the supervisor and to the proper law enforcement agency. The employee must immediately complete an accident report, no matter how minor the damage is to the vehicle, and submit the report to the supervisor and to the Human Resource Department. The employee must submit to a drug screen immediately.

Any employee involved in any type of accident involving City equipment may be disciplined if, upon investigation, it is determined that the employee was negligent or through carelessness or recklessness contributed to the cause of the accident.

2.G. POLITICAL ACTIVITY

City employees will not be appointed or retained on the basis of their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. No City employee is prohibited from becoming a candidate for public office. However, City employees may not:

- ◆ Publicly endorse or campaign in any manner for any person seeking a City public office. This provision is not intended to prevent a city employee from displaying a candidate's sign on their personal property.
- ◆ Use the employee's position or office to coerce political support from employees or citizens.
- ◆ Use the employee's official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.
- ◆ Make, solicit or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Council, or take any part in the management, affairs or political campaign of any such candidate; provided nothing herein shall infringe upon the rights of an employee to seek office himself/herself, express his or her opinions, and to cast his or her vote.
- ◆ Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.
- ◆ Contribute money, labor, time or other valuable thing to any person for City election purposes, except as permitted by law.
- ◆ Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, e.g., City of Ingleside City Council, Ingleside ISD, and San Patricio County. **Upon being elected to such an office, an employee must immediately resign or will be dismissed upon failure to do so.**

2.H. CONFLICTS OF INTEREST/SOLICITATION AND ACCEPTANCE OF GIFTS

2.H.1. Conflicts of Interest. No employee of the City may:

- ◆ Have any financial or other interest, as defined by Chapter 171 of the Texas Local Government Code, in any proposed or existing contract, purchase, work, sale or service to, for, with or by the City;
- ◆ Use City employment, authority, or influence in any manner for personal betterment, financial or otherwise, or for the betterment of any member of the employee's family up to second degree of relationship, either by blood or marriage;
- ◆ Have any financial interest, as defined by Chapter 171 of the Texas Local Government Code, in the sale to the City of any land, materials, supplies or services;
- ◆ Have discussions or participate in decisions of any City agency, board, commission or instrumentality if the employee has any personal economic interest or is employed, directly or indirectly, by the person or entity that is the subject of the discussion or decision;
- ◆ Accept other employment or engage in outside activities incompatible with the performance of duties and responsibilities as a City employee or that might impair

- independent judgement in the performance of duties to the City;
- ◆ Use any confidential information for personal gain or release any confidential information; or
- ◆ Accept remuneration or provide services for compensation, directly or indirectly, to a person or organization requesting an approval, investigation, or determination from the City.

(Legal reference: V.T.C.A., Local Government Code, Section 171; V.T.C.A. Penal Code, Chapter 36).

2.H.2. Solicitation and Acceptance of Gift.

- ◆ Solicitation of funds or anything of value for any purpose whatsoever shall be permitted of or by City employees on the job only with the express approval of the City Manager or designee, provided that this approval will not be allowed for personal benefit of the employee. No employee may be required to make any contribution nor may an employee be penalized in any way concerning employment according to the employee's response to a solicitation.
- ◆ No employee shall accept or solicit any money property, service, or other thing of value from a person, business entity or other organization regulated by, contracting with, or having any other business relationship with the City department of which the employee is a member. However, this section shall not be interpreted to include any pen, pencil, calendar, cap, or similarly valued item distributed by any such business or organization for advertising purposes.
- ◆ If a person presents a gift to a City employee as a reward for service or as an act of expressing appreciation, then the employee shall report the gift (other than the minimal gifts listed in the paragraph above) in writing to the supervisor and the City Manager.
- ◆ No employee shall accept or solicit any money, property, service or other thing of value in excess of \$50.00 for the benefit of the City, or any employee, or department of the City.

Violations of this policy may result in disciplinary action. Employees should direct questions regarding the prohibitions imposed by this policy to your Department Director, the Human Resources Director, or the City Manager's office.

2.I. COMMUNICATIONS.

2.I.1. Staff to City Council, Public, and Media. Communication with the public and the media about city issues or problems is the responsibility of the City Manager. Employees shall refer members of the news media to the City Manager if a question is non-routine, controversial, or outside the scope of the employee's normal duties, and are to notify the City Manager of scheduled interviews with the news media.

2.I.2. Internal Communications. From time to time, an employee may be given work instructions from or asked questions by a city employee or official outside the normal chain of

command. In such cases, it is the employee's responsibility to notify his or her immediate supervisor promptly about the instruction or question, its purpose, the relevant facts of the situation, and the employee's response to the direction or question. Supervisors are responsible for reporting these incidents promptly through the chain of command to the city manager in those instances where there could be adverse consequences.

Timeliness generally means not later than the beginning of the next shift. However, a determination of timeliness will be based on the nature of the instruction, request, or question; any potential adverse consequences of the employee's response; and/or the time frame during which an amended response could alter potentially adverse consequences.

2.I.3. Requests for Council Action. An employee, may request that a city related matter be considered by the City Council by submitting the item in writing to his or her supervisor. Final decisions as to what is to be brought forward to the Council from the staff are determined by the city manager.

2.J. PURCHASING

Purchases by City employees will be made only as authorized by the City Manager or the City Council and must be made in accordance with state purchasing laws as they apply to cities and the Finance Department's Purchasing Policy.

2.K. ARRESTS, CONFINEMENTS, AND INDICTMENTS

2.K.1. Policy. City employees are subject to disciplinary action and/or job restrictions for violations of law. This policy applies to acts prohibited by law that result in charges being filed, arrest, confinement, indictment, and/or conviction of the employee, as well as to acts prohibited by law not resulting in charges filed, arrest, confinement, or indictment.

2.K.2. Procedure.

- ◆ **Employee Notice of Felony and Misdemeanor Charges.** Employees must immediately notify their supervisor and/or Department Director within twenty-four (24) hours if they are convicted of any misdemeanor or felony. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations. Employees who drive city vehicles must report any suspensions of their license and any minor traffic violations. Failure to report these events in a timely manner may result in disciplinary action including possible immediate termination.
- ◆ **Employee Status after Alleged Violation of Law.** At the time the employee's department is made aware of an employee's conviction, arrest or conduct constituting an offense, the Department Director shall consult with the Human Resources Director to determine available options which may include, but are not limited to:
 - a.) allowing the employee to return to regular duty with pay;
 - b.) allowing the employee to return to restricted duty with pay;
 - c.) placing the employee on paid administrative leave;
 - e.) placing the employee on unpaid administrative leave; or

~~d.)~~e.) terminating the employee.

- ◆ **Employee Status after Adjudication.** Once the indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are completed and all related administrative matters are completed, the Department Director will determine, in conjunction with Human Resources Director the status of the employee. An employee on administrative leave may, in the City's sole discretion, be reinstated to the position held before being placed on administrative leave (if available), if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.
- ◆ **Disciplinary Action:** Disciplinary action may be pursued concurrently or in place of the above options or imposed at a later date. Multiple violations of law or confinements within a prescribed time period may also result in disciplinary action.
- ◆ **Violations of Law Discovered through Criminal History Check:** The City may conduct criminal history checks on existing employees at any time during their employment, for any reason. Conduct constituting an offense, arrest or conviction that is discovered and never reported or disclosed may result in disciplinary action, up to and including termination.
- ◆ **Other Policies:** This policy should not be construed to limit disciplinary action that may be taken in accordance with other Personnel Policies and Procedures, department policies, or other city-wide policies.

2.L. TELEPHONE CONTACT

2.L.1. Contact Number Required. All supervisory personnel and service personnel must have a telephone number at which they can be reached during off-duty hours. This can be a cell phone or a land line telephone.

All employees must immediately notify supervision and Human Resource Department of any change in phone number(s), and provide a phone number for a secondary contact, i.e., spouse, parent.

2.L.2. Employee Use of City Telephones. Telephones are to be used for city business. It is understood that occasionally personal calls are necessary; however, use of telephones for local personal calls is permitted only if the number and length of calls are kept to a minimum.

City employees and officials may not place personal long distance telephone calls on city telephone equipment.

2.L.3. Employee Use of Personal Cell Phones. While in the workplace during work hours, employees are expected to focus on work. Personal cell phones and other electronic device use should be kept to a minimum and at no time may interfere with an employee's work.

It is reasonable that on occasion employees may need to check on family members, schedule medical appointments, and other matters of that nature during the workplace—it is preferable that this be done on scheduled work breaks and lunch hours whenever possible.

Rooted or "jailbroken" devices will not be permitted to connect to City infrastructure. By jailbreaking a

phone, the user is altering the phone operating system in a way unsupported by the device manufacturer (e.g., Apple), usually to install unsupported software which can open security holes.

2.L.4. Employee Use of City-Provided Cell Phones. City-issued cell phones are to be used for city business only. Department Directors and other personnel deemed by the City Manager to make and receive an inordinate amount of phone calls for City business shall be issued a city-issued cell phone~~stipend for use of their personal cell phone for city business when approved by the City Manager.~~ Employees that have been issued a City-issued cell phone for their use shall not forward calls to any personal owned devices

If the city furnishes a city official or employee with cellular telephone service, any metered usage by the official or employee for personal calls must be paid personally by the official or employee on a monthly basis.

2.M. GENERAL COMPUTING AND OFFICE POLICY.

2.M.1. Internet Use. Internet use should be kept to a minimum, and the Internet should only be utilized for matters that assist the employee in performing his or her work—to the extent that any Internet use does not assist the employee in performance of his or her duties, that use is not allowed.

2.M.2. User ID. When an employee receives a user ID (the combination of user name and password) to access the network, the employee hereby agrees and understands that he or she is solely responsible for all actions taken when that ID is used.

Employees also agree that:

- (a) Securing or utilizing a user ID under false pretenses is a punishable disciplinary offense.
- (b) Unauthorized sharing of an employee's user ID with any other person is prohibited. In the event that an employee does share a user ID with another person, the employee will be solely responsible for the actions of that person.
- (c) Unauthorized deletion, examination, copying, or modification of files and/or data belonging to other users without their prior consent is prohibited.
- (d) Any unauthorized, deliberate action, which damages or disrupts a computing system, alters its normal performance, or causes it to malfunction, is a violation regardless of system location and/or time duration.
- (e) Unauthorized removal of any City property is prohibited.

2.N. GENERAL E-MAIL & VOICE MAIL POLICY

You hereby agree and understand that the City's e-mail, Internet access, and voice mail systems are for city business use. As such, you hereby agree and understand that the City may monitor e-mail, Internet access and voice mail systems at will, including the full content of any messages or communications therein, without further disclosure to you. You hereby warrant that you understand that whenever you send electronic mail, your account information is encoded in each mail message. You are, therefore, responsible for all electronic mail originating from your user

account. Further:

2.N.1 All employees shall use only their city-assigned email address during the performance of their assigned job duties. No private or “ghost” accounts shall be used, except by the network administrator as part of their function (e.g., account names like “Webmaster,” “Postmaster,” “root,” etc.) and special investigations. All request for exceptions to this policy must be approved by the IT Department and City Manager.

Email received from a citizen(s) should be handled with the same seriousness as any other form of citizen contact. Employees should always maintain professional decorum in their response, seek approval from supervisors where appropriate, and reply to messages promptly.

2.N.1.2.N.2. Forgery (or attempted forgery) of electronic mail messages is prohibited. Unauthorized prohibited. Unauthorized attempts to read, delete, copy, or modify the electronic mail of other users are prohibited.

2.N.2.2.N.3. Sending harassing, obscene and/or other threatening email to another user is prohibited.

2.O. NETWORK AND SOFTWARE SECURITY POLICY

It is the responsibility of every employee to operate all City telecommunications, computer(s), mobile computers tablets (MCT) or other electronic equipment in such a way as to minimize the risk of unauthorized access to, or loss of. Any City resource by any other party, to ensure that the City resources are not misused by any other person, and to act to protect the Confidentiality, Integrity, and Availability of the data and resources of the City. As a user of the network, you may be allowed to access other networks (and/or the computer systems attached to those networks). Therefore:

2.O.1. Use of systems and/or networks in attempts to gain unauthorized access to remote systems is prohibited.

2.O.2. Each person authorized to access the City of Ingleside’s computer and network resources must do so using a unique username and password by the IT Department. Employees shall not share their account information or permit other employees to login using their credentials. Electronic communications authored by the employee must clearly originate from the user’s unique account.

2.O.3. Use of systems and/or networks to connect to other systems, Destroying, altering, or otherwise interfering with the integrity of the computer-base information or network resources with-out/without authorization or the evasion of the physical limitations of the remote system/local, is prohibited.

2.O.1.2.O.4. Password for each City employee who uses computer(s), mobile computer tablets (MCT) and electronic devices must have a unique password.

2.O.2.2.O.5. Seeking to gain unauthorized access to information resources. Using any computer

or network resources under false pretenses. Decryption of system or user passwords is prohibited.

~~2.O.3.2.O.6.~~ Unauthorized transmission of company trade secrets, confidential information or privileged communications ~~-and~~ The copying of system files is strictly prohibited.

~~2.O.4.2.O.7.~~ The copying of copyrighted materials, such as third-party software, without the express written permission of the owner or the proper license, is prohibited. ~~The City is committed to preventing copyright infringement. It is the policy of the City of Ingleside to respect all computer software copyright and to adhere to the terms of all software licenses to which the City is a party of. The City is subject to all copyright laws pertaining to the use of copyrighted software and documentation. Unless expressly authorized by the software licensor/developer, the City of Ingleside~~ ~~does~~ ~~has not~~ ~~have the right to make copies of the software except for backups or archival purposes.~~

2.O.8. Intentional attempts to "crash" Network systems or programs are punishable disciplinary offenses.

~~2.O.5.2.O.9.~~ No employee or other person(s) shall install or move any network device onto the City communications network under any circumstances whatsoever. Only members of the IT Department are permitted access to ~~such~~ equipment.

~~2.O.6.2.O.10.~~ The attempts to secure a higher level of privilege on Network systems are punishable disciplinary offenses.

~~2.O.7.2.O.11.~~ All employees shall immediately report any unauthorized access or unauthorized access attempt(s). The willful introduction of ~~of computer~~ "viruses, spyware infection", ~~and/or~~ other disruptive/destructive programs into the organization network or into external networks are prohibited. Must contact their supervisor and IT Department as soon as possible.

~~2.O.13.2.O.12~~ The copying or disclosure of City files or information to unauthorized individuals is prohibited. City employees shall not duplicate, copy, or reproduce any software purchased by and/or licensed to the City, or any related documentation without prior written approval from the IT Department or City Manager. City Employees shall not give City-purchased or licensed software to any non-employee(s), including, but not limited to clients, contractors, customers, and vendors.

~~2.O.14.2.O.13.~~ Software developed by ~~employees~~ on City time, or on City-owned equipment, or for City projects, shall be the property of the City. Such software is for the exclusive use of the City, its officers, agents, and employees. Such software may not be sold, transferred, or given to any person without the prior written approval of the City Manager or designee.

2.P. ~~PROVIDED EQUIPMENT~~ ELECTRONIC DEVICES AND UNACCEPTABLE USE

The equipment listed below (if any) has been provided to you to assist you in the exercise of your duties. Employees will use company-owned assets, namely laptops, computers, mobile

computer tablets (MCT), cell phones, and their peripherals, solely for the delivery of quality assignments and tasks exclusively for City of Ingleside employees. Failure to comply with this policy will subject the employee to disciplinary action or up to termination. You hereby agree:

2.P.1. To take care of it in a professional manner.

2.P.2. Employees may not install any software on City owned electronic devices that **are not** provided to them by the IT Department.

2.O.15.

2.P.1.2.P.3. Gaming software is an inappropriate use of City equipment and shall not be tolerated. Games discovered during audits shall be eliminated and employee user(s) may be subject to disciplinary action.

2.P.4. Employees must be aware that the conduct of City business, or use of City data on any personally owned device, may expose that device and the employee to legal obligations with respect to **Public Information Act (PIA)**.

~~**2.P.2.** That you will not install software without first contacting the IT manager and receiving permission.~~

~~That you will immediately report problems with your system to your supervisor.~~

2.P.3.2.P.5. No employee shall connect to any website that contains improper material (Exception: sanctioned Ingleside Police Department employees performing assigned investigative work). The City reserves the right to block employee(s) access to such websites.

2.P.6. ~~That you will return a~~All of the equipment **will be returned** in good condition upon termination of your employment by either party, regardless of cause.

2.P.4.2.P.7. Streaming radio/music/video: An extensive amount of bandwidth is used to access these sites is not permitted unless being conducted for official City business.

2.P.8. That while **provided equipment** in **your** custody, you are responsible for negligent or malicious damage. any violation of any of these provisions may result in disciplinary action by the City against you up to and including immediate termination.

2.P.5.2.P.9. Technology **services** monitor internet access. Accessing internet websites that are deemed unacceptable under this policy will result in disciplinary action.

2.Q. SOCIAL MEDIA POLICY

An employee's use of social media, both on and off duty, must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the City or violate any City policy. The intent of these standards is to regulate the creation and distribution of information concerning the City, its employees, and citizens through electronic media, including but not limited to online forums, instant messaging, and internet social media and blogging sites. This policy is designed to protect the City's reputation and ensure that an employee's communications not only reflect positively on the employee as an individual, but also on the City.

The term “social media” encompasses: TIK TOK, Twitter and tweeting, Facebook, LinkedIn, Instagram, Snapchat, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging, and all other social networking sites, instant messaging, and the posting of video on YouTube and similar media.

2.Q.1. Use of City’s Internet. Use of the City’s Internet is a privilege and City employees must use it responsibly and ethically. The City may monitor an employee’s access, use, and postings to the City’s Internet to: ensure compliance with internal policies; support the performance of internal investigations; assist management of information systems; and for all other lawful purposes. The City expects all employees to follow the guidelines below when posting information on the City’s social media sites.

2.Q.1.2.Q.2. Internet access is a privilege. Unauthorized use of the internet will result in the loss of access for the user and, depending on the seriousness of the infraction, may result in disciplinary action or up to termination.

2.Q.2.2.Q.3. Other City Policies. This policy should be read and interpreted in conjunction with other City policies, including but not limited to, policies prohibiting harassment, discrimination, offensive conduct or inappropriate behavior. Violations of the Social Media Policy may lead to disciplinary action. The City provides an effective system for employee complaints “off-line” through the “Grievance” policy without resorting to social media.

2.R. EMPLOYEE GUIDELINES: USE OF CITY’S SOCIAL MEDIA ON WORK TIME

Any blogging or posting of information on the Internet or other City social media sites must comply with the City’s guidelines, regardless of where the blogging or posting is done.

2.P.1.2.R.1. Blogging or posting information of a personal nature on the Internet or other City social media sites is prohibited during work hours. Employees are not permitted to engage in social networking of a personal nature while using any of the City’s electronic social media sites.

2.R.1.2.R.2. Employees must obtain written authorization from the Department Manager to update or post on social media sites on behalf of the City, and all content must be approved prior to posting. All of the employee’s time spent updating or posting on City social media sites as part of the employee’s job duties is compensable time that must be reported and counted in the calculation of overtime.

2.R.2.2.R.3. No use of social media on work time and on City equipment on City-operated networks is considered private or confidential, even if password protected or otherwise restricted. The City reserves the rights to access, intercept, monitor, and review all information accessed, posted, sent, stored, printed, or received through its communications systems or equipment at any time.

2.R.3.2.R.4. Never disclose any confidential information concerning another employee of the City in a blog or other posting to the Internet. Posting of confidential information may violate state law and subject the user to criminal penalty. All requests for City documents must be processed through the Public Information Act.

2.R.4.2.R.5. Employees must abide by all federal and state laws and policies of the City with regard to information sent through the City's Internet.

2.P.2.2.R.6. Individual supervisors do not have the authority to make exceptions to these guidelines based on needs of the department.

2.R.5.2.R.7. To protect City of Ingleside's sensitive information and critical infrastructure from potential threats, the download or use of TikTok is prohibited on any city-issued device. This includes all city-issued cell phones, laptops, tablets, desktop computers, and other devices capable of internet connectivity.

2.S. EMPLOYEE GUIDELINES: USE OF PERSONAL SOCIAL MEDIA WHILE NOT ON WORK TIME

The City recognizes that many City employees utilize social media when not at work. The City requires that employees be aware of guidelines regarding posting of work-related information on personal social media sites, and they are listed below:

2.P.3.2.S.1. If the employee's social networking includes any information related to the City, the employee must make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the City.

2.P.4.2.S.2. Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media. Recognize that postings on your social media site, even if done off premises and while off duty, could have an adverse effect on the City's legitimate business interests.

2.P.5.2.S.3. Respect the City and co-workers. Do not put anything on your personal social media site that may defame, embarrass, insult, demean, or damage the reputation of the City or any of its employees.

2.P.6.2.S.4. Do not put anything on your personal social media site that may constitute a violation of the City's harassment policy. Do not post any pornographic pictures of any type that could identify you as an employee of the City. Be mindful that the City's harassment policy covers both work and non-work time, including postings on social media sites.

2.P.7.2.S.5. Do not post pictures of yourself or others on your personal social media site containing images of City uniforms or insignia, City logos, City equipment or City work sites without supervisor approval.

2.P.8.2.S.6. Do not post information on your personal social media site that could adversely impact the City and/or an employee of the City including harassing or discriminatory posts.

2.P.9.2.S.7. Do not fail to remove postings violating this policy when directed to do so, even when placed by others on your social media site.

2.T. ESTABLISHING ACCOUNTS WITH OTHER ONLINE SERVICES

2.T.1. Employees who need to establish an account with an on-line service via the Internet must

use a different password than their city password.

2.T.2. All City-owned Internet resources are to be used only in the pursuit of appropriate city business interest.

2.T.3. Do not allow anyone access to your PC via the Internet. Webex applications enable a vendor to take control of your PC through the Internet. Typically, you access a web site, and then join a meeting with the vendor. At that time the vendor can take full control of your PC. This type of access is not permitted without prior consent from the IT Department.

2.T.4. No employee, contractor, or third party may install any device of software intended to monitor, capture, or eavesdrop upon, any portion of data traversing the City Network.

CITY COUNCIL AGENDA

Regular Meeting: July 9, 2024

AGENDA ITEM: 11

Deliberate and take appropriate action on the second reading and adoption of a Resolution of the City of Ingleside, Texas, approving a project of the City of Ingleside Development Corporation; complying with Section 505.158, Texas Local Government Code; and providing for two separate Readings and an Effective Date.

SUBMITTED BY: Jodi Carr, Director of Economic Development

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

On March 26, 2024, the City Council approved the Project Request for IDC to take on as a project the funding of a digital sign to be placed at N.O. Simmons Park. The IDC Board of Directors held a Public Hearing and approved the project on April 16, 2024. Texas Local Government Code Section 505.158 requires the city to adopt a resolution authorizing the project providing for two separate readings. City Council had first reading on June 25, 2024.

FISCAL ANALYSIS:

IDC approved the project not to exceed \$50,000

RECOMMENDATION:

Staff recommends second reading and adoption of the resolution.

ATTACHMENTS:

1. Res 2024-XX IDC Digital Sign

RESOLUTION NO. 2024-XX

A RESOLUTION OF THE CITY OF INGLESIDE, TEXAS, APPROVING A PROJECT OF THE CITY OF INGLESIDE DEVELOPMENT CORPORATION; COMPLYING WITH SECTION 505.158, TEXAS LOCAL GOVERNMENT CODE; AND PROVIDING FOR TWO SEPARATE READINGS AND AN EFFECTIVE DATE.

WHEREAS, the City of Ingleside Development Corporation (“IDC”) is a Type B Economic Development Corporation, organized and operated pursuant to Chapters 501, 502, and 505, Texas Local Government Code; and

WHEREAS, Section 505.158, Texas Local Government Code, requires that a Type B Corporation authorized by a city with a population of 20,000 or less that approves a project requiring an expenditure of \$10,000 or more may not undertake the project until the governing body of the city adopts a resolution authorizing the project after giving the resolution two separate readings; and

WHEREAS, the IDC proposes to support the Project Request from the City of Ingleside for the funding of a digital sign as a project requested by City Council on March 26, 2024; and

WHEREAS, after notice, the Board of Directors of the IDC conducted a public hearing and approved the project on April 16, 2024; and

WHEREAS, the project may require an expenditure of \$10,000 or more; and

WHEREAS, the City Council finds that the project is authorized by Chapter 505, Texas Local Government Code; and

WHEREAS, the action authorized by this Resolution is in furtherance of the public interest, for the good government, peace, order, trade and commerce of the City and necessary and proper for carrying out the authority granted by law to the City and the IDC;

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

1. The City Council hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the Council hereby incorporates such recitals as a part of this Resolution.
2. The project of funding a digital sign for the City of Ingleside approved by the Board of Directors of the IDC on April 16, 2024, is hereby in all things approved and authorized.
3. This Resolution shall take effect immediately from and after its passage at a second separate reading.
4. This Resolution is read and adopted at meetings that were open to the public and notice of the time, place, and purpose of said meetings was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

READ by the City Council of the City of Ingleside, Texas at the first reading on the 25th day of June, 2024.

READ AND ADOPTED by the City Council of the City of Ingleside, Texas at second reading on the 9th day of July, 2024.

CITY OF INGLESIDE, TEXAS

Pedro Oscar Adame, Mayor

ATTEST:

Ruby Beaven, City Secretary

DRAFT

CITY COUNCIL AGENDA

Regular Meeting: July 9, 2024

AGENDA ITEM: 12

Deliberate and take appropriate action to rescind the Mayoral Declaration of Disaster and Executive Order #111, that recognizes the COVID disaster, to effectively end on July 09, 2024.

SUBMITTED BY: Ruby Beaven, Director of Administrative Services/City Secretary

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

Upon review of the Mayoral Declaration of Disaster and Executive Order # 111, the Order still recognizes the Covid-19 disaster. The current Mayoral Declaration and Executive Order is for an effective date of June 28, 2022 and written to stay in effect until it is rescinded by the Mayor or the Council. At this time, the Mayor and City staff do not perceive a public health emergency nor see the need to continue the Declaration of Disaster. Therefore, the request is to rescind Mayoral Declaration of Disaster and Executive Order # 111.

Attached for review is the original order and the final order extending the first order.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Council approval to rescind the Mayoral Declaration of Disaster and Executive Order #111 to effectively end July 09, 2024, as presented.

ATTACHMENTS:

1. 2020, 03-23 Disaster Declaration Amendment #1
2. 2022, 06-14 7 Disaster Declaration Order #111
3. Mayoral Rescinding of Disaster



DECLARATION OF LOCAL DISASTER AND PUBLIC HEALTH
EMERGENCY: AMENDMENT #1
CITY OF INGLESIDE, TEXAS

WHEREAS, in December 2019 a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China, with symptoms including fever, cough, and shortness of breath and with outcomes ranging from mild to severe illness and in some cases, death;

WHEREAS, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern (PHEIC), advising countries to prepare for the containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease;

WHEREAS, on March 5, 2020, the World Health Organization Director General urged aggressive preparedness and activation of emergency plans to aggressively change the trajectory of this epidemic;

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a worldwide pandemic;

WHEREAS, the Centers for Disease Control and Prevention (CDC) is closely monitoring the growing number of cases that have spread into the United States and the identification of "community spread" cases of COVID-19 in the United States signals that transmission of the virus is occurring;

WHEREAS, COVID-19 spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes;

WHEREAS, the continued worldwide spread of COVID-19 presents an imminent threat of widespread illness, which requires emergency action;

WHEREAS, President Donald Trump declared a State of National Emergency for the United States of America on March 13, 2020;

WHEREAS, Governor Greg Abbott issued a State of Disaster for all Texas counties for COVID-19 on March 13, 2020;

WHEREAS, County Judge David Krebs issued a Declaration of Local State Disaster Due

to Novel Coronavirus for San Patricio County on March 16, 2020;

WHEREAS, on March 21, 2020, Nueces County Judge Barbara Canales announced that the first confirmed case of COVID-19 was confirmed in Nueces County, Texas;

WHEREAS, pursuant to the Texas Disaster Act of 1975, the mayor is designated as the emergency management director of the City of Ingleside, and may exercise the powers granted to the governor on an appropriate local scale;

WHEREAS, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease, including isolation, surveillance, quarantine, or placement of persons under public health observation, including the provision of temporary housing or emergency shelters for persons misplaced or evacuated and request assistance from the governor of state resources;

WHEREAS, by this Declaration of Local Disaster and Public Health Emergency, I declare all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the incident; and

WHEREAS, pursuant to the authority granted to the Mayor under the Texas Disaster Act of 1975, I authorize the use of all available resources of state government and political subdivisions to assist in the City's response to this situation; and

WHEREAS, I, Ronnie Parker, the Mayor of the City of Ingleside, Texas, have determined that extraordinary and immediate measures must be taken to respond quickly, prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be infected or impacted by COVID-19.

NOW THEREFORE BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF INGLESIDE, TEXAS:

1. That a Declaration of Local Disaster and Public Health Emergency is hereby declared for the City of Ingleside, pursuant to §418.108(a) of the Texas Government Code.
2. That the Declaration of Local Disaster and Public Health Emergency shall continue for a period of not more than seven days of the date hereof, unless the same is continued by the City Council of the City of Ingleside, Texas, pursuant to §418.108(b) of the Texas Government Code.
3. That this Declaration of Local Disaster and Public Health Emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary, pursuant to §418.108(c) of the Texas Government Code.
4. That the City's Emergency Operations Plan is activated and implemented, pursuant to § 418.108(d) of the Texas Government Code.

5. That this declaration authorizes the City to commandeer or use any private property, temporarily acquire, by lease or other means, sites required for temporary housing units or emergency shelters for evacuees, subject to compensation requirements, pursuant to § 418.020(c) of the Texas Government Code.
6. That this declaration authorizes the City to take any actions necessary to promote health and suppress disease, including quarantine, examining and regulating hospitals, regulating ingress and egress from the City, and fining those who do not comply with the City's rules, pursuant to §122.006 of the Health and Safety Code.
7. That this declaration, based on CDC guidance, hereby limits the size of Mass Gatherings within the City of Ingleside to no more than ~~fifty (50)~~ TEN(10) people and mandates the cancellation of all such gatherings until 11:59 p.m. on May 19, 2020.

For purposes of this declaration, a "Mass Gathering" is any event or convening, subject to the exceptions and clarifications below, that brings together or is likely to bring together ~~50~~ 10 or more persons at the same time in a single room or other single confined or enclosed space. such as, by way of example and without limitation, an auditorium, theatre, stadium (indoor or outdoor), event center, festival grounds, meeting hall, conference center, or any other confined indoor or confined outdoor space.

A "Mass Gathering" includes events in confined outdoor spaces, which means an outdoor space that (i) is enclosed by a fence, physical barrier, or other structure and (ii) where people are present and they are within arm's length of one another for extended periods.

For purposes of clarity, a "Mass Gathering" does not include the following:

- gatherings of people in multiple, separate enclosed spaces in a single building, so long as ~~50~~-10 people are not present in any single space at the same time;
- use of enclosed spaces where ~~50~~-10 or more people may be present at different times during the day, so long as ~~50~~-10 or more people are not present in the space at the same time;
- public or private schools;
- places of worship;
- office space, hotels, or residential buildings;
- grocery stores, shopping malls, outdoor markets, restaurants, or other retail establishments where large numbers of people are present but it is unusual for them to be within arm's length of one another for extended periods; and
- hospitals, medical facilities and shelters.

8. That this declaration recommends that restaurants and other dining establishments shall not permit on-premises consumption of food or drink; provided that such establishments may continue to offer food for take-out and by delivery provided they follow the social distancing protocols set forth by the CDC.

9. That this declaration recommends that persons in high-risk populations should avoid gatherings in excess of 10 persons. Organizations that serve primarily high-risk persons should cancel gatherings in excess of 10 persons. Organizations that serve high-risk populations (defined below) should follow CDC guidance for social distancing. "High-Risk Populations" include people who are:
 - 60 years old and older;
 - People with certain health conditions such as heart disease, lung disease, diabetes, kidney disease and weakened immune systems;
 - People who are pregnant or were pregnant in the last two weeks.
10. That the City Manager is hereby authorized to suspend, postpone, or cancel City of Ingleside programs and events as authorized by law.
11. That the City Manager is hereby authorized to close or modify the use of certain City facilities, including the Humble Center, Bennie Diegel Sports Complex, municipal park athletic fields and splash pad, Senior Center, and the City Public Library as authorized by law.
12. That the City Manager may update restrictions set out in this declaration as necessary to respond to the evolving circumstances of this outbreak during the duration of the Mayor's Declaration of Local Disaster and Public Health Emergency and any extension by the City Council.
13. That this declaration hereby authorizes the use of all lawfully available enforcement tools.
14. That a violation of this order is a violation of the emergency management plans of the City of Ingleside. A person who violates any provision of this order may be punishable by a fine of up to \$500 per violation and separate day of violation, imprisonment of up to 180 days per violation and separate day of violation, and additional amounts as authorized by law.
15. That this proclamation shall take effect at 6:00 P.M., March 23, 2020.

ORDERED THIS 23th day of March 2020.



/s/ Ronnie Parker, Mayor



**Mayoral Declaration of Disaster
and Executive Order #111
City of Ingleside**

WHEREAS, beginning in December 2019, a novel coronavirus, now designated COVID-19, has spread through the world and has now been declared a global pandemic by the World Health Organization; and

WHEREAS, prudence dictates that extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout the City; and

WHEREAS, Governor Abbott has declared a local disaster due to public health emergency; and

WHEREAS, the Mayor of Ingleside, Texas has Declared a Local State of Disaster and again does so hereby; and

WHEREAS, the Governor's Executive Orders supersede all mayoral declarations and orders if and to the extent of conflict between the two.

NOW THEREFORE, UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 418.108, THE MAYOR OF THE CITY OF INGLESIDE, TEXAS DECLARES AND ORDERS:

SECTION 1. A local state of disaster due to public health emergency is hereby declared for the City of Ingleside, Texas, pursuant to Section 418.108(a) Texas Government Code.

SECTION 2. This Mayoral Declaration and Order supersedes and revises all prior Mayoral Declarations and Orders.

SECTION 3. Pursuant to Section 418.108(b) of the Texas Government Code, the state of disaster due to public health emergency shall continue for a period of not more than seven (7) days from the effective date of this declaration unless continued or renewed by the City Council. The Mayor may issue other declarations at any time, each of which shall continue for a period of seven (7) days or such lesser time as the Mayor may declare. Until this crisis passes, it is the intent of the

Mayor to continue as necessary the pronouncement of Declarations such as this to protect the people of Ingleside. The City Council hereby approves this Order and does hereby extend its effective date. It shall be effective until it is rescinded by the Mayor or the Council.

SECTION 4. Pursuant to section 418.108(c) of the Texas Government Code, this declaration of a local state of disaster due to public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

SECTION 5. Pursuant to section 418.108(d) of the Government Code, this declaration of a local state of disaster activates the City's Emergency Management Plan.

SECTION 6. This declaration authorizes the City to take any actions necessary to promote health and suppress the virus, and to ensure compliance for those who do not comply with the City's rules, in accordance with Section 122.006 Texas Health and Safety Code and Chapter 418 Texas Government Code.

SECTION 7. Covered Services.

Individuals are strongly encouraged to wear face coverings over the nose mouth wherever it is not feasible to maintain six feet of social distancing from another person not in the same household, but no person may be required by any jurisdiction to wear or to mandate the wearing of a face covering.

SECTION 8. It is further ordered as follows:

1. That as of the date of this Executive Order and continuing for the remainder of the period set out in the joint third amended emergency order of the Supreme Court of Texas in Misc. Docket No. 20-9044 and the Court of Criminal Appeals of Texas in Misc. Docket No. 20- 008, all courts within the City of Ingleside will comply with the Emergency Orders issued, including conducting in-person proceedings according to the guidance issued by the Office of Court Administration regarding social distancing, maximum group size, and other restrictions and precautions.
2. All City of Ingleside Boards, Commissions, Committees, City staff or Council may participate in meetings remotely through audio or audio/video conferencing software or techniques as can be reasonably accommodated and in accordance with State Statutes.

SECTION 9. The sections, paragraphs, sentences, clauses and phrases of this Declaration and Order are severable and if any phrase, clause, sentence, paragraph or section of same is declared

invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections that can be given effect without the invalid provision, and to this end, the provisions of this Declaration and Order are severable.

SECTION 10. This Declaration and Order is effective at 5 p.m. on the 28th day of June 2022, and terminates in accordance with Section 3 above.

SO DECLARED, SIGNED AND ORDERED AND APROVED BY THE COUNCIL this the 14th day of June, 2022.



APPROVED:

Pedro Oscar Adame Mayor

ATTEST:

Ruby Mowles City Secretary

**MAYORAL RESCINDING OF DISASTER
AND EXECUTIVE ORDER #111**

WHEREAS, beginning in December 2019, a novel coronavirus, now designated COVID-19, spread through the world and was declared a global pandemic by the World Health Organization; and

WHEREAS, prudence dictated that extraordinary measures should be taken to contain COVID-19 and prevent its spread throughout the City; and

WHEREAS, Governor Abbott had declared a local disaster due to public health emergency; and

WHEREAS, the Mayor of Ingleside, Texas had Declared a Local State of Disaster and again does so hereby; and

WHEREAS, the Governor's Executive Orders superseded all mayoral declarations and orders if and to the extent of conflict between the two; and

WHEREAS, the Governor Abbott Executive Orders superseded all mayoral declarations and orders if and to the extent of conflict between the two; and

WHEREAS, the Governor Abbott did not extend the Executive Order related to Covid-19.

NOW THEREFORE, UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 418.108, THE MAYOR OF THE CITY OF INGLESIDE, TEXAS RESCINDS THE DECLARATION AND ORDERS:

SECTION 1. Declaration and Order #111 is hereby rescinded by the City Council of the City of Ingleside and at the time of execution by the Mayor.

SO DECLARED, SIGNED, AND RESCINDED AND APPROVED BY THE CITY COUNCIL, this the 9th day of July, 2024.

APPROVED:

Pedro Oscar Adame, Mayor

ATTEST:

Ruby Beaven, City Secretary

CITY COUNCIL AGENDA

Regular Meeting: July 9, 2024

AGENDA ITEM: 13

Deliberate and take appropriate action on the renewal of the Mayoral Declaration of Local Disaster Order Proclaimed by Mayor Adame in accordance with the Texas Government Code §418.108, as amended for the period July 10, 2024 through July 23, 2024.

SUBMITTED BY: Ruby Beaven, Director of Administrative Services/City Secretary

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

Mayor Adame declared the original state of disaster for the City of Ingleside beginning June 19, 2024. Texas Government Code Section 418.108(b) states that the state of disaster shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by the City of Ingleside.

The Disaster Declaration 2024-02 ends on July 09, 2024. To continue to renew the Mayoral Declaration of Local Disaster, attached is Order 2024-03 for the period of July 10, 2024 through July 23, 2024.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Council approve the Mayoral Declaration of Local Disaster Order 2024-03 for the period of July 10, 2024 through July 23, 2024, as presented.

ATTACHMENTS:

1. No. 2024-03 Declaration of Disaster - TS Albert

**MAYORAL DECLARATION OF LOCAL DISASTER
ORDER 2024-03**

WHEREAS, the City of Ingleside, Texas, on the 19th day of June 2024, suffered widespread or severe damage, injury, or loss of life or property resulting from storm surge and heavy rainfall from Tropical Storm Alberto; and

WHEREAS, the City of Ingleside, Texas, has determined that extraordinary measures must be taken to alleviate the suffering of people and to protect or rehabilitate property; and

WHEREAS, Governor Abbot has declared a severe weather disaster declaration on June 19, 2024 which encompasses San Patricio County; and

WHEREAS, the Mayor of Ingleside, Texas has Declared a Local State of Disaster and again does so hereby; and

WHEREAS, the Governor's Executive Orders supersede all Mayoral Declarations and Orders if and to the extent of conflict between the two.

NOW, THEREFORE, UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 418.108, THE MAYOR OF THE CITY OF INGLESIDE, TEXAS DECLARES AND ORDERS:

Section 1. That a local state of disaster is hereby declared for City of Ingleside pursuant to §418.108(a) of the Texas Government Code.

Section 2. This Mayoral Declaration and Order supersedes and revises all prior Declarations and Orders.

Section 3. Pursuant to §418.108(b) of the Texas Government Code, the state of disaster shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by the City of Ingleside. The Mayor may issue other declarations at any time, each of which shall continue for a period of seven (7) days or such lesser time as the Mayor may declare. Until this crisis passes, it is the intent of the Mayor to continue as necessary the pronouncement of Declarations such as this to protect the people of Ingleside. The City Council hereby approves this Order and does hereby extend its effective date. It shall be effective until it is rescinded by the Mayor or the Council.

Section 4. Pursuant to §418.108(c) of the Texas Government Code, this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

Section 5. Pursuant to §418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the City of Ingleside Emergency Management Plan.

Section 6. This sections, paragraphs, sentences, clauses and phrases of this Declaration and Orders are severable and if any phrase, clause, sentence, paragraph or section is declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections that can be given effect without the invalid provision, and to this end, the provisions of this Declaration and Order are severable.

Section 7. This Declaration and Order shall take effect immediately from and after its issuance for the following period of July 10, 2024 through July 23, 2024.

SO DECLARED, SIGNED AND ORDERED AND APPROVED BY THE COUNCIL this the 9th day of July, 2024, in the City of Ingleside, San Patricio County, Texas.

CITY OF INGLESIDE, TEXAS

Pedro Oscar Adame, Mayor

ATTEST:

Ruby Beaven, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: July 9, 2024

AGENDA ITEM: 14

Deliberate and take appropriate action on the Regular Meeting Minutes of June 25, 2024.

SUBMITTED BY: Ruby Beaven, Director of Administrative Services/City Secretary

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

Please see the accompanying minutes:

Regular Meeting Minutes of June 25, 2024

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Staff recommends approval of the meeting minutes, as presented.

ATTACHMENTS:

1. 2024, 06-25 Regular Meeting Minutes_DRAFT

**CITY OF INGLESIDE
REGULAR CITY COUNCIL MEETING
MINUTES
JUNE 25, 2024**

Opening Agenda

1. Call regular meeting to order.

The Regular Council Meeting of the City of Ingleside was called to order by Mayor Adame at 6:30 p.m. on June 25, 2024, at City Hall 2671 San Angelo Ave., Ingleside, TX and live video streaming.

2. Roll Call.

With Council Members present a quorum was established.

Council Members Present: Steve Diehl, Stewart Wilson, David Pruitt, John Salinas, Mayor Pro-Tem Tracy Long, Julio Salinas, and Mayor Adame.

3. Invocation.

Council Member Pruitt led the invocation.

4. Pledge of Allegiance.

Mayor Adame led the Pledge of Allegiance to the U.S. flag.

5. Moment of Silence

Mayor Adame called for a Moment of Silence to pause and honor Abel Aguirre, a dedicated firefighter and community volunteer. He was someone who loved and was loved – was someone's family member and friend.

6. Citizen Comments and Reports.

Courtney Shane, 2181 Capeheart St., addressed the Council about showing appreciation for the community's Veteran's and an Honor Guard.

Martha Habluetzel, 3508 Ave A, addressed the Council about the flyers she handed out: Throw Dirt on Us for the Garden Club and the cardboard pick up from Dollar General; the Garden Club requested potting soil and would like businesses and other retailers to donate the soil.

Chuck Sullivan, 2627 Hwy 361, addressed the Council about the streets and gutters; the agreement between the City and TxDOT for maintaining the streets and gutters; and about his trespassing on public buildings.

Charles Boone, 468 Sunset, Ingleside on the Bay, addressed the Council about the project by Enbridge; Objectionable Use Permit request to be put on the Agenda in the future; and the legal and technical issues when it comes to the Objectionable Use Permit.

Cindy Wilson, 2635 San Angelo Avenue, addressed the Council about Boards and Commissions needing volunteers to fill vacancies, and that Council appoints requests to fill those vacancies. If any Council Member would like to fill a vacancy, they will need to fill out an application and go through the process.

Mayor Adame requested to withdraw Item 16 from the Agenda. There were no objections by Council, and Mayor Adame stated that the item was withdrawn.

7. Staff Comments and Reports.

a. Council Comments and Reports.

Mayor Adame stated that the drainage on Hultgreen needs to be looked into, getting too close to the fences and could cause erosion in the future; the ditches on 3rd St. are too deep, there is a lot of elderly citizens who live on that street, and it being hard to maintain the mowing of the ditch being that deep for them; and stated that the Council Members would be personally donating potting soil to the Garden Club for the Throw Dirt On Us event.

Council Member Diehl stated that the Charter Review Committee needs members and is important for the City, this is a chance for the community to give quality of life, and needing a good cross section of the City to participate

b. Mayoral Declaration of Local Disaster Order 2024-01 Proclaimed by Mayor Adame in accordance with the Texas Government Code §418.108, for the period June 19, 2024 through June 25, 2024.

City Manager Lewis stated that the Governor of Texas proclaimed a Disaster in the Counties of South Texas, citizens with damage can report it to the state and apply for relief, links on the website to help citizens, and that Cove Park was being looked at to see if there was any substantial damage to claim to the State.

c. Announcements of Community Interest and/or upcoming events.

City Manager Lewis stated that the Charter Review Committee is still accepting applications for board members.

d. Report on closeout for the Houghton Project GLO Project #20-065-086-C247.

Discussion was held between Council Members and City Manager Lewis about documents still needed, a project time frame of six months to finish the project, the final cost coming in under the projected starting budget, and thanking the staff since the project had a lot of moving parts.

e. Report on the Cove Park Project.

Mayor Adame requested that Item 7e be moved to Executive Session as Item C.

f. City of Ingleside monthly financial report as of May 2024.

No discussion was held on this item.

g. City of Ingleside expenditures paid over \$3,000.00 for the period of May 2024.

No discussion was held on this item.

h. Report on Code Compliance actions on Avenue C.

Discussion held between Council Members and City Manager Lewis about the process on how the City's Court can only fine citizens not abate them and/or property; County Court has stated that the City can go in and clean it up, put a lien on the property; and keeping the Council up to date on the clean up process.

Presentations

8. Recognition of the Parks and Recreation for participation in the 76th Annual Shrimporee Festival Parade and taking First Place in the Best Business category.

Mayor Adame recognized the Parks and Recreation Events Staff for their participation in the 76th Annual Shrimporee Festival Parade, and their accomplishment of taking First Place in the Best Business category.

Consent Agenda

9. Deliberate and take appropriate action on second and final reading of an Ordinance amending the City of Ingleside, Personnel Policies and Procedures Handbook, Section 11 – Drug and Alcohol Use Policy, 11.K. Tobacco Use Prohibited; Providing Effective Date, Reading, Severance, and Publication.

Proposed Ordinance 2024-09.

10. Deliberate and take appropriate action on second and final reading of an Ordinance amending Part II – City Code, Chapter 30 – Environment, Article V. – Air Pollution, Division 2. Smoking of the Ingleside Code of Ordinances; Providing Effective Date, Reading, Severance, and Publication.

Proposed Ordinance 2024-10.

11. Deliberate and take appropriate action on second and final reading of an Ordinance amending Chapter 34 – Fire Prevention and Protection, Ingleside Code of

Ordinances and further providing for effective date, reading, severance, and publication.

Proposed Ordinance 2024-11.

12. Deliberate and take appropriate action on the Regular Meeting Minutes of June 11, 2024.

13. Deliberate and take appropriate action on a Resolution appointing/reappointing members to the Board of Adjustment.

Proposed Resolution 2024-27.

14. Deliberate and take appropriate action on the renewal of the Mayoral Declaration of Local Disaster Order Proclaimed by Mayor Adame in accordance with the Texas Government Code §418.108, as amended for the period June 26, 2024 through July 09, 2024.

Motion: Council Member Diehl made a motion to approve the consent agenda, as presented. Council Member Pruitt seconded the motion. Motion carried with all present voting in favor.

Public Hearing

No Public Hearing presented for this meeting.

Regular Agenda

15. Deliberate and take appropriate action on the acceptance of the City of Ingleside Annual Financial Report for the year ended September 30, 2023.

Discussion was held between Council Members, City Manager Lewis and ABIP Representative Janet Pitman about the audit being done and presented at the July 23rd meeting; fund audit being completed already but the single audit is still underway due to a lengthy process where steps need to be taken; not being able to begin budget process without an audit; having an audit document earlier next year; true unincumbered money; a 4B audit being performed; a difference in \$3M in revenue increase from sales tax and ad valorem; and grants.

No Action Taken.

16. Deliberate and take appropriate action on the first and only reading of an ordinance amending the fiscal year 2023-2024 budget for the City of Ingleside, Texas, for the General Fund, the General Fund Capital Improvement Fund and the General Fund Vehicle/Equipment Fund, for various department operating and capital budget adjustments.

Item 16 was withdrawn from the Agenda.

17. Deliberate and take appropriate action on first reading of an Ordinance amending Chapter 38 – Offenses an Miscellaneous Provisions, Article VI. – Fireworks, Ingleside Code Ordinances and further providing for effective date reading, severance, and publication.

Discussion held between Council Members and City Manager Lewis about the Ordinance already being there, just being moved under Fire Prevention; the effect on veterans; and no fireworks are allowed in the City.

Motion: Mayor Pro-Tem Long made a motion to approve the first reading of an Ordinance amending Chapter 38 – Offenses an Miscellaneous Provisions, Article VI. – Fireworks, Ingleside Code Ordinances and further providing for effective date reading, severance, and publication. Council Member John Salinas seconded the motion. Motion carried with all present voting in favor.

18. Deliberate and take appropriate action on first reading of an Ordinance amending Chapter 46 – Solid Waste, Article I. – In General, Section 46-3 – Burning, Burying, or Similar Disposal, Ingleside Code of Ordinances and further providing for effective date, reading, severance, and publication.

Discussion was held between Council Members, City Manager Lewis, and Interim Building Official Delauro about the ordinance being moved into the Fire Code; consolidates the chapter; provisions of the Fire Code; and justifying the code.

Motion: Mayor Pro-Tem Long made a motion to approve the first reading of an Ordinance amending Chapter 46 – Solid Waste, Article I. – In General, Section 46-3 – Burning, Burying, or Similar Disposal, Ingleside Code of Ordinances and further providing for effective date, reading, severance, and publication. Council Member John Salinas seconded the motion. Motion carried with all present voting in favor.

19. Deliberate and take appropriate action on first reading of an Ordinance amending the Fiscal & Budgetary Policy for the City of Ingleside, Texas.

Discussion was held between Council Members and City Manager Lewis about the amendment being requested by the Federal Government.

Motion: Council Member John Salinas made a motion to approve the first reading of an Ordinance amending the Fiscal & Budgetary Policy for the City of Ingleside, Texas. Council Member Pruitt seconded the motion. Motion carried with all present voting in favor.

20. Deliberate and take appropriate action on first reading of an Ordinance to amend the Procurement Policy and Procedures for the City of Ingleside.

Discussion was held between Council Members and City Manager about the amendment being requested by the Federal Government.

Motion: Mayor Pro-Tem Long made a motion to approve the first reading of an Ordinance to amend the Procurement Policy and Procedures for the City of Ingleside.

Council Member Julio Salinas seconded the motion. Motion carried with all present voting in favor.

21. Deliberate and take appropriate action on the first reading of an Ordinance amending the Personnel Policies and Procedures, Section 2. Employee Responsibilities: 2.K. Arrests, Confinements, and Indictments, 2.L. Telephone Contact, 2.N. General E-mail & Voice Mail Policy, 2.O. Network Security Policy, 2.P. Provided Equipment, 2.Q. Social Media Policy, 2.R. Employee Guidelines: Use of City's Social Media on Work Time, 2.S. Use of Personal Social Media While Not on Work Time; and Creating 2.T. Establishing Accounts with Other Online Services; Providing for effective date; Reading; Severance; and Publication.

Discussion was held between Council Members, City Manager Lewis, and Director of Information Technology Saucedo about the improvements to the policy; spot checks; Arctic Wolf providing a list of all employees and Council Members doing the trainings; ordinance being seen by the attorneys; e-mails being archived on City servers; the capability to pull e-mails for Open Records Requests; employees needing to use City owned laptops and hotspots while away for trainings and conferences; and all employees receiving a copy of the policy to sign and acknowledge the policy changes

Motion: Mayor Adame made a motion to approve the first reading of an Ordinance amending the Personnel Policies and Procedures, Section 2. Employee Responsibilities: 2.K. Arrests, Confinements, and Indictments, 2.L. Telephone Contact, 2.N. General E-mail & Voice Mail Policy, 2.O. Network Security Policy, 2.P. Provided Equipment, 2.Q. Social Media Policy, 2.R. Employee Guidelines: Use of City's Social Media on Work Time, 2.S. Use of Personal Social Media While Not on Work Time; and Creating 2.T. Establishing Accounts with Other Online Services; Providing for effective date; Reading; Severance; and Publication. Council Member Diehl seconded the motion. Motion carried with all present voting in favor.

22. Deliberate and take appropriate action on the first reading of Resolution approving a project of the Ingleside Development Corporation for funding of a digital sign.

Discussion held between Council Members and City Manager Lewis about the digital sign project from the Ingleside Development Corporation being located at N.O. Simmons Park, and not to exceed \$50,000.

Motion: Council Member John Salinas made a motion to approve the first reading of Resolution approving a project of the Ingleside Development Corporation for funding of a digital sign. Council Member Pruitt seconded the motion. Motion carried with all present voting in favor.

23. Deliberate and take appropriate action to award the bid for purchase of equipment for security, internet, and alarm at the Animal Control Facility.

Discussion held between Council Members, City Manager Lewis, and Director of Infrastructure Services Paredes about the security, internet and alarms being the last items that need Council approval; \$40,000 still in project budget; project still under budget by \$6,000; and that nothing that was needed was cut out at the beginning of the project.

Motion: Council Member Diehl made a motion to award the bids to Victoria Communications, NCS, and System Seven in the amount of \$34,969.94. Council Member Pruitt seconded the motion. Motion carried with all present voting in favor.

24. Deliberate and take action on authorizing the City Manager to approve the renewal of the Texas Health Benefits Plan for Oct. 1, 2024 through Sept. 30, 2025.

Discussion held between Council Members and City Manager Lewis about the benefit renewal and premiums not increasing.

Motion: Council Member Pruitt made a motion to authorize the City Manager to approve the renewal of the Texas Health Benefits Plan for Oct. 1, 2024 through Sept. 30, 2025. Council Member Wilson seconded the motion. Motion carried with all present voting in favor.

25. Deliberate and take appropriate action on the TML IRP Cyber Liability and Data Breach Response Interlocal Agreement and authorization for the City Manager to execute the Interlocal Agreement on behalf of the City.

Discussion held between Council Members and City Manager Lewis about the premiums increasing; cyber fund; recommendation of Core Plus; covering ransomware; not expecting the change; and the funds coming out of the Fund 500.

Motion: Mayor Adame made a motion to authorize the City Manager to execute the Interlocal Agreement on behalf of the City on the TML IRP Cyber Liability and Data Breach Response Interlocal Agreement. Council Member Pruitt seconded the motion. Motion carried with all present voting in favor.

Executive Session

26. Closed Session

City Council will meet in Closed Session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:

- A. Section 551.087 Deliberation regarding Economic Development Negotiation**
- B. Section 551.071 Consultations with Attorney regarding enforcement of previously adopted zoning ordinance**
- C. Section 551.087 Deliberation regarding Economic Development Negotiations – Cove Park Update from Item 7e**

At 8:11 p.m. Mayor Adame convened the Ingleside City Council into a closed session pursuant to provision of Chapter 551 of the Texas Government Code, in accordance with the authority contained in Section 551.087 Economic Development Negotiation, Section 551.071 Consultations with Attorney regarding enforcement of previously adopted zoning ordinance, and Section 551.087 Deliberation regarding Economic Development Negotiations – Cove Park Update from Item 7e.

27. Open Session

City Council will reconvene in Open Session at which time action on the matter(s) discussed in Closed Session may be considered.

A. Section 551.087 Deliberation regarding Economic Development Negotiation

B. Section 551.071 Consultations with Attorney regarding enforcement of previously adopted zoning ordinance

C. Section 551.087 Deliberation regarding Economic Development Negotiations – Cove Park Update from Item 7e

At 9:06 p.m. Mayor Adame reconvened the Ingleside City Council into a open session pursuant to provision of Chapter 551 of the Texas Government Code to take any action necessary related to the executive session noted herein, or regular agenda items, noted above, and/or related items.

Item A: No Action taken.

Item B: No Action taken.

Item C: No Action taken.

28. Items to consider for placement on future agendas.

Council Member Diehl requested to look into broadcasting IDC meetings.

Council Member Diehl requested budget workshops on a Saturday for Directors to present their budget to Council.

Council Member Diehl requested a review of the Department Structures.

Council Member Wilson requested shade coverings at the pool

Council Member Pruitt requested that staff get with State to clean up roads, and assist with traffic control for clean ups.

Council Member Julio Salinas requested that school zones, and traffic patterns pertaining to the school zones, be looked into.

Council Member Julio Salinas requested that the sports fields at N.O. Simmons Park get looked at and fixed/repared before the upcoming seasons, and to reach out to the sports groups to make sure all parties are in communication and on the same page.

Council Member Julio Salinas requested that staff look at past public comments, because there were items brought up that could possibly be considered an action item.

Mayor Adame request to know why retail is going around Ingleside when we have an IDC.

Mayor Adame requested that road grants be looked into.

Mayor Adame requested that sidewalks be looked into around the Live Oak Subdivision.

29. Adjourn Regular Meeting.

Mayor Adame adjourned the regular meeting of the City of Ingleside at 9:17 p.m.

APPROVED:

Pedro Oscar Adame, Mayor

ATTEST:

Ruby Beaven, City Secretary

CITY COUNCIL AGENDA

Regular Meeting: July 9, 2024

AGENDA ITEM: 15

Deliberate and take appropriate action on acceptance of the HOT Fund Post Event Form and payment authorization to the Ingleside Chamber of Commerce for \$15,979.28 for the Light'n Fires BBQ Cookoff Summerfest Event held May 31 and June 1, 2024.

SUBMITTED BY: Jodi Carr, Director of Economic Development

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

The City Council approved the HOT Fund Application in the amount of \$16,000 on 9-12-23. The Post Event Form closes out the event held on May 31 - June 1, 2024, and grants permission for payment to the Ingleside Chamber of Commerce. The Post Event Form has been reconciled, and all expenses were determined to be in compliance with State Statute.

FISCAL ANALYSIS:

Request amount of \$15,979.28 is included in the FY23/24 Budget for HOT Funds.

RECOMMENDATION:

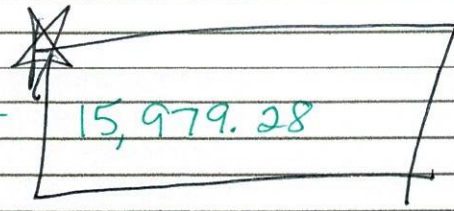
The HOT Fund Committee recommends approval.

ATTACHMENTS:

1. Light'n Fires Post Event 2024

2024 Ingleside Smokin Fire's Barbecue Cook-Off

21-500-623
\$ 15,979.28

HOT Fund Category	Vendor	\$ Amount	Description of Expense
"C"			
	Butler Signature Events	\$880.48	• Tables & Chairs
	AA Express	\$1,323.80	• T-Shirts
	KIII	\$2,185.00	• Advertising
	KRIS TV	\$2,040.00	• Advertising
	CR3 Designs	\$450.00	• Banners
	Metal Art	\$640.00	• Trophies
	Whataburger	\$77.38	• Lunch for Inmates (set-up)
	Etsy	\$59.75	• JR Cook-off Trophies
	TJ Max	\$61.90	• Items for Basket give aways (2 baskets)
	Sam's Club 188.72	\$200.67	• Items needed for Judging area & beverage cooler 188.72 ✓
	HEB	\$54.36	• 2 Reciepts for JR BBQ Cookoff
	Hobby Lobby	\$46.45	• Items for basket giveaways (2 baskets)
	Amazon	\$39.99	• Swag items
	GIGS	\$1,556.45	• Rental for Kids area (slide & train)
	Arthur Villarreal	\$2,500.00	• Sound
	James Pool	\$315.00	• Security
	David Pilc	\$315.00	• Security
	Texas Throne	\$1,005.00	• Trash/Port a potties
	Whithers Family 740	\$750.00	• Radio advertising - cannot read receipt ✓
TOTAL "C"		\$14,501.23 14,479.28	
"D"			
	Michael Isbell	\$1,500.00	• Entertainer (Riptide)
TOTAL "D"		\$1,500.00	
TOTAL C & D		\$ 16,001.23 15,979.28	
	Requested Hotfunds	\$16,000.00	
	Due Chamber	\$16,000.00 15,979.28	

JL

2 Rooms

**Note: You are required to submit copies of the documentation showing hotel room nights associated with your event with your Post Event Report.*

Date: 6/13/2024

ORGANIZATION INFORMATION

Name of Organization: Ingleside Chamber of Commerce & Visitor Center
Address: 2809 Main Street
City, State, Zip: Ingleside, TX 78362
Contact Name: Barbara Gregg
Contact Phone Number: 361-776-2906

PROJECT OR EVENT

Name of Event or Project: Ingleside's Light'n Fires Barbecue Cook-off Summerfest

Date of Event or Project: May 31st, 2024 and June 1st, 2024

Primary Location of Event or Project: N.O. Simmons Park 2867 Ave J Ingleside, TX 78362

Primary Purpose of Funded Event/Project: To bring visitors into Ingleside

Amount Received from Hotel Occupancy Tax Funds: \$16,000.00

Amount Used from Hotel Occupancy Tax Funds: \$15,979.28

How many years have you held this Event or Project? 4

Event Funding Information

1. Actual percentage of funded Event costs covered by hotel occupancy tax: 100
2. Actual percentage of Facility costs covered by hotel occupancy tax (if applicable): _____
3. Actual percentage of Staff costs covered by hotel occupancy tax (if applicable): _____
4. If staff costs were covered, estimate of actual hours staff spent on funded Event: _____
5. Did the event charge admission? Was there a net profit from this event? If there was a Net profit, what was the amount and how is it being used?
Event did not charge admission. No profit made from event

Event Attendance Information

1. How many people did you predict would attend this Event? (Number submitted in application for hotel occupancy tax funds): 500
2. What would you estimate was the actual attendance at the event? 250
3. How many room nights were generated at Ingleside hotels, motels, or bed & breakfasts by attendees of this Event or Project? 1 night (2 rooms)
4. If this Event has been funded by hotel occupancy tax in the last three years, how many room nights were generated at Ingleside hotels, motels, or bed & breakfasts by attendees of this Event or Project?

Last Year 1 night 2 rooms
Two Years Ago 1 night 3 rooms
Three Years ago 1 night 4 rooms
5. What method did you use to determine the number of people who booked rooms at Ingleside hotels, motels, or bed & breakfasts (e.g.; room block usage, information, survey of hoteliers, etc.)? Postcard filled out at event
6. Was a room block established for this Event at an area hotel(hotels) NO, and if so, did the room block fill, If the room block did not fill, how many rooms were picked up?

Event Promotion Information

1. Please check all efforts your organization actually used to promote this Event and how much was actually spent in each category:

Newspaper: \$ 200.00
Radio: \$ 700.00
TV: \$ 4,000.00
Press Release \$
Other \$
2. Did you include a link to the Ingleside Visitor's Center or other source on your promotional handouts and in your website for booking hotel nights during this event? yes
3. Did you negotiate a special rate or hotel/event package to attract overnight stays? no

4. What new marketing initiatives did you utilize to promote hotel and convention activity for this Event?

Posted hotels on event page and website

5. Please attach samples of documents showing how the City of Ingleside was recognized in your advertising/promotional campaign.
6. Please attach at least one sample of all forms of advertising/promotion used in your campaign. If the sample itself does not indicate the medium (radio, TV, print, or mail) used or where the advertising took place (e.g. a city's newspaper, or a radio spot that does not indicate the city where the spot was played), please include other information that would show location of the advertising and medium utilized.

Sporting Related Events

1. If the Event funded by hotel occupancy tax was a sporting-related function/facility, how many individuals actually participated in this event? _____
2. If the event was a sporting-related function/facility, how many of the participants were from another city or county? _____
3. If the event was a sporting-related function/facility, quantify how the activity substantially increased economic activity at hotel and motels within the city or its vicinity?

Additional Event Information

What Ingleside businesses did you utilize for food, supplies, materials, printing, etc?

Whataburger, HEB, Big M Pest Control, Orta's, Lone Star Lumber, Kiewit, Oxy, CR3 Designs

Please Submit no later than 60 days after the event to:

City of Ingleside Attn:
Economic Development Director
P.O. Drawer 400
Ingleside, TX 78362

CITY COUNCIL AGENDA

Regular Meeting: July 9, 2024

AGENDA ITEM: 16

Deliberate and take appropriate action on the Ingleside Chamber of Commerce & Visitors Center request for a Special Use Permit for “Renaissance Faire” on December 14th & 15th, 2024, as required by City Ordinance 2019-14, for the use of Live Oak Park.

SUBMITTED BY: Leticia Mejia, Director of Human Resources

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

The Ingleside Chamber of Commerce & Visitor Center would like to request the exclusive usage of Live Oak Park on December 14th and 15th, 2024 for the return of the Ingleside Renaissance Faire. This event will have a \$5.00 admission, music, food, and vendors. We would also like the use of camping privileges for some of our entertainers. All dumpsters, port-a-potties and tents will arrive on Dec 12th with pick up on December 16th.

A special use permit may only be granted by the City Council and is required if: the event is over 250 people and the requestor wants to extend the hours of park operation, wants to be allowed to camp overnight, or wants a relaxation of noise ordinance standards. Additionally, the possession of intoxicating beverages in city-owned parks is only permissible if the City Council issues a permit to allow the sale, possession, consumption, or possession with intent to consume alcoholic beverages for a period not to exceed 48 hours (Section 6.4 of the Ingleside City Code).

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Staff recommends Council to approve the Special Use Permit as presented.

ATTACHMENTS:

1. SUP Ingleside Renaissance Faire

City of Ingleside

Special Use Permit

Name of Organization: Ingleside Chamber of Commerce & Visitor Center Non-Profit? Yes ☒ No ☐

Your Name: Barbara Gregg HOT Fund Application? Yes ☒ No ☐

Address: 2809 Main Street City Ingleside Zip 78362

Phone (include area code): 361-776-2906 Email: inglesidetxchamber@gmail.com

Name of Event: Ingleside Renaissance Faire Date of Event: December 14 & 15, 2024

Estimated Attendance: 750-1000

Facility Requested:

☐ Cove Park

☐ Faith Park:

☐ Garden Center

☐ Dixie Diegel Fields

☐ Other _____

☐ Humble Community Center

☒ Live Oak Park:

☒ Disc Golf

☒ Tennis Courts

☐ Bennie Diegel Fields

☒ Other: Parking lots

☐ N.O. Simmons Park:

☐ Basketball Pavilion

☐ Parking Lot

☐ Picnic Pavilion

☐ Soccer Fields

☐ Football Fields

☐ Other: _____

☐ Whitney Lake Park

Special Requests:

☒ Handwashing Stations

☒ Ticket Booths

☒ Trash Receptacles

☒ Barricades

☐ Move Soccer goals

☐ Temporary Fencing

☒ Electricity

☐ Water

Special Use Activities (check all that apply):

☐ Extended Hours of Park Operation

☒ Overnight Camping

☒ Sale and/or Consumption of Intoxicating Beverages (limit of 48 hours)

☒ Street and/or Sidewalk Closure

☐ Other: _____

Specific time special use activity will take place: 12/14/24 10am-6pm 12/15/24 10am-5pm

Indicate set-up and take-down times: Set-up 12/10/24-December 15th & 16th

Applicant Initial BG

City of Ingleside

It is understood that the renter/user of Ingleside community facilities at all times indemnify, defend, and hold harmless the City of Ingleside, Texas, its officers, employees and contractors from and against any and all claims, damages, losses and expenses of whatever nature, including attorney fees, in any manner connected with, related to, or as a result of any actions or inaction associated with the usage of rental of Ingleside facilities. You will be responsible for cleanup and any damage incurred by your event.

NOTE: The permittee shall be responsible for returning the park's grounds to their original state.

Barbara Gregg
Signature of Adult Applicant

7/3/2024
Date:

Verification Section:

Applicant must obtain the signature of the Assistant Director of Parks and Recreation to confirm the requested facility is available on the requested date/time.

Paul Puh
Assistant Director of Parks and Recreation Signature

7-3-24
Date:

This Special Use Permit was authorized by the City Council on the _____ day of _____.

Note: If signed by the mayor, this document authorizes the Special Use Permit. Additional contracts may be necessary based on the facility selected. Contact the Assistant Director of Parks and Recreation to verify.

Mayor Signature

Date:

CITY COUNCIL AGENDA
Regular Meeting: July 9, 2024

AGENDA ITEM: 17

Deliberate and take appropriate action on the City of Ingleside Parks & Recreation Event request considering a Special Use Permit for “Ingleside Light'n Fires Barbecue Cookoff” to be held on January 24 & January 25, 2025, at NO Simmons Park.

SUBMITTED BY: Gary Paredez, Director of Infrastructure Services

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

A special use permit may only be granted by the City Council and is required if: the requestor wants or anticipates attendees of over 250 people (Ordinance NO. 2019-14) and wants street and/or sidewalk closures. (Section 50-3 of the Ingleside City Code).

Set-up will begin on 1/22/2025 and breakdown will be on 1/25/2027-1/27/2025.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Staff recommends the Council approve the Special Use Permit as presented.

ATTACHMENTS:

1. SUP Light'n Fires BBQ Cook Off

City of Ingleside

Special Use Permit

Name of Organization: Ingleside Chamber of Commerce & Visitor Center Non-Profit? Yes ☒ No ☐

Your Name: Barbara Gregg HOT Fund Application? Yes ☒ No ☐

Address: 2809 Main Street City Ingleside Zip 78362

Phone (include area code): 361-776-2906 Email: inglesidetxchamber@gmail.com

Name of Event: Light'n Fires BBQ Cook-off Date of Event: January 24th & 25th, 2025

Estimated Attendance: 500

Facility Requested:

☐ Cove Park

☐ Faith Park:

☐ Garden Center

☐ Dixie Diegel Fields

☐ Other _____

☐ Humble Community Center

☐ Live Oak Park:

☐ Disc Golf

☐ Tennis Courts

☐ Bennie Diegel Fields

☐ Other: _____

☒ N.O. Simmons Park:

☒ Basketball Pavilion

☒ Parking Lot

☒ Picnic Pavilion

☒ Soccer Fields

☒ Football Fields

☐ Other: _____

☐ Whitney Lake Park

Special Requests:

☒ Handwashing Stations

☐ Ticket Booths

☒ Trash Receptacles

☐ Barricades

☒ Move Soccer goals

☐ Temporary Fencing

☒ Electricity

☒ Water

Special Use Activities (check all that apply):

☐ Extended Hours of Park Operation

☒ Overnight Camping

☐ Sale and/or Consumption of Intoxicating Beverages (limit of 48 hours)

☐ Street and/or Sidewalk Closure

☐ Other: _____

Specific time special use activity will take place: 1/24/25 8am-7pm 1/25/24 10am-5pm

Indicate set-up and take-down times: Set-up 1/22/25 Breakdown 1/25 & 1/27/2025

Applicant Initial BG

City of Ingleside

It is understood that the renter/user of Ingleside community facilities at all times indemnify, defend, and hold harmless the City of Ingleside, Texas, its officers, employees and contractors from and against any and all claims, damages, losses and expenses of whatever nature, including attorney fees, in any manner connected with, related to, or as a result of any actions or inaction associated with the usage of rental of Ingleside facilities. You will be responsible for cleanup and any damage incurred by your event.

NOTE: The permittee shall be responsible for returning the park's grounds to their original state.

Barbara Gregg
Signature of Adult Applicant

7/3/2024
Date:

Verification Section:

Applicant must obtain the signature of the Assistant Director of Parks and Recreation to confirm the requested facility is available on the requested date/time.

Paul Pulley
Assistant Director of Parks and Recreation Signature

7-3-24
Date:

This Special Use Permit was authorized by the City Council on the _____ day of _____.

Note: If signed by the mayor, this document authorizes the Special Use Permit. Additional contracts may be necessary based on the facility selected. Contact the Assistant Director of Parks and Recreation to verify.

Mayor Signature

Date:

CITY COUNCIL AGENDA

Regular Meeting: July 9, 2024

AGENDA ITEM: 18

Deliberate and take appropriate action on the Ingleside Chamber of Commerce & Visitors Center request for a Special Use Permit for “Ingleside Round Up Days” on March 21st, 22nd, and 23rd, 2025, as required by City Ordinance 2019-14, for the use of N.O. Simmons Park.

SUBMITTED BY: Leticia Mejia, Director of Human Resources

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

A special use permit may only be granted by the City Council and is required if: the requestor wants to extend the hours of park operation and wants a relaxation of noise ordinance standards. Additionally, the possession of intoxicating beverages in city-owned parks is only permissible if the City Council issues a permit to allow the sale, possession, consumption, or possession with intent to consume alcoholic beverages for a period not to exceed 48 hours (Section 6.4 of the Ingleside City Code).

N.O. Simmons Park on Friday, Saturday, and Sunday, March 21st, 22nd and 23rd, 2025 for the Ingleside Round Up Days and Music Festival. This event will have an admission fee, music, vendors, and a carnival. Carnival will arrive on March 17th and will begin setting up for the upcoming event. Tents, fencing, stage and dumpsters will begin to arrive on Wednesday, March 19th and Thursday, March 20th. Also ask for closing of Avenue J from Hwy 361 to 1st St. starting at 3pm on Friday, March 21st and Saturday, March 22nd. Most of the park will be back to normal on Sunday for the community’s use, but will have a schedule for pickup of the remaining fencing, dumpsters and such on Monday, March 24th, 2025. Also requesting the use of the Water Tower area to be used for additional parking.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Staff recommends Council to approve the Special Use Permit as presented.

ATTACHMENTS:

1. SUP Ingleside Round Up Days & Music Festival
2. Sec. 30.121.____ Exceptions.

City of Ingleside

Special Use Permit

Name of Organization: Ingleside Chamber of Commerce & Visitor Center Non-Profit? Yes ☒ No ☐

Your Name: Barbara Gregg HOT Fund Application? Yes ☒ No ☐

Address: 2809 Main Street City Ingleside Zip 78362

Phone (include area code): 361-776-2906 Email: inglesidetxchamber@gmail.com

Name of Event: Ingleside Round Up Days & Music Festival Date of Event: March 21, 22, & 23, 2025

Estimated Attendance: 10,000

Facility Requested:

☐ Cove Park

☐ Faith Park:

☐ Garden Center

☐ Dixie Diegel Fields

☐ Other _____

☐ Humble Community Center

☐ Live Oak Park:

☐ Disc Golf

☐ Tennis Courts

☐ Bennie Diegel Fields

☐ Other: _____

☒ N.O. Simmons Park:

☒ Basketball Pavilion

☒ Parking Lot

☒ Picnic Pavilion

☒ Soccer Fields

☒ Football Fields

☒ Other: Field by Water Tower

☐ Whitney Lake Park

Special Requests:

☒ Handwashing Stations

☒ Ticket Booths

☒ Trash Receptacles

☒ Barricades

☒ Move Soccer goals

☒ Temporary Fencing

☒ Electricity

☒ Water

Special Use Activities (check all that apply):

☒ Extended Hours of Park Operation

☒ Overnight Camping

☒ Sale and/or Consumption of Intoxicating Beverages (limit of 48 hours)

☒ Street and/or Sidewalk Closure

☒ Other: Relaxation of Noise Ordinance

Specific time special use activity will take place: 3/21/25 5pm-1am; 3/22/25 11am-1am; 3/23/25 noon-6pm

Indicate set-up and take-down times: Carnival arrives 3/17/25 Set up starts 3/19 Breakdown 3/23/25- 3/24/2025

Applicant Initial BG

City of Ingleside

It is understood that the renter/user of Ingleside community facilities at all times indemnify, defend, and hold harmless the City of Ingleside, Texas, its officers, employees and contractors from and against any and all claims, damages, losses and expenses of whatever nature, including attorney fees, in any manner connected with, related to, or as a result of any actions or inaction associated with the usage of rental of Ingleside facilities. You will be responsible for cleanup and any damage incurred by your event.

NOTE: The permittee shall be responsible for returning the park's grounds to their original state.

Barbara Gregg
Signature of Adult Applicant

7/3/2024
Date:

Verification Section:

Applicant must obtain the signature of the Assistant Director of Parks and Recreation to confirm the requested facility is available on the requested date/time.

Paul Pull
Assistant Director of Parks and Recreation Signature

7-3-24
Date:

This Special Use Permit was authorized by the City Council on the _____ day of _____.

Note: If signed by the mayor, this document authorizes the Special Use Permit. Additional contracts may be necessary based on the facility selected. Contact the Assistant Director of Parks and Recreation to verify.

Mayor Signature

Date:

Sec. 30-121. Exceptions.

The provisions of this article shall not apply to:

- (1) The emission of sound for the purpose of alerting persons to an emergency; or
- (2) Sound produced by emergency vehicles; or
- (3) Sound produced by a vehicle motor while the vehicle is moving on a public right-of-way, provided said vehicle is equipped with such mufflers and/or other sound deadening devices as may be required by law; or
- (4) Sound produced by any governmental entity in the performance of a governmental or proprietary function; or
- (5) Sound generated at city sponsored or permitted public events, fiestas, and parades; or
- (6) Sound necessarily generated by yard maintenance equipment during daytime or evening hours.
- (7) Sound resulting from any conduct or activity in the interest of public safety, health or welfare when created by the city or other governmental entity or utility or their agents; or
- (8) Sound necessarily generated in construction, excavation, demolition, alteration, repair or drilling work during daytime and evening hours; or
- (9) Sound generated at scheduled stadium events such as school district sports events and sports events sponsored or permitted by the city at city parks and other public properties.

(Ord. No. 823, § 1, 3-26-02)

CITY COUNCIL AGENDA

Regular Meeting: July 9, 2024

AGENDA ITEM: 19

Deliberate and take appropriate action on a Resolution authorizing the City of Ingleside, Texas to consent to the partial assignment of the Chapter 380 Agreement from Flint Hills Resources Corpus Christi, LLC to J Enbridge Ingleside Oil Terminal, LLC, as related to a 43.55-acre portion of the land and authorize the Mayor to execute all documents related; and setting an effective date.

SUBMITTED BY: Brenton Lewis, City Manager

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

Flint Hills Resources Corpus Christi, LLC, is a party to the Chapter 380 Agreement by and between City of Ingleside, Texas entered into the agreement on December 13, 2016, with a commencement date of January 1, 2016 and expiration date of December 31, 2025. Pursuant to a Purchase and Sale Agreement between Assignor and to J Enbridge Ingleside Oil Terminal, LLC, Assignee's contracted to purchase approximately 43.55 acres of land, more or less, which lies within the land as defined in the Chapter 380 Agreement.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Staff recommends the City Council authorize the Mayor to execute all of the documents related to the partial assignment of the 380 Agreement from Flint Hills Resources Corpus Christi, LLC, to J Enbridge Ingleside Oil Terminal, LLC.

ATTACHMENTS:

1. Flint Hills Correspondence _ Combined
2. Res 2024-XX Partial_Assignment_Flint_Hills_380_Agreement (v2)
3. Res 2024-XX Attachment Exhibit A Consent to Partisl Assignment of 380

June 27, 2024

Brenton Lewis
City Manager
City of Ingleside
2671 San Angelo Street
Ingleside, Texas 78362

Mailing Address:
P.O. Drawer 400
Ingleside, Texas 78362

Re: Notice of Sale of Portion of Land and Consent to Partial Assignment of Chapter 380 Agreement Dated December 13, 2016

Dear Mr. Lewis:

Please be advised that Flint Hills Resources Ingleside, LLC (“**Flint Hills Resources**”), successor in interest to Flint Hills Resources Corpus Christi, LLC, defined as “Owner” under the Chapter 380 Agreement dated December 13, 2016 by and between the City of Ingleside, Texas (the “**City**”) and Flint Hills Resources Corpus Christi, LLC, as amended (the “**Chapter 380 Agreement**”) (copy attached hereto as Exhibit B), has recently entered a Purchase and Sale Agreement whereby an approximately 43.55 acre portion of the Land (as defined in the Chapter 380 Agreement) will be sold and conveyed to Enbridge Ingleside Oil Terminal, LLC.

In light of said sale and pursuant to Article 7 of the Chapter 380 Agreement (see pages 12 and 13), Flint Hills Resources hereby requests that the City provide its written consent to the partial assignment of the Chapter 380 Agreement, through execution of the attached Consent to Partial Assignment of Chapter 380 Agreement (attached hereto as Exhibit A). Article 7 expressly provides for the partial assignment of the Chapter 380 Agreement, with the new owner of the to-be-conveyed portion of the Land (i.e., Enbridge Ingleside Oil Terminal, LLC) assuming the terms and obligations of the partially assigned Chapter 380 Agreement.

Article 7 of the Chapter 380 Agreement (see page 15) also expressly prescribes that the Chapter 380 Agreement is a covenant that runs with the Land, making partial assignment of the Chapter 380 Agreement applicable under the circumstances. Therefore, Flint Hills Resources requests that the City execute and return the attached Consent to Partial Assignment of Chapter 380 Agreement consistent with the terms of the Chapter 380 Agreement. Flint Hills Resources appreciates your attention to this matter. If you have any questions or concerns please let us know.

Respectfully Submitted,

Flint Hills Resources Ingleside, LLC

By: _____

Title: _____

Attachments: Exhibit A – Consent to Partial Assignment of Chapter 380 Agreement (including Legal Description)
Exhibit B – Chapter 380 Agreement (City and Flint Hills) dated December 13, 2016

EXHIBIT A

**CONSENT TO PARTIAL ASSIGNMENT
OF CHAPTER 380 AGREEMENT**

CITY OF INGLESIDE, TEXAS

CONSENT TO PARTIAL ASSIGNMENT OF CHAPTER 380 AGREEMENT

Date: June ____, 2024

City Resolution: 2016-20 dated December 13, 2016

City Annexation Ord.: 2015-25 passed on December 29, 2015

Chapter 380 Agreement: Chapter 380 Agreement (City and Flint Hills) dated December 13, 2016, by and between the City of Ingleside, Texas and (successor in interest to Flint Hills Resources Corpus Christi, LLC), as amended

Owner: Flint Hills Resources Ingleside, LLC

Assignee: Enbridge Ingleside Oil Terminal, LLC

Assigned Land: BEING AN 43.55 ACRE TRACT OF LAND SITUATED IN J. ROBINSON SURVEY, ABSTRACT NO. 225, SAN PATRICIO COUNTY, & NUECES NAVIGATION DISTRICT NO. 1 SURVEY, ABSTRACT NO. 2684, NUECES COUNTY, TEXAS, AND BEING ALL OF A CALLED 43.55 ACRE TRACT OF LAND CONVEYED TO FLINT HILLS RESOURCES INGLESIDE, LLC, AS RECORDED IN CLERK'S FILE NO. 694078, OFFICIAL PUBLIC RECORDS OF SAN PATRICIO COUNTY, TEXAS AND CLERK'S FILE NO. 2020050672, OFFICIAL PUBLIC RECORDS OF NUECES COUNTY, TEXAS. SAID 43.55 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN **EXHIBIT "A"** ATTACHED HERETO FOR ALL PURPOSES.

1. **Consent to Partial Assignment.** Pursuant to the Chapter 380 Agreement, the City of Ingleside, Texas, a Texas municipal corporation and home rule city (the "**City**"), hereby consents and agrees to Owner's partial assignment of the Chapter 380 Agreement to Assignee as to the Assigned Land, which Owner is selling and conveying to Assignee.

2. **Covenant Running with the Land.** The City acknowledges and agrees that the Chapter 380 Agreement is a covenant running with the Land as expressly provided for under the terms of the Chapter 380 Agreement. Therefore, Assignee shall be the new and fully vested fee simple title owner of the Assigned Land once Owner conveys the Assigned Land and all of the rights and obligations under the Chapter 380 Agreement relating to the Assigned Land shall automatically transfer to Assignee.

3. **Assignee's Assumption of the Chapter 380 Agreement.** Consistent with Article 7 of the Chapter 380 Agreement, Assignee shall, as of the conveyance of the Assigned Land, irrevocably and unconditionally assume all the duties and obligations, and shall have the rights, of the Owner as to the terms and obligations of the Chapter 380 Agreement as to the Assigned Land. The City confirms that neither Owner nor Assignee is indebted to the City for ad valorem taxes or other obligations so as to make the assignment invalid.

4. **Assigned Land Designation as Operations Area.** The City confirms and agrees that the Assigned Land (with the exception of the operations building located thereon) is an Operations Area (as defined in the Chapter 380 Agreement) for all purposes.

5. **Allocation of Economic Incentive Payments.** After the assignment, each of the Assigned Land and the remaining land under the Chapter 380 Agreement will be a separate tract or parcel for calculating the portion and allocation of amounts associated with the Economic Incentive Payments (as defined and detailed in the Chapter 380 Agreement), and a breach by either Owner or Assignee as to any term of the Chapter 380 Agreement after assignment shall not be considered a breach by, or adversely affect the Chapter 380 Agreement as to, the other such party.

6. **Partial Assignment Effective Date.** The partial assignment of the Chapter 380 Agreement shall be effective as of the date the Assigned Land is conveyed by Owner to Assignee.

[signature page and exhibits to follow]

SIGNATURES

CITY OF INGLESIDE, TEXAS

By: _____
Brenton Lewis, City Manager

OWNER:

Flint Hills Resources Ingleside, LLC

By: _____
Name: _____
Title: _____

ASSIGNEE:

Enbridge Ingleside Oil Terminal, LLC

By: _____
Name: _____
Title: _____

EXHIBIT "A"

Legal Description of Assigned Land

BEING AN 43.55 ACRE TRACT OF LAND SITUATED IN J. ROBINSON SURVEY, ABSTRACT NO. 225, SAN PATRICIO COUNTY, & NUECES NAVIGATION DISTRICT NO. 1 SURVEY, ABSTRACT NO. 2684, NUECES COUNTY, TEXAS, AND BEING ALL OF A CALLED 43.55 ACRE TRACT OF LAND CONVEYED TO FLINT HILLS RESOURCES INGLESIDE, LLC, AS RECORDED IN CLERK'S FILE NO. 694078, OFFICIAL PUBLIC RECORDS OF SAN PATRICIO COUNTY, TEXAS AND CLERK'S FILE NO. 2020050672, OFFICIAL PUBLIC RECORDS OF NUECES COUNTY, TEXAS. SAID 43.55 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A BRASS CAP FOUND FOR A CORNER OF SAID 43.55 ACRE TRACT. SAID BRASS CAP BEING CALLED THE POINT OF BEGINNING AND HAVING A TEXAS COORDINATE SYSTEM OF 1983, SOUTH ZONE (4205), STATE PLANE COORDINATE OF N:17189445.94, E:1403390.83 FEET, FOR REFERENCE.

THENCE S 82°03'57" E, A DISTANCE OF 168.65 FEET, TO A BRASS CAP FOUND FOR A CORNER OF SAID 43.55 ACRE TRACT;

THENCE N 08°08'32" E, A DISTANCE OF 138.47 FEET, TO A CONCRETE MONUMENT WITH A BRASS CAP FOUND FOR A CORNER OF SAID 43.55 ACRE TRACT;

THENCE N 80°36'16" W, A DISTANCE OF 20.46 FEET, TO A CONCRETE MONUMENT WITH A BRASS CAP FOUND FOR A CORNER OF SAID 43.55 ACRE TRACT;

THENCE N 21°08'50" E, A DISTANCE OF 89.82 FEET, TO THE NORTHWEST CORNER OF SAID 43.55 ACRE TRACT;

THENCE S 87°11'55" E, A DISTANCE OF 545.65 FEET, TO A CORNER OF SAID 43.55 ACRE TRACT;

THENCE N 75°25'51" E, A DISTANCE OF 205.84 FEET, TO A CORNER OF SAID 43.55 ACRE TRACT;

THENCE N 13°30'31" W, A DISTANCE OF 42.92 FEET, TO A CORNER OF SAID 43.55 ACRE TRACT;

THENCE N 76°18'04" E, A DISTANCE OF 210.36 FEET, TO A CORNER OF SAID 43.55 ACRE TRACT;

THENCE S 13°30'31" E, A DISTANCE OF 48.38 FEET, TO A CORNER OF SAID 43.55 ACRE TRACT;

THENCE N 79°24'58" E, A DISTANCE OF 1040.92 FEET, TO THE NORTHEAST CORNER OF SAID 43.55 ACRE TRACT;

THENCE S 21°08'45" W, A DISTANCE OF 972.05 FEET, TO A POINT IN THE CENTERLINE OF THE PORT OF CORPUS CHRISTI NORTH BULKHEAD LINE, SAME POINT BEING THE SOUTHEAST CORNER OF SAID 43.55 ACRE TRACT;

THENCE S 77°33'29" W, WITH SAID BULKHEAD LINE, A DISTANCE OF 1360.05 FEET, TO A CORNER OF SAID 43.55 ACRE TRACT;

THENCE S 02°38'06" E, WITH SAID BULKHEAD LINE, A DISTANCE OF 5.37 FEET, TO A CORNER OF SAID 43.55 ACRE TRACT;

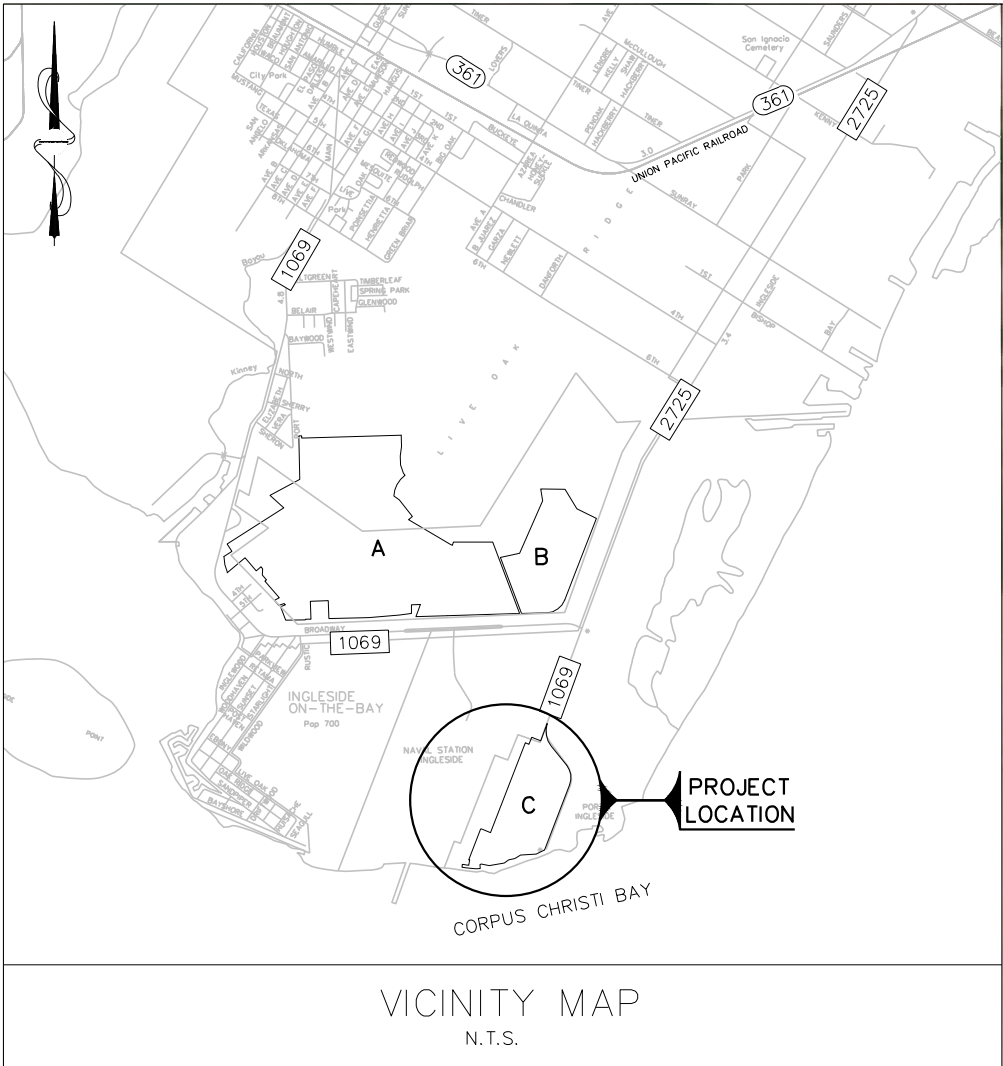
THENCE S 77°33'29" W, WITH SAID BULKHEAD LINE, A DISTANCE OF 631.05 FEET, TO A CORNER OF SAID 43.55 ACRE TRACT;

THENCE S 77°33'20" W, WITH SAID BULKHEAD LINE, A DISTANCE OF 213.38 FEET TO THE SOUTHWEST CORNER OF SAID 43.55 ACRE TRACT;

THENCE N 07°57'06" E, A DISTANCE OF 386.53 FEET, TO A CORNER OF SAID 43.55 ACRE TRACT;

THENCE N 52°57'06" E, A DISTANCE OF 282.84 FEET, TO A CORNER OF SAID 43.55 ACRE TRACT;

THENCE N 07°57'06" E, A DISTANCE OF 375.61 FEET TO THE POINT OF BEGINNING, CONTAINING 43.55 ACRES OR 1,897,243 SQUARE FEET OF LAND, MORE OR LESS.



LEGEND	
—	CALLED 106.06 DEED PROPERTY LINE
—	43.55 ACRES
—	ADJOINER PROPERTY LINE
—	SHORELINE AS DESCRIBED IN CF NO. 604076 & 682036 O.P.R.S.P.C.T.
SET= SET 5/8" IRON ROD WITH CAP STAMPED "GULLETT & ASSOC"	
O.P.R.S.P.C.T.= OFFICIAL PUBLIC RECORDS OF SAN PATRICIO COUNTY, TEXAS	
D.R.S.P.C.T.= DEED RECORDS OF SAN PATRICIO COUNTY, TEXAS	
M.R.S.P.C.T.= MAP RECORDS OF SAN PATRICIO COUNTY, TEXAS	
O.G.R.S.P.C.T.= OIL AND GAS RECORDS OF SAN PATRICIO COUNTY, TEXAS	
R.P.R.S.P.C.T.= REAL PROPERTY RECORDS OF SAN PATRICIO COUNTY, TEXAS	
M.L.R.S.P.C.T.= MECHANICS LIEN RECORDS OF SAN PATRICIO COUNTY, TEXAS	
D.R.N.C.T.= DEED RECORDS OF NUECES COUNTY, TEXAS	
O.P.R.N.C.T.= OFFICIAL PUBLIC RECORDS OF NUECES COUNTY, TEXAS	

PRELIMINARY

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY
PURPOSE AND SHALL NOT BE USED OR VIEWED OR
RELIED UPON AS A FINAL SURVEY DOCUMENT.

200' 100' 0' 200'	
SCALE 1"=200'	
PROJECT NO. 22224	
TBPELS FIRM# 10194245 201 West Wall Street, Suite 325 Midland, TX 79701 (817) 523-1180 ~ Fax (817) 523-1181	
DRAWN BY: NH DATE: 06/19/24 DWG. NO. 2224-FLINT HILLS SURVEY_CITY 380 AGREEMENT MAP	
CHECKED BY: DATE: SCALE: 1"=200' PAGE 1 OF 1	
REV: 0	

FLINT HILLS resources

**EXHIBIT FOR
FLINT HILLS RESOURCES
CORPUS CHRISTI, LLC
SITUATED ACROSS MULTIPLE
SURVEY ABSTRACTS
SAN PATRICIO COUNTY, TEXAS
& NUECES COUNTY, TEXAS**

EXHIBIT B

**CHAPTER 380 AGREEMENT
(CITY AND FLINT HILLS)**

CHAPTER 380 AGREEMENT
(CITY AND FLINT HILLS)

STATE OF TEXAS §
 §
COUNTY OF SAN PATRICIO §

This Chapter 380 Agreement ("Agreement") is entered into pursuant to the authority granted under Chapter 380 Texas Local Government Code, by and between (i) the City of Ingleside, Texas ("City"), a Texas municipal corporation and home rule city, and (ii) Flint Hills Resources Corpus Christi, LLC ("Owner") an owner of real property located within the City.

RECITALS:

WHEREAS, the City Council of the City passed Resolution on December 13, 2016, establishing an economic development program for the property covered by this agreement ("Program"), which Resolution and Program are incorporated herein by reference; and

WHEREAS, the Program contains appropriate guidelines and criteria governing 380 agreements to be entered into by the City; and

WHEREAS, Owner made application for participation in the Program ("Application"), a copy of which Application is attached hereto as Exhibit A; and

WHEREAS, this Agreement is authorized by Chapter 380, is in accordance and compliance with the Program, and has been approved by the aforesaid Resolution 2016-20 of the City Council; and

WHEREAS, in order to maintain and enhance the commercial and industrial economic and employment base of Ingleside, it is in the best interests of the citizens and taxpayers of the City to make and enter into this Agreement.

NOW, THEREFORE, in consideration of the mutual benefits and promises contained herein and for other good and valuable consideration, the adequacy of which is hereby acknowledged, the parties hereto agree as follows:

ARTICLE 1

DEFINITIONS

Wherever used in this Agreement, the following terms shall have the following meanings:

“Application” shall have the meaning assigned to such term in the Recitals.

“Appraised Value” means the appraised value, as such term is defined in Section 1.04(8) Texas Tax Code.

“Economic Incentive Payments” means those payments to be made by City to Owner hereunder which are equal to a percentage of the ad valorem taxes paid by Owner on Owner’s Eligible Property.

“Eligible Property” means that portion of the Property which is eligible for Economic Incentive Payments hereunder.

“Force Majeure” means a cause beyond the reasonable control of Owner, such as acts of God or public enemy, war, riot, civil commotion, fires, explosions, and floods.

“Improvements” means the improvements as defined by Section 1.04(3) Texas Tax Code and located, partly or wholly, on the Land in the manner determined for taxation of improvements by the San Patricio County Appraisal District, including, but not limited to, projections, such as piers, docks, bulkheads and wharves attached to the Land and extending from the Land into or over the waters of Corpus Christi Bay, except where such projections have been determined by the final decision of a court of competent jurisdiction, legislation or agreement of the claimant political subdivisions of the State of Texas to be outside the tax jurisdiction of the City of Ingleside.

“Inventory” means items held for sale in the ordinary course of business or use in manufacturing, hydrocarbon inventories, and any other item treated as inventory by the Chief Appraiser of San Patricio County pursuant to Section 23.12 of the Texas Tax Code.

“Land” means the land described as follows:

- (1) The property annexed by the City by Ordinance No. 2015-25 passed on December 29, 2015.
- (2) That portion of the property which is within Ingleside city limits and was conveyed by Port of Corpus Christi Authority of Nueces County, Texas to Flint Hills Resources Corpus Christi, LLC by deed filed of record under Document #2011010165 in the Official Records of the County Clerk of Nueces County, Texas and under Document #606859 of the Deed Records of the County Clerk of San Patricio County, Texas.
- (3) The property conveyed by Dagger Island Partners, Ltd. to Flint Hills Resources Corpus Christi, LLC by deed filed of record under Document #617589 in the Official records of the County Clerk of San Patricio County, Texas.

“Personal Property” means tangible personal property as defined by Section 1.04(5) Texas Tax Code, except Inventory, and located on the Land in the manner determined for taxation of personal property by the San Patricio County Appraisal District.

“Program” shall have the meaning assigned to such term in the Recitals.

“Property” and “Premises” mean the Land, Improvements, Personal Property and Inventory.

“Rendition” means the reports and statements required to be delivered to the Chief Appraiser of a county or other political subdivision of the State of Texas under Section 22.23 of the Texas Tax Code.

“Tax Year” shall have the meaning assigned to such term by Section 1.04(13) of the Texas Tax Code (i.e. calendar year).

“Taxable Value” shall have the meaning assigned to such term in Section 1.04(10) of the Texas Tax Code.

ARTICLE 2

TERM

The term of this Agreement is 10 years. The term commences on January 1, 2016 and expires

on December 31, 2025.

ARTICLE 3

ECONOMIC INCENTIVE PAYMENTS

Ownership. Owner is the owner of the Property all of which is located within the city limits of the City and is all of the property included under the Program.

Eligible Property. The only portion of the Property which is eligible for Economic Incentive Payments is the following:

- (a) Improvements.
- (b) Inventory.

Term of Economic Incentive Payments. City will make Economic Incentive Payments to Owner in accordance with this Agreement for a period of ten (10) Tax Years as shown in the "Economic Incentive Payments Table" below. The years of Economic Incentive Payments provided herein shall in each instance coincide with the Tax Year commencing on January 1 and expiring on December 31.

Amount of Economic Incentive Payments. Subject to the terms and conditions of this Agreement, City shall pay Economic Incentive Payments to Owner equal to the following percentages of the ad valorem property taxes actually paid by Owner on Eligible Property and received by City in accordance with the following schedule:

Economic Incentive Payments Table

<u>Tax Year</u>	<u>Improvements</u>	<u>Inventory</u>
Tax Year 1 (2016)	10%	100%
Tax Year 2 (2017)	10%	100%
Tax Year 3 (2018)	10%	100%
Tax Year 4 (2019)	10%	100%
Tax Year 5 (2020)	10%	100%
Tax Year 6 (2021)	10%	100%
Tax Year 7 (2022))	10%	100%
Tax Year 8 (2023)	10%	100%
Tax Year 9 (2024)	10%	100%
Tax Year 10 (2025)	10%	100%

Incentive Floor; Reduction in Economic Incentive Payments.

(a)

1. Reduced Economic Incentive Payments. If the payment of the Economic Incentive Payments attributable to a Tax Year during the term of this Agreement causes the balance of the property tax payment retained by City on account of the Property for that Tax Year to be less than \$460,000.00 (the "Incentive Floor"), the Economic Incentive Payments for that Tax Year shall be reduced to the extent needed to ensure that City's net property tax receipt from the Property is at least equal to the Incentive Floor.

2. No Economic Incentive Payments. Owner will not be entitled to any Economic Incentive Payments for a Tax Year if the total property tax received by City on account of the Property for that Tax Year is equal to or below the Incentive Floor.

- (b) The Economic Incentive Payments shall be paid exclusively out of the maintenance and operations ("M&O") portion of the property tax collected from the Property and received by City. In the event that there are insufficient M&O funds available to pay the Economic Incentive Payments in full, City will notify Owner of same and provide an accounting and other description of how such determination was made.

Procedure.

- (a) Owner shall furnish Renditions to the Chief Appraiser of the San Patricio County Appraisal District as and when required under Chapter 22 of the Texas Tax Code and shall simultaneously provide a copy of same to City.
- (b) Within thirty (30) days after the receipt by Owner of all value notices in respect of the Property from San Patricio County Appraisal District for each Tax Year during the term of this Agreement, Owner shall prepare and provide to City a worksheet calculating the amount of the Economic

Incentive Payments which it claims will be owed by City to Owner for such Tax Year. If Owner fails to render such worksheet to City, City may use the property tax paid with respect to the Property in the immediately preceding Tax Year to determine the Economic Incentive Payments payable to Owner.

(c) Owner shall pay its ad valorem taxes for the Property on or before the due date under Texas Tax Code. Conditioned on Owner's timely payment of such taxes and otherwise being in compliance with this Agreement, City will make the Economic Incentive Payments to Owner required by this Agreement within sixty (60) days of the receipt by City of such taxes from the San Patricio County Tax Collector.

ARTICLE 4

GENERAL REQUIREMENTS

Inspections. Owner shall allow a reasonable number of employees and/or representatives of City to have access to the Property during the term of this Agreement to inspect the Property to determine compliance with the terms and conditions of this Agreement. All inspections will be made only after the giving of forty-eight (48) hours (excluding weekends and holidays) prior notice and only will be conducted in such manner as not to unreasonably interfere with the Owner's business operation. All inspections will be made with one or more representatives of Owner and in accordance with Owner's safety and security standards.

Notice of Protest. In the event Owner files a protest with the San Patricio County Appraisal Review Board for the purpose of contesting the Taxable Value, situs or taxability of any of the Property, Owner shall provide a copy of such protest to City within seven (7) business days after such protest is filed with the San Patricio County Appraisal Review Board. The notice must include an explanation of Owner's position regarding estimate of taxable value to the extent not already described in said protest.

City Taxation. Throughout the term of this Agreement, Owner shall be subject to all applicable City taxation, including, but not limited to, property taxation on Land, Improvements, Inventory and Personal Property and sales and use taxes.

Annual Report of Owner. On or before the March 31 immediately following the last day of each

Tax Year covered by this Agreement Owner shall provide to City a report signed by an officer of Owner certifying that Owner is in compliance with Article 4 of this Agreement and that to its best knowledge and belief with all other terms and provisions of this Agreement, except as stated in the report, and City and Owner agree that this report will not apply to or cover Owner's obligations under Article 6 or the Maintenance section of this Article 4.

Administrative Fee. Owner shall, upon execution of this Agreement, pay the City a one- time document preparation, administrative and compliance oversight fee of Twelve Thousand Five Hundred and No/100 Dollars (\$12,500.00).

Direct Payment Permit for Sales and Use Tax. Owner shall promptly provide a copy of its Direct Pay Tax Permit to City upon the issuance of same by the Texas Comptroller of Public Accounts, if Owner has or in the future acquires such a permit. Owner shall use reasonable diligence to ensure that (1) each contractor and subcontractor constructing Improvements costing in excess of \$10 million for Owner provides taxable materials used in such construction under a "separated contract" as defined in Comptroller Rule §3.291(a)(13) (34 Texas Admin. Code §3.291(a)(13)), (ii) such taxable materials are purchased by such Owner free of state and local sales taxes pursuant to such Owner's issuance of a direct payment exemption certificate to each contractor, and (iii) such Owner accrues and pays state and applicable local (including City) sales or use taxes on such taxable materials purchased tax free as a result of each such issuance of a direct payment exemption certificate.

Location of Taxable Sales and Purchases and Use. Owner agrees that to the extent practicable under the Texas Sales and Use Tax laws, the location of taxable sales and purchases originated from the Property shall be from Owner's office in the city limits of the City of Ingleside.

Water Supply. Subject to availability, the City shall supply and sell to Owner and Owner shall purchase from the City at the City's prevailing rates potable and nonpotable water for use (and not for resale) in connection with the construction, operation or administration of Owner's business.

Maintenance. Owner shall maintain all Improvements and Personal Property in good and serviceable condition and in accordance with all applicable state and local laws, codes, and

regulations.

Use and Operation. The Property shall be continuously used and operated by Owner as an active industrial business concern in a manner that is (i) consistent with the City's Comprehensive Zoning Ordinance, as it may be amended from time to time, (ii) consistent with the general purposes of encouraging industrial activity on the Land, (iii) consistent with Owner's Application, (iv) in compliance with this Agreement, and (v) in compliance with the Program. Notwithstanding the foregoing, so long as Owner's business conducted on the Premises remains a going concern, Owner may bring any component of the Property, individually or aggregately, out of service and store and maintain such Property in a safe condition pending repairs or otherwise without breaching the terms of this Agreement.

Buy Local. Owner shall use reasonable efforts to purchase materials and supplies from local businesses that maintain an office in San Patricio County, provided that they are competitive with respect to quality, price, availability, and ability to provide such materials or supplies in the time required, and, where applicable, conform to applicable bid specifications that are comparable to those of other bidders.

ARTICLE 5

DEFAULT

(a) Automatic Termination. This Agreement shall automatically terminate on and as of the date any of the following events occur:

(1) Bankruptcy. The filing of a petition in bankruptcy by Owner, the making by Owner of an assignment for the benefit of creditors, the filing of an involuntary petition in bankruptcy or petition for an arrangement pursuant to the federal bankruptcy code against Owner, or the appointment of a receiver for the business of Owner.

(b) Notice of Default and Cure. If Owner is in default under this Agreement, City shall provide written notice ("Notice of Default") to Owner of such default. The Notice of Default must include a description of the subject matter of default and the date on or before which the default must be cured ("Cure Period"). Except where a default is caused by a Force Majeure event, the cure period may be no less than 45 days after the date Notice of Default is given, provided however

that if the default is material, as described below, City may at its option require that the default be cured within a shorter time but no less than 30 days after the date Notice of Default is given. If the default is not cured within the Cure Period, this Agreement may be terminated by City on written notice to Owner. Notice of default and cure shall not apply to situations resulting in automatic termination.

- (c) Clawback. No prior Economic Incentive Payments made by City to Owner are subject to recapture or clawback by City, unless and except to the extent such payments may have been procured by misrepresentation of Owner upon which City relied in making such payments.
- (d) No Proration. Immediately upon termination of this Agreement for default or bankruptcy, the obligation of City to pay and right of Owner to receive Economic Incentive Payments shall end, regardless of when termination occurs.
- (e) Force Majeure. If default is caused by an event constituting Force Majeure and the default cannot be cured by commercially reasonable efforts within the Cure Period, such Cure Period shall be extended for such period of time as is necessary for cure to be effected if Owner (i) promptly upon receipt by Owner of Notice of Default, gives written notice to City describing in detail the facts constituting Force Majeure, describing the actions Owner has taken, is taking and will take to cure the default, and providing a timeline for cure to be completed, (ii) as soon as reasonably possible actually begins and continues thereafter to continuously use commercially reasonable efforts to cure the default as quickly as is reasonably possible, and (iii) keeps City fully apprised of Owner's progress and the status of its efforts to cure. Notwithstanding the above, the Cure Period may not be extended by more than 90 days, unless a longer extension is granted in writing by City for good cause in its sole and absolute discretion.
- (f) Material Default. Material defaults include but are not limited to the following: (i) cessation of Owner's business operation for 30 continuous days, except for shutdowns relating to maintenance and repairs, whether planned or unplanned, (ii) default in the payment of any taxes owed by Owner, except that taxes that are being duly contested by Owner under applicable law which law

excuses payment shall not be considered to be in default, and (iii) violation of the "Assignment" provision of this Agreement.

ARTICLE 6

CITY CODE

Exemptions from City Code. The following provisions refer to several City Code provisions by section number. The parties agree that if any of those provisions (or applicable successor provisions) are re-numbered or re-positioned in a future revision of the City Code, the references to the section numbers herein will be deemed revised to the applicable new section number.

- (a) The Equipment/Improvements (including Tanks) installed, built or located on, above or beneath the Land (including any construction-in-progress) that are in existence on the Effective Date shall be exempt from compliance with the City Code. Notwithstanding the foregoing, any material alterations of or modifications to such Equipment/Improvements after the Effective Date shall be subject to the City Code (except as otherwise provided for in Sub. 6[c] below), but only to the extent of such alterations or modifications, and with alterations/modifications required by applicable law not otherwise affecting the exemption under this Sub. (a). Pipelines within Owner's property fence line, whether above grade or below grade, are part of its facility and are not subject to specific pipeline ordinances.
- (b) The City and Owner agree that the pipelines or sections thereof located on, above or beneath the Land that are in existence on the Effective Date or built thereafter qualify as pipelines located at an "industrial facility" within the meaning of Section 22-371(c) of the City Code. The Non-operations Area (as defined below) within Owner's facility will be subject to City codes in a manner similar to other such facilities within the City. Changes in the location of the Operations Area (as defined below) and Non-operations Area are addressed in Sub. (c) below.
- (c) (i) The Property will, for purposes of City Code applicability, be considered to have two separate areas:

(A) The "Non-operations Area" is the area of the existing office/operations-support buildings and the parking areas, and will include any future expansions of the area of the Property used for such purposes.

(B) The "Operations Area" is the area of the Property other than the Non-operations Area. Any portions of the Non-operations Area that are used in the future for purposes other than office/administrative/operations-support buildings or parking areas will be considered to be in the Operations Area effective upon such change in use.

(ii) The entire City Code applies to the Non-operations Area (subject to the exemption stated in Sub. 6[a] above).

(iii) The following portions of the City Code will not apply to the Operations Area:

(A) Article VI of Chapter 30 of the City Code (Excavation), so long as the particular excavation (or related series of excavations) or fill involves the removal of less than 500 cubic yards of material;

(B) The following Articles of Chapter 18 of the City Code: Article II (Construction Standards); Article III (Plumbing Standards, except as relating to connections to the City water system, and the installation/operation/testing/repair/maintenance of related backflow prevention devices); Article IV (Gas Standards); Article V (Mechanical Standards); and Article VI (Electrical Code) (As detailed in Sub. 6(d), below, Owner conducts its operations on the Operations Area in accordance with the applicable sections of NFPA -70 and NFPA - 70 E [the National Electrical Code],

and other applicable industry codes and standards);

(C) Chapter 34 (Fire Prevention and Protections) (As detailed in Sub. 6[d] below, Owner conducts its operations on the Operations Area in accordance with the International Safety Guide for Oil Tankers and Terminals and designs and operates its Fire Water Protection System in accordance with the following Standards/Chapters (or the successor provisions to such listed Standards/Chapters) NFPA Standards IFC 2012, Chapter 57 IFC, NFPA 30, NFPA 24, NFPA 72, NFPA 704, API 650 Standards, NEC 2015, NFPA 70E Chapter 34.); and

(D) Any provisions concerning notifications to the City and permits to be issued by the City; provided, however, that this Sub. D will not apply to the extent the Operations Area is used for any purpose other than a marine storage terminal.

(d.) City and Owner acknowledge that the provisions stated in this Article 6 include certain exceptions from City Code requirements that would otherwise be applicable to Owner's operations and facilities. In addition to the industry standards, chapters, and codes noted above in this Article 6, the parties acknowledge that Owner conducts its operations in accordance with other applicable industry standards, chapters, and codes (recognizing that some provisions in such standards, chapters, and codes are noted as optional or discretionary, and Owner might not elect to follow such noted provisions in certain situations). Owner expressly acknowledges that the exceptions stated in this Article 6 do not affect or pertain to any compliance or permit requirements relating to any governmental entities other than the City (such as County, State, or Federal requirements).

ARTICLE 7

MISCELLANEOUS

Assignment. This Agreement shall be binding on and inure to the benefit of the parties to it and their respective heirs, executors, administrators, legal representatives, successors, and assigns. This

Agreement may be assigned by Owner only with the prior written consent of City (which consent shall not be unreasonably withheld) pursuant to which the assignee assumes all terms and obligations of this Agreement. Notwithstanding the above, Owner may assign, in whole or in part, this Agreement with respect to all or any part of the Property to any Affiliate of Owner that acquires all or any part of the Property, provided written notice of any such assignment is provided to the City within ten (10) business days after such assignment which notice must describe the relationship of Owner to Assignee in sufficient detail to show that Assignee is an Affiliate of Owner. "Affiliate" means any other entity that, directly or indirectly, through one or more intermediaries, controls, or is controlled by, or is under direct or indirect common control with such specified person or entity. For purposes of this definition, "control" means (i) the ownership, directly or indirectly, of fifty percent (50%) or more of the voting securities of such entity, or (ii) the right to direct the management or operations of such entity, directly or indirectly, whether through the ownership (directly or indirectly) of securities, by contract or otherwise, and the terms "controlling" and "controlled" have meanings correlative to the foregoing. All assignments shall provide that the assignee irrevocably and unconditionally assumes all the duties and obligations of the assignor and becomes the Owner upon the same terms and conditions as set out in this Agreement. In the event more than one entity is Owner hereunder, the obligations of said entities shall be joint and several. No assignment shall be valid if the Owner or any Assignee is indebted to the City for ad valorem taxes or other obligations.

Notice. All notices required by this Agreement shall be addressed to the following, or such other party or address as either party designates in writing, (a) by certified mail, postage prepaid, which is effective upon mailing, or (b) by hand or overnight delivery, effective upon delivery:

If intended for Owner, to:

Flint Hills Resources Corpus Christi, LLC

Attn: General Counsel
4111 East 37th Street North
Wichita, KS 67220
With a copy to:

Attn: Property Tax Department
P.O. Box 3755
Wichita, KS 67201-3755

If intended for City, to:

City of Ingleside, Texas
Attn: City Manager
2671 San Angelo
Ingleside, Texas 78362

Severability. If any term, provision or condition of this Agreement, or any application thereof, is held invalid, illegal or unenforceable in any respect under any law, this Agreement shall be reformed to the extent necessary to conform, in each case consistent with the intention of the parties hereto, to such law, and to the extent such term, provision or condition cannot be so reformed, then such term, provision or condition (or such invalid, illegal or unenforceable application thereof) shall be deemed deleted from (or prohibited under) this Agreement, as the case may be, and the validity, legality and enforceability of the remaining terms, provisions and conditions contained herein (and any other application such term, provision or condition) shall not in any way be affected or impaired thereby. Upon such determination that any term or other provision is invalid, illegal or incapable of being enforced, the City and Owner shall negotiate in good faith to modify this Agreement in a mutually acceptable manner so as to effect their original intent as closely as possible to the end that the transactions contemplated hereby are fulfilled to the extent possible.

Applicable Law. This Agreement shall be construed under the laws of the State of Texas. Venue for any action or dispute concerning or arising out of this Agreement or the administration of this Agreement shall be in San Patricio County, Texas.

Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and all of which, taken together, shall constitute but one and the same instrument.

Entire Agreement. This Agreement embodies the complete and entire agreement of the parties hereto with respect to the subject matter hereof and supersedes all oral or written previous and

contemporary agreements or understandings between the parties relating to such subject matter, and except as otherwise provided herein, may be amended or modified only by written instrument signed by all of the parties hereto. Notwithstanding the foregoing, that one certain "Interest Waiver and Tax Refund Credit Agreement Related to Boundary Dispute" made and entered into by the parties hereto even date herewith is a valid and binding agreement of the parties.

Covenant Running with the Land. The provisions of this Agreement are hereby declared covenants running with the Premises and are fully binding on all successors, heirs, and assigns of Owner who acquire any right, title, or interest in or to the Premises, or any part thereof. Any person who acquires any right, title, or interest in or to the Premises, or any part hereof, thereby agrees and covenants to abide by and fully perform the provisions of this Agreement with respect to such right, title or interest in the Premises.

Recordation of Agreement. A certified copy of this Agreement shall be recorded in the Deed Records of San Patricio County, Texas.

Incorporation of Recitals. The determinations recited and declared in the preambles to this Agreement are hereby incorporated herein as part of this Agreement.

Exhibits - Incorporation. All Exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

This Agreement is conditioned upon an Interest Waiver Agreement being made and entered into by the parties, simultaneously with the making of this Agreement.

The Effective date of this Agreement is January 1, 2016.

EXECUTED the 13 day of December, 2016.

CITY OF INGLESIDE, TEXAS

By: 
Luis Lamas, Mayor

ATTEST:

By: Kimberly Sampson
Kimberly Sampson, City Secretary

APPROVED AS TO FORM:

By: [Signature]
Michael G. Morris, City Attorney

EXECUTED the 5th day of January, 2017.

FLINT HILLS RESOURCES CORPUS CHRISTI, LLC

By: [Signature]
Valerie Pong
Vice President

CITY ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF SAN PATRICIO)

This instrument was acknowledged before me on the 21st day of December, 2016, by Luis Lamas, Mayor of the City of Ingleside, Texas, a Texas home rule municipality, on behalf of said municipality.



[Signature]
Notary Public, State of Texas
My Commission Expires: February 24, 2017

OWNER ACKNOWLEDGEMENT

STATE OF Texas)
COUNTY OF Nueces)

This instrument was acknowledged before me on the 5th day of January, 2017, by Valerie Bampa Vice President of Flint Hills Resources Corpus Christi, LLC, on behalf of said company.

Patricia BORDAYO
Notary Public, State of Texas
My Commission Expires: 9-4-2019

EXHIBITS

Exhibit A – Owners Application

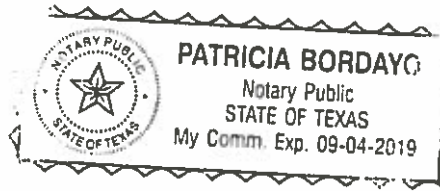


EXHIBIT "A"
APPLICATION

12/8/2016

APPLICATION FOR 312.380
OR OTHER ECONOMIC INCENTIVE AGREEMENTS

INSTRUCTIONS:

Applicants and projects must meet the requirements established by the Program in order to receive positive consideration. If there is insufficient space in the Application to fully answer, attach an addendum. The original of this application and attachments should be submitted to: Ingleside City Manager, 2671 San Angelo St., Ingleside, TX 78362. This application will become a part of any later agreement or contract and known false representations thereon will be grounds for the voiding of any later agreement or contract.

APPLICANT INFORMATION:

The taxing unit may consider the applicant's financial capacity in determining whether to enter into an abatement agreement. Established companies for which public information is available, or the wholly owned business of such companies, should include with the application a copy of their latest annual report to stockholders. Other applicants and new companies should attach a statement showing when the company was established, business references (name of contact and telephone number of principal bank, accountant and attorney) and may be required to submit an audited financial statement and business plan.

PROJECT INFORMATION:

Only facilities which meet Program (the Program adopted by the City Council) requirements may receive economic incentives unless a variance is granted by the City. The application should include market studies, business plans, agreements or other materials demonstrating that the facility is viable.

ECONOMIC INFORMATION:

Estimated appraised Value 'on Site.' The value January 1 should be the value established by the San Patricio County Appraisal District. If the applicant must estimate value because the taxable value is not known or is combined with other properties under a single tax account, please so state. To qualify, the properties must be valued, aggregately, at no less than \$76,000,000 in 2016 and if new improvements are involved they should be expected to result in an addition to the tax base of at least N/A dollars. Projection of value should be a "best estimate".

Explain with specificity the economic incentives you seek from the City and the benefit to be derived by the City if it grants these incentives:

Economic incentives are being sought for applicant's facility, which was annexed by the City in 2015. The facility, which receives crude oil via pipelines and marine vessels for transfer to applicant's refinery located in a nearby community and for outbound marine transport, is a strategic asset for applicant and has had a positive impact on the City's economy. The refinery is one of the largest refineries in Texas. Applicant has given local businesses the opportunity to supply goods and services to the facility, and the facility and associated

refinery's highly skilled workforce is availed of competitive compensation and benefits packages.

The economic incentives sought include a reduction in property tax payments if the City's tax collection exceeds an agreed-upon minimum amount, and certain regulatory relief for terminal facilities. A Chapter 380 agreement that provides a gradual transition into the City's taxation and regulatory environment would encourage the retention of applicant's workforce at the facility and help to maintain applicant's competitiveness in an otherwise adverse economic environment for the oil and gas industry. The objectives of such agreement would be consistent with Chapter 380, enabling municipalities and industry to work together to advance the public purposes of developing, diversifying and expanding the economy of the City and the State of Texas, and contributing to employment and economic opportunities for the City's residents and business community.

PART A. APPLICANT INFORMATION

Submittal Date: December 2, 2016

Name: Flint Hills Resources Corpus Christi, LLC

Type of Entity: Limited Liability Company

Contact Person and Title: Roger TenNapel, Business/Process Development Manager

Address: 2825 Suntime Road, Corpus Christi, TX 78409

Phone, Email and Fax: (361) 242-5336; roger.tennapel@fhr.com; (361) 224-5717

PART B. EXISTING IMPROVEMENTS. If there are existing improvements for which you are seeking economic incentives, complete this Part B.

1. Property/Project Information

Type of Facility: Manufacturing (☐); Regional Distribution (☐); Regional Service (☐);
 Regional Entertainment Center (☐); Research (☐);
 Basic Industry (☐); Multi-family housing (☐); Crude Oil Terminal(☒)

Property Address, Legal Description and map showing site: 103 FM 1069, Ingleside, TX 78362

Describe product or service provided: Crude oil terminalling

Project Description: Fully describe the site and existing improvements, providing a list of property improvements and fixed equipment and other property, if any, for which economic incentives are requested.

Property Address, Legal Description and map showing site:

2. Construction Estimates

Construction Cost _____

Construction Start (month/year) _____

Construction Completion (month/year) _____

Number of Construction jobs per year _____

3. Water Estimates

Volume of treated water required from city: _____ gal/mo increase over current

Volume of effluent to be treated by city: _____ gal/mo sanitary sewer flow over current

4. Values

State SPCAD Valuations and account numbers for the immediately preceding years of _____ for land, improvements and personal property

Estimated Values after completion of construction

(a) Land _____

(b) Personal Property _____

(c) Improvements _____

5. Sales

Annual Sales per Year _____

6. Product/Service

Describe the product or service to be provided

7. Project Description: Please attach a statement fully explaining the new project: describing the site and all new improvements; providing a list of the new improvements for which abatement is requested.

8. Permanent Employment Estimates

Number to be employed

Number of Permanent Jobs Created _____

Operational Date and/or opening of improvements _____

9. Variance

Is a variance being sought under the Guidelines? _____

_____ Yes

_____ No

If "yes," attach any supplementary information required to describe the variance and reasons supporting the request.

PART D. DECLARATION

To the best of my knowledge the above information is an accurate description of project details.

Company Official Signature

Roger D. Ten Napel

Printed Name of Company Official

Roger D. Ten Napel

Title of Company Official:

Business / Process Development Manager

DO NOT WRITE BELOW THIS LINE

- FOR OFFICIAL USE ONLY

1. EDC Contact _____
2. San Patricio County Precinct _____
3. School District _____
4. City _____
5. Other District _____
6. Jurisdiction Notified (date) _____
7. Initial Review Complete (date) _____
8. Review Circulated (date) _____
9. Concurrence _____
ISD _____
Other District(s) _____
City _____
10. Letter of Intent (date) _____
11. Hearing Notice on Agenda (date) _____
12. Public Hearing (date) _____

13. Action _____
ISD _____
Other District(s) _____
City _____
14. Agreement Signed (date) _____

RESOLUTION NO. 2024-XX

AUTHORIZING THE CITY OF INGLESIDE, TEXAS TO CONSENT TO THE PARTIAL ASSIGNMENT OF THE CHAPTER 380 AGREEMENT FROM FLINT HILLS RESOURCES CORPUS CHRISTI, LLC TO J ENBRIDGE INGLESIDE OIL TERMINAL, LLC, AS RELATED TO A 43.55-ACRE PORTION OF THE LAND AND AUTHORIZE THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED; AND SETTING AN EFFECTIVE DATE

WHEREAS, Flint Hills Resources Corpus Christi, LLC, (“**Assignor**”) is a party to the Chapter 380 Agreement (Agreement) by and between City of Ingleside, Texas (City); and

WHEREAS, pursuant to a Purchase and Sale Agreement between Assignor and to J Enbridge Ingleside Oil Terminal, LLC, (“**Assignee**”) Assignee’s contracted to purchase approximately 43.55 acres of land, more or less, which lies within the Land (as defined in the Chapter 380 Agreement, described in **Exhibit “A”** attached hereto (the “Assignee’s Land”); and .

WHEREAS, Assignor, is the present owner of all rights under the 380 Agreement for the property to be assigned, Assignor agrees to assign to Assignee its rights, obligations, title, and interest under the 380 Agreement; and

WHEREAS, Assignee is willing to accept the right, title and interest of Assignee’s Land from Assignor as of the date of the Assignment, and hereby assumes the covenants, agreements and obligations of Assignor under the terms of the Assignment which are applicable and required to be performed, from and after the date of the Assignment; and

WHEREAS, under the terms of the 380 Agreement, the City shall acknowledge and consent to the Assignment if Assignee is willing to accept, without limitation all duties and obligations of Assignor for the Assignee’s Land under the Agreement and Assignor is not in default under the terms of the current Agreement;

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

SECTION 1. The City Council of the City of Ingleside, Texas finds that Assignor is not in default under the terms of the 380 Agreement and acknowledges that Assignee is willing to accept, without limitation all duties and obligations of Assignor under the Agreement, pursuant to the terms of the Assignment, for the Assignee’s Land a described in **Exhibit A**.

SECTION 2. The City Council of the City of Ingleside, Texas hereby consents to the Assignment and authorizes the Mayor to execute all of the documents related to the partial assignment of the 380 Agreement from Flint Hills Resources Corpus Christi, LLC, to J Enbridge Ingleside Oil Terminal, LLC.

SECTION 3. This Resolution shall be effective on the date of passage.

PASSED AND APPROVED this ____ day of July, 2024.

CITY OF INGLESIDE, TEXAS

Oscar Adame, Mayor

ATTEST:

Ruby Beaven, City Secretary

EXHIBIT A

**CONSENT TO PARTIAL ASSIGNMENT
OF CHAPTER 380 AGREEMENT**

CITY OF INGLESIDE, TEXAS

CONSENT TO PARTIAL ASSIGNMENT OF CHAPTER 380 AGREEMENT

Date: June ____, 2024

City Resolution: 2016-20 dated December 13, 2016

City Annexation Ord.: 2015-25 passed on December 29, 2015

Chapter 380 Agreement: Chapter 380 Agreement (City and Flint Hills) dated December 13, 2016, by and between the City of Ingleside, Texas and (successor in interest to Flint Hills Resources Corpus Christi, LLC), as amended

Owner: Flint Hills Resources Ingleside, LLC

Assignee: Enbridge Ingleside Oil Terminal, LLC

Assigned Land: BEING AN 43.55 ACRE TRACT OF LAND SITUATED IN J. ROBINSON SURVEY, ABSTRACT NO. 225, SAN PATRICIO COUNTY, & NUECES NAVIGATION DISTRICT NO. 1 SURVEY, ABSTRACT NO. 2684, NUECES COUNTY, TEXAS, AND BEING ALL OF A CALLED 43.55 ACRE TRACT OF LAND CONVEYED TO FLINT HILLS RESOURCES INGLESIDE, LLC, AS RECORDED IN CLERK'S FILE NO. 694078, OFFICIAL PUBLIC RECORDS OF SAN PATRICIO COUNTY, TEXAS AND CLERK'S FILE NO. 2020050672, OFFICIAL PUBLIC RECORDS OF NUECES COUNTY, TEXAS. SAID 43.55 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN **EXHIBIT "A"** ATTACHED HERETO FOR ALL PURPOSES.

1. **Consent to Partial Assignment.** Pursuant to the Chapter 380 Agreement, the City of Ingleside, Texas, a Texas municipal corporation and home rule city (the "**City**"), hereby consents and agrees to Owner's partial assignment of the Chapter 380 Agreement to Assignee as to the Assigned Land, which Owner is selling and conveying to Assignee.

2. **Covenant Running with the Land.** The City acknowledges and agrees that the Chapter 380 Agreement is a covenant running with the Land as expressly provided for under the terms of the Chapter 380 Agreement. Therefore, Assignee shall be the new and fully vested fee simple title owner of the Assigned Land once Owner conveys the Assigned Land and all of the rights and obligations under the Chapter 380 Agreement relating to the Assigned Land shall automatically transfer to Assignee.

3. **Assignee's Assumption of the Chapter 380 Agreement.** Consistent with Article 7 of the Chapter 380 Agreement, Assignee shall, as of the conveyance of the Assigned Land, irrevocably and unconditionally assume all the duties and obligations, and shall have the rights, of the Owner as to the terms and obligations of the Chapter 380 Agreement as to the Assigned Land. The City confirms that neither Owner nor Assignee is indebted to the City for ad valorem taxes or other obligations so as to make the assignment invalid.

4. **Assigned Land Designation as Operations Area.** The City confirms and agrees that the Assigned Land (with the exception of the operations building located thereon) is an Operations Area (as defined in the Chapter 380 Agreement) for all purposes.

5. **Allocation of Economic Incentive Payments.** After the assignment, each of the Assigned Land and the remaining land under the Chapter 380 Agreement will be a separate tract or parcel for calculating the portion and allocation of amounts associated with the Economic Incentive Payments (as defined and detailed in the Chapter 380 Agreement), and a breach by either Owner or Assignee as to any term of the Chapter 380 Agreement after assignment shall not be considered a breach by, or adversely affect the Chapter 380 Agreement as to, the other such party.

6. **Partial Assignment Effective Date.** The partial assignment of the Chapter 380 Agreement shall be effective as of the date the Assigned Land is conveyed by Owner to Assignee.

[signature page and exhibits to follow]

SIGNATURES

CITY OF INGLESIDE, TEXAS

By: _____
Brenton Lewis, City Manager

OWNER:

Flint Hills Resources Ingleside, LLC

By: _____
Name: _____
Title: _____

ASSIGNEE:

Enbridge Ingleside Oil Terminal, LLC

By: _____
Name: _____
Title: _____

EXHIBIT "A"

Legal Description of Assigned Land

BEING AN 43.55 ACRE TRACT OF LAND SITUATED IN J. ROBINSON SURVEY, ABSTRACT NO. 225, SAN PATRICIO COUNTY, & NUECES NAVIGATION DISTRICT NO. 1 SURVEY, ABSTRACT NO. 2684, NUECES COUNTY, TEXAS, AND BEING ALL OF A CALLED 43.55 ACRE TRACT OF LAND CONVEYED TO FLINT HILLS RESOURCES INGLESIDE, LLC, AS RECORDED IN CLERK'S FILE NO. 694078, OFFICIAL PUBLIC RECORDS OF SAN PATRICIO COUNTY, TEXAS AND CLERK'S FILE NO. 2020050672, OFFICIAL PUBLIC RECORDS OF NUECES COUNTY, TEXAS. SAID 43.55 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A BRASS CAP FOUND FOR A CORNER OF SAID 43.55 ACRE TRACT. SAID BRASS CAP BEING CALLED THE POINT OF BEGINNING AND HAVING A TEXAS COORDINATE SYSTEM OF 1983, SOUTH ZONE (4205), STATE PLANE COORDINATE OF N:17189445.94, E:1403390.83 FEET, FOR REFERENCE.

THENCE S 82°03'57" E, A DISTANCE OF 168.65 FEET, TO A BRASS CAP FOUND FOR A CORNER OF SAID 43.55 ACRE TRACT;

THENCE N 08°08'32" E, A DISTANCE OF 138.47 FEET, TO A CONCRETE MONUMENT WITH A BRASS CAP FOUND FOR A CORNER OF SAID 43.55 ACRE TRACT;

THENCE N 80°36'16" W, A DISTANCE OF 20.46 FEET, TO A CONCRETE MONUMENT WITH A BRASS CAP FOUND FOR A CORNER OF SAID 43.55 ACRE TRACT;

THENCE N 21°08'50" E, A DISTANCE OF 89.82 FEET, TO THE NORTHWEST CORNER OF SAID 43.55 ACRE TRACT;

THENCE S 87°11'55" E, A DISTANCE OF 545.65 FEET, TO A CORNER OF SAID 43.55 ACRE TRACT;

THENCE N 75°25'51" E, A DISTANCE OF 205.84 FEET, TO A CORNER OF SAID 43.55 ACRE TRACT;

THENCE N 13°30'31" W, A DISTANCE OF 42.92 FEET, TO A CORNER OF SAID 43.55 ACRE TRACT;

THENCE N 76°18'04" E, A DISTANCE OF 210.36 FEET, TO A CORNER OF SAID 43.55 ACRE TRACT;

THENCE S 13°30'31" E, A DISTANCE OF 48.38 FEET, TO A CORNER OF SAID 43.55 ACRE TRACT;

THENCE N 79°24'58" E, A DISTANCE OF 1040.92 FEET, TO THE NORTHEAST CORNER OF SAID 43.55 ACRE TRACT;

THENCE S 21°08'45" W, A DISTANCE OF 972.05 FEET, TO A POINT IN THE CENTERLINE OF THE PORT OF CORPUS CHRISTI NORTH BULKHEAD LINE, SAME POINT BEING THE SOUTHEAST CORNER OF SAID 43.55 ACRE TRACT;

THENCE S 77°33'29" W, WITH SAID BULKHEAD LINE, A DISTANCE OF 1360.05 FEET, TO A CORNER OF SAID 43.55 ACRE TRACT;

THENCE S 02°38'06" E, WITH SAID BULKHEAD LINE, A DISTANCE OF 5.37 FEET, TO A CORNER OF SAID 43.55 ACRE TRACT;

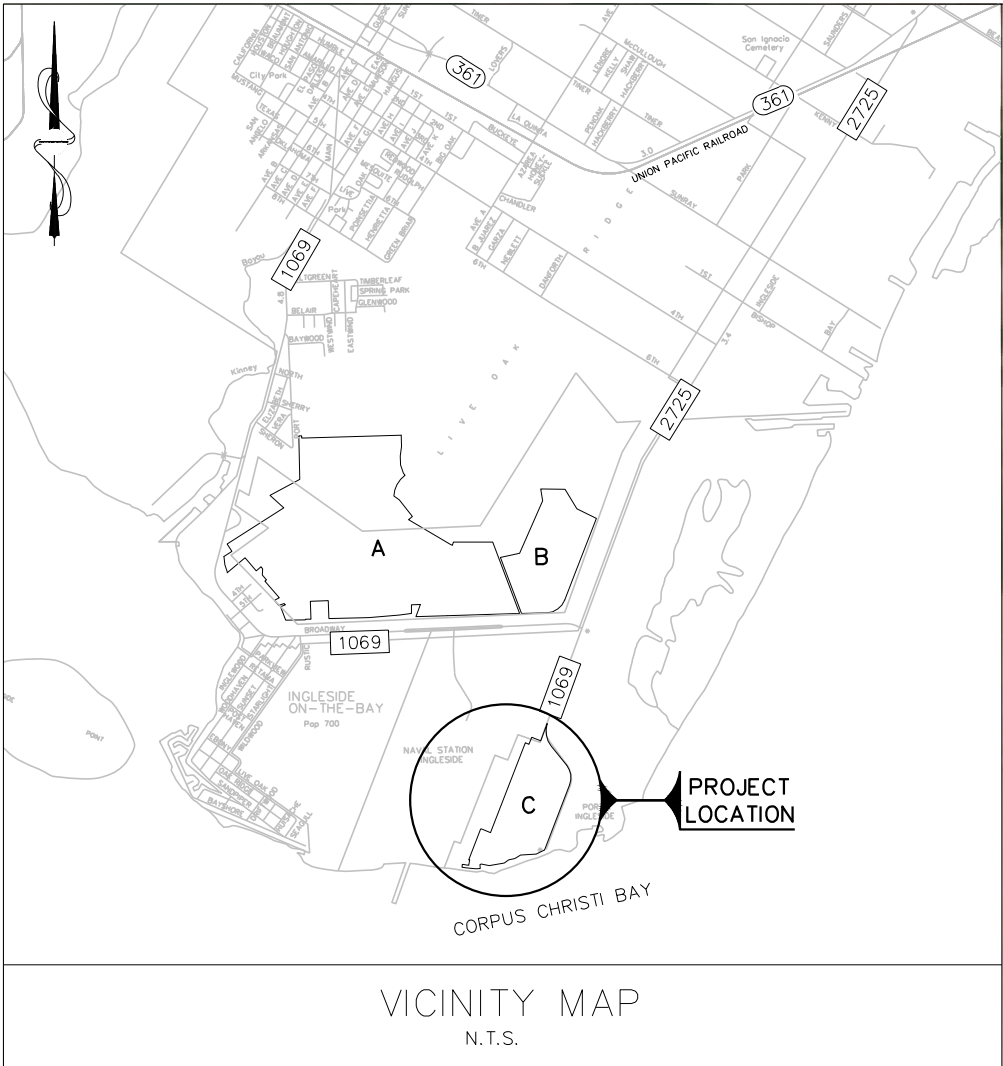
THENCE S 77°33'29" W, WITH SAID BULKHEAD LINE, A DISTANCE OF 631.05 FEET, TO A CORNER OF SAID 43.55 ACRE TRACT;

THENCE S 77°33'20" W, WITH SAID BULKHEAD LINE, A DISTANCE OF 213.38 FEET TO THE SOUTHWEST CORNER OF SAID 43.55 ACRE TRACT;

THENCE N 07°57'06" E, A DISTANCE OF 386.53 FEET, TO A CORNER OF SAID 43.55 ACRE TRACT;

THENCE N 52°57'06" E, A DISTANCE OF 282.84 FEET, TO A CORNER OF SAID 43.55 ACRE TRACT;

THENCE N 07°57'06" E, A DISTANCE OF 375.61 FEET TO THE POINT OF BEGINNING, CONTAINING 43.55 ACRES OR 1,897,243 SQUARE FEET OF LAND, MORE OR LESS.



LEGEND	
—	CALLED 106.06 DEED PROPERTY LINE
—	43.55 ACRES
—	ADJOINER PROPERTY LINE
—	SHORELINE AS DESCRIBED IN CF NO. 604076 & 682036 O.P.R.S.P.C.T.
SET= SET 5/8" IRON ROD WITH CAP STAMPED "GULLETT & ASSOC"	
O.P.R.S.P.C.T.= OFFICIAL PUBLIC RECORDS OF SAN PATRICIO COUNTY, TEXAS	
D.R.S.P.C.T.= DEED RECORDS OF SAN PATRICIO COUNTY, TEXAS	
M.R.S.P.C.T.= MAP RECORDS OF SAN PATRICIO COUNTY, TEXAS	
O.G.R.S.P.C.T.= OIL AND GAS RECORDS OF SAN PATRICIO COUNTY, TEXAS	
R.P.R.S.P.C.T.= REAL PROPERTY RECORDS OF SAN PATRICIO COUNTY, TEXAS	
M.L.R.S.P.C.T.= MECHANICS LIEN RECORDS OF SAN PATRICIO COUNTY, TEXAS	
D.R.N.C.T.= DEED RECORDS OF NUECES COUNTY, TEXAS	
O.P.R.N.C.T.= OFFICIAL PUBLIC RECORDS OF NUECES COUNTY, TEXAS	

PRELIMINARY

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY
PURPOSE AND SHALL NOT BE USED OR VIEWED OR
RELIED UPON AS A FINAL SURVEY DOCUMENT.

200' 100' 0' 200'	
SCALE 1"=200'	
PROJECT NO. 22224	
TBPCLS FIRM# 10194245 201 West Wall Street, Suite 325 Midland, TX 79701 (817) 523-1180 ~ Fax (817) 523-1181	
DRAWN BY: NH DATE: 06/19/24 DWG. NO. 2224 FLINT HILLS SURVEY_CITY 380 AGREEMENT MAP	
CHECKED BY: DATE: SCALE: 1"=200' PAGE 1 OF 1	
REV: 0	

FLINT HILLS resources

**EXHIBIT FOR
FLINT HILLS RESOURCES
CORPUS CHRISTI, LLC
SITUATED ACROSS MULTIPLE
SURVEY ABSTRACTS
SAN PATRICIO COUNTY, TEXAS
& NUECES COUNTY, TEXAS**

CITY COUNCIL AGENDA

Regular Meeting: July 9, 2024

AGENDA ITEM: 20

Deliberate and take appropriate action on a Resolution of the City Council of the City of Ingleside, Texas, regarding the creation and appointment of a Charter Review Commission; Providing a charge for the Commission; Appointing members to the Commission; Requiring a Public Hearing; Establishing a term for the Commission; Engaging professionals for assistance; Adopting a repealer clause; Providing for severability; and Establishing an effective date.

SUBMITTED BY: Ruby Beaven, Director of Administrative Services/City Secretary

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

Section 11.12. Charter review commission.

The City Council shall appoint at its first regular meeting in July of every fourth year after approval of this Charter, a Charter Review Commission of five citizens of the City.

A. Duties of the Commission:

1. Inquire into the operation of the City Government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held; and the Commission shall have the power to compel the attendance of any officer or employee of the City and require the submission of any of the City records which it may deem necessary to the conduct of such hearing.
2. Propose any recommendations it may deem desirable to insure compliance with the provisions of the Charter by the several departments of the City government.
3. Propose, if it deems desirable, amendments to this Charter to improve the effective application of the Charter to current conditions.
4. Report its finding and present its proposed amendments, if any, to the City Council.

B. Action by the City Council: The City Council shall receive and have published in the designated official public newspaper of the City any report presented by the Charter Review Commission; shall consider any recommendation made, and if any amendments be presented as part of such report, may order such amendment or amendments to be submitted to the voters of the City in the manner provided by State law.

C. Term of Office: The term of office of such Charter Review Commission shall be six months, and at the completion of such term a report shall be presented to the City Council, and all records of the proceedings of such commission shall be filed with the City Secretary and shall become a public record.

Staff's proposed calendar of events:

July 09, 2024

Appoint Commission Members

Charter Review Commission Term begins.

July 2024

Commission to meet and make recommendations.

August 2024

Commission to meet and make recommendations.

September 2024

Commission to meet and make recommendations.

October 2024

Staff generates draft report for recommended changes and forwards it to the City Attorney for review and placing into Ordinance format.

November 2024

Public Hearing to encourage citizen input; The City Council shall receive and have published in the designated official public newspaper of the City any report presented by the Charter Review Commission; shall consider any recommendation made, and if any amendments be presented as part of such report, may order such amendment(s) to be submitted to the voters of the City in the manner provided by State law.

December, 2024

Council Calls for the May 2025 Election, if amendment(s) to be submitted to the voters.

January 09, 2025

Charter Review Commission Term ends.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Staff recommends the Council to select five citizens per the Charter for the Charter Review Commission and approve the Resolution regarding the creation and appointment of a Charter Review Commission; Providing a charge for the Commission; Appointing members to the Commission; Requiring a Public Hearing; Establishing a term for the Commission; and Engaging professionals for assistance.

ATTACHMENTS:

1. 2024 Applicants

2. Res - 2024-XXX Resolution Appoint Charter Review Commission_DRAFT

*Emailed Council
4/23/2024*

Jana Stork

From: Amanda Torres <AmandaT@cctexas.com>
Sent: Wednesday, April 17, 2024 9:13 AM
To: City Secretary
Subject: Interest in Charter Review Committee
Attachments: ATorres Volunteer Application for Boards Commissions Committees.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from amandat@cctexas.com. [Learn why this is important](#)

Hi Ruby,

This is Amanda Torres. I've attached the volunteer for boards and commissions. I would like to serve on the Charter Review Committee. I am a lifelong resident of Ingleside and have a vested interest in helping my hometown. Also, I have worked in local government for the past decade in the cities of Aransas Pass, Rockport, and now Corpus Christi. I am a certified city planner and floodplain manager. I would love to apply my experience to help my community in any way I can.

If there is any other information you need from me, I will be happy to provide it. Thanks in advance for your time and consideration!

Amanda Torres, AICP, CFM
Senior Planner/Planner III

City of Corpus Christi – Planning & Community Development Department

1201 Leopard Street, 78401 | City Hall, 2nd Floor

Direct: (361) 826-3246 | Fax: (361) 826-1614

AmandaT@cctexas.com | www.cctexas.com/Planning | www.creatingcc.com



NEED HELP WITH
CITY SERVICES?
**CALL 311 TO REACH OUR
CUSTOMER CALL CENTER**



Volunteer Application for Boards, Commissions, and Committees

Boards, Commissions, and Committees require members to be a resident of the City of Ingleside for 12 months and be a current registered voter. Please return the completed form to the City Secretary's Office for processing either via email at citysecretary@inglesidetx.gov or via mail at PO Drawer 400, Ingleside, TX 78362. Please note when this is filed with City Hall the information included will become public information that may be disclosed per the Texas Public Information Act.

Name: Amanda Torres

Residence Address: 3578 Avenue A, Ingleside, TX 78362

Mailing Address: 2640 Avenue A, Ingleside, TX 78362

Telephone Number(s): Home: _____ Cell: 361-523-8411

E-Mail Address: amanda.e.torres@gmail.com

Number of Years Living in Texas: 35 Number of Years Living in Ingleside: 35

Do you or your employer have any business or other dealings with the City of Ingleside which may present a conflict of interest? ☐ Yes ☒ No If "Yes", please explain:

Describe any qualifications, credentials or special interests that relate to your possible appointment. Attach additional sheet(s) if needed.

I have worked in local government for over a decade. I am a certified urban planner (AICP) and floodplain manager (CFM).

Signature: Amanda Torres

Digitally signed by Amanda Torres
Date: 2024.04.17 09:00:43 -0500

Date: 04/17/2024

Ruby Beaven

From: tbell6217@yahoo.com
Sent: Tuesday, April 30, 2024 3:24 PM
To: Ruby Beaven; City Secretary
Cc: Brenton B. Lewis
Subject: City Charter Review Committee

You don't often get email from tbell6217@yahoo.com. [Learn why this is important](#)

Good afternoon Ruby,

I am sending this email in reference to the City Charter Review Committee Board. It has come to my attention that there may be an opening and I would like this email to be my formal request to serve on the board.

I am a current resident of Ingleside, and I was born and raised here. I dedicated several years of service to our local Volunteer Fire Department, and I am very active in our community & events. I follow the Council meetings, when necessary, and I am a current contractor for the City of Ingleside. I feel I will be a good asset to this board and be able to give a lot of insight into several departments within the City government and be able to add some amendments to this Charter to improve the effectiveness of the Charter from the current conditions.

If you have any questions or seek additional information, please don't hesitate to call or email me and the information listed below.

Thank you,

Tom Bell
1776 Morgan Lane
Ingleside, TX. 78362

(361) 523-8487 cell

tbell6217@yahoo.com

Volunteer Application for Boards, Commissions, Committees & Groups



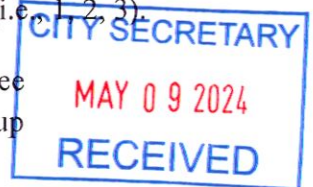
City Secretary Department

Requirements: (1) A resident of the City of Ingleside for 12 months; (2) A current registered voter. Please return the completed form to the City Secretary's Office for processing either via email at citysecretary@inglesidetx.gov or via mail to: Boards & Commissions, c/o City Secretary – PO Drawer 400, Ingleside, TX 78362 or in person: City Secretary's Office 2671 San Angelo Ave. Ingleside, TX 78362. Please note when this is filed with the City the information included will become public information that may be disclosed per the Texas Public Information Act.

If you are interested in applying for more than one position, please indicate the order of your preference by placing a number in the space to the left for which you are applying (i.e., 1, 2, 3).

2 Board of Adjustments
___ Planning & Zoning Commission
___ Ingleside Development Corporation
___ Library Board

1 Charter Review Committee
___ Cove Park Advisory Group
___ Street Advisory Group



If asked to serve on a different board than you indicated, would you be interested? ☐ Yes ☐ No

Name: Robert + Vana

Address: 2306 4th St Ingleside, Tx 78362

Telephone Number: 361-523-1433 E-Mail Address: rvana@inglesidetx.gov

Number of years as resident of City: 20+ Qualified voter in the City of Ingleside? ☒ Yes ☐ No

Do you or your employer have any business or other dealings with the City of Ingleside which may present a conflict of interest? ☒ Yes ☐ No If "Yes", please explain:

Ingleside Volunteer Fire Fighter

Describe any qualifications, credentials or special interests that relate to your possible appointment. Attach additional sheet(s) if needed.

Knowledge of bidding projects and Cost estimates
for City as previous employee.

As long time resident knowledgeable about City.

Signature: Robert L Vana JR Date: 5-9-24

Ruby Beaven

From: Cynthia Wilson <clwjsw78@gmail.com>
Sent: Thursday, May 9, 2024 7:30 PM
To: Ruby Beaven
Subject: Charter Committee

Hello,

I understand that the Council may be looking to form a Charter Committee in the near future. I am writing to you to express interest in serving on that committee. I know that it can be called at any time, but understand that the last charter amendments were voted in either '22 or '23.

I have lived in Ingleside for many, many years, watched things come and go and have served on many committees, including the Charter Committee in the past. I have a true passion for the City of Ingleside.

I appreciate the time it takes and what goes into getting amendments changed.

I thank you for your consideration.

Cindy Wilson
2635 San Angelo Ave
Ingleside, TX 78362

**Volunteer Application for Boards,
Commissions, Committees & Groups**



**City
Secretary
Department**

Requirements: (1) A resident of the City of Ingleside for 12 months; (2) A current registered voter. Please return the completed form to the City Secretary's Office for processing either via email at citysecretary@inglesidetx.gov or via mail to: Boards & Commissions. c/o City Secretary – PO Drawer 400, Ingleside, TX 78362 or in person: City Secretary's Office 2671 San Angelo Ave. Ingleside, TX 78362. Please note when this is filed with the City the information included will become public information that may be disclosed per the Texas Public Information Act.

If you are interested in applying for more than one position, please indicate the order of your preference by placing a number in the space to the left for which you are applying (i.e., 1, 2, 3).

- | | |
|--|---|
| ☐ Board of Adjustments | ☐ 1 Charter Review Committee |
| ☐ Planning & Zoning Commission | ☐ Cove Park Advisory Group |
| ☐ Ingleside Development Corporation | ☐ Street Advisory Group |
| ☐ Library Board | |

If asked to serve on a different board than you indicated, would you be interested? ☐ Yes ☐ No

Name: Ricardo Trevino Jr.

Address: 2322 Morgan Lane, Ingleside Texas 78362

Telephone Number: 361-222-3963 E-Mail Address: ricktrevino@yahoo.com

Number of years as resident of City: 20 Qualified voter in the City of Ingleside? ☒ Yes ☐ No

Do you or your employer have any business or other dealings with the City of Ingleside which may present a conflict of interest? ☐ Yes ☒ No If "Yes", please explain:

Describe any qualifications, credentials or special interests that relate to your possible appointment. Attach additional sheet(s) if needed.

City Council Place 5 (Candidate) on Ballot, City of Ingleside Mayoral Candidate on Ballot,

Citizen of Ingleside, Texas (20yrs)

Signature: 

Date: 06 May 2024 Time: 0700am

Volunteer Application for Boards, Commissions, Committees & Groups



City Secretary Department

Requirements: (1) A resident of the City of Ingleside for 12 months; (2) A current registered voter. Please return the completed form to the City Secretary's Office for processing either via email at citysecretary@inglesidetx.gov or via mail to: Boards & Commissions, c/o City Secretary – PO Drawer 400, Ingleside, TX 78362 or in person: City Secretary's Office 2671 San Angelo Ave. Ingleside, TX 78362. Please note when this is filed with the City the information included will become public information that may be disclosed per the Texas Public Information Act.

If you are interested in applying for more than one position, please indicate the order of your preference by placing a number in the space to the left for which you are applying (i.e., 1, 2, 3).

☐ Board of Adjustments	☒ Charter Review Committee
☐ Planning & Zoning Commission	☐ Cove Park Advisory Group
☐ Ingleside Development Corporation	☐ Street Advisory Group
☐ Library Board	

If asked to serve on a different board than you indicated, would you be interested? ☐ Yes ☐ No

Name: Courtney F Shane

Address: 2181 Capeheart St. Ingleside, TX. 78362

Telephone Number: (210) 846-1334 E-Mail Address: Courtneyfshane@yahoo.com

Number of years as resident of City: 5 Qualified voter in the City of Ingleside? ☒ Yes ☐ No

Do you or your employer have any business or other dealings with the City of Ingleside which may present a conflict of interest? ☐ Yes ☒ No If "Yes", please explain:

Describe any qualifications, credentials or special interests that relate to your possible appointment. Attach additional sheet(s) if needed.

San Patricio County Tactical Civics Coordinator, San Antonio Jr. League Volunteer Chairman, PIE President L

PTO Co-Chairman Cambridge Elementary Alamo Heights, TX, Alzheimer's Association Committee member,

Alamo Heights Chamber of Commerce member, Volunteer Director for Scott & White Hill Country Division, Realtor 17;

Signature: Courtney F. Shane

Date: May 15, 2024

RESOLUTION 2024-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INGLESIDE, TEXAS, REGARDING THE CREATION AND APPOINTMENT OF A CHARTER REVIEW COMMISSION; PROVIDING A CHARGE FOR THE COMMISSION; APPOINTING MEMBERS TO THE COMMISSION; REQUIRING A PUBLIC HEARING; ESTABLISHING A TERM FOR THE COMMISSION; ENGAGING PROFESSIONALS FOR ASSISTANCE; ADOPTING A REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Ingleside originally adopted its Home Rule Charter on November 06, 1979; and

WHEREAS, amendments to the Charter were adopted on May 04, 1996, May 05, 2001, May 15, 2004, May 09, 2009, May 11, 2013, May 06, 2017, and May 01, 2021; and

WHEREAS, the City Council, pursuant to §11.12 of the City Charter, shall appoint at its first regular meeting in July of every fourth year after approval of this Charter, a Charter Review Commission of five citizens of the City.

WHEREAS, the Commission shall be composed of five citizens and three City staff ex officio members; City Manager, City Attorney, and City Secretary.

WHEREAS, the last Charter Review Commission was appointed on July 08, 2020; and

WHEREAS, the City Council seeks to review its charter to determine if any updates are needed, recommended, or desired; and

WHEREAS, the City Council hereby seeks to appoint a Charter Review Commission.

WHEREAS, the Commission shall comply in all respects with the Texas Open Meetings.

WHEREAS, the Council may remove any member of the Commission for misconduct, failure to attend three or more consecutive meetings for any reason, or willful neglect of duty.

WHEREAS, Commission members shall receive no compensation for performing their duties as members. No Commission member shall receive any personal gain from serving on the Committee.

WHEREAS, the Commission shall begin its work in August 2024 to recommend amendments no later than January 2025 for consideration by the Council to ensure that proposed amendments may be placed on the May 2025 ballot for a Special Election.

WHEREAS, the Commission shall seek citizen input and review the Charter to formulate recommendations for amendment, revision, or repeal of provisions of the Charter (the Recommendation Report) to the City Council.

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

SECTION 1. FINDINGS INCORPORATED. The City Council finds the statements made in the preamble are true and correct and incorporated them into the body of this Resolution as if fully stated herein.

SECTION 2. CHARGE OF COMMISSION. A Charter Review Commission is hereby created in order to:

- 1) Inquire into the operation of the City Government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held; and the Commission shall have the power to compel the attendance of any officer or employee of the City and require the submission of any of the City records which it may deem necessary to the conduct of such hearing.
- 2) Propose any recommendations it may deem desirable to insure compliance with the provisions of the Charter by the several departments of the City government.
- 3) Propose, if it deems desirable, amendments to this Charter to improve the effective application of the Charter to current conditions.
- 4) Report its finding and present its proposed amendments, if any, to the City Council.

SECTION 3. POSITIONS. The City hereby appoints the following five (5) citizens to the City's Charter Review Commission:

Ex officio members:

- | | |
|----------|-------------------|
| 1. _____ | 1. City Manager |
| 2. _____ | 2. City Attorney |
| 3. _____ | 3. City Secretary |
| 4. _____ | |
| 5. _____ | |

The City Council may remove any member at any time for any reason. The City Council may fill any vacancies on the Charter Review Commission at any time without the need for a resolution or ordinance.

SECTION 4. PUBLIC HEARINGS. In performance of its duties described above, the Charter Review Commission shall have at least one public hearing prior to submission of its final report to the City Council.

SECTIONS. TERM. The Charter Review Commission shall expire on January 09, 2025, which is six months from the appointment as required by Ingleside Charter §11.12.

SECTION 6. LEGAL SERVICES. The City hereby engages the law firm of Davidson, Troilo, Ream, & Garza, PC to assist the Charter Review Commission in its efforts and as needed in the future.

SECTION 7. REPEALER. Any prior Resolution of the City Council in conflict with the provisions contained in this Resolution are hereby repealed and revoked.

SECTION 8. SEVERABILITY. Should any part of this Resolution be held to be invalid for any reason, the remainder shall not be affected thereby, and such remaining portions are hereby declared to be severable.

SECTION 9. EFFECTIVE DATE. This Resolution shall take effect immediately from and after its passage.

PASSED AND APPROVED this 9th day of July, 2024 by 00 (ayes) to 00 (nays) with 00 abstentions by a vote of the City Council of the City of Ingleside, Texas.

CITY OF INGLESIDE, TEXAS

Pedro Oscar Adame, Mayor

ATTEST:

Ruby Beaven, City Secretary

CITY COUNCIL AGENDA

Regular Meeting: July 9, 2024

AGENDA ITEM: 21

Deliberate and take appropriate action on a Resolution designating authorized signatories for Contractual Documents and Documents for requesting funds pertaining to the Community Development Block Grant - MITIGATION PROGRAM (CDBG-MIT) program for the General Land Office (GLO) state contract number 24-065-054-E564 by the City Council of the City of Ingleside, Texas.

SUBMITTED BY: Caron Vela, Director of Finance

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

The City of Ingleside was awarded \$5,355,500.00 for the Community Development Block Grant in August 2022. The project that was approved was drainage improvements. This resolution authorizes the signatures of the city for all grant documents is a requirement of the GLO Grant #24-065-054-E564.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Staff recommendation is to approve the Resolution to designate authorized signatories for the Community Development Block Grant - MITIGATION PROGRAM (CDBG-MIT) program for the General Land Office (GLO) state contract number 24-065-054-E564.

ATTACHMENTS:

1. Res 2024-XX MIT-MOD_RESOLUTION TO DESIGNATE AUTHORIZED SIGNATORIES (v2)

RESOLUTION NO. 2024-XX

A RESOLUTION DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE COMMUNITY DEVELOPMENT BLOCK GRANT – MITIGATION PROGRAM (CDBG- MIT) GENERAL LAND OFFICE (GLO) STATE CONTRACT NUMBER 24-065-054-E564 BY THE CITY COUNCIL OF THE CITY OF INGLESIDE, TEXAS.

WHEREAS, the City of Ingleside has received a Community Development Block Grant - Disaster Recovery award to provide Flood and Drainage Facilities; and

WHEREAS, it is necessary to appoint persons to execute contractual documents and documents requesting funds from the Texas General Land Office; and

WHEREAS, an original signed copy of the CDBG-MIT Depository/Authorized Signatories Designation Form is to be submitted with a copy of this Resolution; and

WHEREAS, the City of Ingleside acknowledges that in the event that an authorized signatory changes (elections, illness, resignations, etc.) the following will be required:

- a resolution stating the new authorized signatory (A new resolution is not required if this original resolution names only the title and not the name of the signatory); and
- a revised CDBG-MIT *Depository/ Authorized Signatories Designation Form*.

NOW, THEREFORE, BE IT RESOLVED, by the city council of the City of Ingleside, Texas, as follows:

SECTION 1: The Mayor and the City Manager be authorized to execute contractual documents between the Texas General Land Office and the City for the MITIGATION PROGRAM

SECTION 2: The Mayor, Mayor Pro-Tem, and the City Manager be authorized to execute the *State of Texas Purchase Voucher* and *Request for Payment Form* documents required for requesting funds approved in the Community Development Block Grant Disaster Recovery Program.

SECTION 3: The Mayor, and the City Manager be authorized to execute environmental review and related documents as the responsible entity (RE) for the Community Development Block Grant Disaster Recovery Program.

PASSED AND APPROVED this 9th day of July 2024, by the City Council of the City of Ingleside, Texas.

CITY OF INGLESIDE, TEXAS

Pedro Oscar Adame, Mayor

ATTEST:

Ruby Beaven, City Secretary

DRAFT

CITY COUNCIL AGENDA

Regular Meeting: July 9, 2024

AGENDA ITEM: 22

Deliberate and take appropriate action on a Resolution regarding civil rights and the associated policies of the Housing and Community Development Block Grant - Disaster Recovery (CDBG-MIT) grant and the Texas General Land Office (GLO) for the City of Ingleside, Texas.

SUBMITTED BY: Caron Vela, Director of Finance

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

The City of Ingleside was awarded \$5,355,500.00 for the Community Development Block Grant in August 2022. The project that was approved was drainage improvements. This resolution regarding Civil Rights and the following policies are a requirement of the GLO Grant #24-065-054-E564:

- Citizen Participation Plan and Grievance Procedures;
- Section 3 Policy;
- Excessive Force Policy;
- Limited English Proficiency (LEP) Standards Plan;
- Section 504 Policy and Grievance Procedures;
- Code of Conduct Policy; and
- Fair Housing Policy.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Staff recommendation is to approve the Resolution regarding civil rights and the associated policies of the Housing and Community Development Block Grant - Disaster Recovery (CDBG-MIT) grant and the Texas General Land Office (GLO) for the City of Ingleside, Texas.

ATTACHMENTS:

1. Res 2024-XX MIT-MOD_RESOLUTION-CIVIL RIGHTS AND POLICIES (v2)

RESOLUTION NO. 2024-XX

A RESOLUTION REGARDING CIVIL RIGHTS AND THE ASSOCIATED POLICIES OF THE HOUSING AND COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY (CDBG-MIT) GRANT AND THE TEXAS GENERAL LAND OFFICE (GLO) FOR THE CITY OF INGLESIDE, TEXAS.

WHEREAS, the City of Ingleside, Texas, (hereinafter referred to as “City of Ingleside”) has been awarded a Community Development Block Grant – Disaster Recovery (CDBG-MIT) grant from the Texas General Land Office (hereinafter referred to as “GLO”);

WHEREAS, the City of Ingleside, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG- MIT activity, on the basis of race, color, religion, sex, national origin, age, or disability;

WHEREAS, the City of Ingleside, in consideration for the receipt and acceptance of federal funding for the Contract, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections;

WHEREAS, the City of Ingleside, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135 is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the CDBG-MIT project area;

WHEREAS, the City of Ingleside, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State’s certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;

WHEREAS, the City of Ingleside, in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with Limited English Proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each CDBG-MIT project;

WHEREAS, the City of Ingleside, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and

WHEREAS, the City of Ingleside, in accordance with Section 808(e)(5) of the Fair

Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period, to affirmatively further fair housing;

WHEREAS, the City of Ingleside has designated an overseer and will maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ingleside that the City of Ingleside, Texas, adopts the following:

1. Citizen Participation Plan and Grievance Procedures;
2. Section 3 Policy;
3. Excessive Force Policy;
4. Limited English Proficiency (LEP) Standards Plan;
5. Section 504 Policy and Grievance Procedures;
6. Code of Conduct Policy; and
7. Fair Housing Policy.

Passed and approved this _____ day of _____, 2024, by the City Council of the City of Ingleside, Texas.

CITY OF INGLESIDE, TEXAS

Pedro Oscar Adame, Mayor

ATTEST:

Ruby Beaven, City Secretary

**INGLESIDE
CITIZEN PARTICIPATION PLAN
TEXAS GENERAL LAND OFFICE (GLO)
COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY (CDBG-MIT)
PROGRAM**

COMPLAINT PROCEDURES

These complaint procedures comply with the requirements of the Texas General Land Office's Community Development Block Grant – MITIGATION PROGRAM (CDBG-MIT) Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at Ingleside offices, 2671 San Angelo or P.O. Drawer 400, Ingleside, Texas 78362-0400, (Street Address), (Phone) during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the CDBG-MIT project.

1. A person who has a complaint or grievance about any services or activities with respect to the CDBG-MIT project(s), whether it is a proposed, ongoing, or completed CDBG-MIT project(s), may during regular business hours submit such complaint or grievance, in writing to the Mayor of Ingleside at 2671 San Angelo or P.O. Drawer 400, Ingleside, Texas 78362-0400 or may call .
2. A copy of the complaint or grievance shall be transmitted by the Mayor to the entity that is the subject of the complaint or grievance and to the City Attorney within five (5) working days after the date of the complaint or grievance was received.
3. The Mayor shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to person who made the complaint or grievance within ten (10) days.
4. If the investigation cannot be completed within ten (10) working days per 3. above, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.
5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the CDBG-MIT for their further review and comment.
6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

TECHNICAL ASSISTANCE

When requested, the City shall provide technical assistance to groups that are representative of persons of low- and moderate-income in developing proposals for the use of CDBG-MIT funds. The City, based upon the specific needs of the community's residents at the time of the request, shall determine the level and type of assistance.

PUBLIC OUTREACH EFFORTS

In instances of a change in scope or impact to beneficiaries that result in a 15% increase or decrease in quantities, a 25% variance in number of beneficiaries, addition or subtraction of a targeted beneficiary area, or addition or subtraction of a HUD activity, the City shall provide for reasonable public notice, appraisal, examination and comment on the activities proposed for the use of CDBG-MIT funds. These efforts shall include:

1. Provide for and encourage citizen participation, particularly by low and moderate income persons who reside in slum or blighted areas and areas in which CDBG-MIT funds are proposed to be used;
2. Ensure that citizens will be given reasonable and timely access to local meetings, information, and records relating to an entity's proposed and actual use of CDBG-MIT funds;
3. Furnish citizens information, including but not limited to:
 - a) the amount of CDBG-MIT funds expected to be made available
 - b) the range of activities that may be undertaken with the CDBG-MIT funds
 - c) the estimated amount of the CDBG-MIT funds proposed to be used for activities that will meet the national objective of benefit to low and moderate income persons
 - d) if applicable, the proposed CDBG-MIT activities likely to result in displacement and the entity's anti-displacement and relocation plan;
4. Provide citizens with reasonable advance notice of, and opportunity to comment on, proposed activities in an application to the state and, for grants already made, activities which are proposed to be added, deleted or substantially changed from the entity's application to the state. Substantially changed means changes made in terms of purpose, scope, location or beneficiaries as defined by criteria established by the state; and
5. These outreach efforts may be accomplished through one or more of the following methods:
 - a) Publication of notice in a local newspaper—a published newspaper article may be used so long as it provides sufficient information regarding program activities and relevant dates;
 - b) Notices prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups;
 - c) Posting of notice on the local entity website (if available);
 - d) Public Hearing; or
 - e) Individual notice to eligible cities and other entities as applicable using one or more of the following methods:
 - i. Certified mail
 - ii. Electronic mail or fax
 - iii. First-class (regular) mail
 - iv. Personal delivery (e.g., at a Council of Governments [COG] meeting).

PUBLIC HEARING PROVISIONS

For each public hearing scheduled and conducted by a CDBG-MIT applicant or recipient, the following public hearing provisions shall be observed:

1. 1. Furnish citizens information, including but not limited to:
 - (a)** The amount of CDBG-MIT funds available per application for MITIGATION PROGRAM
 - (b)** The range of activities that may be undertaken with the CDBG-MIT MITIGATION PROGRAM funds;
 - (c)** The estimated amount of the CDBG-MIT MITIGATION PROGRAM funds proposed to be used for activities that will meet the national objective of benefit to low- and moderate-income persons; and
 - (d)** The proposed CDBG-MIT activities likely to result in displacement and the unit of general local government's anti-displacement and relocation plans required under 24 CFR 570.488.
2. Public notice of any hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice MUST include the DATE, TIME, LOCATION and TOPICS to be considered at the public hearing. A published newspaper article may also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.

3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and an applicant must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to each hearing.
4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter will be present to accommodate the needs of the non-English-speaking residents.
5. The City may conduct a public hearing via webinar if they also follow the provisions above. If the webinar is used to conduct a public hearing, a physical location with associated reasonable accommodations must be made available for citizens to participate so as to ensure that those individuals without necessary technology are able to participate.
6. If applicable, the locality must retain documentation of the hearing notice(s), attendance lists, minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three years after the project is closed out. Such records must be made available to the public in accordance with Chapter 552, Government Code.

Signature

Pedro Oscar Adame
Name, Mayor

Date

INGLESIDE

PLAN DE PARTICIPACIÓN CIUDADANA

PROGRAMA DE RECUPERACIÓN DE DESASTRES EN ASIGNACIONES EN BLOQUES DE DESARROLLO COMUNITARIO (CDBG-MIT)

PROCEDIMIENTOS DE QUEJA

Estos procedimientos de queja cumplen con los requisitos del La Oficina General de Tierras de Texas de Recuperación de Desastres en Asignaciones en Bloques de Desarrollo Comunitario (CDBG-MIT) y los requisitos del gobierno local de Texas que se encuentran en 24 CFR §570.486 (Código de Regulaciones Federales). Los ciudadanos pueden obtener una copia de estos procedimientos en Ingleside, 2671 San Angelo or P.O. Drawer 400, Ingleside, Texas 78362-0400 (Dirección postal), , (teléfono) durante el horario de oficina.

A continuación se presentan los procedimientos formales de quejas y reclamos relacionados con los servicios prestados en el marco del proyecto CDBG-MIT.

1. Una persona que tiene una queja o reclamo sobre cualquier servicios o actividad en relación con el proyecto CDBG-MIT, ya sea un proyecto propuesto, en curso o completado de CDBG-MIT, pueden durante las horas regulares presentar dicha queja o reclamo, por escrito al Mayor, a Ingleside, 2671 San Angelo or P.O. Drawer 400, Ingleside, Texas 78362-0400, .
2. Una copia de la queja o reclamo se transmitirá por el Alcalde a la entidad que es encargada de la queja o reclamo y al Abogado del La Ciudad dentro de los cinco (5) días hábiles siguientes a la fecha de la queja o día que el reclamo fue recibida.
3. El Alcalde completará una investigación de la queja o reclamo, si es posible, y dará una respuesta oportuna por escrito a la persona que hizo la queja o reclamo dentro de los diez (10) días.
4. Si la investigación no puede ser completada dentro de diez (10) días hábiles, la persona que hizo la queja o reclamo será notificada, por escrito, dentro de los quince (15) días cuando sea posible después de la entrega de la queja original o reclamo y detallará cuando se deberá completar la investigación.
5. Si es necesario, la queja y una copia escrita de la investigación posterior se remitirán a la CDBG-MIT para su posterior revisión y comentarios.
6. Se proporcionara copias de los procedimientos de queja y las respuestas a las quejas, tanto en inglés y español, u otro lenguaje apropiado.

ASISTENCIA TÉCNICA

Cuando se solicite, La Ciudad proporcionará asistencia técnica a los grupos que son representantes de las personas de ingresos bajos y moderados en el desarrollo de propuestas para el uso de los fondos CDBG-MIT. La Ciudad, basándose en las necesidades específicas de los residentes de la comunidad en el momento de la solicitud, deberá determinar el nivel y tipo de asistencia.

ESFUERZOS PUBLICOS

En casos de un cambio en el alcance o impacto para los beneficiarios que resulte en un aumento o disminución del 15% en las cantidades, una variación del 25% en el número de beneficiarios, aumento o disminución de un área beneficiaria específica, o suma o resta de una actividad de HUD, el La Ciudad proporcionará un aviso público razonable para la evaluación, examinación y comentarios sobre las actividades propuestas para el uso de fondos de CDBG-MIT. Estos esfuerzos incluirán:

1. Proveer y fomentar la participación ciudadana, en particularmente por personas de ingresos bajos y moderados que residen en áreas marginales o deterioradas y áreas en las cuales se proponen utilizar fondos de CDBG-MIT;
2. Asegurar que los ciudadanos tendrán acceso razonable y oportuno a las reuniones locales, información y registros relacionados con el uso propuesto y real de fondos de CDBG-MIT por parte de la entidad;
3. Proporcionar información a los ciudadanos, incluyendo pero no limitado a:
 - a) la cantidad de fondos CDBG-MIT que se espera estén disponibles
 - b) la gama de actividades que se pueden emprender con los fondos CDBG-MIT
 - c) La cantidad estimada de los fondos CDBG-MIT que se propone utilizar para actividades que cumplan el objetivo nacional de beneficio para personas de ingresos bajos y moderados
 - d) si corresponde, las actividades propuestas de CDBG-MIT que puedan resultar en desplazamiento y el plan de anti-desplazamiento y reubicación de la entidad;
4. Proporcionar a los ciudadanos un aviso anticipado razonable y la oportunidad de comentar sobre las actividades propuestas en una solicitud al estado y, para las subvenciones ya realizadas, las actividades que se proponen agregar, eliminar o cambiar sustancialmente de la aplicación de la entidad al estado. Cambios sustanciales significa cambios hechos en términos de propósito, alcance, ubicación o beneficiarios según lo definido por los criterios establecidos por el estado; y
5. Estos esfuerzos de divulgación pueden lograrse a través de uno o más de los siguientes métodos:
 - a) Publicación de un aviso en un periódico local: se puede utilizar un artículo de periódico publicado siempre que proporcione información suficiente sobre las actividades del programa y las fechas pertinentes;
 - b) Avisos destacados en edificios públicos y distribuidos a las Autoridades Locales de Vivienda ya otros grupos comunitarios interesados;
 - c) Publicación de aviso en el sitio web de la entidad local (si está disponible);
 - d) Audiencia pública; o
 - e) Notificación individual a ciudades elegibles y otras entidades según sea aplicable usando uno o más de los siguientes métodos:
 - i. Correo certificado
 - ii. Correo electrónico o fax
 - iii. Correo de primera clase (regular)
 - iv. Entrega personal (por ejemplo, en una reunión del Consejo de Gobiernos [COG].

DISPOSICIONES PARA LA AUDIENCIA PÚBLICA

Para cada audiencia pública programada y conducida por un solicitante o receptor de CDBG-MIT, se observarán las siguientes disposiciones de audiencia pública:

1. Proporcionar a los ciudadanos información, que incluye pero no se limita a:
 - a. La cantidad de fondos de CDBG-MIT disponibles por solicitud para Huracán Harvey;
 - b. El rango de actividades que se pueden realizar con los fondos de la CDBG de Huracán Harvey;
 - c. El monto estimado de los fondos de CDBG-MIT Huracán Harvey propuestos para ser utilizados en actividades que cumplirán el objetivo nacional de beneficiar a las personas de ingresos bajos y moderados; y
 - d. Las actividades propuestas de CDBG-MIT que probablemente resulten en desplazamiento y la unidad de los planes generales de anti desubicación y reubicación del gobierno local requeridos bajo 24 CFR 570.488
2. El aviso público de cualquier audiencia debe ser publicado por lo menos setenta y dos (72) horas antes de la audiencia programada. El aviso público debe ser publicado en un periódico local. Cada

aviso público DEBE incluir la FECHA, TIEMPO, LOCALIZACIÓN y TEMAS a ser considerados en la audiencia pública. Un artículo de periódico publicado también puede usarse para cumplir este requisito, siempre y cuando cumpla con todos los requisitos de contenido y tiempo. Los avisos también deben ser destacados en los edificios públicos y distribuidos a las Autoridades Locales de Vivienda ya otros grupos comunitarios interesados.

3. Cada audiencia pública se celebrará en un momento y lugar conveniente para los beneficiarios potenciales o reales e incluirá alojamiento para personas con discapacidades. Las personas con discapacidades deben ser capaces de asistir a las audiencias y el solicitante debe hacer arreglos para las personas que requieren ayudas o servicios auxiliares si se ponen en contacto por lo menos dos días antes de cada audiencia.
4. Cuando un número significativo de residentes que no hablan inglés puede ser razonablemente esperado para participar en una audiencia pública, un intérprete estará presente para acomodar las necesidades de los residentes que no hablan inglés.
5. La Ciudad puede conducir una audiencia pública a través de un seminario si también siguen las disposiciones anteriores. Si el seminario web se utiliza para llevar a cabo una audiencia pública, debe ponerse a disposición de los ciudadanos un lugar físico con adaptaciones razonables asociadas para garantizar que los individuos sin la tecnología necesaria puedan participar.
6. Si es aplicable, la localidad debe conservar la documentación de los avisos de audiencia, las listas de asistencia, las actas de las audiencias y cualquier otro registro referente al uso real de los fondos por un período de tres años después del cierre del proyecto. Dichos registros deben ponerse a disposición del público de conformidad con el Capítulo 552, Código del Gobierno.

Signature

Pedro Oscar Adame
Name, Alcalde

Fecha

SECTION 3 POLICY

In accordance with 12 U.S.C. 1701u, (Section 3), the City of Ingleside agrees to implement the following steps, which, to the *greatest extent feasible*, will provide job training, employment and contracting opportunities for Section 3 residents and Section 3 businesses of the areas in which the program/project is being carried out.

- A. Introduce and pass a resolution adopting this plan as a policy to strive to attain goals for compliance to Section 3 regulations by increasing opportunities for employment and contracting for Section 3 residents and businesses.
- B. Assign duties related to implementation of this plan to the designated Section 3 Coordinator.
- C. Notify Section 3 residents and business concerns of potential new employment and contracting opportunities as they are triggered by CDBG-MIT grant awards through the use of: Public Hearings and related advertisements; public notices; bidding advertisements and bid documents; notification to local business organizations such as the Chamber(s) of Commerce or the Urban League; local advertising media including public signage; project area committees and citizen advisory boards; local HUD offices; regional planning agencies; and all other appropriate referral sources. Include Section 3 clauses in all covered solicitations and contracts.
- D. Maintain a list of those businesses that have identified themselves as Section 3 businesses for utilization in CDBG-MIT funded procurements, notify those businesses of pending contractual opportunities, and make this list available for general Grant Recipient procurement needs.
- E. Maintain a list of those persons who have identified themselves as Section 3 residents and contact those persons when hiring/training opportunities are available through either the Grant Recipient or contractors.
- F. Require that all Prime contractors and subcontractors with contracts over \$100,000 commit to this plan as part of their contract work. Monitor the contractors' performance with respect to meeting Section 3 requirements and require that they submit reports as may be required by HUD or GLO to the Grant Recipient.
- G. Submit reports as required by HUD or GLO regarding contracting with Section 3 businesses and/or employment as they occur; and submit reports within 20 days of federal fiscal year end (by October 20) which identify and quantify Section 3 businesses and employees.
- H. Maintain records, including copies of correspondence, memoranda, etc., which document all actions taken to comply with Section 3 regulations.

As officers and representatives of the City of Ingleside, we the undersigned have read and fully agree to this plan and become a party to the full implementation of this program.

Signature

Pedro Oscar Adame, Mayor
Name, Title

Date

Excessive Force Policy

In accordance with 24 CFR 91.325(b)(6), the City of Ingleside hereby adopts and will enforce the following policy with respect to the use of excessive force:

1. It is the policy of the City of Ingleside to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations.
2. It is also the policy of the City of Ingleside to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.
3. The City of Ingleside will introduce and pass a resolution adopting this policy.

As officers and representatives of the City of Ingleside, we the undersigned have read and fully agree to this plan and become a party to the full implementation of this program.

Signature

Pedro Oscar Adame, Mayor
Name, Title

Date

Limited English Proficiency Plan - 24-065-054-E564

Texas General Land Office

Community Development Block Grant-Disaster Recovery

Grant Subrecipient:	City of Ingleside
Community Population:	9,296
LEP Population:	480 5.16%
Languages spoken: 1) by more than 5% of the eligible population or beneficiaries and has more than 50 in number; or 2) By more than 1,000 individuals in the eligible population in the market area or among current beneficiaries	Spanish

Program activities to be accessible to LEP persons:

☒	Public Notices and hearings regarding applications for grant funding, amendments to project activities, and completion of grant-funded project
☒	Publications regarding CDBG-MIT application, grievance procedures, <i>complaint procedures</i> , <i>complaint procedures</i> , <i>answers to complaints</i> , <i>notices</i> , <i>notices of rights and disciplinary action</i> , and other vital hearings, documents, and program requirements
☒	Other program documents: Documents available in Spanish for directly assisted beneficiaries, if applicable.

Resources available to Grant Recipient:

☒	Translation services: available upon request
☒	Interpreter services: available upon request with prior notice
	Other resources: _____

Language Assistance to be provided:

☒	Translation (oral and/or written) of advertised notices and vital documents for: <u>Public hearing, Complaint and Grievance, Equal Opportunity, Policy of Non-discrimination Based on Disability Status and Fair Housing notices are available in Spanish. Other CDBG required program notices are available in Spanish upon request.</u>
☒	Referrals to community liaisons proficient in the language of LEP persons <u>Spanish-speaking liaisons are available upon request.</u>
☒	Public meetings conducted in multiple languages: <u>Available upon request with two days advance notice.</u>
☒	Notices to recipients of the availability of LEP services: <u>Included in translated notices.</u>
	Other services: _____

Pedro Oscar Adame, Mayor

Signature - Chief Elected Official or Civil Rights Officer

Date

See also: http://www.lep.gov/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf

Section 504 Policy against Discrimination based on Handicap and Grievance Procedures

In accordance with 24 CFR Section 8, Nondiscrimination based on Handicap in federally assisted programs and activities of the Department of Housing and Urban Development, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309), the City of Ingleside hereby adopts the following policy and grievance procedures:

1. Discrimination prohibited. No otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development (HUD).
2. The City of Ingleside does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its federally assisted programs and activities.
3. The City of Ingleside's recruitment materials or publications shall include a statement of this policy in 1. above.
4. The City of Ingleside shall take continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients that it does not discriminate on the basis of handicap in violation of 24 CFR Part 8.
5. For hearing and visually impaired individuals eligible to be served or likely to be affected by the CDBG-MIT program, the City of Ingleside shall ensure that they are provided with the information necessary to understand and participate in the CDBG-MIT program.
6. Grievances and Complaints
 - a. Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for the City of Ingleside to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
 - b. Complaints should be addressed to the Mayor, P.O. Drawer 400, Ingleside, TX, 78362-0400 or call (361) 776-2517, who has been designated to coordinate Section 504 compliance efforts.
 - c. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
 - d. A complaint should be filed within thirty (30) working days after the complainant becomes aware of the alleged violation.
 - e. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the Mayor. Informal but thorough investigations will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
 - f. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by Mayor, and a copy forwarded to the complainant with fifteen (15) working days after the filing of the complaint where practicable.
 - g. The Section 504 coordinator shall maintain the files and records of the City of Ingleside relating to the complaint files.
 - h. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the determination/resolution as described in f. above. The request for reconsideration should be

made to the City of Ingleside within ten working days after the receipt of the written determination/resolution.

- i. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- j. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the City of Ingleside complies with Section 504 and HUD regulations.

Signature

Pedro Oscar Adame, Mayor
Name, Title

Date

DRAFT

Code of Conduct Policy of the City of Ingleside

As a Grant Recipient of a CDBG-MIT contract the City of Ingleside shall avoid, neutralize or mitigate actual or potential conflicts of interest so as to prevent an unfair competitive advantage or the existence of conflicting roles that might impair the performance of the CDBG-MIT contract or impact the integrity of the procurement process.

For procurement of goods and services, no employee, officer, or agent of the City of Ingleside shall participate in the selection, award, or administration of a contract supported by CDBG-MIT funds if he or she has a real or apparent conflict of interest. Such a conflict could arise if the employee, officer or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

No officer, employee, or agent of the City of Ingleside shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

Contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

For all other cases, no employee, agent, consultant, officer, or elected or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or subrecipients which are receiving CDBG-MIT funds, that has any CDBG-MIT function/responsibility, or is in a position to participate in a decision-making process or gain inside information, may obtain a financial interest or benefit from the CDBG-MIT activity.

The conflict of interest restrictions and procurement requirements identified herein shall apply to a benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a CDBG-MIT contract or award, or that is required to complete some or all work under the CDBG-MIT contract in order to meet the National Program Objective.

Any person or entity including any benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a CDBG-MIT contract or award, or that is required to complete some or all work under the CDBG-MIT contract in order to meet a National Program Objective, that might potentially receive benefits from CDBG-MIT awards may not participate in the selection, award, or administration of a contract supported by CDBG-MIT funding.

Any alleged violations of these standards of conduct shall be referred to the City of Ingleside Attorney. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer; where violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.

Signature

Pedro Oscar Adame, Mayor
Name, Title

Date

These procedures are intended to serve as guidelines for the procurement of supplies, equipment, construction services and professional services for the Community Development Block Grant (CDBG-MIT) Program. The regulations related to conflict of interest and nepotism may be found at the Texas Government Code Chapter 573, Texas Local Government Code Chapter 171, Uniform Grant Management Standards by Texas Comptroller, 24 CFR 570.489(g) &(h), and 2 CFR 200.318

Fair Housing Policy

In accordance with Fair Housing Act, the City of Ingleside hereby adopts the following policy with respect to the Affirmatively Furthering Fair Housing:

1. The City of Ingleside agrees to affirmatively further fair housing choice for all seven protected classes (race, color, religion, sex, disability, familial status, and national origin).
2. The City of Ingleside agrees to plan at least one activity during the contract term to affirmatively further fair housing.
3. The City of Ingleside will introduce and pass a resolution adopting this policy.

As officers and representatives of the City of Ingleside, we the undersigned have read and fully agree to this plan and become a party to the full implementation of this program.

Signature

Pedro Oscar Adame, Mayor
Name, Title

Date

CITY COUNCIL AGENDA
Regular Meeting: July 9, 2024

AGENDA ITEM: 23

Deliberate and take appropriate action of the proclamation declaring April as Fair Housing Month in the City of Ingleside, Texas.

SUBMITTED BY: Caron Vela, Director of Finance

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

The City of Ingleside was awarded \$5,355,500.00 for the Community Development Block Grant in August 2022. The project that was approved was drainage improvements. The proclamation declaring April as Fair Housing Month in the City of Ingleside, Texas, is a requirement of the GLO Grant #24-065-054-E564.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Staff recommends the approval of the proclamation declaring April as Fair Housing Month in the City of Ingleside, Texas.

ATTACHMENTS:

1. MIT-MOD_PROCLAMATION OF APRIL AS FAIR HOUSING MONTH

**PROCLAMATION
APRIL AS FAIR HOUSING MONTH**

WHEREAS, Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and

WHEREAS, the principle of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and

WHEREAS, the National Fair Housing Law, during the month of April, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.

NOW, THEREFORE, WE, the City Council of the City of Ingleside, do proclaim **April as Fair Housing Month** in the City of Ingleside and do hereby urge all the citizens of this locality to become aware of and support the Fair Housing law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Ingleside to be affixed this 9th day of July, 2024.

Passed and adopted by the City Council of City of Ingleside, State of Texas, on the 9th day of July, 2024.

CITY OF INGLESIDE, TEXAS

Pedro Oscar Adame, Mayor

ATTEST:

Ruby Beaven, City Secretary

CITY COUNCIL AGENDA

Regular Meeting: July 9, 2024

AGENDA ITEM: 24

Deliberate and take appropriate action on the first reading of an Ordinance amending the Fiscal & Budgetary Policy for the City of Ingleside, Texas.

SUBMITTED BY: Caron Vela, Director of Finance

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

The current Fiscal & Budgetary Policy was adopted by Resolution #2017-18 in July 2017 and amended with Ordinance #2024-07 in May 2024. The granting agency representatives requested additional language for this policy, as shown on page 26.

As stated previously, these policy changes will assist the city to comply with grant agency guidelines for future grant funds.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Staff recommendation is to approve the ordinance to move to the second reading to adopt the attached Fiscal & Budgetary Policy.

ATTACHMENTS:

1. Ord 2024-XX AMENDING FISCAL& BUDGETARY POLICY (v2)
2. Ord 2024-XX Attachment A Fiscal and Budgetary Policy 20240709 Draft

ORDINANCE NO. 2024-XX

**AN ORDINANCE AMENDING THE FISCAL & BUDGETARY POLICY
FOR THE CITY OF INGLESIDE, TEXAS.**

BE IT ORDAINED BY THE CITY COUNCIL OF INGLESIDE, TEXAS:

WHEREAS, the City of Ingleside, Texas, us committed to financial management through integrity, prudent stewardship, planning, accountability, full disclosure and communication; and

WHEREAS, the broad purpose of the Fiscal & Budgetary Policy is to enable the City to achieve and maintain a long-term stable and positive financial condition, and provide guidelines for the day-to-day planning and operations of the City's financial affairs; and

BE IT ORDAINED by the City Council of the City of Ingleside that the Fiscal & Budgetary Policy be amended as shown on **Attachment A** to include language required by federal and state agencies for the processing of grant funds awarded and received by the City.

THAT all Ordinance or parts of Ordinances and any Resolutions in conflict with this Ordinance are repealed to the extent of such conflict only.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgement of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

THAT this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

PASSED, APPROVED AND ADOPTED this _____ day of July 2024.

CITY OF INGLESIDE, TEXAS

Pedro Oscar Adame, Mayor

ATTEST:

Ruby Beaven, City Secretary

First Reading: 07/09/2024

Second Reading: 00/00/0000



City of Ingleside

Fiscal and Budgetary Policy

July 5, 2017

Amended May 28, 2024

Proposed Amendment June 2024

Amendment Prepared by:

Brenton B. Lewis, City Manager

Caron S. Vela, Director of Finance

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REFERENCE TRACKING:

Original Adoption by Resolution #2017-18 on July 5, 2017

Modifications:

Date	Section	Comments (authority)
5/2024	XII Other Funding Alternatives	Required for grant funding.

City of Ingleside

Fiscal and Budgetary Policy

Statutory Authorization: The following document provides a framework for fiscal stewardship of the City. It operates within the confines of 1) federal and state law, 2) city charter, and 3) city code of ordinances. Any conflict herein will be subordinate to those legal authorities.

Governance: The City Manager serves as the Chief Financial Officer (CFO) of the City and appoints a Director of Finance/Treasurer or similar position to oversee the administration of these policies.

I. PURPOSE

The City of Ingleside is committed to transparent financial management through integrity, prudent stewardship, planning, accountability, full disclosure, and communication. The broad purpose of the Fiscal and Budgetary Policies is to enable the City to achieve and maintain a long-term stable and positive financial condition and provide guidelines for the day-to-day planning and operations of the City's financial affairs.

The scope of this policy generally spans areas of accounting and financial reporting, both operating and capital budgeting, revenue management, investment and asset management, debt management and forecasting, and a system of internal controls. This is done in order to:

- A. Demonstrate to the citizens of Ingleside, the investment community, and the bond rating agencies that the City is committed to a strong fiscal operation;**
- B. Provide precedents for future policy-makers and financial managers on common financial goals and strategies;**
- C. Fairly present and fully disclose the financial position of the City in conformity to generally accepted accounting principles (GAAP);**
- D. Demonstrate compliance with finance-related legal and contractual issues in accordance with the Texas Local Government Code and other legal mandates; and**
- E. Ensure full transparency in the governance of public funds entrusted to the City Council and City staff to manage and protect.**

These policies will be reviewed and updated annually as part of the budget preparation process.

A. Funds Governed

All monies under the control of the City of Ingleside shall be governed by these policies. The budgeted funds for the City of Ingleside include:

Governmental Funds: General Fund which accounts for all financial resources except those required to be accounted for in another fund, and include basic governmental services, such as Public Safety, Public Works, and Cultural and Recreational functions among others.

Special Revenue Funds (SRF): Account for specific revenues that are legally restricted for specified purposes. The City currently budgets Hotel Occupancy Tax, Economic Development, Grants, Asset Seizures, Street Maintenance, and the Street Reconstruction Fund as SRF type funds.

Debt Service Fund: Is used to account for the payment of general long-term debt principal and interest.

Capital Project Funds (CIP): Account for the acquisition or construction of major capital facilities other than those financed by enterprise activities. A variety of project funds will be created based on the nature of the projects and the sources of funding. The CIP program (Section VI) includes specific dedicated accounts such as the Rolling Stock and Street Reconstruction Fund.

Proprietary and Enterprise Funds: Account for the City's "business like" activities including the Utility Fund, Utility Capital Fund and Utility Impact Fees.

The City can use sub-ledger 'accounts' as a basis for tracking restricted funds where administratively feasible. The sub-ledgers may include:

- Court: Fees, State Court Cost Fees, Building Security Fees, Court Technology Fees, City Judicial Fees, and Juvenile Case Management Fees
- Police: School Crossing Guard, LEOSE, CAPCO, Bulletproof Vest
- Development Services: Escrow accounts

B. Basis of Accounting and Basis of Budgeting

Generally Accepted Accounting Principles (GAAP) are the rules established by the Governmental Accounting Standards Board. The City follows these standards in the annual financial reports on or by the designated effective reporting date.

The City accounts and budgets for all Governmental Funds using the modified accrual basis of accounting. This basis means that revenue is recognized in the accounting period in which it becomes available and measurable, while expenditures are recognized in the accounting period in which they are incurred. Because the appropriated budget is used as the basis for control and

Ordinance 2024-XX Attachment A

comparison of budgeted and actual amounts, the basis for preparing the budget is the same as the basis of accounting. Exceptions to the modified accrual basis of accounting include:

- Encumbrances are treated as expenditures in the year they are encumbered, not when expended; per City Charter, appropriations lapse at year end, other than capital expenditures.
- Grants are considered revenue received.
- Principal and interest on long-term debt are recognized when paid.

General government funds include the general fund, special revenue funds, debt service fund and general capital project funds.

Proprietary Funds, including the Utility Fund are accounted for and budgeted using the full-accrual basis of accounting. Under this method, revenues are recognized when they are earned and measurable, while expenses are recognized when they are incurred regardless of timing or related cash flows. The basis for preparing the budget is the same as the basis of accounting except for the following:

- Principal payments on long-term debt and capital outlay, budgeted expenses.
- Depreciation is not budgeted;(in lieu of depreciation, the city provides for rolling stock replacement reserves to provide funding for equipment acquisition and replacement at the departmental level.
- Non-budgeted accruals such as compensated absences are included as part of committed fund balances.

Year-end comparisons of budget to actual will appear in the financial statements of the City, at a minimum for those funds identified as major governmental funds in the audit process.

II. OPERATING BUDGET

Budgeting is an essential element of the financial planning, control, and evaluation process of municipal government. The “operating budget” is the City’s annual financial operating plan. The annual budget includes all funds of the City including the operating departments of the general fund, proprietary funds, debt service funds, special revenue funds, and capital improvement funds.

A. Comprehensive/Strategic Planning

The Ingleside “Comprehensive Plan” is the City’s comprehensive plan to preserve, promote and protect public health and general welfare, prevent overcrowding, ensure adequate transportation, availability of necessary utilities and services, and conserve and protect the City’s many resources. The City’s budget is the Annual Operating Plan element of the Comprehensive Plan.

The Comprehensive Plan is founded on strategic objectives or "policy areas" that are reviewed at least every five years. Funding of City programs should be based upon the objectives set forth in the Master Plan.

The City Charter and the Comprehensive Master Plan describe the budget process as an integral planning tool, suggesting the City plan for both five and one year time horizons. They recommend the budget be focused on these areas and significantly in consonance with the goals and objectives outlined in the comprehensive plan.

B. Preparation

The Charter (Section 7.02) requires “On or before the first regular city council meeting of August of each year, the City Manager shall submit to the City Council a proposed budget for the ensuing fiscal year and the budget message. The City Council shall review the proposed budget and make any appropriate changes prior to adopting the final budget.” The budget shall provide "a complete financial plan for all City funds and activities for the ensuing fiscal year. It shall contain all items and contents required by State law. The total of proposed expenditures shall not exceed the total of estimated income plus any accumulated surplus. The City Council shall, after holding public hearings as required by State law and the Charter, adopt the budget by ordinance no later than the 25th day of September. If it fails to adopt the budget by September 30th, the shall be the prior year operational budget implemented on a month to month basis until such time as a new budget is adopted.

C. Proposed Budget

A proposed budget shall be prepared by the City Manager with the participation of all City Department Heads that is within the provisions of the Charter and in consonance with the guidance contained in the Comprehensive Master Plan.

1. Elements. The budget shall include the following basic segments for review and evaluation:

- Budget Message
- A consolidated summary statement of receipts and expenditure of all funds, listed and itemized individually by department and agency.
- General Fund
- Utility Fund
- Capital Improvement Funds
- Hotel Occupancy Fund
- Debt Service Fund & Investments
- Water & Sewer Impact Fee Fund
- An analysis and itemization of all estimated income of the City from surplus, miscellaneous income and taxes with miscellaneous income sub-classified by source;
- Tax rates and collections for the preceding five years;

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An itemized statement of expenditures for pending and proposed new capital projects. Included shall be the amounts appropriated from the budget, the amounts to be raised by issuance of bonds, and the amount required for down payment;

- The amount required for sinking funds, for maturing serial bonds, and for interest on the City's debts;
- The total amount of the City's outstanding debts, with a schedule of maturity on bond issues in an attachment;
- Statement of estimated net surplus or deficit for the ensuing fiscal year of each utility owned and operated by the City and a proposed method of its disposition. A subsidiary budget for each utility shall be included giving details of income and expenditures;
- Such other information as is required by City Council or deemed desirable by the City Manager;
- A contingency line item of up to 10% of the general fund revenues may be included; and
- Such dedicated reserves as may be required.

2. Review: The budget review process will include provisions for City Council participation, including sufficient time to address policy and fiscal issues, and citizen input through the use of public hearings.

3. Distribution: A copy of the proposed budget will be filed with the City Secretary at the time it is submitted to the City Council. A copy will also be available at City Hall and the Public Library for citizen review. It will also be posted on the city website as required.

4. Notifications: Public notifications, distribution, including the language incorporated and the methods by which the public gains access to the budget will be governed by state law in effect at that time. State laws affecting the budget and the tax rate include provisions from both the Local Government Code, as well as the Tax Code.

D. Adoption

Prior to finalization of the budget appropriations, the City Council will hold at least two public hearings, and subsequently adopt the final budget as amended by Ordinance. The budget will be effective for the fiscal year beginning October 1st.

At the City Manager's discretion, the Annual Operating Plan document may be submitted to the Government Finance Officers Association (GFOA) for evaluation and consideration for the Distinguished Budget Presentation Award.

E. Balanced Budget

The goal of the City is to balance the operating budget with current revenues, whereby, current revenues would match and fund on-going expenditures/expenses. Excess balances in the operating funds from previous years could be used for non-recurring (one-time only) expenditures/expenses or for capital outlay based upon the recommendation of the City Manager and determination by the Council.

F. Planning

The budget process will be coordinated so that major policy issues are identified prior to the budget approval date. This will allow City Council adequate time for consideration of appropriate decisions and analysis of financial impacts. A budget calendar will be submitted by the City Manager outlining the major steps in the process and the opportunities for City Council review and citizen input.

Outstanding encumbrances will expire if not spent in encumbered year and will have to be re-appropriated.

G. Reporting

Summary financial reports will be presented to the City Council on a monthly basis. These reports will be in a format appropriate to enable the City Council to understand the overall budget and financial status. Monthly reports will also be provided as needed which contain updates on the status of projects and related financial goals set forth in the budget and if determined necessary, may also include appropriate budget amendment recommendations.

H. Control and Accountability

Each Department Head appointed by the City Manager, is responsible for the administration of his/her departmental budget. This includes accomplishing the Goals and Objectives adopted as part of the budget and monitoring of their portion of the budget for compliance with spending limitations. The City Manager may transfer any unencumbered funds within a departmental budget category (, operations and maintenance or capital) and shall report such transfers to the Council in writing in a timely manner. All other transfers of appropriation or budget amendments require City Council approval as outlined in Section I.

I. Budget Amendments

The Charter (Section 7.04) provides a method for budget amendments and emergency appropriations. The City Council may authorize, through a majority vote, an emergency expenditure as an amendment to the original budget. This may be done in cases of grave public necessity or to meet an unusual and unforeseen condition that was not known at the time the budget was adopted. In practice, this has been interpreted to include revenue-related expenses within the enterprise funds and timing differences on capital improvement projects. The following criteria will be used in evaluation of budget amendments:

- Is the request necessary?
- Why was the item not budgeted in the normal budget process?
- Why can't a transfer be done within the budget to remedy the condition?

The City Manager must certify availability of revenues or funding sources prior to adoption of an expenditure appropriation. The City will amend the budget at year end, if needed, for revenue based expenditures that exceeded budgeted amounts due to increased revenue and recognize any grant funded expenditures for grants received after the budget was adopted or last amended. The City Council may also amend the budget, if necessary, as part of the Mid-Year Review process for any capital project timing adjustments from the prior year, as well as, any other known adjustments needed and approved at that time.

J. Contingency Appropriations

The budget may include contingency appropriations within designated operating department budgets. These funds are used to offset expenditures for unexpected maintenance or other unanticipated expenses that might occur during the year. Per charter, the Council may establish up to 10% of revenues as a contingency reserve.

K. Manager's Contingency Account

The budget may also include a set amount of contingency appropriations within the Administration Budget to be spent at the discretion of the City Manager. These funds may be used to offset expenditures for unexpected purchases and other unanticipated expenses that might occur during the year. The specific amount of contingency funds included in the budget shall be set by the City Council through the adoption of the annual budget.

III. REVENUE MANAGEMENT

A. Characteristics

The City will strive for the following optimum characteristics in its revenue system:

1. Simplicity: The City, where possible and without sacrificing accuracy, will strive to keep the revenue system simple in order to reduce compliance costs for the taxpayer or service recipient.

2. Certainty: A knowledge and understanding of revenue sources increases the reliability of the revenue system. The City will enact consistent collection policies to provide assurances that the revenue base will materialize according to budget. One time and unscheduled revenues available for appropriation from time to time based upon City Manager's requests to Council will not be utilized to fund on-going operations.

3. Equity: The City will make every effort to maintain equity in its revenue system, i.e., the City should seek to minimize or eliminate all forms of subsidization between entities, funds, services, utilities, and customer classes.

4. Revenue Adequacy: The City should require there be a balance in the revenue system, i.e., the revenue base will have the characteristics of fairness and neutrality as it applies to cost of service, willingness to pay, and ability to pay

5. Realistic and Conservative Estimates: Revenues will be estimated realistically, and conservatively, taking into account the volatile nature of various revenue streams.

6. Administration: The benefits of a revenue source should exceed the cost of levying and collecting that revenue.

7. Diversification and Stability: A diversified revenue system with a stable source of income is preferred. This will help offset instabilities in revenue sources with large fluctuations due to the economy (sales tax) and variations in the weather (water sales). When a revenue source becomes significant, it shall be evaluated to determine the best roll for that source in the City's ongoing plans.

B. Other Considerations

The following considerations and issues should guide the City in its revenue policies concerning specific sources of funds:

1. Cost/Benefit of Incentives for Economic Development: The City will use caution in the analysis of any incentives that are used to encourage development. A cost/benefit (fiscal impact) analysis will be performed as part of the evaluation.

2. Non-Recurring Revenues: One-time or non-recurring revenues should not be used to finance current ongoing operations. Non-recurring revenues should be used only for non-recurring expenditures and not for budget balancing purposes.

3. Property Tax Revenues: All real and business personal property located within the City will be valued at 100% of the fair market value for any given year based on the current appraisal supplied by the San Patricio County Appraisal District. Conservative budgeted revenue estimates result in a projected ninety-eight percent (98%) budgeted collection rate for current ad valorem taxes. Two percent (2%) of the current ad valorem taxes will be projected as the budget for delinquent ad valorem tax collection. For budgeting purposes, the City will forecast the current year's effective tax rate at the current collection rate of 100%, unless directed otherwise. Industry is 40 – 50 % of tax roll and therefore mandates different considerations, depending upon the tax incentives granted to individual organizations. When deemed appropriate, the city may maintain a reserve for Interest and Sinking debt service obligations.

4. Interest Income: Interest earned from investments will be distributed to the funds based on their allocated investments, unless otherwise required by statute or determined by the City Council.

5. User-Based Fees and Service Charges: The City Council will determine how much of the cost of a service should be recovered by fees and charges. A fee can be driven by a cost-recovery approach, such that a service is identified into one of the following categories:

- **Partial Cost Recovery** – only a stated portion of the direct costs of services will be recovered from fees. These are for such services as library, parks, public safety and other services where a general benefit ensues to the citizenry as a whole and specific users cannot be easily ascertained or charged.
- **Direct Cost Recovery** – applies to all direct costs (operating and personnel) in the exchange for a service that is directly beneficial to a particular user. Such services as recreation classes, sports leagues, copying costs, etc. These services gain the benefit of building, facility, and capital use as well as overhead support that are not expected to be captured in a fee.

- Full Cost Recovery – applies to all direct operating costs, as well as administrative and capital overhead in the course of providing a service that is uniquely identifiable to a customer who exclusively benefits from that service. Those services would entail all utility programs, and related services. Full cost would capture debt burden, capital costs, overhead fees, as well as personnel and operating expenses.
- The Council, may determine the appropriate level of recovery applicable to unique situations.
- The City will review fees and charges no less than once every three years to ensure that fees provide adequate coverage for the cost of services.

6. Enterprise Fund Rates: The City has undertaken a long-term plan to review and adopt utility rates as needed to generate revenues required to cover operating expenses, meet the legal requirements of all applicable bond covenants, debt service, and provide for an adequate level of working capital for cash flows. Enterprise rates will consider transfers to other funds as follows:

- General and Administrative Charges – Administrative costs should be charged to all funds for services of general overhead, such as administration, finance, customer billing, legal and other costs as appropriate. These charges will be determined through an indirect cost allocation following accepted practices and procedures.
- b) In-Lieu-of-Franchise-Fee. This transfer, targeted between 2% and 4% of operating revenues, is consistent with the franchise rates charged to investor-owned utilities that have been franchised to operate within the City.
- c) In-Lieu-of-Ad Valorem-Taxes. A payment in lieu of taxes (PILOT) will be determined and budgeted as if any city operated utilities were owned and operated by a private investor.

7. Intergovernmental Revenues: All potential grants will be examined for matching requirements and must be approved by the City Manager prior to making application for the grant. It must be clearly understood that operational requirements (on-going costs) set up as a result of a grant program could be discontinued once the term and conditions of the program have been completed. The department filing the grant application will submit the application to the City Manager for review and submission to the City Council when matching funds or unbudgeted expenses are required. As part of the review the Finance Department will evaluate the grant to ensure that the grant is set up appropriately for reimbursement or award, depending on the nature of the grant.

8. Revenue Monitoring: Revenues, as they are received, will be regularly compared to budgeted revenues and variances in excess of 5% should be investigated.

- Revenues will be monitored by Fund. It is understood that many of the City's revenues are seasonal in nature or are reported to the City on a quarterly basis.
- Enterprise Fund revenues will be tracked on a monthly basis for comparison purposes.
- A revenue variance in excess of 5% will be placed on the City Council agenda to discuss the status of the revenue. All revenues will continue to be included in the financial reports presented to Council monthly.

IV. SALES TAX

The voters in the City of Ingleside have approved a 2% sales and use tax on taxable items sold within the City. 75% of the Sales Tax collections are designated for the General Fund, 12.5% is designated for the Ingleside Development Corp (IDC) and used for economic development purposes, and 12.5% is designated for maintenance of City streets.

As part of the annual budget process, sales tax collections are analyzed and budgeted at approximately 90% of recurring sales tax collections during the previous year.

When there are significant industrial projects constructed within the City, there can be large, one time spikes in the taxes collected by the City. Because of the nature of these collections, it is not practical to budget for these unusual, one-time cash flows. In addition, these collections should not be budgeted or utilized for use towards the City's recurring obligational expenses. It shall be the City's practice to allow these receipts to accumulate and contribute towards the net surplus of the General Fund, IDC Fund and the Street Maintenance Fund.

From time to time, the City Manager will make recommendations to the City Council for the use of the accumulated monies.

V. EXPENDITURE POLICIES

A. Appropriations

Budget appropriations are at the department level for all funds. The Charter (Section 7.04(D)) provides that any transfer of appropriation between funds must be approved by the City Council. The City Manager, without City Council approval, is authorized to transfer unencumbered appropriations within departments.

B. Purchasing

All purchases of goods or services by the City will be made in accordance with state law and the following guidelines. All purchasing decisions shall be made in accordance with the Annual Budget as approved by the City Council. The purchase of items not included in the Annual Budget of less than \$25,000 requires approval from the City Manager. The purchase of items not included in the Annual or Capital Budgets in excess of \$25,000 require the approval of the City Council. All contracts greater than or equal to \$25,000 shall be approved by the City Council. Emergency purchases in excess of \$15,000 will be limited to incidents that threaten public health, safety or damage to persons or property or in those situations in which inaction shall present a substantial financial loss to the City. All emergency purchases shall be submitted to the City Council for ratification. The following shows a summary of approval requirements for purchases.

APPROVAL REQUIREMENTS FOR PURCHASES:

1. The City Manager shall determine the purchasing authority limits of each Department Heads and other employees on a case-by-case basis; however, under no circumstances shall that authority exceed \$2,000 ~~\$500~~ per department.
2. Department Heads shall determine the purchasing authority of subordinate employees on a case-by-case basis; however, under no circumstances shall that authority exceed \$2,000 ~~\$500~~. The delegation of purchasing authority shall be made in writing and approved by the City Manager.

C. Prompt Payment

All invoices approved for payment by the proper City authorities shall be paid within thirty (30) calendar days of receipt of goods or services or invoice date, whichever is later in accordance with State law. The City will take advantage of all purchase discounts, when possible.

D. Risk Management

The City will pursue every opportunity to provide for the public's and City employees' safety and to manage its risks. The goal shall be to minimize the risk of loss of resources through liability claims with an emphasis on safety programs.

VI. BUDGET CONTINGENCY PLAN

This policy is designed to establish general guidelines for managing revenue shortfalls resulting from local and national economic downturns or other issues that adversely affect the City's revenue streams of all funds. This is also intended to address unexpected expenditures.

A. Immediate Action

Once a budgetary shortfall is projected, the City Manager will take the necessary actions to offset any revenue shortfall with a reduction in current expenses. The City Manager may:

- Freeze all new hire and vacant positions except those deemed to be a necessity by the City Manager;
- Review all planned capital expenditures; and/or
- Delay all "non-essential" spending or equipment replacement purchases.

B. Further Action

If the above actions are insufficient to offset the revenue deficit and the shortfall continues to increase, the City Manager will further reduce operating expenses to balance the variance. Any resulting service level reductions, including workforce reductions, will be brought to the City Council for direction and determination.

VII. CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET

The City's goal is to maintain City facilities and infrastructure in order to provide excellent services to the customers within the community, meet growth related needs, and comply with all state and federal regulations.

A. Preparation

The City annually updates and adopts a five-year Capital Improvement Program (CIP) schedule as part of the operating budget adoption process. The plan is reviewed and adjusted annually as needed, and year one is intended to be adopted as a part of the current year's budget. The capital budget will include all capital projects, capital resources, and estimated operational impacts.

Priorities for Capital Improvements should consider:

- Needed capital improvements should be identified through system models, repair and maintenance records and growth demands. The ongoing operational costs of an improvement shall be considered as part of the budgeting process.
- Economic development projects that have capital infrastructure needs should be reviewed and approved for funding by the City to be included in the CIP process or subsequent amendment.
- A team approach will be used to prioritize CIP projects, whereby City staff from all operational areas provide input and ideas relating to each project and its effect on operations.
- Citizen involvement and participation may be solicited in formulating the capital budget through public hearings and other forums.

In cases where CIP requirements vary, such as impact fees (with 10-year planning windows and a specialty review process), the City will abide by those requirements.

B. Control

All capital project expenditures must be appropriated in the annual budget. Availability of resources must be confirmed before any CIP contract is presented to the City Council for approval.

C. Financing Programs

Where applicable, assessments, impact fees, pro rata charges, or other fees should be used to fund capital projects which have a primary benefit to specific identifiable property owners. Recognizing that long-term debt is usually a more expensive financing method, alternative-financing sources will be explored before debt is issued. See Sections X and XI. Short-term financing including Capital Leasing and other tax-supported obligations can be used to fund vehicles, computers, and other operating equipment if the impact to the tax rate is minimal.

VII. ROLLING STOCK

It is the goal of the City of Ingleside to budget for equipment replacement and facility renovation with monies for these types of expenditures within the annual operating budget of each department and functional area and to accumulate these funds for use when needed. These monies shall be for capital items having a cost in excess of \$5,000 per unit. These monies shall be transferred each year into a capital fund on a departmental basis and shall be considered appropriated. As a part of the annual budgeting process, each department shall prepare a five-year summary of expected needs. The amount of annual depreciation, as well as debt service, will be taken into consideration in determining the amount of the annual allocations.

VIII. CAPITAL MAINTENANCE AND REPLACEMENT

The City recognizes that deferred maintenance increases future capital costs. Therefore, a portion of all individual funds with infrastructure should be budgeted each year to maintain the original quality within each system.

A. Infrastructure Maintenance

On-going maintenance costs are included as operating or capital expense within the departmental operating budgets. These costs are generally considered system repairs and are not capitalized for accounting purposes. They include such items as street seal coat, water line

repairs and other general system maintenance. Staff will prepare a street maintenance budget for Council's consideration during the budget process.

B. Internal Service Funds

The City may utilize internal service funds to maintain and replace existing assets. Assessments are to be made to the "using" department for the use of current equipment and items to be purchased during the year. In this way, suitable funds should be accumulated during the year and available for the purchase of operational assets with minimal issuance of debt. A systematic methodology will guide the calculation of the department charges.

IX. ACCOUNTING, AUDITING AND FINANCIAL REPORTING

A. Accounting

The City is solely responsible for the recording and reporting of its financial affairs, both internally and externally. The City Manager is the City's Chief Financial Officer and is responsible for establishing the structure for the City's Chart of Accounts and for assuring that procedures are in place to properly record financial transactions and report the City's financial position.

B. Audit of Accounts

In accordance with the City Charter, an independent audit of the City's accounts will be performed every year. The auditor may be recommended by the City Manager but is retained by and is accountable directly to the City Council.

C. Internal Reporting

The Finance Department will prepare monthly internal financial reports, sufficient to plan, monitor and control the City's financial affairs.

D. External Reporting

The Finance Department will be responsible for preparing the annual financial report by March 30 of each year, or as timely after year end as possible.

X. ASSET MANAGEMENT

A. Cash Management and Investments

The City must comply with the requirements of the Public Funds Investment Act (PFIA), Section 2256 of the Texas Local Government Code. A separate Investment Policy will be reviewed annually by the City Council and applies to all financial cash and investments held by the City.

1. Statement of Cash Management Philosophy: The City shall maintain a comprehensive cash management program to include the effective collection of all

accounts receivable, the prompt deposit of receipts to the City's depository, the prompt payment of obligations, and the prudent investment of idle funds in accordance with this policy.

- Cash handling procedures will be coordinated through the Finance Department and all personnel handling cash, checks, or customer payments will be required to take applicable training. Such training will cover PCI compliance and red flag rules as applicable.
- Financial Procedures will outline that bank reconciliations will be performed monthly immediately after statements are processed by the bank; discrepancies will be researched and corrected immediately.

2. Objectives: The City's investment program will be conducted to accomplish the following, listed in priority order:

- Safety of the principal invested,
- Liquidity and availability of cash to pay obligations when due,
- Receive the highest possible rate of return (yield) consistent with the City's investment policy.

3. **Safekeeping and Custody:** Investments may only be purchased directly by the City or through brokers/dealers who meet the criteria detailed in the investment policy, which also addresses internal controls related to investments. All funds and investments shall be held in safekeeping by the City's depository.

4. Standard of Care and Reporting: Investment will be made with judgment and care, always considering the safety of principal to be invested and the probable income to be derived. The City Manager is responsible for the overall management of the City's investment program and ensures all investments are made in compliance with the investment policy. An investment report, providing both summary and detailed information, will be presented to the City Council quarterly.

B. Fixed Assets & Inventory

These assets will be reasonably safeguarded and properly accounted for, and prudently insured when required by law.

1. Capitalization Criteria: Capitalization is defined as the point at which an item gets recorded as an asset instead of expense. For purposes of budgeting and accounting classification assets meeting all of the following criteria must be capitalized:

- The asset is owned by the City.
- The expected useful life of the asset must be longer than one year or extend the life of an identifiable existing asset by more than one year.
- The original cost of the asset must be at least \$5,000.
- The asset must be tangible.
- On-going repairs and general maintenance are not capitalized.

2. New Purchases: All costs associated with bringing the asset into working order should be capitalized as part of the asset cost. This may include start-up costs, engineering, or consultant type fees as part of the asset cost once the decision or commitment to purchase the asset is made. The cost of land acquired should include all related costs associated with its purchase. The land will be recorded as a non-depreciable asset while improvements will be considered depreciable.

3. Improvements and Replacement: Improvements will be capitalized when they extend the original life of an asset or when they make the asset more valuable than it was originally. The replacement of an asset's components will normally be expensed unless they are a significant nature and meet all the capitalization criteria.

4. Contributed Capital: Infrastructure assets received from developers or as a result of annexation or other dedications will be recorded as equity contributions when they are received and depreciated the same as city funded assets. The City will not accept dedications from homeowners' association or other similar property owners without full review and consideration of the ongoing maintenance costs of those assets. All contributions and dedications to the City will be presented to the City Council for approval.

5. Distributions Systems: All costs associated with public domain assets, such as streets and utility distribution lines will be capitalized in accordance with the capitalization policy. Costs should include engineering, construction and other related costs including right-of-way acquisition.

6. Reporting and Inventory: The Finance department will maintain the permanent records of the City's fixed assets, including description, cost, department of responsibility, date of acquisition, depreciation and expected useful life. Periodically, random sampling at the department level will be performed to inventory fixed assets assigned to that department. Responsibility for safeguarding the City's cash and fixed assets lies with the department supervisor or manager whose department has been assigned the assets.

7. Inventory and Control: The Finance department maintains an inventory with descriptions, dates and amounts and has the authority to conduct periodic inventory audits of any city assets, including equipment, cash or other city owned property. Assets assigned to individuals such as cars, computers, and phones must be itemized and returned to city control upon replacement or termination.

8. Disposal: City assets may be disposed of if they are considered: too costly to repair, obsolete, or no longer functional. For any items with a residual value, the City will dispose of assets through public auction or sealed bid, either directly or through a cooperative effort. If an asset originally cost less than \$5,000, the manager may dispose of it through auction. If an asset costs more than \$5,000 or is being disposed of through a sealed bid, the City Council must approve the disposal.

XI. DEBT MANAGEMENT

The City of Ingleside recognizes that the primary purpose of capital facilities is to provide services to the community. Using debt financing to meet the capital needs of the community must be evaluated according to efficiency and equity. Efficiency must be evaluated to determine the highest rate of return for a given investment of resources. Equity is resolved by determining who should pay for the cost of capital improvements.

In meeting demand for additional services, the City will strive to balance the needs between debt financing and “pay as you go” methods. The City realizes that failure to meet the demands of growth may inhibit its continued economic viability, but also realizes that too much debt may have detrimental effects on the City’s long-range financial condition. Conversely, too little debt implies that current population is paying an exaggerated portion of long-lived assets.

The City will issue debt only for the purpose of acquiring or constructing capital assets for the general benefit of its citizens, or the utility system expansion and upgrades and to allow it to fulfill its various purposes as a city.

A. Usage of Debt

Long-term debt financing will be considered for non-continuous capital improvements from which future citizens will be benefited. Alternatives for financing will be explored prior to debt issuance and include, but are not limited to:

- Grants
- Use of Reserve Funds
- Use of Current Revenues
- Contributions from developers and others
- Leases
- Impact Fees

When the City utilizes long-term financing, it will ensure that the debt is soundly financed by conservatively projecting revenue sources that will be used to pay the debt. It will not finance the improvement over a period greater than the useful life of the improvement and it will determine that the cost benefit of the improvement, including interest costs, is positive to the community.

The City may utilize the benefits of short-term debt financing to purchase operating equipment provided the debt doesn’t extend past the useful life of the asset, and the potential impact to the tax rate is within policy guidelines.

B. Types of Debt

1. General Obligation Bonds (GO's): Original issue General Obligation bonds must be authorized by a vote of the citizens of Ingleside. They are used only to fund the capital assets of the general government and are not to be used to fund the operating needs of the City. The full faith and credit of the City as well as the City's ad valorem taxing authority back general obligation bonds within limits of state law for taxing authority. Conditions for issuance of general obligation debt include:

- When the project will have a significant impact on the tax rate,
- When the project may be controversial even though it is routine in nature, or
- When the project falls outside the normal bounds of projects the City has typically done.

As needed, the City will prepare Bond Propositions and the City Council will approve any election items and will set election dates in accordance with state law. The Finance Department will track all authorized propositions, the related debt issues and projects for those authorizations, and all remaining amounts approved but unissued.

2. Revenue Bonds: Revenue bonds may be issued to provide for the capital needs of any activities where the capital requirements are necessary for the continuation or expansion of a service. The improved activity shall produce a revenue stream to fund the debt service requirements of the necessary improvement to provide service expansion. The final maturity of the obligation should not exceed the useful life of the asset(s) to be funded by the bond issuance and will generally be limited to no more than twenty (20) years.

3. Certificates of Obligation, Contract Obligations (CO's): Certificates of obligation or contract obligations may be used to fund capital requirements that are not otherwise covered either by general obligation or revenue bonds. Debt service for CO's may be paid either from general revenues (tax-supported) or supported by a specific revenue stream(s) or a combination of both provided the I&S tax provides an alternate security for the repayment of COs as required by State law. Typically, the City may issue CO's when the following conditions are met:

- When the proposed debt will have minimal impact on future effective property tax rates,
- When the projects to be funded are within the normal bounds of city capital requirements, such as for roads, parks, various infrastructure, and City facilities,
- When the average life of the obligation does not exceed the useful life of the asset(s) to be funded by the issuance, and
- Certificates of obligation will be used with prudent care and judgment by the City Council. Notice of Intent to Issue COs will conform to state law requirements.

4. Self-supporting General Obligation Debt: Refers to general obligation debt issued for a specific purpose and repaid through dedicated revenues other than ad valorem taxes; however, the I&S tax is still pledged by law. The annual debt requirements are not included in the property tax calculation.

5. Internal borrowing between funds: The City can authorize use of existing long-term reserves as “loans” between funds. The borrowing fund will repay the loan at a rate consistent with current market conditions. The loan will be repaid within 18 months. The loan will be considered an investment of working capital reserves by the lending fund.

6. Tax Notes: In accordance with Chapter 1431 of the Texas Local Government Code the City may authorize the issuance of Tax Notes for construction of public works, the acquisition of land, buildings, equipment, machinery, and related professional services and operating expenses. The maximum term of such notes shall be 7 years except for operating expenses which shall have a maximum term of 1 year.

C. Method of Sale

The City will use a competitive bidding process in the sale of bonds unless conditions in the bond market or the nature of the issuance warrant a negotiated sale. In such situations, the City will publicly present the reasons for the negotiated sale. The City will rely on the recommendation of the financial advisor in the selection process of the underwriter or direct purchaser.

D. Disclosure & Federal Requirements

Full disclosure of operating costs along with capital costs will be made to the bond rating agencies and other users of financial information for an anticipated bond issuance. The City staff, with assistance of the financial advisor and bond counsel, will prepare the necessary materials for presentation to the rating agencies and will aid in the production of the Preliminary Official Statements. The City will take responsibility for the accuracy of all financial information released.

The City will maintain procedures to comply with its continuing disclosure requirements, through the MSRB “EMMA” program, as well as any arbitrage rebate and other Federal requirements.

The City can contract with an external service provider to assist with continuing disclosure requirements as well as rebate calculations due to the expertise required, the complexity of the law or calculation, and the magnitude of risk for non-compliance.

F. Debt Structuring

The City will issue bonds with the final maturity not to exceed the useful life of the asset acquired. Market factors, such as the effects of tax-exempt designations, the cost of early redemption options and the like, will be given consideration during the structuring of long-term debt instruments. Efforts will be made to minimize the effect of large deferrals or 'balloon note' type structures.

G. I&S Accounting

Although not required by City Charter a separate "account" for the City's interest and sinking fund will be maintained, referred to as the General Fund Debt Service account.

H. Reimbursement Resolutions

The City will utilize reimbursement resolutions as a tool to manage its debt issues, due to arbitrage requirements and project timing (but not market driven reasons). In so doing, the City uses its capital reserve "cash" to delay bond, note and CO issues until such time when issuance is favorable and beneficial to the City. The City Council may authorize a reimbursement resolution for General Capital projects that have a direct impact on the City's ad valorem tax rate when the bonds, notes and COs will be issued within the term of the existing City Council.

I. Subject Matter Experts and Advisors

The City will select a financial bond advisor to assist with the issuance and monitoring of debt activities. The financial advisor will recommend other parties to use as bond counsel, rating agencies, paying agents, escrow agents and others involved in a transaction. The City will designate the financial advisor in such a manner to allow investors and underwriting firms to participate in a bond transaction, in accordance with the federal municipal advisor rule.

XII. OTHER FUNDING ALTERNATIVES

When at all possible, the City will research alternative funding opportunities prior to issuing debt or increasing user-related fees.

A. Grants

All potential grants will be examined for any matching requirements and the source of those requirements identified. A grant funding worksheet that clearly identifies funding sources, outcomes and other relevant information will be approved by the City Manager prior to any grant application being submitted. It must be clearly understood that any resulting operation

requirements of the grant could be discontinued once the term and conditions of the project have been terminated. The City Council must authorize acceptance of any grant funding.

1. CASH MANAGEMENT AND DISBURSEMENT - TIMELY EXPENDITURES

The City shall make timely payments to vendors and minimize the time between transferring funds from the State Treasury and disbursement of funds to vendors in compliance with the terms and conditions of the federal contract, grant, regulation, or statute.

To ensure vendor compliance, invoices/pay applications/pay estimates will be reviewed for accuracy for such items but not limited to change order approvals, outstanding lien/payments to subcontractors, labor standards, and verification of work completed as invoiced prior to disbursement or request for funds from State Agency. The City shall notify a vendor of an error in an invoice submitted for payment by the vendor.

The City Manager and Finance Director authorize payments and issues of checks. Two signatures are required on each check, from the following list, the Mayor, two Council members, City Manager, City Secretary, and Finance Director. The Assistant Finance Director is responsible for reconciling the monthly bank statements.

2. Grant Invoice Processing

The City's Finance Department will review each invoice for allowability of costs as stated in 2 CFR 200 Subpart E – Cost Principles. That review process includes:

- Invoices are received by the Finance Department.
- The invoice and expenditures listed are evaluated against 2 CFR 200 Subpart E and the relevant Grant Agreement and grant scope of work to determine whether they are allowable.
- If available, the City's Finance Department consults with any relevant grant administration consultants under contract to further review allowability.
- Once reviewed and deemed eligible, the invoice is presented to City Council for review and approval.
- Once approved by City Council, the invoice is submitted as a payment request to the relevant granting agency.

3. Advance Payment Procedures

All advanced payments using federal grant funds will be disbursed within five (5) business days from the date of the transfer of funds in accordance with 2 CFR 200.305(b), and in accordance with the provisions in the contract with the vendor.

Advance payments of federal grant funds will be deposited and maintained in a separate insured account. The City will maintain advance payments of federal awards in interest-bearing accounts, unless one or more of the following apply: City receives less than \$120,000 in Federal awards per year; the City is not expected to earn interest in excess of \$500 per year on Federal cash balances, or the depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources. (2 CFR 200.302(b)(6) and 200.305).

1. Interest is tracked by the City in conjunction with a grant administrator, if present, on the grant ledger. Interest is tracked with the variable rate on the current account based on date between deposit of advanced funds into the grant account and when any payments are issued. If any payments accrue interest greater than \$500 in a fiscal year, those funds will be remitted to the funding entity.

4. Procedures for Grant Payments

- (a) Invoice is received and, if necessary, a request for payment is prepared by the grant consultant and proper signatures obtained from Mayor, City Manager, Finance Director as authorized in original grant approval. The Finance Director's office reviews the invoice and compares it to the grant budget.
- (b) The invoice must be approved by a city official involved in the grant implementation or the mayor. Approval is acknowledged by initiating the original invoice or through Council action.
- (c) Once grant funds are received and invoice approval acknowledged by signature on the original invoice, a demand check is entered into the system by the Finance Director's office, then printed and disbursed by the Finance Department. Two of the following signatures appear on the approved checks: Mayor, City Council Member, City Manager, City Secretary, or Finance Director. Checks are then disbursed to the appropriate vendors. The Finance Director is responsible for ensuring that checks are signed and disbursed within the grant mandated timeline in the state contract.
- (d) Copies of the request for payment, invoice, canceled check copy and bank statement showing receipt of grant money is retained in the grant file in the Finance Director's office.

B. Use of Reserve Funds

The City may authorize the use of reserve funds to potentially delay or eliminate a proposed bond issuance. This may occur due to higher than anticipated fund balances in prior years, thus eliminating or reducing the need for debt proceeds, or postpone a bond issuance until market conditions are more beneficial or timing of the related capital improvements does not correspond with the planned bond sale. Reserve funds used in this manner can be replenished upon issuance of the proposed debt provided a reimbursement resolution is promptly adopted.

C. Developer Contributions

The City will require developers who negatively impact the City's utility capital plans to offset those impacts.

D. Leases

The City may authorize the use of lease financing for certain operating equipment when it is determined that the cost benefit of such an arrangement is advantageous to the City.

E. Impact Fees

The City will impose impact fees as allowable under state law for both water and wastewater services. These fees will be calculated in accordance with statute and reviewed at least every five years. All fees collected will fund projects identified within the Fee study and as required by state laws.

XIII. FINANCIAL CONDITIONS AND RESERVES

The City of Ingleside will strive to maintain budgeted minimum reserves in the ending working capital/fund balances. The minimum reserve will provide a secure, healthy financial base for the City in the event of a natural disaster or other emergency. The reserve will allow for the stability of City operations should revenues fall short of budgeted projections and provide available resources to implement budgeted expenditures without regard to actual timing of cash flows into the City.

A. Operational Coverage

The City's goal is to maintain operations coverage of 1.00-1.25, such that operating revenues will at least equal or exceed current operating expenditures. Deferrals, short-term loans, or one-time sources will be avoided as budget balancing techniques.

B. Operating Reserves

Operating Reserves are generally considered as the Unassigned Portion of Fund Balance for Governmental Funds. GASB #54 outlines the categories of Fund Balance and the appropriate definitions.

- 1. Non-Spendable Fund Balances: Amounts of the City's fund balance that are:**
 - Not a spendable form including inventory and prepaid items,
 - Cannot be converted to cash within the current period including long-term portion of loans receivable and non-financial assets held for resale, or
 - Required to be maintained intact pursuant to legal or contractual requirements including an endowment or permanent fund.
- 2. Restricted Fund Balances:** Amounts of the City's fund balance that reflect resources that are subject to externally enforceable legal restrictions including those imposed by:
 - Creditors (through debt covenants),
 - Grantors,
 - Contributors
 - Other government's legislation or regulations.
- 3. Restricted special revenue funds/accounts:** Include Public Safety & Courts, Hotel Occupancy (Bed Tax). Other restricted funds include all capital bond funds, impact fee funds, and the General Debt Service Fund.
- 4. Committed Fund Balances:** The amounts of the City's fund balance that represent resources that are constrained by limitations of the City Council and that remain binding unless removed, modified, or rescinded by the City Council prior to the last day of the fiscal year for which the commitment is made. Assigned Fund Balances are those amounts of the City's fund balance that reflect the government's intended use of resources. This would include any future appropriation amounts of fund balance. The City Council has authorized the City Manager as the official authorized to assign fund balance to a specific purpose but retains the power of final appropriation of those funds.

5. **Unassigned Fund Balance:** Amounts of the City's fund balance that are excess of what can properly be classified in one of the previous four categories. These funds are available for any purpose. Unassigned fund balance shall be held to mitigate financial risk that can occur from unforeseen revenues fluctuations and unanticipated expenditures and provide cash flow for the City's general operations. Annual amounts may vary pending tolerable risk associated with volatility of the economy or exposure to natural risks. Fund unassigned balance should be used only for emergencies, major capital purchases or non-recurring expenditures that cannot be provided by savings in the current year.

The City Council has set the General Fund and Utility Fund undesignated fund balance goals at 25% of the City's prior year audited fund expenditure. If the City draws the fund balance below the 25% the City will develop a plan to build back to the goal within two years. Reserve requirements will be calculated as part of the annual budget process.

C. Liabilities and Receivables

Procedures will be followed to maximize discounts and reduce penalties offered by creditors. Current liabilities will be paid within 30 days of receiving the invoice. Accounts Receivable procedures will target collection for a maximum of 30 days of service.

Receivables that are protected by liens on properties will be aggressively pursued through county and state filing methods. Similarly, payments due from utility system customers will also be aggressively pursued, including cut-off procedures for delinquent accounts.

D. Capital Project Funds

Every effort will be made for all monies within the Capital Project Funds to be expended within thirty-six (36) months of receipt. The fund balance will be invested, and income generated will offset increases in construction costs or other costs associated with the project. Capital project funds are intended to be expended totally and may include internal costs of labor and equipment determined to be meet the requirements of a capital asset.

E. General Debt Service Funds

Revenues within this fund are stable, based on property tax revenues. Balances are maintained to meet contingencies and to make certain that the next year's debt service payments may be met in a timely manner. The City will maintain a balance in the Debt Service Funds equal to not less than ten percent of the principal and interest payments on outstanding debt for each fiscal year. These funds can only be appropriated by City Council.

F. Investment of Reserve Funds

The reserve funds will be invested in accordance with the City's investment policy. Existing non-cash investment would be exempt through retirement of the investment.

XIV. INTERNAL CONTROLS

A. Written Procedures

Wherever possible, written procedures will be established and maintained by the City Manager for all functions involving cash handling and/or accounting throughout the City. These procedures will embrace the general concepts of fiscal responsibility set forth in this policy statement.

The City Manager designates the Finance Director to have access to any city records in order to perform duties of safekeeping and control of assets.

To ensure proper controls, the City will maintain a transition policy, coordinated through its Human Resources and Information Technology departments. This policy covers safety-sensitive positions that have been assigned duties related to the management of city assets.

Within the Finance Department and areas with significant cash handling, all prudent measures will be taken to ensure proper segregation of duties, within the confines of staffing resources. Finance will work with customer departments, as well as the external audit team, to develop compensating controls and actions in areas where separation is limited.

B. Department Head Responsibility

Each Department Head is responsible for ensuring that good internal controls are followed throughout their department, that all Management directives are implemented and that all independent auditor internal control recommendations are addressed. Departments will develop and periodically update written internal control procedures.

CITY COUNCIL AGENDA

Regular Meeting: July 9, 2024

AGENDA ITEM: 25

Deliberate and take appropriate action on the first reading of an Ordinance to amend the Procurement Policy and Procedures for the City of Ingleside.

SUBMITTED BY: Caron Vela, Director of Finance

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

The current Procurement Policy & Procedures was adopted in January 2009 and amended over the years through December 2021. Since then, the granting agencies have been requiring specific language in the procurement policy concerning grant funds, including the processes of procurement of contracts, the process of the review of bids and proposals received, and ensuring the prospective bid or proposal meets grant standards. These policy changes will assist the city to comply with grant agency guidelines for future grant funds.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Staff recommendation is to approve the ordinance to move to the second reading to adopt the attached Procurement Policy & Procedures.

ATTACHMENTS:

1. Ord 2024-XX AMENDING PROCUREMENT POLICY (v2)
2. Ord 2024-XXX Attachment A PROCURMENT POLICY AND PROCEDURES-draft 20240709

ORDINANCE NO. 2024-XX

AN ORDINANCE AMENDING THE PROCUREMENT POLICY AND PROCEDURES FOR THE CITY OF INGLESIDE, TEXAS.

BE IT ORDAINED BY THE CITY COUNCIL OF INGLESIDE, TEXAS:

WHEREAS, the City of Ingleside, Texas, is committed to financial management through integrity, prudent stewardship, planning, accountability, full disclosure and communication; and

WHEREAS, the broad purpose of the Procurement Policy and Procedures is to enable the City to achieve and maintain a long-term stable and positive financial condition, and provide guidelines for the day-to-day planning and operations of the City's financial affairs; and

BE IT ORDAINED by the City Council of the City of Ingleside that the Procurement Policy and Procedures be amended as shown on Attachment A to include language required by federal and state agencies for the processing of grant funds awarded and received by the City.

THAT all Ordinance or parts of Ordinances and any Resolutions in conflict with this Ordinance are repealed to the extent of such conflict only.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgement of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

THAT this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

PASSED, APPROVED AND ADOPTED this _____ day of July 2024.

CITY OF INGLESIDE, TEXAS

Pedro Oscar Adame, Mayor

ATTEST:

Ruby Beaven, City Secretary

First Reading: 07/09/2024

Second Reading: 00/00/0000



City of Ingleside Procurement Policy and Procedures

Amended December 1, 2021
Proposed Amendment July 2024

Amendment Prepared by:
Brenton B. Lewis, City Manager
Caron S. Vela, Director of Finance

REFERENCE TRACKING:

January 2009
(Amended August 11, 2010)
(Amended September 27, 2016)
(Amended December 1, 2021)
(Amended July XX, 2024) July agenda item

DRAFT

City of Ingleside Procurement Policy and Procedures

Requisitions for Purchase Orders are to be completed for all purchases not purchased on a credit card. Three levels of approval are required in the financial software for all requisitions, 1) Dept. Director, 2) Finance, 3) City Manager. The City Manager approval is needed if the purchase is \$2,000 or more or the purchase is over the line-item account budget. Once the three levels of approvals are completed in the financial software, the Finance Office will issue a Purchase Order number and send it to the requesting department. ~~copies of which will be forwarded to the Finance Office upon completion.~~ Credit Card purchases should only be made to vendors that do not provide credit accounts to utilize a Purchase Order system. The purchaser should always request the credit card purchase as a sales tax-exempt purchase. Each purchase order shall include the fund-department-line item account number to which the purchases will be charged. Department heads shall not approve or issue purchase orders for amounts which are not available in their department's line item budgets unless prior, specific authorization is obtained from the City Manager as reflected on the approved purchase order. All PO's \$2,000 and over shall first be submitted to the City Manager for approval.

Purchases may not be partitioned in an effort to avoid any dollar limits set forth below. Any purchase made which does not comply with the city's purchasing policies and State Law shall be the personal responsibility of the person making the purchase.

1. No quotes are required for purchases less than \$1,000. Pending available funds, the using department may obtain supplies and services from the vendor that has the item available for immediate shipment, without having to obtain pricing from another vendor. However, departments are instructed to be price cognizant of the item they are purchasing to ensure the City is obtaining the best value for the purchase. Additionally, departments should be utilizing a rotational system that will allow all vendors the opportunities to supply the City's needs for these incidental purchases. All requests for emergency or routine services not requiring a bid shall be awarded on a round robin basis to all local vendors.
2. For purchases $\geq$ or $=$ \$1,000 but $<$ \$2,500, two verbal quotes are required. Although no written quotes are required, departments are encouraged to obtain a written offer from the selected vendor to ensure all terms and conditions of the sale are documented. Documentation of all quotes obtained shall accompany the purchase order. All requests for emergency or routine services not requiring a bid shall be awarded on a round robin basis to all local vendors.
3. For purchases $\geq$ or $=$ \$2,500 but $<$ \$5,000, three written quotes are required. The information required on a valid quote must include: the quote must be addressed to the City, the quote must be on the vendor's letterhead, the quote must have a date, the quotes must have lead time (the amount of time to deliver the goods), the quote must have FOB (ownership of merchandise in transit and freight terms), the quote must have a description of the product, the quote must have a price and total costs and the quote must have a signature. The quote must be mailed, faxed or emailed to the City. Documentation of the quotes obtained shall accompany the purchase order.

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4. For purchases > or = \$5,000 but < \$25,000, three written quotes are required and will be awarded by the City Manager.

Exceptions to the above are:

- a. Emergency expenditures necessary for the protection of life, health, property or public peace.
- b. Items under supply agreement are to be purchased from the vendor under contract.
- c. Items inventoried at the warehouse are to be obtained from the warehouse.
- d. Items purchased under State term contract are to be sent to the City Manager for processing.

5. All purchases > or = \$25,000, must comply with the above requirements. In addition, any purchase in excess of \$25,000 must be approved in advance by the City Council.

6. Purchases made with Federal and State Grant funds shall not be made from vendors on the excluded parties list GSA Excluded Parties List System (website www.epls.gov)

7. In the event of a declared emergency, the above requirements may be suspended.

The City of Ingleside follows the procurement standards in 2 CFR 200.317 – 2 CFR 200.327 and Appendix II to Part 200 for the procurement actions to be funded with Federal funds. All attempts are made to adhere to these policies and procedures and updates are made as needed. The entirety of the language found in 2 CFR 200.317- 2 CFR 200.327 may not be applicable in all instances, programs, and/or situations. This document contains the most current 2 CFR 200.317-2 CFR 200.327 language available at the adoption of these policies and procedures.

§ 200.317 Procurements by states.

When procuring property and services under a Federal award, a State must follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will comply with §§ 200.321, 200.322, and 200.323 and ensure that every purchase order or other contract includes any clauses required by § 200.327. All other non-Federal entities, including subrecipients of a State, must follow the procurement standards in §§ 200.318 through 200.327.

§ 200.318 General procurement standards.

(a) The non-Federal entity must have and use documented procurement procedures, consistent with State, local, and tribal laws and regulations and the standards of this section, for the acquisition of property or services required under a Federal award or subaward. The non-Federal entity's documented procurement procedures must conform to the procurement standards identified in §§ 200.317 through 200.327.

(b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(c) Standards of Conduct for non-Federal entities are as follows:

- (1) The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.
- (2) If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.
- (d) The non-Federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.
- (e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. Competition requirements will be met with documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements.
- (f) The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.
- (g) The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.
- (h) The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See also [§ 200.214](#).

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(i) The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: Rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(j)(1) The non-Federal entity may use a time-and-materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time-and-materials type contract means a contract whose cost to a non-Federal entity is the sum of:

(i) The actual cost of materials; and

(ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

(2) Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

(k) The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

[[85 FR 49543](#), Aug. 13, 2020, as amended at [86 FR 10440](#), Feb. 22, 2021]

§ 200.319 Competition.

(a) All procurement transactions for the acquisition of property or services required under a Federal award must be conducted in a manner providing full and open competition consistent with the standards of this section and [§ 200.320](#).

(b) In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

(1) Placing unreasonable requirements on firms in order for them to qualify to do business;

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- (2) Requiring unnecessary experience and excessive bonding;
 - (3) Noncompetitive pricing practices between firms or between affiliated companies;
 - (4) Noncompetitive contracts to consultants that are on retainer contracts;
 - (5) Organizational conflicts of interest;
 - (6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
 - (7) Any arbitrary action in the procurement process.
- (c) The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.
- (d) The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations:
- (1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and
 - (2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.
- (e) The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the non-Federal entity must not preclude potential bidders from qualifying during the solicitation period.
- (f) Noncompetitive procurements can only be awarded in accordance with [§ 200.320\(c\)](#).

§ 200.320 Methods of procurement to be followed.

The non-Federal entity must have and use documented procurement procedures, consistent with the standards of this section and §§ 200.317, 200.318, and 200.319 for any of the following methods of procurement used for the acquisition of property or services required under a Federal award or sub-award.

(a) **Informal procurement methods.** When the value of the procurement for property or services under a Federal award does not exceed the *simplified acquisition threshold (SAT)*, as defined in § 200.1, or a lower threshold established by a non-Federal entity, formal procurement methods are not required. The non-Federal entity may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the SAT include:

(1) **Micro-purchases** —

(i) **Distribution.** The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (See the definition of *micro-purchase* in § 200.1). To the maximum extent practicable, the non-Federal entity should distribute micro-purchases equitably among qualified suppliers.

(ii) **Micro-purchase awards.** Micro-purchases may be awarded without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly. Purchase cards can be used for micro-purchases if procedures are documented and approved by the non-Federal entity.

(iii) **Micro-purchase thresholds.** The non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations. Non-Federal entities may establish a threshold higher than the Federal threshold established in the Federal Acquisition Regulations (FAR) in accordance with paragraphs (a)(1)(iv) and (v) of this section.

(iv) **Non-Federal entity increase to the micro-purchase threshold up to \$50,000.** Non-Federal entities may establish a threshold higher than the micro-purchase threshold identified in the FAR in accordance with the requirements of this section. The non-Federal entity may self-certify a threshold up to \$50,000 on an annual basis and must maintain documentation to be made available to the Federal awarding agency and auditors in accordance with § 200.334. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:

(A) A qualification as a low-risk auditee, in accordance with the criteria in § 200.520 for the most recent audit;

(B) An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,

(C) For public institutions, a higher threshold consistent with State law.

(v) ***Non-Federal entity increase to the micro-purchase threshold over \$50,000.*** Micro-purchase thresholds higher than \$50,000 must be approved by the cognizant agency for indirect costs. The non-federal entity must submit a request with the requirements included in [paragraph \(a\)\(1\)\(iv\)](#) of this section. The increased threshold is valid until there is a change in status in which the justification was approved.

(2) ***Small purchases*** —

(i) ***Small purchase procedures.*** The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the non-Federal entity.

(ii) ***Simplified acquisition thresholds.*** The non-Federal entity is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk and its documented procurement procedures which must not exceed the threshold established in the FAR. When applicable, a lower simplified acquisition threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations.

(b) ***Formal procurement methods.*** When the value of the procurement for property or services under a Federal financial assistance award exceeds the SAT, or a lower threshold established by a non-Federal entity, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with [§ 200.319](#) or [paragraph \(c\)](#) of this section. The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold the non-Federal entity determines to be appropriate:

(1) ***Sealed bids.*** A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction, if the conditions.

(i) In order for sealed bidding to be feasible, the following conditions should be present:

(A) A complete, adequate, and realistic specification or purchase description is available;

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(B) Two or more responsible bidders are willing and able to compete effectively for the business; and

(C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(ii) If sealed bids are used, the following requirements apply:

(A) Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;

(B) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;

(C) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;

(D) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(E) Any or all bids may be rejected if there is a sound documented reason.

(2) **Proposals.** A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:

(i) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;

(ii) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and making selections;

(iii) Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the non-Federal entity, with price and other factors considered; and

(iv) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be

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used to purchase other types of services through A/E firms that are a potential source to perform the proposed effort.

(c) ***Noncompetitive procurement.*** There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:

- (1) The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (see [paragraph \(a\)\(1\)](#) of this section);
- (2) The item is available only from a single source;
- (3) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;
- (4) The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity; or
- (5) After solicitation of a number of sources, competition is determined inadequate.

§ 200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.

- (a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
- (b) Affirmative steps must include:
 - (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 and the Minority Business Development Agency of the Department of Commerce; and

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(6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in [paragraphs \(b\)\(1\)](#) through [\(5\)](#) of this section.

§ 200.322 Domestic preferences for procurements.

(a) As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

(b) For purposes of this section:

(1) “Produced in the United States” means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

(2) “Manufactured products” means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

(c) Federal agencies providing Federal financial assistance for infrastructure projects must implement the Buy America preferences set forth in [2 CFR part 184](#).

[[85 FR 49543](#), Aug. 13, 2020, as amended at [88 FR 57790](#), Aug. 23, 2023]

200.323 Procurement of recovered materials.

A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at [40 CFR part 247](#) that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

§ 200.324 Contract cost and price.

(a) The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the

particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals.

1. Prior to receiving bids or proposals, the City's designated project manager will perform an independent cost estimate based on previous similar procurements, personal experience, comparison of previous bid prices or similarly listed advertisements for comparable work/services.
 2. After receiving bids or proposals, the City's designated project manager, finance department and City Manager will perform a cost/price analysis for the work to be performed in the contract. The analysis will include the appropriate elements for the bid, which may include labor, overhead, direct expenses, profit, or sole source procurements. The price analysis may consider the total proposed price instead of a separate cost analysis. This analysis will be included in the supporting documentation for each awarded contract.
- (b) The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
1. The City will negotiate profit with the winning bidder for all contracts in accordance with the requirements listed above.
- (c) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under [subpart E of this part](#). The non-Federal entity may reference its own cost principles that comply with the Federal cost principles.
- (d) The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

§ 200.325 Federal awarding agency or pass-through entity review.

- (a) The non-Federal entity must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the non-Federal entity desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.
- (b) The non-Federal entity must make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:

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- (1) The non-Federal entity's procurement procedures or operation fails to comply with the procurement standards in this part;
 - (2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
 - (3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a “brand name” product;
 - (4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
 - (5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.
- (c) The non-Federal entity is exempt from the pre-procurement review in [paragraph \(b\)](#) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part.
- (1) The non-Federal entity may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third-party contracts are awarded on a regular basis;
 - (2) The non-Federal entity may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the non-Federal entity that it is complying with these standards. The non-Federal entity must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

§ 200.326 Bonding requirements.

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

- (a) A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

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(b) A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's requirements under such contract.

(c) A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

§ 200.327 Contract provisions.

The non-Federal entity's contracts must contain the applicable provisions described in appendix II to this part.

Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by [41 U.S.C. 1908](#), 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.

(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.

(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.”

(D) Davis-Bacon Act, as amended ([40 U.S.C. 3141-3148](#)). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act ([40 U.S.C. 3141-3144](#), and [3146-3148](#)) as supplemented by Department of Labor regulations ([29 CFR Part 5](#), “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to

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laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act ([40 U.S.C. 3145](#)), as supplemented by Department of Labor regulations ([29 CFR Part 3](#), “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act ([40 U.S.C. 3701-3708](#)). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with [40 U.S.C. 3702](#) and [3704](#), as supplemented by Department of Labor regulations ([29 CFR Part 5](#)). Under [40 U.S.C. 3702](#) of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of [40 U.S.C. 3704](#) are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under [37 CFR § 401.2 \(a\)](#) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of [37 CFR Part 401](#), “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

(G) Clean Air Act ([42 U.S.C. 7401-7671q](#).) and the Federal Water Pollution Control Act ([33 U.S.C. 1251-1387](#)), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act ([42 U.S.C. 7401-7671q](#)) and the Federal Water Pollution Control Act as amended ([33 U.S.C. 1251-1387](#)). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

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(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 governmentwide exclusions 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](#).

(I) Byrd Anti-Lobbying Amendment ([31 U.S.C. 1352](#))—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by [31 U.S.C. 1352](#). Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See [§ 200.323](#).

(K) See [§ 200.216](#).

(L) See [§ 200.322](#).

[[78 FR 78608](#), Dec. 26, 2013, as amended at [79 FR 75888](#), Dec. 19, 2014; [85 FR 49577](#), Aug. 13, 2020]

[§ 200.323 Procurement of recovered materials.](#)

A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at [40 CFR part 247](#) that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

[§ 200.216 Prohibition on certain telecommunications and video surveillance services or equipment.](#)

(a) Recipients and subrecipients are prohibited from obligating or expending loan or grant funds to:

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(1) Procure or obtain;

(2) Extend or renew a contract to procure or obtain; or

(3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in [Public Law 115-232](#), section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

(i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

(ii) Telecommunications or video surveillance services provided by such entities or using such equipment.

(iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

(b) In implementing the prohibition under [Public Law 115-232](#), section 889, subsection (f), paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.

(c) See [Public Law 115-232](#), section 889 for additional information.

(d) See also [§ 200.471](#).

§ 200.322 Domestic preferences for procurements.

(a) As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

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(b) For purposes of this section:

(1) “Produced in the United States” means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

(2) “Manufactured products” means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

(c) Federal agencies providing Federal financial assistance for infrastructure projects must implement the Buy America preferences set forth in [2 CFR part 184](#).

[[85 FR 49543](#), Aug. 13, 2020, as amended at [88 FR 57790](#), Aug. 23, 2023]

CITY COUNCIL AGENDA

Regular Meeting: July 9, 2024

AGENDA ITEM: 26

Deliberate and take appropriate action to accept the easement from the Ingleside Independent School District to the City of Ingleside for the Hultgreen Project.

SUBMITTED BY: Gary Paredez, Director of Infrastructure Services

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

A permanent easement and a temporary construction easement were secured in 2023 for the placement of the force main coming from the Cape Bay subdivision and going to the line on Hultgreen as part of this project. When the contractor started to map out the route, it was determined that the previous easement had already been given from Ingleside ISD to a pipeline company. This overlapped the easement Ingleside ISD gave to the City. The only possible solution was to secure a second permanent and temporary construction easement to shift the placement of the force main further to the southeast of the original easement.

This subsequent easement was surveyed and drawn up to show this shift in alignment. The easement was authorized by the school board at their regular board meeting on June 11, 2024. Our legal department drew up the new easement and also did a title search on this new alignment to verify no other conflicts were noted.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Staff recommends accepting the proposed easement from the Ingleside ISD to the City of Ingleside, as presented.

ATTACHMENTS:

1. E mail from legal
2. ROW Easement between Board of Trustees of IISD and City of Ingleside

Gary,

Attached is the title report for the easement property. The report notes that there is an electrical easement and ROW and a ROW for a pipeline, communication, and electric services easement. Neither of these easement are marked on the survey sketch for the proposed easement.

The existing easements do not appears to conflict with the proposed ISD easement, but we suggest double checking with the surveyor to confirm that there is no conflict. Attached is the CAD imagery map for the 16.50 acres. There appear to be electrical poles along the front of Parkside Terrace subdivision that end at the corner of the subdivision and Hultgren Avenue. None appear to continue along the boundary line of the ISD property which would be typical of most electrical easements. The proposed ISD easement travels diagonally cross the interior of the ISD property and not along the edges and so no conflict, we suggest checking with the surveyor to confirm that there is no conflict.

Attached is a proposed "final" version of the easement. We noticed a few minor typos that have been corrected in the attached version. Please let me know if you need any further assistance on this project.

Regards,

Notice of Confidentiality Rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: Your Social Security Number or your Driver's License Number.

RIGHT-OF-WAY EASEMENT – PERMANENT

STATE OF TEXAS

 ∞

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF SAN PATRICIO

§

§

10 This Right-of-Way Easement-Permanent (the "Agreement"), dated June, 2024, is between the **BOARD OF TRUSTEES OF THE INGLESIDE INDEPENDENT SCHOOL DISTRICT**, whose mailing address is 2664 San Angelo, Ingleside, San Patricio County, Texas 78362, hereinafter referred to as "Grantor", and the **CITY OF INGLESIDE**, a Texas municipal corporation, whose mailing address is 2671 San Angelo, P.O. Drawer 400, Ingleside, San Patricio, Texas 78362-0400, hereinafter referred to as "Grantee".

Grantor hereby DEDICATES, GRANTS, and CONVEYS unto Grantee, its successors and assigns, a permanent right-of-way easement over, across, under and upon the following described lands located in San Patricio County, Texas, to-wit:

Being a fifteen foot (15.0') wide permanent right of way easement embracing 0.151 acres of land out of a 16.497 acre tract out of the William McDonough Survey, A-184, City of Ingleside, San Patricio County, Texas, and said 16.497 acre tract being described in a document of record to the Ingleside Independent School District under Clerk's File Number 537153, Official Public Records of San Patricio County, Texas; said 0.151 acres of land being more particularly located and described in **EXHIBIT "A" Permanent Easement Metes and Bounds Description** and depicted in **EXHIBIT "B" Permanent Easement Drawing** which are incorporated herein for all purposes;

together with a Temporary Construction Easement described as:

Being a ten foot (10.0') wide temporary construction easement embracing a 0.102 acres of land out of a 16.497 acre tract out of the William McDonough Survey, A-184, City of Ingleside, San Patricio County, Texas, and said 16.497 acre tract being described in a Document of Record to the Ingleside Independent School District under Clerk's File Number 537153, Official Public Records of San Patricio County, Texas; said 0.102 acre of land being more particularly located and described in **EXHIBIT "C" Temporary Construction Easement Metes and Bounds Description** and depicted in **EXHIBIT "D"**

Temporary Construction Easement Drawing which are incorporated herein for all purposes;

collectively referred to herein as the "Property" or "Easement".

Together with the right of ingress and egress over said right-of-way for the use and benefit of the public as a perpetual right-of-way and easement for the passage and accommodation of vehicular and pedestrian traffic, and the construction, operation, use, maintenance, inspection, repair, alteration, and replacement of a paved road within the boundaries of the right-of-way and easement Property, and for all other purposes for which a public street and right-of-way is commonly used, including installing, repairing, maintaining, altering, replacing, relocating and operating utilities in, into, upon, over, across and under said right-of-way, and including but not limited to all such uses permitted by the laws of the State of Texas and the Ordinances of the City of Ingleside, Texas (the roadway and other related improvements referred to herein as the "Facilities").

TO HAVE AND TO HOLD the above described Easement unto the said Grantee, its successors assigns, together with all and singular, the rights and appurtenances herein granted thereto in any wise belonging unto the Grantees, and Grantor does hereby bind itself, its legal representatives, successors and/or assigns to WARRANT and FOREVER DEFEND all and singular the above described Easement unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED on the date(s) indicated below and EFFECTIVE as of the 10th day of June, 2024.

GRANTOR:

BOARD OF TRUSTEES OF THE
INGLESIDE INDEPENDENT SCHOOL DISTRICT

By: 
Name: Bobby Denehy
Title: President

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF SAN PATRICIO §

BEFORE ME, a Notary Public, on this day personally appeared Bobby Dendy
_____, known to me to be the person whose name is subscribed to the foregoing
instrument, and having been sworn, upon ~~her~~^{his} oath stated that she is the President
of the Board of Trustees of the Ingleside Independent School District; that she was authorized to
execute such instrument pursuant to resolution of the Board of Trustees; and that said instrument
is executed as the free and voluntary act and deed of such governmental unit for the purposes and
consideration expressed therein.

June GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 10th day of
_____ 2024.

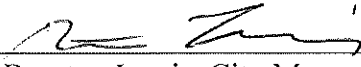

Laurie Shugart
Notary Public State of Texas

Printed Name: Laurie Shugart

My Commission Expires: 6/2/2028

GRANTEE:

CITY OF INGLESIDE TEXAS,
a Texas municipal corporation

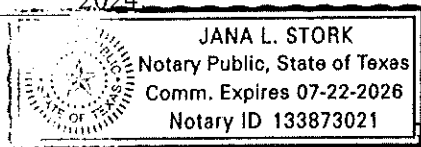
By: 
Brenton Lewis, City Manager

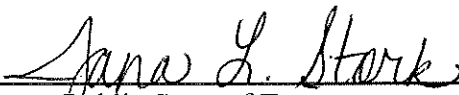
ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF SAN PATRICO §

BEFORE ME, a Notary Public, on this day personally appeared BRENTON LEWIS, known to me to be the person whose name is subscribed to the foregoing instrument, and having been sworn, upon his oath stated that he is the City Manager of the City of Ingleside, Texas; that he was authorized to execute such instrument pursuant to resolution of the City Council of City of Ingleside, Texas; and that said instrument is executed as the free and voluntary act and deed of such governmental unit for the purposes and consideration expressed therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 26th day of June, 2024.




Notary Public State of Texas

Printed Name: Jana L. Stork

My Commission Expires: 07-22-2026

AFTER RECORDING PLEASE RETURN TO GRANTEE:

City of Ingleside
2671 San Angelo
P.O. Drawer 400
Ingleside, San Patricio, Texas 78362-0400
Att: City Manager

EXHIBIT "A"
Permanent Easement Metes and Bounds Description

EXHIBIT "A"

MAY 30, 2024

BEING THE DESCRIPTION OF A FIFTEEN FOOT (15.0') WIDE PERMANENT UTILITY EASEMENT EMBRACING 0.151 ACRES OF LAND OUT OF A 16.497 ACRE TRACT OUT OF THE WILLIAM MCDONOUGH SURVEY, A-184, CITY OF INGLESIDE, SAN PATRICIO COUNTY, TEXAS, AND SAID 16.497 ACRE TRACT BEING DESCRIBED IN A DOCUMENT OF RECORD TO THE INGLESIDE INDEPENDENT SCHOOL DISTRICT UNDER CLERKS FILE NUMBER 537153, OFFICIAL PUBLIC RECORDS OF SAN PATRICIO COUNTY, TEXAS, WITH SAID 0.151 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN, at a 5/8" steel rebar set in the Northwesterly boundary line of said 16.497 acre tract, and being in the Easterly terminus of Hultgren Avenue, from whence a concrete monument found for the Northwest corner of said 16.497 acre tract bears North 01°32'36" West, a distance of 8.30 feet, with said 5/8" steel rebar set being the NORTHWEST corner and PLACE OF BEGINNING of this survey;

THENCE, South 60°22'03" East, crossing said 16.497 acre tract, a distance of 433.72 feet to a 5/8" steel rebar set in the Easterly boundary line of said 16.497 acre tract and being in the Westerly R.O.W. line of Achievement Boulevard Extension, and being the NORTHEAST corner of this survey;

THENCE, South 20°37'21" East, along and with the Easterly boundary line of said 16.497 acre tract and the Westerly R.O.W. line of Achievement Boulevard Extension, a distance of 23.46 feet to a 5/8" steel rebar set for the SOUTHEAST corner of this survey;

THENCE, North 60°22'03" West, crossing said 16.497 acre tract, a distance of 442.68 feet to a 5/8" steel rebar set in the Northwesterly boundary line of said 16.497 acre tract, and the Easterly terminus of Hultgren Avenue, and from whence a 5/8" steel rebar found for the Northeast corner of Parkside Terrace, Unit 1, bears South 01°32'36" East, a distance of 11.69 feet and being the SOUTHWEST corner of this survey;

THENCE, North 01°32'36" West, along and with the Northwesterly boundary line of said 16.497 acre tract, a distance of 17.53 feet to the PLACE OF BEGINNING of this survey and containing 0.151 acres or 6,573 square feet of land, more or less.

Unless this Field Note description, including preamble, seal and signature, appears in its entirety, in its original form, surveyor assumes no responsibility or liability for its accuracy.

J.L. BRUNDRETT, JR., R. P. L. S.
Reg. No. 2133



SEE ACCOMPANYING SURVEY PLAT DATED MAY 30, 2024
FILENAME: 240530BB1 / 240530BB1FN

EXHIBIT "A"

Permanent Easement Drawing

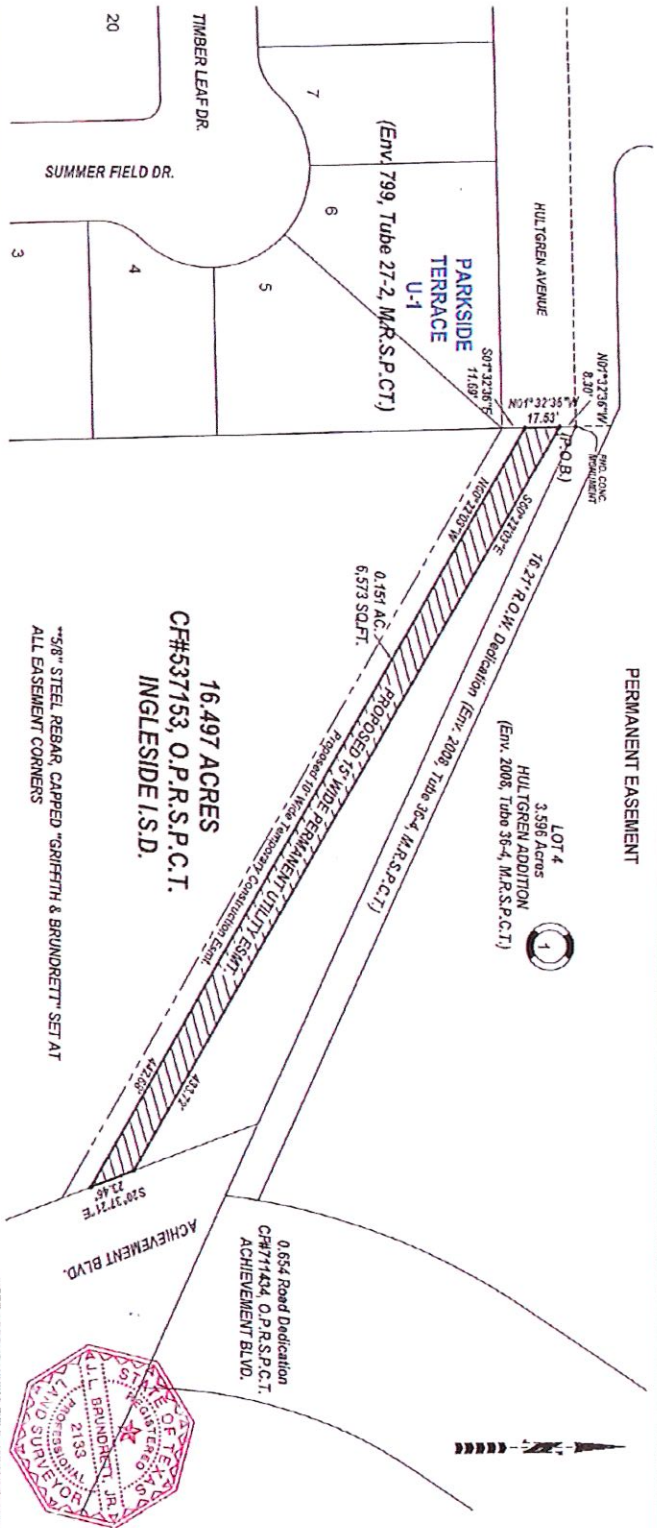


EXHIBIT "B"

Right-of-Way Easement-Permanent (Dedication)
Ingleside ISD to City of Ingleside
 DM#229811-1; 7223/3

EXHIBIT "C"
Temporary Construction Easement Metes and Bounds Description

EXHIBIT "A"

MAY 30, 2024

BEING THE DESCRIPTION OF A TEN FOOT (10.0') WIDE TEMPORARY CONSTRUCTION EASEMENT EMBRACING 0.102 ACRES OF LAND OUT OF A 16.497 ACRE TRACT OUT OF THE WILLIAM MCDONOUGH SURVEY, A-184, CITY OF INGLESIDE, SAN PATRICIO COUNTY, TEXAS, AND SAID 16.497 ACRE TRACT BEING DESCRIBED IN A DOCUMENT OF RECORD TO THE INGLESIDE INDEPENDENT SCHOOL DISTRICT UNDER CLERKS FILE NUMBER 537153, OFFICIAL PUBLIC RECORDS OF SAN PATRICIO COUNTY, TEXAS, WITH SAID 0.102 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN, at a 5/8" steel rebar found in the Northwestern boundary line of said 16.497 acre tract, and being in the Easterly terminus of Hultgren Avenue, and being the Northeast corner of Parkside Terrace, Unit 1, according to the plat recorded in Envelope 799, Tube 27-2, Map Records of San Patricio County, Texas, and being the SOUTHWEST corner and PLACE OF BEGINNING of this survey;

THENCE, North 01°32'36" West, along and with the Northwestern boundary line of said 16.497 acre tract and with the Easterly terminus of Hultgren Avenue, a distance of 11.69 feet to a 5/8" steel rebar set for the NORTHWEST corner of this survey;

THENCE, South 60°22'03" East, crossing said 16.497 acre tract, a distance of 442.68 feet to a 5/8" steel rebar set in the Easterly boundary line of said 16.497 acre tract and being in the Westerly R.O.W. line of Achievement Boulevard Extension, and being the NORTHEAST corner of this survey;

THENCE, South 20°37'21" East, along and with the Easterly boundary line of said 16.497 acre tract and the Westerly R.O.W. line of Achievement Boulevard Extension, a distance of 15.64 feet to a 5/8" steel rebar set for the SOUTHEAST corner of this survey;

THENCE, North 60°22'03" West, crossing said 16.497 acre tract, a distance of 448.66 feet to the PLACE OF BEGINNING of this survey and containing 0.102 acres or 4,457 square feet of land, more or less.

Unless this Field Note description, including preamble, seal and signature, appears in its entirety, in its original form, surveyor assumes no responsibility or liability for its accuracy.

J.L. BRUNDRETT, JR., R. P. L. S.
Reg. No. 2133



SEE ACCOMPANYING SURVEY PLAT DATED MAY 30, 2024
FILENAME: 240530BB2 / 240530BB2FN

EXHIBIT "C"

EXHIBIT "D"

Temporary Construction Easement Drawing

PERMANENT EASEMENT LOT 4 3.596 ACRES HULTGREN ADDITION (Env. 2008, Tube 36-4, M.R.S.P.C.T.) PROPOSED 15' WIDE PERMANENT UTILITY EASEMENT (Env. 2008, Tube 36-4, M.R.S.P.C.T.) 0.151 AC. 6,573 SQ.FT. PROPOSED 15' WIDE PERMANENT UTILITY EASEMENT (Env. 2008, Tube 36-4, M.R.S.P.C.T.) 0.151 AC. 6,573 SQ.FT. 5/8" STEEL REBAR, CAPPED "GRIFFITH & BRUNDRETT" SET AT ALL EASEMENT CORNERS 16.497 ACRES CF#537153, O.P.R.S.P.C.T. INGLESIDE I.S.D. 0.654 Road Dedication CF#71434, O.P.R.S.P.C.T. ACHIEVEMENT BLVD.	
CURRENT PARTY Prepared For: THE CITY OF INGLESIDE FIRM NAME AND ADDRESS GRIFFITH & BRUNDRETT 1113 FIVE 1/2 RD. BOX 1303 INGLESIDE, TEXAS 78601 512-223-6679 griffithbrundrett.com	
NOTES: 1. Surveying & Directional Control based on NAD 83, Texas State Plane, South Zone. 2. This survey is in violation of "Copyright Law" if not accompanied by original seal and signature. 3. Surveyor has made a diligent search for all records of record, encumbrances, restrictive covenants or other evidence of title and has determined that the same are correct and that the same are not in violation of the laws of the State of Texas.	
COPYRIGHT NOTICE ANY COPY OF THIS DRAWING MUST BEAR THE SURVEYOR'S ORIGINAL SEAL AND SIGNATURE IN RED INK ON THE DRAWING. IT IS AN UNLAWFUL ACT FOR ANY PERSON TO REPRODUCE OR TRANSMIT IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR. THE ORIGINAL WORK IS PROTECTED UNDER COPYRIGHT LAW, TITLE 17, UNITED STATES CODE OF LAWS, AND ANY VIOLATION IS A VIOLATION OF THE LAWS OF THE UNITED STATES OF AMERICA.	
LEGAL DESCRIPTION OF PROPERTY 15-FOOT WIDE PERMANENT UTILITY EASEMENT EMBRACING 0.151 ACRES OF LAND OUT OF 16.497 ACRES TRACT OUT OF THE WILLIAM MCCORDOUGH SURVEY, A-184, CITY OF INGLESIDE, SAN PATRICK COUNTY, TEXAS, AND SAID 16.497 ACRES BEING A LOT OF RECORD TO THE INGLESIDE INDEPENDENT SCHOOL DISTRICT UNDER SAN PATRICK COUNTY, TEXAS, MAY 20, 2004. FLOOD DATA This is to certify that I have consulted the Federal Flood Hazard Map dated 12-24-10 and found that the property described herein is in a "Special Flood Hazard Area" Zone "X" Base Flood Elevation "NA". This information is based on the location of this survey on the above referenced map and is intended to be used to determine insurance rates only and not to identify specific flooding conditions. FILE NAME: 200508B1	
SURVEYOR CERTIFICATION I, J. L. Brundrett, Jr., Registered Professional Land Surveyor in the State of Texas, do hereby certify that this plat, correctly shows a survey on the ground of the foregoing property and that there are no visible encumbrances, encroachments or other defects (except as shown herein). J. L. Brundrett, Jr., Registered Professional Land Surveyor EX-153, Exp. 12/31/13 Firm No. 7-414	

EXHIBIT "D"

Right-of-Way Easement-Permanent (Dedication)
Ingleside ISD to City of Ingleside
DM#229811-1; 7223/3

CITY COUNCIL AGENDA

Regular Meeting: July 9, 2024

AGENDA ITEM: 27

Deliberate and take appropriate action on Live Oak Park tennis court resurfacing.

SUBMITTED BY: Gary Paredez, Director of Infrastructure Services

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

Under the direction of the City Council, staff have been looking at quotes to resurface the tennis courts as they are deteriorated substantially. A quote was requested from Playgrounds etc. for the resurfacing of the three tennis courts. This company was contacted because they are on BuyBoard.

Since the city has entered into an agreement with Ingleside ISD for the maintenance and upkeep of these tennis courts, it is appropriate to look at resurfacing in order to make them playable. The quote received for resurfacing and striping is attached. This is to install Court Resurfacing Materials to ~20KSF for (3) tennis courts in Live Oak Park. The quoted amount is \$45,868.57.

FISCAL ANALYSIS:

A budget amendment will be submitted by finance in order to secure funding for this project. The funds will come from fund 30 which is the CIP fund balance for this project. The current fund 30 balance is \$2,337,834.00. This project will be funded when the budget amendment is approved by the Council.

RECOMMENDATION:

Staff recommendation is to award this quote to Playgrounds etc. for \$45,868.57.

ATTACHMENTS:

1. 2024 6 21 Ingleside LOPark Tennis Bid Pack



PROPOSAL

for



Tennis Court Resurfacing for Live Oak Park

Prepared for:

Gary Paredez

Director of Infrastructure Services

City of Ingleside

361-776-3815 Ext 1200 | gparedez@Inglesidetx.gov

c/o

Kristin DeVine

Administrative Assistant to Public Works

City of Ingleside

361.776.7409 Ext. 4001 | kdevine@Inglesidetx.gov

Project Proposal

Prepared for

City of Ingleside, TX

June 2024



Prepared by



1410 W. Texas Avenue
Midland, Texas 79701
432-687-6388
playgroundsetc.com



Live Oak Park Tennis Court Resurfacing



PROJECT OVERVIEW: Tennis Court Resurfacing at Live Oak Park

- **Resurface to restore court utility and aesthetics**
- **Surfacing needed on nearly ~20,000 SF across three adjacent courts**

Square Footage: ~19,800

Court Colors: **TBD** (*Red, Purple, Orange or Yellow will likely increase estimate)



Scope of Service Provided:

- **Surface Preparation:** Court surface to be power washed prior to resurfacing to ensure court is free of dirt, debris and any blistering or delamination of the existing coatings. Power washing will remove any loose coatings or contaminants.
- **Crack Repair and Birdbaths:** Cracks, depressions or low spots to be repaired to bring the court to proper uniformity using Patch Binder and/or Flex-Fill.
- **Acrylic Resurfacer** - One to two coats as necessary to resurface existing court material.
- **Ultra Performance:** Two to three coats for uniform application of materials.



Live Oak Park Tennis Court Resurfacing



PROJECT OVERVIEW: Tennis Court Resurfacing at Live Oak Park

- **Resurface to restore court utility and aesthetics**
- **Surfacing needed on nearly ~20,000 SF across three adjacent courts**



Requirements:

- Water and Electrical Source to be Provided By Customer
- Ground Temperatures: 50 - 100 Degrees to Apply Materials
- Installation Contingent Upon Weather Conditions to be Determined by Vendor
- Customer to Ensure Landscaping, Electrical, Sprinkler or Other Work is Completed or Not Scheduled During the Court Material Installation.

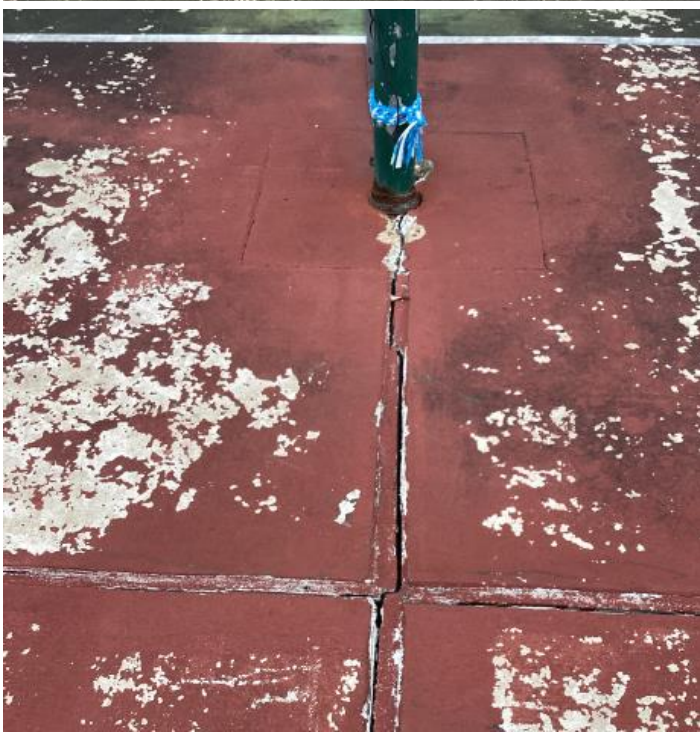


Notes Regarding Schedule:

- Customer to Notify if the Project Schedule Must Be Altered to Accommodate Specific Days or Timeframe When Project Property Is Not Available.
- Outdoor Weather Conditions and Temperatures May Require Changes in anticipated Project Schedule.



Live Oak Park Tennis Court Resurfacing



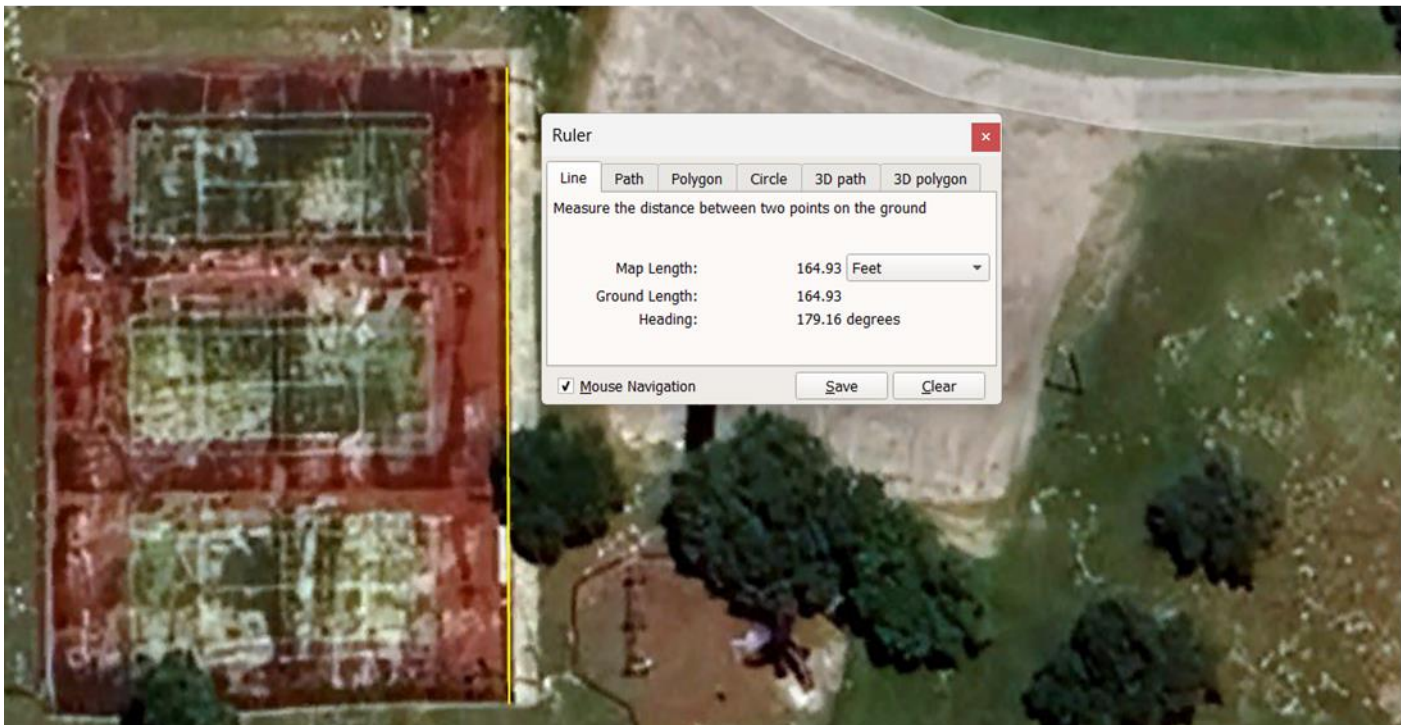
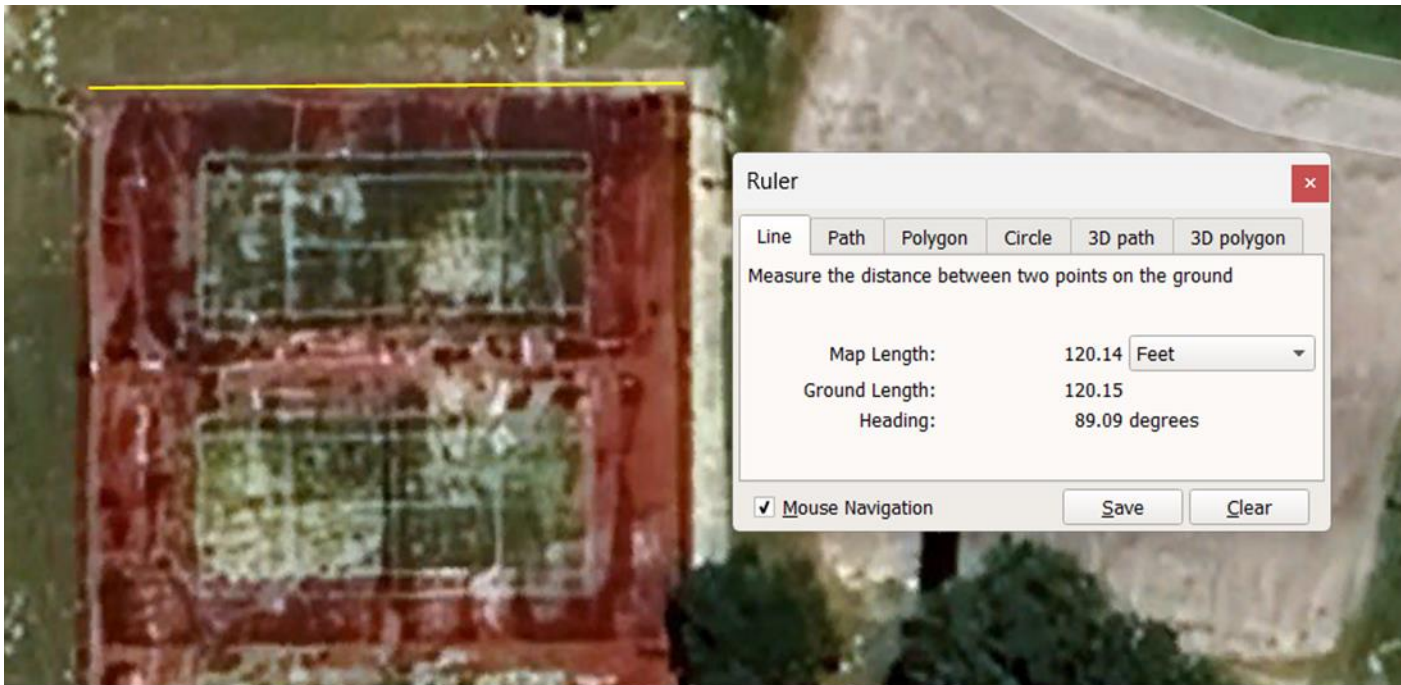


Live Oak Park Tennis Court Resurfacing





Live Oak Park Tennis Court Resurfacing





General Information ABOUT US

866.461.2814
playgroundsetc.com

Available on
BuyBoard®
National Purchasing Cooperative



About our Company

It has been a pleasure working with you to prepare this bid for your project. I am confident that when you select our company you will find that the products and services we offer will exceed your expectations.

Superior Recreational Products (SRP) is the company that supplies most of the products related to the playground equipment we will be supplying to you. SRP has been in the business of manufacturing playground equipment for over twenty-five years. They own SRP Playgrounds, which is one of the largest playground manufacturer in the world, as well as Superior Shades, Child Works, Litchfield Structures and Webcoat, Inc. who offers site furnishings. We, along with the companies we represent can meet most of your outdoor playground and park equipment needs.

Playgrounds Etc. is based in West Texas at Midland. Our family has been in the commercial playground equipment business for sixteen years. We excel at working with smaller communities, churches and schools. Our personal service and the wide range of companies we represent, is a benefit to you in that we can help you select the most equipment for your money. We work hard to help you select the equipment that best meets your needs and budget instead of delivering a cookie cutter product.

Thank you for taking the time to review our proposal. We encourage you to contact us with your ideas for changes that can make this a better product. Colors, equipment, and the arrangements of activities can be easily changed up to the time that the order is placed. We are very happy to make these changed in order to meet your needs.

I am confident that when you compare our products and pricing with others you will see the value we offer when selecting us as your supplier and service provider for this project. We welcome the opportunity to compare our proposal with our competitors and point out the advantages in selecting Playgrounds Etc.

I look forward to working with you through the final stage of this project

Josh Bartlett

1410 West Texas Ave • Midland, Texas • (866) 461-2814 • Fax (432) 687-6389

Playgrounds Etc. - About US



Playgrounds Etc., LLC (E)(I)(T) | 1410 W Texas Ave. Midland TX 79701

- #679-22 - Playground equipment & safety surface products; Parks & Recreation Equip & Installation
- #665-22 - Athletic, P.E., Gym Supplies & Equipment – Heavy Duty Exercise Equipment & Accessories

4B Recreation Group LLC dba Playgrounds Etc. | www.playgroundsetc.com

KEY CAPABILITIES: Playgrounds Etc. specializes in products and services related to playgrounds, playground safety surfacing, splashpads, shades and shelters covering play, pool and picnic areas, and outdoor park, recreation and sporting equipment and services. Playgrounds Etc. offers high-quality American-made products and turn-key services for:

- **Playground Equipment & Safety Surfacing**
- **Free Design Services & Site Surveys**
- **Splashpads & Splash parks w/ towers, slides, etc.**
- **Commercial Shades & Steel Shelters**
- **Bleachers & Grandstands**
- **Outdoor Sports & Fitness Equipment**
- **Site Furniture & Furnishings** - like tables, benches, grills, etc.



Superior Playgrounds



Grounds For Play

Superior Shade

Superior Shelter

Superior Amenities

Superior RECREATIONAL PRODUCTS
A PLAYCORE Company

Freenotes Harmony Park
A PLAYCORE Company



Water Splash



First Team



TurfHub
SYNTHETIC GRASS SUPPLIER

ZEAGER
zeager.com

LTR PRODUCTS

OUR MISSION: Playgrounds Etc. is a family-owned business focused on providing high-quality, competitively-priced park and playground equipment and services to communities, churches, school campuses, homeowners associations, municipalities, museums and daycares. We provide, install and service a variety of great playground solutions, and also specialize in splashpads, shades, shelters and other recreation site amenities.

Playgrounds Etc. views ourselves as partners with our customers; therefore, our mission is to help each customer create a play area that meets the individual needs of their particular facility, budget, and children. While creating each commercial-grade playground we strive to create the best possible experience through each step of the design, purchasing, and installation process. We understand that our current and continued success depends on our customers being completely satisfied throughout the entire process.



Playgrounds Etc. - About US



Playgrounds Etc., LLC (E)(I)(T) | 1410 W Texas Ave. Midland TX 79701

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Playgrounds Etc.'s main product and service **NIGP codes** include, among others:

- 650-18 – Combination Playground Sets
- 650-50 – Playground Safety Surfaces
- 650-72 – Playground Swings
- 650-60 – Playground Slides
- 650-12 – Playground Climbers
- 650-54 – Playground Seesaws
- 650-38 – Playground Equipment – Other
- 988.73 – Playground Equipment, Installation & Removal or Maintenance
- 650-75 – Water Park Equipment (Slides, Splash Pads, Aqua Climb)
- 650-38-00 Playground Equipment (Not Otherwise Classified)
- 650-38-70 Splashpads, Water Park
- 650-38-74 Spring Riders & Parts
- 650-48 – Recycled Rec & Park Equipment
- 155.85 – Structures, Shade, Fabric Covered for Play Areas, etc.
- 360.90 – Turf, Artificial, Indoor and Outdoor
- 420-04 – Team Seating Furniture & Bleachers
- 650-36 – Picnic Tables



Playgrounds Etc. has TEXAS-Sized Solutions all year round for:

OUTDOOR PLAYGROUNDS

- Superior Playgrounds
- Grounds for Play
- Harmony Park



INDOOR PLAYGROUNDS

- Superior FX

SPLASH PADS & PARKS

- Water Splash



SPORTS & PARK AMENITIES

- Workout Equipment
- Dog Playground Equipment
- Shade Structures
- Outdoor Shelters
- Benches
- Picnic Tables
- Bike Racks
- Trash Cans



(210) 632-6052 -Area Office • **(866) 461-2814** -Main Office • 1410 W. Texas Ave. • Midland, TX 79701

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WHO WE ARE – Playgrounds Etc.

While our company is headquartered in Midland, we have Design Consultants, Project Coordinators and Installers located across Texas to better serve our growing family of customers. You will find that our team is serious about two things. The first is creating awe-inspiring designs, and the second is providing a one-of-a-kind client experience throughout the entire process.

Whether you are looking to purchase a single product or you wish to partner with us to design and build your dream recreation space we have an incredible staff to help you along the way. Furthering our customer service capabilities, most of our staff and all of our lead equipment installers are Certified Playground Safety Inspectors (CPSI), who are dedicated to creating the safest play environment possible.

Along with our experienced staff of consultants and installers, we have the construction knowledge, experience, and oversight to design, install, and complete one of a kind indoor and outdoor recreation spaces.

We are not a corporate conglomerate who will sell you the cheapest cookie-cutter project possible. **Playgrounds Etc.** will provide you with the best design resources, products, warranty and personal service in the industry.

Key Project Personnel: (bold)

- **Josh Bartlett**, President and CPSI*
Office – 432-687-6388 | Cell – 432-301-3175 | Josh@PlaygroundsEtc.com
- **David Kitch**, National Sales Manager/ Design Consultant and CPSI*
Office – 432-687-6388 | Cell – 512-560-0142 | David@PlaygroundsEtc.com
- **John Kiehle**, Design Consultant (Central & South Texas Regions)
Office – 866-461-2814 | Cell – 210-632-6052 | John@PlaygroundsEtc.com
- **Nathan Brewer**, Project Coordinator and CPSI* (Central & South TX)
Office – 432-687-6388 | Cell – 361-542-8588 | Nathan@PlaygroundsEtc.com
- **Jerod Finch**, Project Superintendent and CPSI*
Office – 432-687-6388 | Cell – 432-254-9795 | Jerod@PlaygroundsEtc.com
- **Accounting/ Billing** – Office@PlaygroundsEtc.com



Workmanship Warranty

This warranty covers workmanship related to the installation of the products purchased from and installed by Playgrounds Etc for a period of 1 year from the date of installation.

A Note from The Owner

This warranty essentially states that we will stand behind our installation or perform a service call related to improper installation for up to 1 year at no cost to our customer. In actuality, our warranty is better than that. If anything that we install ever fails, regardless of when, and the failure is not due to carelessness, accidental damage, or normal wear and tear, Playgrounds Etc will honor an implied warranty and take care of the matter at no cost to the customer (yes, we really mean that). In other words, if something fails that shouldn't fail, we will take care of it for you. We have always treated our customers like family and we hope that our warranty expresses our feelings towards our customers.

Warranty Exclusions:

The stated warranty is valid only on projects in which Playgrounds Etc is responsible for the complete installation of said project and/or equipment. Playgrounds Etc is not responsible for cosmetic defects such as scratches, dents, marring, fading, damage due to vandalism, misuse, accident, wear and tear from normal use, exposure to extreme weather, immersion in salt or chlorine water, unauthorized repair or modification, abnormal use, lack of maintenance, or other causes not within Playground's Etc control.

Limitation of Remedies:

Playgrounds Etc is not liable for consequential or incidental damages, including but not limited to: labor cost or lost profits resulting from use of, or inability to use, the products, *or* from the products being incorporated in, or becoming a component of, any other product. If, after a reasonable number of repeated efforts, Playgrounds Etc is unable to repair or replace a defective or non-conforming product, Playgrounds Etc shall have the option to accept return of the product, or part thereof, if such does not substantially impair its value, and return the purchase price as the buyer's entire and exclusive remedy.



PURCHASING INFORMATION

PRODUCT CHANGES:

Changes in equipment, surfacing, and other items can be made up to the time contract is signed. Colors, equipment selection and arrangement, quantity of products, size and scope of project may all be changed. We welcome changes and we will be happy to redesign and re-price the project for you. Generally it make take anywhere from a couple of days to two weeks to make these changes for your review.

CONTRACTS:

Once your selection is completed, a contract will be sent to you. This contract specifies the exact equipment and services purchased, including specifications, quantities and expectations as to final appearance. Details as to delivery, the client's participation and the services rendered will be included. Funding details will also be included with the contract. In the event of a supervised installation then additional details regarding equipment required, labor and time schedule will be included.

DELIVERY:

Generally, delivery of playground equipment manufactured by Playland International, as well as any shades or shade structures is approximately six weeks. Delivery of site amenities, surfacing and components is generally two to three weeks.

INSTALLATION:

Full Installation:

Construction crews are scheduled generally to start within two weeks of delivery. Except for substantially large projects, most projects will be completed in a week or less. Our contactors are certified installers and will work with you to make sure your expectations are met as long as safety standards are not compromised

FUNDING:

Company policy provides one-half of the project total price is due upon contract signing. The remaining balance is due within seven days after completion of project or delivery in the event of a supervised installation or if client chooses to install units themselves.

WARRANTY:

A copy of the warranty on equipment, turf or other products is included with this packet. Playgrounds Etc. will assist client in any way necessary when warranty issues arise.

REFERENCES:

References will be supplied upon your request.

1410 W. Texas • Midland, Texas 79701 • (866) 461-2814 •



Playgrounds Etc.

1410 W Texas Ave.
Midland, TX 79701
432-687-6388

Bid

Date

Bid #

6/21/2024

31369

Name / Address

City of Ingleside
2671 San Angelo Ave
Ingleside TX 78362

Notes to Client

For Installation at Live Oak Park - 2020 Parkview
Pl, Ingleside, TX 78362

Rep	Project Location	Project		
John Kiehle	Live Oak Park	Tennis Courts Resurfacing Project		
Item	Description	Qty	Rate	Total
Relocate-Install	Install Court Resurfacing Materials to ~20KSF for (3) tennis courts in Live Oak Park	1	\$48,368.57	\$48,368.57
BuyBoard Discount	BuyBoard Discount, Vendor #679-22			-\$2,500.00
			SubTotal	\$45,868.57
			Sales Tax (0.0%)	\$0.00
			Total	\$45,868.57

Approval Signature: _____ **Date:** _____

Thank you for the opportunity to quote your upcoming project. If you have any questions about this proposal or if you need to make any revisions, please contact your Design Consultant at 866-451-2814. We look forward to helping you complete your next project. This bid is good for 30 days.

June 21, 2024

Page 1 of 1