



CITY COUNCIL REGULAR AGENDA

Tuesday, September 27, 2022

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, September 27, 2022, at 5:30 PM at the City Council Chambers Located at 307 East 4th Street, Big Spring, Texas. **We welcome the public to attend the meeting via telecommunication. Citizens will be able to view the City Council Meeting on Our Local Channel 17 through Suddenlink or on Our Website <http://mybigspring.com/224/Channel-17-Live>.**

CITY COUNCIL MEETING ETIQUETTE

Gentlemen are requested to remove their hats inside the City Council Chambers. As a courtesy to those in attendance, please place your cell phone on "Silent" or "Vibrate." Please, no talking during the meetings. Take all conversations outside so that others can hear.

Thank you!

Open Session

1. Call to Order
2. Invocation
3. Pledge of Allegiance to the United States Flag and to the Texas State Flag

Public Comment

Public Comment – Members of the public are entitled to speak on any topic. Additionally, members of the public may comment on any action item before or during its consideration. Speakers are Requested to Stand at the Podium and State Their Name and Address. Speakers Should Fill out the Form at the Podium and Turn it into the City Secretary. Please Do Not Exceed Five (5) Minutes.

4. **Public Comment**

Announcements, Presentations and Public Hearings

Public Hearings – The Council will take Input on Items Requiring Public Hearing Items **Prior** to any Action.

City Manager's Report

- | | | |
|---|------|--------|
| 5. City Manager's report on the following items: | 7-10 | Darden |
| <ul style="list-style-type: none">○ Update on Large Item Pickup, District 3 - Sept. 21, 2022○ Update on EDA Grant○ Boards and Committees○ TML Region IV Quarterly Meeting - October 28, 2022 | | |

Consent Items

- | | | |
|---|-------|----------|
| 6. Approval of the City Council Minutes of the Regular Meeting of September 13, 2022 | 11-22 | Davis |
| 7. Final Reading of a Resolution Seeking Permission to Apply for a Grant Through the Office of the Governor, Public Safety Office Criminal Justice Division for Funding of Bullet-Resistant Shields. | 23-30 | Williams |
| 8. Final Reading of a Resolution Amending the Authorized Representatives Empowered to Transmit and Withdraw Funds from Texpool; and Declaring an Effective Date | 31-32 | S. Smith |
| 9. Final Reading of a Resolution Reviewing and Approving the Investment Policy of the City of Big Spring | 33-41 | S. Smith |
| 10. Final Reading of an Ordinance Amending Chapter 50 of the Code of Ordinances Entitled "Utilities," Article IV Entitled "Utility Service Charges" by Amending Section 50-92 Entitled "Charges for Water Rates" Subsection B and Section 50-94 Entitled "Wastewater Rates" to Adjust Rates; Providing for Publication; and Providing an Effective Date | 42-45 | S. Smith |
| 11. Final Reading of an Ordinance Amending Chapter 44 of the Big Spring Code of Ordinances Entitled "Solid Waste," Article I "In General," Section 44-11 "Permit for Private Collectors;" Amending Chapter 44 of the Big Spring Code of Ordinances Entitled "Solid Waste," Article II "Collections and Landfill Fees" Section 44-41 "Rates" to Amend the Rate Schedule; | 46-49 | Bowles |

Providing for Severability; Providing for Publication; and
Providing an Effective Date

- | | | | |
|-----|--|-------|-------------|
| 12. | Final Reading of an Ordinance Fixing and Levying Municipal Ad Valorem Taxes for Said City for the Year 2022; Directing the Assessment and Collection Thereof; Providing for Severability; and Establishing an Effective Date | 50-52 | S. Smith |
| 13. | Final Reading of an Ordinance Adopting an Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023; Providing for Severability; Providing for Publication; and Providing an Effective Date | 53-56 | S. Smith |
| 14. | Final Reading of an Ordinance Establishing the Pay Schedule for Classified Positions Within the Police Department for the Fiscal Year 2022-23; Providing for Repeal of Ordinances in Conflict Herewith; and Providing for an Effective Date | 57-58 | Medina |
| 15. | Final Reading of an Ordinance Establishing the Fire Department Pay Scale for the Fiscal Year 2022-23 in Accordance with Chapter 143 of the Texas Local Government Code; Providing for the Repeal of Ordinances in Conflict Herewith; and Providing for an Effective Date | 59-60 | Medina |
| 16. | Final Reading of An Ordinance of the City Council Of Big Spring, Texas, Amending Chapter 32 of The Big Spring City Code Entitled "Licenses, Taxation And Miscellaneous Business," Article Ii "Taxation," Division 2 "Hotel Occupancy Tax," Section 32-65 "Revenues-Use" to Add A New Subsection 3 to Waive the 5-Year Limitation on Assistance; and Amending Chapter 40 of the Big Spring City Code Entitled "Parks, Recreation And Cultural Affairs", Article Iv "Dora Roberts Community Center", Section 40-110 "Administration" Subsection (B) to Make Exceptions to the Board's Duties; Providing For Severability; And Providing An Effective Date. | 61-62 | Hagen |
| 17. | Acknowledge Receipt of the Big Spring Economic Development Corporation Board of Director's Minutes of the Regular Meeting of August 30, 2022 | 63-65 | Mark Willis |

Vouchers

- | | | | |
|-----|-----------------------|-----------------|--------|
| 18. | Vouchers for 09/15/22 | \$ 475,250.64 | Hughes |
| | Vouchers for 09/22/22 | \$ 1,473,222.66 | |

Manual Cks & Drafts \$ 566,227.06

Bids

- | | | |
|---|----|--------|
| 19. Consideration and Possible Action on Awarding Annual Bids and Authorizing the Clty Manager or His Designee to Execute any Necessary Documents as Follows (Items 20-28): | | Medina |
| 20. Aluminum Sulfate | 66 | Medina |
| 21. Anhydrous Ammonia | 67 | Medina |
| 22. Liquid Chlorine | 68 | Medina |
| 23. Polymer | 69 | Medina |
| 24. Sulfur Dioxide | 70 | Medina |
| 25. Sodium Hydroxide | 71 | Medina |
| 26. Sodium Permanganate | 72 | Medina |
| 27. Valves and Fittings | 73 | Medina |
| 28. DRCC Janitorial Services | 74 | Medina |

New Business

- | | | |
|--|-------|----------|
| 29. First Reading of an Ordinance Amending the Big Spring City Code, Chapter 8 "Animals," Article V "Miscellaneous Regulations, in Order to Repeal Section 8-12 "Unlawful Restraint; Providing for Severability; and Providing an Effective Date | 75-78 | Williams |
| 30. First Reading of a Resolution Requesting, on Behalf of the Citizens of Big Spring, That the Texas Department of Transportation Review the Proposal for a Truck Route for the City of Big Spring, Take Appropriate Action, and Notify the City of Comments, in Preparation for the City to Put into Place a New Truck Route | 79-80 | Darden |
| 31. First Reading of a Resolution Finding that Oncor Electric Delivery Company LLC's ("Oncor" or "Company") Application to Change Rates Within the City Should be Denied; Finding that the City's Reasonable Rate Case Expenses Shall be Reimbursed by the Company; Finding that the Meeting at | 81-83 | Medina |

Which This Resolution is Passed is Open to the Public as Required by Law; Requiring Notice of this Resolution to the Company and Legal Counsel

- | | | |
|---|---------|--------|
| 32. First Reading of a Resolution in Support of State Funding to Match Competitive Federal Rail Programs | 84-89 | Medina |
| 33. Consideration and Possible Action Regarding the Request for Hotel Tax Funds for Use of the Dora Roberts Community Center for the West Texas Disc Golf Champions Tournament. | 90-91 | Lewis |
| 34. Consideration and Possible Action on a Contract Agreement with Area Agency on Aging of the Permian Basin Regional Planning Commission and Authorizing the Mayor to Execute any Necessary Documents. | 92-114 | Lewis |
| 35. Consideration and Possible Action to Accept a Gift of Real Property at 200 Galveston Street | 115-118 | Darden |
| 36. Boards & Committees
Big Spring Economic Development Corporation
Raul Benavides - Nominated by Council Member McDonald
Kristy Tyra - Nominated by Council Member Smith | | Moore |

Council Input

37. Input

Executive Session

- | | | |
|---|--|-------|
| 38. ADJOURN into Executive Session in Matters Covered by Texas Government Code Section 551.074 "Personnel Matters; Closed Meeting" to Deliberate the Appointment, Employment, Evaluation and Duties of Municipal Judge | | Moore |
| 39. ADJOURN into Executive Session in Accordance with the Purposes Permitted by the Open Meetings Act, Section 551.087, Texas Government Code, "Deliberation Regarding Economic Development Negotiations; Closed Meeting" to Discuss and Deliberate Economic Development Negotiations. | | Moore |
| 40. RECONVENE into Open Session and Take any Necessary Action on Executive Session Items | | Moore |
| 41. ADJOURN | | Moore |

The City Council reserves the right to meet in executive session on any agenda item should the need arise pursuant to Chapter 551, Subchapter D of the Texas Government Code, or the Texas Disciplinary Rules of Professional Conduct.

I hereby certify that this agenda was posted on the official bulletin board at the City of Big Spring, City Hall Building, located outside 310 Nolan Street. Given by order of the City Council and **Posted on Friday, September 23, 2022 at 4:30 p.m.** in accordance with Title 5, Texas Government Code and Chapter 551.

In addition, this agenda and supporting documents are posted on the City of Big Spring's Website, www.mybigspring.com, in accordance with legal requirements.


Tami L. Davis, City Secretary

PERSONS WISHING TO HAVE AN INTERPRETER SHOULD CONTACT TAMI DAVIS AT 264-2513 or tdavis@mybigspring.com. REQUESTS FOR AN INTERPRETER SHOULD BE MADE AT LEAST 72 HOURS IN ADVANCE OF THE MEETING TIME.

Highlighted names will expire as of 9/30/22.



Board Name: **Term** **Expires**

McMAHON/WRINKLE AVIATION

ADVISORY BOARD Three Years 09-30-XX

Name	Appointed	Reappointed	Term Expires	District
				1
Adriel Saldivar	7/12/2022		9/30/2024	2
				3
Jim Little	7/26/2022		9/30/2024	4
				5
				6
				Mayor

Five (5) openings

Board Name: **Term** **Expires**

BOARD OF ADJUSTMENTS & APPEALS

Three Years

09-30-XX

Name	Appointed	Reappointed	Term Expires	District
John Flores (Construction Field)	11/9/2021		9/30/2023	1
Rosie Franco	1/11/2022		9/30/2024	2
				3
Dale Coates (Mechanical Contractor)	2/22/2005	9/24/2019	9/30/2022	5
Tommy Corwin (Construction Field)	2/22/2005	9/24/2019	9/30/2022	5
Richard Wright(Construction Field)	2/22/2005	9/24/2019	9/30/2022	5
Walter Brumley, Jr.(Electrician)	9/26/2017	9/8/2020	9/30/2023	6

Four (4) openings - Need Districts 3, 4, 5 and Mayor.

Board Name: **Term** **Expires**

CONVENTION & VISITORS BUREAU

BOARD Three Years 09-30-XX

Name	Appointed	Reappointed	Term Expires	District
Sheila Crockett	11/9/2021		9/30/2023	1
Chavonna Parker	11/9/2021		9/30/2024	2
				3
Jay Patel - Hotel Industry Member	9/26/2017	9/8/2020	9/30/2023	4
Kristy Tyra	1/11/2022		9/30/2022	5
				6
Emaan Campbell	1/11/2022		9/30/2022	Mayor

Four (4) openings - Need Districts 3, 5, 6 & Mayor.

Board Name:

PARKS AND RECREATION BOARD

Term

Three Years

Expires

09-30-XX

Name	Appointed	Reappointed	Term Expires	District
Patsy Garza	9/8/2020		9/30/2023	1
Juanita Porras	9/28/2021		9/30/2024	2
Ryan Williams	4/23/2019	9/24/2019	9/30/2022	3
Johnny R. DeLeon	4/23/2019	9/8/2020	9/30/2023	4
Danny Flenniken	4/23/2019	9/24/2019	9/30/2022	4
Nolan Domiguez	9/22/2020		9/30/2022	5
				6

Four (4) openings - Need Districts 3, 5, 6 & Mayor.

Board Name:

PLANNING & ZONING COMMISSION

Term

Three Years

Expires

09-30-XX

Name	Appointed	Reappointed	Term Expires	District
Dale Avant	9/24/2013	08/0/2021	9/30/2023	1
TJ (Thomas Jesse)Stewart	7/13/2021		9/30/2024	2
				3
Kelley Owens	9/26/2017	9/8/2020	9/30/2023	4
Tammy DePauw	3/14/2017	9/24/2019	9/30/2022	5
Kevan Schooler	9/26/2017	9/8/2020	9/30/2023	5
Aubrey Weaver, Jr	9/24/2013	9/24/2019	9/30/2022	6

Three (3) openings - Need Districts 3, 6 and Mayor.

Board Name:

TRAFFIC COMMISSION

Term

Three Years

Expires

09-30-XX

Name	Appointed	Reappointed	Term Expires	District
Sharon DeAnda	11/9/2021		9/30/2023	1
Rhonda Paredes	2/22/2022		9/30/2023	2
April Arms	7/12/2022		9/30/2024	4
Charles Smith	4/23/2019	9/8/2020	9/30/2023	5
Roy Gomez, Jr	4/23/2019		9/30/2022	5
Kyle S. Green	11/24/2019		9/30/2022	5
Caroyln Miller	9/14/2021		9/30/2024	6

Two (2) openings - Need Districts 3 & Mayor.

Board Name:

ZONING BOARD OF ADJUSTMENTS

Term

Three Years

Expires

09-30-XX

Name	Appointed	Reappointed	Term Expires	District
Debbie Ramirez	7/12/2022		9/30/2023	1
Julie Ramirez	7/12/2022		9/30/2024	2
Carrie Rodman	9/24/2013	9/24/2019	9/30/2022	3
Sherry Wiggington	11/9/2021		9/30/2024	4
Veronica Zuniga	11/9/2021		9/30/2022	5
Mark Sheedy	8/9/2022		9/30/2024	6
Jeanie Knocke	10/26/2021		9/30/2022	Mayor

Three (3) openings - Need Districts 3, 5 & Mayor.

Board Name:

ALTERNATES

ZONING BOARD OF ADJUSTMENTS

Term

Three Years

Expires

09-30-XX

Name	Appointed	Reappointed	Term Expires	District
Maria Padilla	3/22/2022		9/30/2023	1
				2
				3
Jan Hansen	7/12/2022		9/30/2024	4
				5
April Gutierrez	6/14/2022		9/30/2024	6
				Mayor

Four (4) openings - Need Districts 2, 3, 5 & Mayor.

Board Name:ANIMAL RESCUE AND ADOPTION
COMMITTEE**Term****Expires**

09-30-XX

Name	Appointed	Reappointed	Term Expires	District
Amanda Williams	8/10/2021		9/30/2023	1
Julia Hartman	7/13/2021		9/30/2024	2
Amy French	1/11/2022		9/30/2023	3
Tiffany Rabone	11/9/2021		9/30/2024	4
Brittany Hankins	7/28/2021		9/30/2022	5
				6
				Mayor

Three (3) openings - Need Districts 5, 6 & Mayor.

Board Name:BIG SPRING ECONOMIC DEVELOPMENT
CORPORATION**Term**

Three Years

Expires

09-30-XX

Name	Appointed	Reappointed	Term Expires	District
Cody Williams	10/26/2021		9/30/2023	1
R.Shane Seaton	9/8/2020		9/30/2023	2
Winston (Paschal) Odom	9/8/2020		9/30/2023	3
Raul Benavides	9/24/2019	9/24/2019	9/30/2022	5
Jeffrey D. Ward	9/27/2016	9/24/2019	9/30/2022	C

Updated as of 9/21/2022

STATE OF TEXAS :
COUNTY OF HOWARD :
CITY OF BIG SPRING :

The City Council of the City of Big Spring, Texas, met in a REGULAR AGENDA in the City Council Chambers located at 307 E. 4th St., Big Spring, Texas, at 5:30 PM, September 13, 2022, with the following members present in person:

ROBERT H. MOORE	Mayor
NICK ORNELAS	Mayor Protem
DIANE YANEZ	Council Member
CODY HUGHES	Council Member
GLORIA MCDONALD	Council Member
TROY TOMPKINS	Council Member
MAURY SMITH	Council Member

Same and constituting a quorum, for which four Councilmembers must be present; and the following staff in person;

TODD DARDEN	City Manager
JOHN MEDINA	Assistant City Manager
ANDREW HAGEN	City Attorney
SHANE BOWLES	Public Works Director
CHAD WILLIAMS	Police Chief
CRAIG FERGUSON	Fire Chief
MIKE FEELEY	Airpark Director
SANDY SMITH	Finance Director
TAMI DAVIS	City Secretary
TIM GREEN	Municipal Judge

Open Session

Call to Order

Invocation

Steve Moses gave the invocation

Pledge of Allegiance to the United States Flag and to the Texas State Flag

Mayor Moore led the Pledge of Allegiance to the United States Flag and to the Texas Flag.

Public Comment

Public Comment

There were no comments made at this time.

Announcements, Presentations and Public Hearings

PUBLIC HEARING - Annual Budget for Fiscal Year 2022-2023

MOTION WAS MADE BY Council Member Smith to open the above captioned public hearing, seconded by Council Member Tompkins.

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins, Council Member Smith**

NAYS: None

MOTION PASSED

No comments were made regarding the annual budget at this time.

MOTION WAS MADE BY Council Member Tompkins to close the above captioned public hearing, seconded by Council Member Hughes.

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins, Council Member Smith**

NAYS: None

MOTION PASSED

PUBLIC HEARING - Proposed Tax Rate for Year 2022

MOTION WAS MADE BY Council Member Tompkins to open the above captioned public hearing, seconded by Council Member Hughes.

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins, Council Member Smith**

NAYS: None

MOTION PASSED

Sandy Smith, Finance Director, explained the staff recommendation was to stay at the current tax rate of \$0.673163.

MOTION WAS MADE BY Council Member McDonald to close the above captioned public hearing regarding the proposed tax rate, seconded by Council Member Yanez.

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins, Council Member Smith
NAYS: None**

MOTION PASSED

PUBLIC HEARING for Consideration and Possible Action Concerning Abatement of Public Nuisance at 1309 GRAFA STREET, BIG SPRING, TEXAS 79720 - LT 17, BK 15, MONTICELLO ADDITION - OWNER: JUDY AND DAVID SAUSMAN, 1601 VINES AVE, BIG SPRING, TEXAS 79720

PUBLIC HEARING for Consideration and Possible Action Concerning Abatement of Public Nuisance at 610 E. 12TH STREET, BIG SPRING, TEXAS 79720 - LT 6, BK 7, COLE & STRAYHORN ADDITION - OWNER: RUTH SOLEDAD CANO, 610 E. 12TH STREET, BIG SPRING, TEXAS 79720

PUBLIC HEARING for Consideration and Possible Action Concerning Abatement of Public Nuisance at 1006 E. 12TH STREET, BIG SPRING, TEXAS 79720 - LT 4, BK 29, COLE & STRAYHORN ADDITION - OWNER: RHETT DAYLON DEDMON, 1006 E. 12TH STREET, BIG SPRING, TEXAS 79720
Rhett Daylon Dedmon spoke as to his business at his residence is selling scrap metal.

PUBLIC HEARING for Consideration and Possible Action Concerning Abatement of Public Nuisance at 1217 LINDBERG, BIG SPRING, TEXAS 79720 - LT 20 BK 4, WRIGHT'S AIRPORT ADDITION - OWNER: MISSY PUGA, 1217 LINDBERG, BIG SPRING, TEXAS 79720

PUBLIC HEARING for Consideration and Possible Action Concerning Abatement of Public Nuisance at 2802 APACHE STREET, BIG SPRING, TEXAS 79720 - LT 8 BK 5, WESTERN HILLS ADDITION - OWNER: KAYCIE SAUCEDO, 2802 APACHE STREET, BIG SPRING, TEXAS 79720

PUBLIC HEARING for Consideration and Possible Action Concerning Abatement of Public Nuisance at 209 N. JOHNSON STREET, BIG SPRING, TEXAS 79720 - LT SC 42 BK 42, WILLIAM B CURRIE ADDITION - OWNER: CAYETANO RESENDEZ SALDIVAR, 209 N. JOHNSON STREET, BIG SPRING, TEXAS 79720

PUBLIC HEARING for Consideration and Possible Action Concerning Abatement of Public Nuisance at 405 DONLEY, BIG SPRING, TEXAS 79720 - LT 10 & S/2 OF 11,

BK 15, BOYDSTUN ADDITION - OWNER: JOHNNY RUDDA, 405 DONLEY, BIG SPRING, TEXAS 79720

PUBLIC HEARING for Consideration and Possible Action Concerning Abatement of Public Nuisance at 1100 N. GREGG STREET, BIG SPRING, TEXAS 79720 - LT SW/4, BK 44, BAUER ADDITION - OWNER: POWERHOUSE CHURCH OF GOD IN CHRIST, P.O. BOX 2407, BIG SPRING, TEXAS 79720

PUBLIC HEARING for Consideration and Possible Action Concerning Abatement of Public Nuisance at 2705 ANN DRIVE, BIG SPRING, TEXAS 79720 - LT LESS N/2 OF LT3, BK 15, KENTWOOD ADDITION - OWNER: THOMAS OLIVER BRADBERRY, 2705 ANN DRIVE, BIG SPRING, TEXAS 79720

PUBLIC HEARING for Consideration and Possible Action Concerning Abatement of Public Nuisance at 604 NE 10TH STREET, BIG SPRING, TEXAS 79720 - LT SE/4 OF SC 42, BK 32, WILLIAM B. CURRIE ADDITION - OWNER: THE ESTATE OF ADDIE OLIVER, 1002 NORTH MAIN, APT 36, BIG SPRING, TEXAS 79720

MOTION WAS MADE BY Mayor Pro Tem Ornelas to open all the above captioned public hearings (#7 - #16 on the agenda) regarding abatement properties, seconded by Council Member Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins, Council Member Smith
NAYS: None

MOTION PASSED

Andrew Hagen, City Attorney, and the Code Officers for the City of Big Spring presented evidence on each of the above listed properties.

MOTION WAS MADE BY Mayor Pro Tem Ornelas to approve the orders of abatement on all of the above listed properties and to vacate all the above listed properties except #9 (1006 E. 12th Street) and #11 (2802 Apache Street), seconded by Council Member Smith.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins, Council Member Smith
NAYS:0

MOTION PASSED

MOTION WAS MADE BY Council Member Tompkins to close the above captioned public hearings, seconded by Council Member McDonald.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7

**Council Member Hughes, Council Member McDonald, Council Member
Tompkins, Council Member Smith** **0**
NAYS: 0

MOTION

City Manager's Report

City Manager's report on the following items:

- Large Item Pickup, District 3 - Sept. 21, 2022
- Update - Large Trucks Traveling Thru Town

Todd Darden, City Manager, gave an update on the above captioned items.

Consent Items

Approval of the City Council Minutes of the Regular Meeting of August 23, 2022

**MOTION WAS MADE BY Mayor Pro Tem Ornelas to approve the above listed
minutes, seconded by Council Member Hughes.**

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, **7**
Council Member Hughes, Council Member McDonald, Council Member **0**
Tompkins, Council Member Smith
NAYS: None

MOTION PASSED

Final Reading of a Resolution Repealing City Council Resolution 003-2016 Which Set
the Goal of Ending the Euthanization of Homeless Pets; Providing for Severability; and
Providing an Effective Date

**MOTION WAS MADE BY Council Member McDonald to approve the above listed
resolution, seconded by Council Member Smith.**

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, **7**
Council Member Hughes, Council Member McDonald, Council Member **0**
Tompkins, Council Member Smith
NAYS: None

MOTION PASSED

Final Reading of an Ordinance Amending the Ordinance Establishing the Animal
Rescue Committee to Reassign the Committee's Responsibility to the Shelter
Manager and to Exclude from Such Responsibility Providing Assistance to the City in
Becoming a No-Kill Shelter; and Amending Various Sections of Chapter 8 "Animals" to
Balance a Policy Favoring Adoption and Placement of Animals into Permanent Homes

where Possible with a Policy of Protecting Public Safety by Maintaining Safe and Adequate Space at the Animal Shelter, to Promote Microchipping and Other Identification Methods of Animals, and Amending and Repealing Various Sections for Clarity; and Stating the Sense of City Council on Expanding Public Access to the Animal Shelter, Providing for Severability; and Providing an Effective Date

Acknowledge Receipt of the Big Spring Economic Development Corporation Board of Director's Minutes of the Regular Meeting of July 19, 2022

Acknowledge Receipt of the Zoning Board of Adjustments Minutes of the Regular Meeting of May, 25, 2022

Acknowledge Receipt of the Planning & Zoning Commission Minutes of the Regular Meeting of June 21, 2022

MOTION WAS MADE BY Council Member Tompkins to approve the above captioned ordinance and acknowledge the above captioned board minutes, seconded by Council Member Hughes.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith

**7
0**

NAYS: None

MOTION PASSED

Vouchers

Vouchers for 08/25/22 \$ 444,158.17
Manual Cks & Drafts \$ 567,269.15

Council Member Yanez reviewed the above captioned vouchers.

MOTION WAS MADE BY Council Member Yanez to approve the above captioned vouchers, seconded by Council Member Hughes.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith

**7
0**

NAYS: None

MOTION PASSED

Vouchers for 09/01/22 \$ 128,307.39
Vouchers for 09/08/22 \$ 955,824.94
Manual Cks & Drafts \$ 562,074.38

Council Member Hughes reviewed the above captioned vouchers.

MOTION WAS MADE BY Council Member Hughes to approve the above captioned vouchers, seconded by Council Member Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins, Council Member Smith
NAYS: None

MOTION PASSED

Bids

TABLED - Consideration and Possible Action on Awarding a Bid for Fencing at the Big Sandy Landfill and Authorizing the City Manager or His Designee to Execute any Necessary Documents

MOTION WAS MADE BY Council Member Smith to remove the above captioned bid off the table, seconded by Council Member Hughes.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins, Council Member Smith
NAYS: None

MOTION PASSED

No further action was taken on the above captioned bid.

New Business

Consideration and Possible Action Regarding Big Spring Economic Development Corporation's Annual Budget for 2022-2023

Mark Willis, Executive Director of the Big Spring Economic Development Corporation, presented the annual budget for 2022-2023.

MOTION WAS MADE BY Council Member McDonald to approve the above captioned budget, seconded by Council Member Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins, Council Member Smith
NAYS: None

MOTION PASSED

First Reading of a Resolution Seeking Permission to Apply for a Grant Through the Office of the Governor, Public Safety Office Criminal Justice Division for Funding of Bullet-Resistant Shields.

MOTION WAS MADE BY Council Member Tompkins to approve the above captioned resolution, seconded by Council Member Hughes.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member McDonald, Council Member 0

Tompkins, Council Member Smith
NAYS: None

MOTION PASSED

First Reading of a Resolution Amending the Authorized Representatives Empowered to Transmit and Withdraw Funds from Texpool; and Declaring an Effective Date

MOTION WAS MADE BY Council Member Yanez to approve the above captioned resolution, seconded by Council Member Hughes.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins, Council Member Smith
NAYS: None

MOTION PASSED

First Reading of a Resolution Reviewing and Approving the Investment Policy of the City of Big Spring

MOTION WAS MADE BY Council Member Yanez to approve the above captioned resolution, seconded by Council Member McDonald.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins, Council Member Smith
NAYS: None

MOTION PASSED

First Reading of an Ordinance Amending Chapter 50 of the Code of Ordinances Entitled "Utilities," Article IV Entitled "Utility Service Charges" by Amending Section 50-92 Entitled "Charges for Water Rates" Subsection B and Section 50-94 Entitled "Wastewater Rates" to Adjust Rates; Providing for Publication; and Providing an Effective Date

MOTION WAS MADE BY Council Member Smith to approve the above captioned ordinance, seconded by Council Member Hughes.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins, Council Member Smith
NAYS: None

MOTION PASSED

First Reading of an Ordinance Amending Chapter 44 of the Big Spring Code of Ordinances Entitled "Solid Waste," Article I "In General," Section 44-11 "Permit for Private Collectors;" Amending Chapter 44 of the Big Spring Code of Ordinances Entitled "Solid Waste," Article II "Collections and Landfill Fees" Section 44-41 "Rates" to Amend the Rate Schedule; Providing for Severability; Providing for Publication; and Providing an Effective Date

MOTION WAS MADE BY Council Member Smith to approve the above captioned ordinance, seconded by Council Member Yanez.

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins, Council Member Smith**

NAYS: None

MOTION PASSED

First Reading of an Ordinance Fixing and Levying Municipal Ad Valorem Taxes for Said City for the Year 2022; Directing the Assessment and Collection Thereof; Providing for Severability; and Establishing an Effective Date

MOTION WAS MADE BY Mayor Moore to approve the property tax rate to be increased by the adoption of a tax rate of \$0.673163 which is effectively an 11.85789 percent increase in the tax rate, seconded by Council Member Hughes.

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member Hughes, Council Member McDonald, Council Member 1
Smith**

NAYS: Council Member Tompkins

MOTION PASSED

First Reading of an Ordinance Adopting an Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023; Providing for Severability; Providing for Publication; and Providing an Effective Date

MOTION WAS MADE BY Council Member Hughes to approve the above captioned ordinance, seconded by Mayor Pro Tem Ornelas.

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins, Council Member Smith**

NAYS: None

MOTION PASSED

First Reading of an Ordinance Establishing the Pay Schedule for Classified Positions Within the Police Department for the Fiscal Year 2022-23; Providing for Repeal of Ordinances in Conflict Herewith; and Providing for an Effective Date

MOTION WAS MADE BY Council Member McDonald to approve the above captioned ordinance, seconded by Council Member Yanez.

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins, Council Member Smith**

NAYS: None

MOTION PASSED

First Reading of an Ordinance Establishing the Fire Department Pay Scale for the Fiscal Year 2022-23 in Accordance with Chapter 143 of the Texas Local Government Code; Providing for the Repeal of Ordinances in Conflict Herewith; and Providing for an Effective Date

MOTION WAS MADE BY Mayor Pro Tem Ornelas to approve the above captioned ordinance, seconded by Council Member Hughes

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins, Council Member Smith
NAYS: None

MOTION PASSED

First Reading of An Ordinance of the City Council Of Big Spring, Texas, Amending Chapter 32 of The Big Spring City Code Entitled "Licenses, Taxation And Miscellaneous Business," Article Ii "Taxation," Division 2 "Hotel Occupancy Tax," Section 32-65 "Revenues-Use" to Add A New Subsection 3 to Waive the 5-Year Limitation on Assistance; and Amending Chapter 40 of the Big Spring City Code Entitled "Parks, Recreation And Cultural Affairs", Article Iv "Dora Roberts Community Center", Section 40-110 "Administration" Subsection (B) to Make Exceptions to the Board's Duties; Providing For Severability; And Providing An Effective Date.

MOTION WAS MADE BY Council Member Tompkins to approve the above captioned ordinance, seconded by Council Member Hughes.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins, Council Member Smith
NAYS: None

MOTION PASSED

Consideration and Possible Action on a Recycling Agreement with Keep Texas Recycling and Authorizing the City Manager or His Designee to Execute any Necessary Documents

MOTION WAS MADE BY Council Member Smith to approve the above captioned agreement, seconded by Council Member Hughes.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins, Council Member Smith
NAYS: None

MOTION PASSED

Discussion Regarding a Railroad Quiet Zone

Mayor Moore asked the Council to review a request from a citizen regarding a railroad quiet zone and possibly bring back to the Council for further discussion or possible action.

Council Input

Input

Council Member McDonald invited everyone to the Ports to Plains meeting that starts tomorrow at the Settles Hotel.

Council Member Tompkins asks that everyone continue to look for solutions regarding the animal shelter.

Executive Session

ADJOURN into Executive Session in Matters Covered by Texas Government Code Section 551.074 "Personnel Matters; Closed Meeting" to Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline or Dismissal of the following:

City Attorney
City Manager

ADJOURN into Executive Session in Matters Covered by Texas Government Code Section 551.074 "Personnel Matters; Closed Meeting" to Deliberate the Appointment, Employment, Evaluation and Duties of Municipal Judge

MOTION WAS MADE BY Council Member Tompkins to adjourn into the above captioned executive sessions at 7:31 p.m., seconded by Council Member Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins, Council Member Smith
NAYS: None

MOTION PASSED

RECONVENE into Open Session and Take any Necessary Action on Executive Session Items

Mayor Moore reconvened into open session at 8:31 p.m.

MOTION WAS MADE BY Council Member Hughes to increase the City Attorney's annual salary to \$135,000 plus vehicle allowance, seconded by Council Member Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins, Council Member Smith
NAYS: None

MOTION PASSED

MOTION WAS MADE BY Mayor Pro Tem Ornelas to give the City Manager a 4% raise, seconded by Council Member Tompkins.

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins, Council Member Smith
NAYS: None**

MOTION PASSED

No action was taken regarding the executive session on the Municipal Judge.

ADJOURN

Mayor Moore adjourned the council meeting at 8:35 p.m.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary



Memorandum

To: Honorable Mayor, City Council, and City Manager

From: Chad Williams, Chief of Police

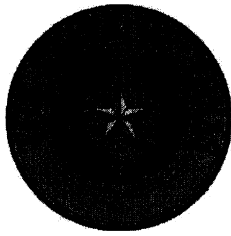
Date: August 29, 2022

Subject: Bullet-Resistant Shield Grant Program, FY2023

As a result of the investigation into the shortcomings and failures of the Uvalde School shooting, it was found that throughout the State of Texas, there is a lack of availability to ballistic shields to front line officers. As a result, the Officer of the Governor, Public Safety Officer of the Criminal Justice Division has announced a grant opportunity for the funding of bullet-resistant shields.

I am therefore seeking consideration and permission along with a resolution from city council to apply for this grant. There is a 0% match requirement by the city for this grant. The department plans on applying for 30 street level bullet-resistant shields at an approximate cost of \$13,500.00.

Your consideration in this matter is greatly appreciated.



Office of the Governor, Public Safety Office Criminal Justice Division Funding Announcement: ***Bullet-Resistant Shield Grant Program, FY2023***

Purpose

The purpose of this announcement is to solicit applications from law enforcement agencies to equip peace officers with bullet-resistant shields.

Available Funding

State funds for these projects are authorized by a Budget Execution Order proposed by the Legislative Budget Board and ratified by Governor Abbott on June 28, 2022, pursuant to Texas Government Code, Section 317.002 and Section 317.005(b). All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law. The Public Safety Office (PSO) expects to make available \$50M for FY2023.

Eligible Organizations

Applications may be submitted by independent school districts, institutions of higher education, units of local government, the Texas Department of Public Safety and other educational institutions that operate law enforcement agencies employing peace officers under Article 2.12, Texas Code of Criminal Procedure.

All applications submitted by local law enforcement agencies/offices must be submitted by a unit of government affiliated with the agency, including an authorizing resolution from that unit of government. For example, police departments must apply under their municipal government, and community supervision and corrections departments, district attorneys, and judicial districts must apply through their affiliated county government (or one of the counties, in the case of agencies that serve more than one county).

Application Process

Applicants must access the PSO's eGrants grant management website at <https://eGrants.gov.texas.gov> to register and apply for funding. For more instructions and information, see *eGrants User Guide to Creating an Application*, available [here](#).

Key Dates

Action	Date
Online System Opening Date	08/17/2022
Earliest Project Start Date	09/01/2022

Project Period

Projects must begin on or after 09/01/2022 and may not exceed a 12-month project period.

Funding Levels

Minimum: None

Maximum: None

Match Requirement: None

Standards

Grantees must comply with standards applicable to this fund source cited in the Texas Grant Management Standards ([TxGMS](#)), [Federal Uniform Grant Guidance](#), and all statutes, requirements, and guidelines applicable to this funding.

Eligible Activities and Costs

Funds may only be used for obtaining bullet-resistant shields compliant with the National Institute of Justice (NIJ) Level III, III+, or IV.

Applicants are encouraged to consider the reasonable cost of their request. PSO will evaluate applications based on the number of frontline peace officers and the average cost per shield.

Program-Specific Requirements

Eligible officers. Grant funds may only be used to equip peace officers (as defined by Article 2.12, Texas Code of Criminal Procedure) directly employed by a law enforcement agency operated by the applicant.

PSO will prioritize the equipping of certain types of officers in the following order:

- 1) Peace officers directly employed by school districts;
- 2) Peace officers contracted by school districts; and
- 3) Other peace officers that may respond to school safety emergencies.

Active Shooter Policy. All eligible organizations that apply for grant funds will ensure its law enforcement agency adopts a Critical Incidents In-Progress (Active Shooter) policy implementing, at a minimum, protocols for assessing an active threat or violent encounter and immediately responding in order to stop the killing, stop the dying, and provide rapid casualty evacuation. The policy should include procedures that address:

- Concepts and Principles

- Community/First Responder Agency Notifications
- Mutual Aid Implementation
- Solo Officer Deployment
- Officer Team Deployment
- Follow-On Responders (Rescue Task Force)
- Incident Command - Unified Command Considerations
- Incident Debriefing
- Training

ALERRT Training. All officers provided with a grant-funded ballistic shield must have either attended 16 hours of ALERRT (Advanced Law Enforcement Rapid Response Training) training within the last 24 months or commit to attend within the next 24 months. ALERRT's upcoming course schedule can be found here: <https://alerrt.org/Upcoming>.

Note: Funding is available through the Public Safety Office to offset travel expenditures associated with attending ALERRT Training. Please refer to the [ALERRT Travel Assistance Funding Announcement](#) for more information on how to apply for these funds.

Eligibility Requirements

1. Local units of governments must comply with the Cybersecurity Training requirements described in Section 772.012 and Section 2054.5191 of the Texas Government Code. Local governments determined to not be in compliance with the cybersecurity requirements required by Section 2054.5191 of the Texas Government Code are ineligible for OOG grant funds until the second anniversary of the date the local government is determined ineligible. Government entities must annually certify their compliance with the training requirements using the [Cybersecurity Training Certification for State and Local Governments](#). A copy of the Training Certification must be uploaded to your eGrants application. For more information or to access available training programs, visit the Texas Department of Information Resources [Statewide Cybersecurity Awareness Training](#) page.
2. Entities receiving funds from PSO must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the Texas Code of Criminal Procedure, Chapter 66. The disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

Counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90% of convictions within five business days to the Criminal Justice Information System at the Department of Public Safety.

3. Eligible applicants operating a law enforcement agency must be current on reporting complete UCR data and the Texas specific reporting mandated by 411.042 TGC, to the Texas Department of Public Safety (DPS) for inclusion in the annual Crime in Texas (CIT) publication. To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year by the deadline(s) established by DPS. Due to the importance of timely reporting, applicants are required to submit complete and accurate UCR data, as well as the Texas-

mandated reporting, on a no less than monthly basis and respond promptly to requests from DPS related to the data submitted.

4. Local units of government, including cities, counties and other general purpose political subdivisions, as appropriate, and institutions of higher education that operate a law enforcement agency, must comply with all aspects of the programs and procedures utilized by the U.S. Department of Homeland Security ("DHS") to: (1) notify DHS of all information requested by DHS related to illegal aliens in Agency's custody; and (2) detain such illegal aliens in accordance with requests by DHS. Additionally, counties and municipalities may NOT have in effect, purport to have in effect, or make themselves subject to or bound by, any law, rule, policy, or practice (written or unwritten) that would: (1) require or authorize the public disclosure of federal law enforcement information in order to conceal, harbor, or shield from detection fugitives from justice or aliens illegally in the United States; or (2) impede federal officers from exercising authority under 8 U.S.C. § 1226(a), § 1226(c), § 1231(a), § 1357(a), § 1366(1), or § 1366(3). Lastly, eligible applicants must comply with all provisions, policies, and penalties found in Chapter 752, Subchapter C of the Texas Government Code.

Each local unit of government, and institution of higher education that operates a law enforcement agency, must download, complete and then upload into eGrants the CEO/Law Enforcement Certifications and Assurances Form certifying compliance with federal and state immigration enforcement requirements. This Form is required for each application submitted to OOG and is active until August 31, 2023 or the end of the grant period, whichever is later.

5. In accordance with Texas Government Code, Section 420.034, any facility or entity that collects evidence for sexual assault or other sex offenses or investigates or prosecutes a sexual assault or other sex offense for which evidence has been collected, must participate in the statewide electronic tracking system developed and implemented by the Texas Department of Public Safety. Visit DPS's Sexual Assault Evidence Tracking Program website for more information or to set up an account to begin participating.
6. Eligible applicants must be registered in the federal System for Award Management (SAM) database and have an UEI (Unique Entity ID) number assigned to its agency (to get registered in the SAM database and request an UEI number, go to <https://sam.gov/>).

Failure to comply with program eligibility requirements may cause funds to be withheld and/or suspension or termination of grant funds.

Prohibitions

Grant funds may not be used to support the unallowable costs listed in the Guide to Grants or any of the following unallowable costs:

1. Any costs ancillary to the purchase of eligible ballistic shields, such as policy development, training costs, and staff; and
2. Any other prohibition imposed by federal, state or local law or regulation.

Selection Process

Application Screening: The Office of the Governor will screen all applications to ensure that they meet the requirements included in the funding announcement.

Peer/Merit Review: The Office of the Governor will review applications to understand the overall demand for the program and for significant variations in costs per item. After this review, the Office of the Governor will determine if all eligible applications can be funded based on funds available, if there are cost-effectiveness benefits to normalizing or setting limits on the range of costs, and if other fair-share cuts may allow for broader distribution and a higher number of projects while still remaining effective.

Final Decisions: The Office of the Governor will consider these factors and make all final funding decisions. Other factors may include cost effectiveness, overall funds availability, or state government priorities and strategies, legislative directives, need, geographic distribution, or other relevant factors.

The Office of the Governor may not fund all applications or may only award part of the amount requested. In the event that funding requests exceed available funds, the Office of the Governor may revise projects to address a more limited focus.

Contact Information

For more information, contact the eGrants help desk at eGrants@gov.texas.gov or (512) 463-1919.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AUTHORIZING AND APPOINTING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE PUBLIC SAFETY OFFICE FOR THE “BULLET-RESISTANT SHIELD GRANT PROGRAM, FY2023” TO SECURE FUNDING FOR 30 STREET LEVEL BULLET-RESISTANT SHIELDS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Big Spring is a Texas municipal corporation enjoying home rule, and is a unit of local of local government and political subdivision of the State of Texas; and

WHEREAS, under the Charter of the City of Big Spring, the City Council of Big Spring is the City of Big Spring’s governing body; and

WHEREAS, the City of Big Spring proudly operates its Big Spring Police Department; and

WHEREAS, the Department of Public Safety of the State of Texas recognizes the magnitude of law enforcement’s everyday risk and has funding available for the purpose of acquiring bullet-resistant shields through its Bullet-Resistant Shield Grant Program; and

WHEREAS, this is a 0% match grant, and the value of the grant the City seeks totaling approximately \$13,500.00; and

WHEREAS, the City Council of Big Spring wishes to designate the City Manager as the grantee’s authorized official with the power to apply for, accept, reject, alter, or terminate the grant on behalf of the applicant agency; and

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

SECTION 1. The City of Big Spring, acting by and through its governing body, hereby resolves to authorize and appoint the City Manager to submit an application to the Public Safety Office for the Bullet-Resistant Shield Grant Program to secure funding for the purchase of 30 street level bullet-resistant shields as stated in this Resolution.

SECTION 2. This Resolution shall become effective immediately upon its passage.

PASSED AND APPROVED on the first reading at a regular meeting of the City Council on the **13th** day of **September, 2022**, with all members present voting “aye” for passage of the same.

PASSED AND APPROVED on the second and final reading at a regular meeting of the City Council on the 27th day of September, 2022, with all members present voting “aye” for passage of the same.

Robert H. Moore, III, Mayor

ATTEST:

Tami L. Davis, City Secretary

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS
AMENDING THE AUTHORIZED REPRESENTATIVES EMPOWERED TO
TRANSMIT AND WITHDRAW FUNDS FROM TEXPOOL; AND DECLARING AN
EFFECTIVE DATE**

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

WHEREAS, the Texas Local Government Investment Pool ("TexPool/Texpool *Prime*"), a public funds investment pool, were created on behalf of entities whose investment objective in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AS FOLLOWS, THAT:

SECTION 1. The individuals, whose signatures appear in this Resolution, are Authorized Representatives of the Participant and are each hereby authorized to transmit funds for investment in TexPooVTexPool *Prime* and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.

SECTION 2. An Authorized Representative of the Participant may be deleted by a written instrument signed by all remaining Authorized Representatives provided that the deleted Authorized Representative (1) is assigned job duties that no longer require access to the Participant's TexPoolffexPool *Prime* account or (2) is no longer employed by the Participant.

SECTION 3. The Participant may by Amending Resolution signed by the Participant add an Authorized Representative provided the additional Authorized Representative is an officer, employee, or agent of the Participant.

List the Authorized Representatives of the Participant. Any new individuals will be issued personal identification numbers to transact business with TexPool Participant Services.

1. Name: Robert H. Moore

Title: Mayor

Signature: _____

Phone Number: (432) ***-****

2. Name: Sandy Smith

Title: Finance Director

Signature: _____

Phone: (432) 264-2517

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

Name: Sandy Smith

E-mail: sgsmith@mybigspring.com

Title: Finance Director

Fax Number: (432) 264-2387

In addition, and at the option of the Participant, two additional Authorized Representative can be designated to perform only inquiry of selected information. This limited representative cannot perform transactions. If the Participant desires to designate a representative with inquiry rights only, complete the following information.

Name: Gary Givens

Name: John Medina

Title: Assistant Finance Director

Title: Assistant City Manager

SECTION 4. This Resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant, and until TexPool Participant Services receives a copy of any such amendment or revocation.

SECTION 5. This Resolution shall supersede and replace all prior Authorized Representative designations and shall become effective immediately upon its final passage.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **13th** day of **September, 2022** with all members of the Council voting “aye” for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **27th** day of **September, 2022** with all members of the Council voting “aye” for the passage of same.

ATTEST:

Robert H. Moore, III, Mayor

Tami L. Davis, City Secretary



Memorandum

Date: 09/13/2022

From: Sandy Smith, Finance Director

To: Mayor and City Council

Re: 2022 Investment Policy

The Public Funds Investment Act requires that the Investment Policy be updated on an annual basis. Ultimately the Council has final fiduciary responsibility for the investments, so this is to apprise the Council of the policy and their duties.

It outlines the Staff requirements to ensure that Council is fully aware of all the investments and cash holdings of the City.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, REVIEWING AND APPROVING THE INVESTMENT POLICY OF THE CITY OF BIG SPRING.

WHEREAS, the City Council of the City of Big Spring has adopted a written investment policy as required by the Public Funds Investment Act; and

WHEREAS, the Public Funds Investment Act requires an annual review of the adopted investment policy, Section 2256.005(e), Texas Government Code;

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

SECTION 1. The City Council has reviewed and hereby approves the investment policy and investment strategy hereto attached as Exhibit A.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **13th** day of **September, 2022**, with all Councilmembers voting “aye” for passage of same.

PASSED AND APPROVED on second reading at a regular meeting of the City Council on the **27th** day of **September, 2022**, with all Councilmembers voting “aye” for passage of same.

Robert H. Moore, III, Mayor

ATTEST:

Tami L. Davis, City Secretary

*CITY OF BIG SPRING***INVESTMENT POLICY**

09/08/2022

Introduction

It is the policy of the City of Big Spring that the administration of its funds and the investment of those funds shall be handled as its highest public trust. Investments shall be made in a manner which will provide the maximum security of principal while meeting the daily cash flow needs of the City and conforming to the Public Funds Investment Act (the “Act”) Texas Government Code Chapter 2256. It is the intent of the City to be in complete compliance with local law and the Act.

The receipt of a market rate of return will be secondary to the requirements for safety and liquidity. The earnings from investment will be used in a manner that best serves the interests of the City.

The purpose of this Policy is to set specific investment policy and strategy guidelines. Direct specific investment parameters for the investment of public funds in Texas are found in the Act. The Public Funds Collateral Act, Chapter 2257, Texas Government Code, specifies collateral requirements for all public Texas funds deposits.

Scope

This investment policy applies to all financial assets of the City and any new funds created unless specifically exempted by the City Council and this Policy.

Statement of Cash Management Philosophy

The City of Big Spring 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 bank accounts, the payment of obligations so as to comply with state law and in accordance with vendor invoices, and the prudent investment of idle funds in accordance with this policy.

Objectives

The City's investment program shall be conducted so as to accomplish the following objectives, listed in order of priority:

1. **Safety**
The primary objective of the investment activity is the preservation of capital. Each investment transaction shall be conducted in a manner to avoid capital losses, whether from security defaults, safekeeping or erosion of market value. Investments in high credit quality securities and decisions based on anticipated cash needs are primary factors in providing safety.
2. **Liquidity**

The investment portfolio shall be structured to meet all expected obligations in a timely manner. This shall be achieved by matching investment maturities with forecasted cash flow liabilities and maintaining additional liquidity for unexpected liabilities.

3. Diversification

The portfolio shall be diversified by institution, market sector and maturity as much as possible.

Cash management is the process of managing funds in order to insure maximum cash availability and reasonable yield on short-term investments. The City shall strive for a cash management program which includes timely collection of accounts receivable, vendor payments in accordance with invoices terms, and prudent investment of assets.

Delegation of Authority

The Director of Finance, as the City's chief financial officer, is responsible for overall management of the City's investment program and is designated as the City's Investment Officer, with support from the City Manager, and may designate the Assistant City Manager as a deputy to assist with the management of the investment portfolio. The Investment Officer(s) are responsible for creating and maintaining the portfolio in accordance with this Policy, providing timely quarterly reporting to the Council, and establishing supporting procedures.

Accordingly, the Finance Director is responsible for day-to-day administration of the investment program and for the duties listed below:

1. Maintain current information as to available cash balances in City accounts, and as to the idle cash available for investment;
2. Make investments in accordance with this policy;
3. Ensure that all investments are adequately insured.

Investment Officers shall refrain from personal and business activity that could conflict with proper execution of the investment program or which could impair their ability to make impartial investment decisions. Disclosure shall be made to the City Manager. An Investment Officer who has a personal business relationship within the two levels of blood or marriage with an organization seeking to sell an investment to the City who meets the parameters established in the Act, shall file a statement disclosing that relationship to the City Council and the Texas Ethics Commission.

The City Council holds ultimate fiduciary responsibility for the portfolio. Council will receive and review quarterly reporting, approve and provide for investment officer training, annually approve broker/dealers and annually review and adopt the Investment Policy and Strategy.

Prudence

The standard of prudence to be applied to all City investments shall be the “prudent person” rule, which states:

“Investments shall be made with judgment and care, under circumstances then prevailing, that persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.”

In determining whether an investment officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration the investment of all funds under the City’s control over which the officer has responsibility rather than a consideration as to the prudence of a single investment.

The Investment Officer, acting in accordance with written procedures and exercising due diligence, shall be responsible but not liable for a specific security’s credit risk or market price changes, provided that these deviations are reported immediately and that appropriate action is taken to control adverse developments.

The treasurer, the chief financial officer if the treasurer is not the chief financial officer, deputies appointed to assist in investments and the investment officer shall complete ten hours of training relating to the person’s responsibilities within twelve months after taking office or assuming duties. The positions mentioned above must thereafter complete eight hours of training every twenty-four months, with the training to be provided by an independent source approved by the City Council. For the purposes of this policy, an "independent source" from which investment training shall be obtained shall include a professional organization, an institute of higher learning or any other sponsor other than a business organization with whom the City of Big Spring may engage in an investment activity.

Internal Controls

The Investment Officer is responsible for establishing and maintaining internal controls to reasonably assure that assets are protected from loss, theft, or misuse. The concept of reasonable assurance recognizes that the cost of a control should not exceed the benefits likely to be derived and the valuation of costs and benefits requires ongoing estimates and judgments my management.

Authorized Investments - City of Big Spring funds may be invested in the following:

1. U.S. Treasury bills, notes or bonds which are guaranteed as to principal and interest by the full faith and credit of the United States of America;
2. Collateralized or fully insured certificates of deposit at FDIC insured banks in the State of Texas, consistent with provisions of the City's current bank depository agreement; or a broker that has its main office or a branch office in this state and is selected from a list adopted by the investing entity as required by Section [2256.025](#) of the Texas Government Code.
3. Direct obligations of the State of Texas or its Agencies and Instrumentalities including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States;

4. Other obligations which are unconditionally guaranteed or insured by the State of Texas or the United States of America;
5. AAA-rated Texas Local Government Investment Pools which strive to maintain a \$1 net asset value (VAV) AND as defined by the Act and authorized by resolution of the City Council.
6. Commercial paper: 270 day or less stated maturity from the date of issuance. Rated not less than A-1 or P-1 or an equivalent rating by at least two nationally recognized rating agencies; or Rated not less than A-1 or P-1 or an equivalent by one nationally recognized rating agency plus fully secured by an irrevocable letter of credit issued by a domestic bank.
7. Fully collateralized repurchase agreements and reverse repurchase agreements having a defined termination date and secured by any obligation of the United States, its agencies or its instrumentalities; and
8. No-load money market mutual funds which are regulated by the Securities and Exchange Commission; provide a prospectus and other information required by the Securities Exchange Act of 1940, must comply with SEC Rule 2a-7, be aware they will now come with floating NAV as well as potential liquidity fees and redemption gates. Investment may not be more than 10% of the fund's total assets.

The use of Delivery versus Payment (DVP) for investment transactions/purchases will be continually used by the investment officer. Security selection and terms will be determined in accordance with (1) safety of principal, (2) cash flow needs, (3) investment type as a percentage of total investment portfolio, and (4) yield. The depository shall provide the City with proof of ownership or claim by an original document delivered to the City.

Market Price - The market price for investments will be obtained through the Wall Street Journal on the last trade day of the month.

Qualifying Institutions - Investments may be made through or with the following institutions:

1. Federally insured banks located in the State of Texas;
2. Primary government security dealers reporting to the Market Reports Division of the Federal Reserve Bank of New York; and
3. Eligible Public Fund Investment Pools that are rated no lower than investment grade by at least one nationally recognized rating service and having a weighted average maturity no longer than ninety (90) days.

Collateralization and Safekeeping - The City of Big Spring will accept as collateral for its certificates of deposit and other evidence of deposit the following securities:

FDIC coverage;

U.S. Treasury bills, note or bonds;

State of Texas bonds;

Other obligations of the U.S. or its agencies and instrumentalities;

Bonds issued by other Texas government entities (city, county, school, or special districts), with a remaining maturity of twenty years or less.

Securities pledged as collateral must be retained in a third party bank in the State of Texas and the City shall be provided the original safekeeping receipt on each pledged security. The City, financial institution, and the safekeeping bank shall operate in accordance with a master safekeeping agreement signed by all three parties.

The release of a pledged security, prior to its removal from the safekeeping account, must be approved by original signature of any two of the following: Investment Officer, Assistant City Manager and City Manager.

The financial institution with which the City invests and/or maintains other deposits shall provide monthly, and as requested by the City, a listing of the collateral pledged to the City marked to current market prices. The listing shall include at a minimum, total pledged securities itemized by:

1. name, type and description of the security
2. safekeeping receipt number
3. par value
4. current market value
5. maturity date
6. Moody's or Standard and Poor's rating (both if available)

Diversification - It is the policy of the City of Big Spring to diversify its investments to eliminate the risk of loss resulting from over-concentration of assets in a specific maturity, a specific issuer or a specific class of securities. The following general constraints shall apply: maturities shall be staggered to avoid undue concentration of assets in a specific maturity sector and maturities selected shall provide for stability of income and reasonable liquidity.

General Government Practices - All investment transactions shall be documented by the Investment Officer. The Investment Officer may make investments orally but shall follow

promptly with a written confirmation to the financial institution or broker/dealer, with a copy of such confirmation retained in the City's files.

On all investments which do not fall under provisions of the City's depository agreement, the Investment Officer shall take competitive bids. At least three (3) quotations shall be taken for each such investment made.

CITY OF BIG SPRING

INVESTMENT STRATEGY

The City of Big Spring maintains portfolios which utilize specific investment strategy considerations designed to address the unique characteristics of the fund groups represented in the portfolio.

Investment strategies for operating funds and commingled funds have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. The secondary objective is to create a portfolio structure which will experience minimum volatility during economic cycles. This may be accomplished by purchasing high quality short to medium term securities. The dollar weighted average maturity of 365 days or less will be calculated using the stated final maturity dates of each security.

Investment strategies for debt service funds shall have as the primary objective the assurance of investment liquidity adequate to cover the debt service obligation on the required payment date. Securities purchased shall not have a stated final maturity date which exceeds the debt service payment date.

Investment strategies for special projects of special purpose funds will have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. The stated final maturity dates of securities held should not exceed the estimated project completion date.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, IN RESPONSE TO INCREASED COSTS OF OPERATING THE WATER AND WASTEWATER UTILITIES AND ONGOING CAPITAL NEEDS, AMENDING CHAPTER 50 OF THE CODE OF ORDINANCES ENTITLED “UTILITIES,” ARTICLE IV ENTITLED “UTILITY SERVICE CHARGES,” SECTION 50-92 ENTITLED “CHARGES FOR WATER RATES” SUBSECTION B AND SECTION 50-94 ENTITLED “WASTEWATER RATES” TO ADJUST RATES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, “a municipality may purchase, construct, or operate a utility system inside or outside the municipal boundaries and may regulate the system in a manner that protects the interests of the municipality....” Section 552.001(b), Texas Local Government Code; and

WHEREAS, water rates charged by a municipality must be “fair, just, and reasonable,” Section 13.042(a), Texas Water Code; and

WHEREAS, the costs of running the water and wastewater systems have increased, and the City Council recognizes the need to balance costs and ongoing capital needs with revenue; and

WHEREAS, water services provided outside the corporate limits of the municipality are charged at double the base rate and usage rate under Big Spring City Code Section 50-30; and

WHEREAS, City Council finds that the water rates as changed in this ordinance are fair, just, and reasonable;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AS FOLLOWS, THAT:

SECTION 1. The Big Spring Code of Ordinances, Chapter 50 entitled “Public Utilities,” Article IV entitled “Utility Service Charges,” Section 50-92 entitled “Charges for Water Rates,” Subsection (B) is hereby amended as follows:

Sec. 50-92. - Charges for water rates.

...

(B) Water Usage Rate Table:

Inside city limits – Residential

0-2,000 gallons	\$1.50 per thousand gallons
3,000-10,000 gallons	\$3.98 \$4.38 per thousand gallons

11,000-20,000 gallons	\$5.90 <u>\$6.49</u> per thousand gallons
21,000-50,000 gallons	\$6.19 <u>\$6.81</u> per thousand gallons
>50,000 gallons	\$6.50 <u>\$7.15</u> per thousand gallons

Inside city limits – Commercial

0-50,000 gallons	\$4.47 <u>\$4.92</u> per thousand gallons
51,000-100,000 gallons	\$5.61 <u>\$6.17</u> per thousand gallons
>100,000 gallons	\$5.97 <u>\$6.57</u> per thousand gallons

...

SECTION 2. The Big Spring Code of Ordinances, Chapter 50 entitled “Public Utilities,” Article IV entitled “Utility Service Charges,” Section 50-94 entitled “Wastewater Rates,” Subsection (A) (1) is hereby amended as follows:

Sec. 50-94. - Wastewater rates.

(a) The wastewater rates shall be calculated as follows:

- (1) For all accounts, residential, commercial, multifamily dwelling (four-plex or larger), mobile home park, and apartment complex, there shall be a base rate for every unit, dwelling unit, or space that is connected to the wastewater system. The base rate is as follows:

Residential Unit	\$11.00 <u>\$11.88</u>
------------------	-----------------------------------

Non-Residential Unit	\$18.00 <u>\$19.44</u>
----------------------	-----------------------------------

Note: The first months' base rate for wastewater service for new customer accounts shall be prorated based on the number of days left in the billing cycle.

- (2) A multifamily dwelling (four-plex or larger), a mobile home park with more than ten spaces, or an existing apartment on a single meter shall be given a five percent vacancy allowance against the total number of dwelling units, spaces, or units in computing the total number of dwelling units, spaces or units for which a base rate charge is due on each dwelling unit, space or unit.
- (3) In addition to the monthly base rate, each wastewater account shall be charged for wastewater discharge based on water usage. The charge for non-commercial accounts will be assessed at a rate of ~~\$1.50~~ 1.62 per 1,000 gallons of water usage. The charge for commercial accounts will be assessed at a rate of ~~\$2.00~~ 2.16 per 1,000 gallons of water usage. In making the assessment for residential, water usage shall be computed by taking 90 percent of the customer's average monthly water usage, as shown by city water records, for the months of December, January, and February immediately preceding the year in question. For commercial accounts, 90 percent of actual monthly water usage will be used in calculating the charge for wastewater discharge. In lieu of the foregoing water usage computation, a

residential account will have the option of applying to the city water office for computation of water usage based on either of the following formulas:

- a. One hundred gallons of water per day per person in the residential customer's household times the number of days in the billing period; or
- b. Ninety percent of the actual water used by the customer during the current month as shown by the city's water records. Any option elected will be effective for a minimum of 12 months or until a history of consumption is established, whichever comes first.

...

NOTE: Language to be added appears underlined and language to be deleted is ~~stricken~~.

SECTION 3. Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5. The City Secretary is hereby directed to cause the caption and the fees associated with this ordinance to be published as provided by law.

SECTION 6. Pursuant to Section 13.043, Texas Water Code, the City Manager or his designee shall immediately provide individual written notice to each ratepayer eligible to appeal who resides outside the boundaries of the municipality or the political subdivision. The notice must include, at a minimum, the effective date of the new rates, the new rates, and the location where additional information on rates can be obtained. The City Manager or his designee may provide the notice electronically if the utility or political subdivision has access to a ratepayer's e-mail address.

SECTION 8. After two readings and upon adoption in accordance with the provisions of the Charter of the City of Big Spring, this ordinance shall take effect for the October 2022 monthly utility billing cycle.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **13th** day of **September, 2022**, with all Councilmembers present voting "aye" for passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the 27th day of September, 2022, with all Councilmembers present voting “aye” for passage of same.

Robert H. Moore, III, Mayor

ATTEST:

Tami L. Davis, City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS TO ADJUST FEES IN LIGHT OF INCREASING COSTS OF THE CITY IN OPERATING THE SOLID WASTE COLLECTION AND DISPOSAL SYSTEM AMENDING CHAPTER 44 OF THE BIG SPRING CODE OF ORDINANCES ENTITLED "SOLID WASTE," ARTICLE I "IN GENERAL," SECTION 44-11 "PERMIT FOR PRIVATE COLLECTORS;" AMENDING CHAPTER 44 OF THE BIG SPRING CODE OF ORDINANCES ENTITLED "SOLID WASTE," ARTICLE II "COLLECTIONS AND LANDFILL FEES" SECTION 44-41 "RATES" TO AMEND THE RATE SCHEDULE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds it to be in the public interest to regulate the use, placement, maintenance and fees associated with the landfill located within the City of Big Spring; and

WHEREAS, the City Council finds that the public health, safety, and general welfare will best be served by the following amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AS FOLLOWS:

SECTION 1. The City of Big Spring Code of Ordinances Chapter 44 entitled "Solid Waste," Article I "In General," Section 44-11 "Permit for Private Collectors" is hereby amended in its entirety:

Sec. 44-11. – Permit License for private collectors.

- (a) Required. No person except the duly authorized agents and employees of the city or those persons exempted by section 44-6 and private collectors ~~permitted~~ licensed under this chapter shall collect, remove and dispose of MSW, empty MSW receptacles, or convey or transport garbage or MSW on the streets, alleys and public thoroughfares of the city, for compensation.
- (b) Application.
 - (1) Any private collector desiring a ~~permit~~ license to bring municipal solid waste into the city landfill from outside the city limits shall make application therefor to the city manager or his authorized representative.

...

- (c) ~~Permit-Haulers License~~ fee. The fee for a ~~permit~~ license required by this chapter shall be ~~\$3,000.00-1,000.00 per-collection vehicle-~~ business entity. Such fee shall be payable in advance before a ~~permit~~ license is issued and may be prorated upon approval of the

public works director or his designee. In addition to the ~~permit~~ license fee, the per ton disposal fee and other surcharges prescribed in this chapter shall be assessed as required.

...

SECTION 2. The City of Big Spring Code of Ordinances Chapter 44 entitled “Solid Waste,” Article II “Collection and Landfill Rates,” Division 1 “Generally,” Section 44-41 “Rates” is hereby amended to read in its entirety as follows:

Sec. 44-41. – Rates.

(a) Residential Rates

(1) Picked up once a week only

- | | |
|---|----------------------------------|
| 1) Single family dwelling units | \$ 21.97 <u>23.29</u> |
| 2) Additional roll out for single family dwelling units | \$ 15.30 <u>11.65</u> |

(b) Commercial Rates

(1) One collection each week:

- | | |
|--------------------------|----------------------------------|
| 1) 1.5 cu. yd. Container | \$ 37.78 <u>40.05</u> |
| 2) 3 cu. yd. Container | \$ 48.52 <u>51.43</u> |

(2) Two collections weekly:

- | | |
|---------------------------|-----------------------------------|
| (a) 1.5 cu. yd. Container | \$ 75.56 <u>80.10</u> |
| (b) 3 cu. yd. Container | \$ 97.04 <u>102.86</u> |

(3) Four collections weekly:

- | | |
|---------------------------|------------------------------------|
| (a) 1.5 cu. yd. Container | \$ 151.11 <u>160.18</u> |
| (b) 3 cu. yd. Container | \$ 194.07 <u>205.71</u> |

(4) Roll-off container and compactor service:

- | | |
|----------------------|---------------|
| (a) 30 yd. Container | \$ 15.00/day |
| (b) Landfill Charge | \$ 46.00/ton* |

(c) Scheduled collection service charge (Mon. – Fri.)	\$ 150.00
(d) Delay charge – (Scheduled collection Requiring more than 1 hour 30 minutes)	\$ 50.00/half hr.
(e) Unscheduled collection service charge	\$ 250.00
(f) Delay charge – (Unscheduled collection Requiring more than 1 hour 30 minutes)	\$ 100.00/half hr.
(g) Deposit	\$ 500.00

*** Fee shall increase at a rate of two percent per fiscal year beginning in October 2020.**

(c) Landfill entry/use fee/proof of residence. All city and county residents:

(1) Landfill entry requires two (2) forms of proof of residence. (driver's license and utility bill – addresses/name/photo must match) Non-City of Big Spring/Howard County waste is not accepted at the landfill.

(2) Landfill Charges

(a) Entry Fees

(i) Residential	\$ 0.00
(ii) Commercial Annual Commercial Entry Fee	\$ 25.00/dump or \$ 500.00/yr./vehicle

(b) Per Ton Fees in Addition to Entry Fee

(i) Weight Fees	\$ 46.00/ton*
(ii) Limb/Brush/Clippings disposal	\$ 46.00/ton*
(iii) Large items or additional household trash	\$ 46.00/ton*
(c) Unsecured Load	\$ 25.00
(d) Special Waste	\$ 100.00/ton

The City Manager's, or his/her designee's, written approval is required prior to receipt of any waste that, by its physical nature, requires special handling by site personnel.

- (e) Tires \$ 4.00/each
- (3) Environmental Fee: \$ 1.25
(Assessed to each residential or commercial unit)
- (4) Elective Tare Weight Fee \$ 10.00
(Fee will not be charged when tare weight is required)

*** Fee shall increase at a rate of 2% per fiscal year beginning in October 2020.**

- (d) The first months' base fees for garbage collection for new customer accounts shall be prorated based on the number of days left in the billing cycle.

NOTE: Language to be added appears underlined and language to be deleted is ~~stricken~~.

SECTION 3. Should any section, paragraph, sentence, clause, phrase, or word of this Ordinance be declared unconstitutional or invalid for any purpose, the remainder of this Ordinance shall not be affected thereby.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5. The City Secretary is hereby ordered and directed to cause the descriptive caption as well as the penalties for violation of this ordinance to be published as required by law.

SECTION 6. This ordinance shall take effect immediately after its publication in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **13th** day of **September**, **2022**, with all members of the Council present voting "aye" for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **27th** day of **September**, **2022**, with all members of the Council present voting "aye" for the passage of same.

Robert H. Moore, III, Mayor

ATTEST:

Tami L. Davis, City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS, FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR SAID CITY FOR THE YEAR 2022; DIRECTING THE ASSESSMENT AND COLLECTION THEREOF; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Big Spring, Texas is an incorporated Home Rule city dependent upon taxes to provide services to its citizens; and

WHEREAS, all notification and public hearing requirements have been satisfied; and

WHEREAS, the City Council finds it necessary to levy taxes for the 2022-23 fiscal year; and

WHEREAS, the tax rate being considered is last year's tax rate; and

WHEREAS, this tax rate will raise more taxes for maintenance and operations than last year's tax rate. The tax rate will effectively be raised by 11.85789 percent and will raise taxes for maintenance and operations on a \$100,000 home by approximately \$71.00.

WHEREAS, the City Council finds that the tax for the year 2022, hereinafter levied for current expenses of the City and general improvement of the City and its property, must be levied to provide the revenue requirements of the budget for the ensuing year; and,

WHEREAS, the City Council finds that taxes for year 2022, hereinafter levied therefore, are necessary to pay interest and to provide the required sinking fund on outstanding bonds of the City issued for municipal purposes;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AS FOLLOWS, THAT:

SECTION 1. The facts and recitations in the preamble to this ordinance are hereby found and declared to be true and correct, and are incorporated herein and expressly made a part hereof, as if copied verbatim.

SECTION 2. The City Council hereby finds that the City has complied with all of the prerequisites necessary to the levying of a tax rate for this City for the year 2021, and does hereby levy and adopt the tax rate on One Hundred Dollars (\$100) valuation for the tax year 2022 as follows:

\$0.578797 for the purpose of maintenance and operation
\$0.094366 for the principal and interest on debt of this city as set out in Section 5

\$0.673163 **Total Tax Rate**

SECTION 3. For the current expenses of the City and general improvement of the City and its property, i.e., for maintenance and operation, the City Council hereby levies and orders to be assessed and collected for the year 2022 on all property situated within the limits of said City and not exempted from taxation by valid laws, ad valorem tax at the rate of 57.8797 cents (\$0.578797) on each One Hundred Dollars (\$100.00) valuation of said property.

SECTION 4. For the purpose of paying interest and providing a sinking fund for the payment of each issue of bonds issued for various municipal purposes and described in the schedule set out in Section 5, including the various installments of principal falling due during the ensuing year on serial bonds issued for said purposes, the City Council hereby levies and orders to be assessed and collected for the year 2022 on all property situated within the limits of said city and not exempted from taxation by valid laws, an ad valorem tax for each of the issues of bonds described in said section at the respective rates shown in the right hand column of said section opposite the descriptions of said issues, said rates being expressed in amounts on one hundred dollars (\$100.00) valuation of said property, the sum of said respective levies being 09.4366 cents (\$0.094366) on each One Hundred Dollars (\$100.00) valuation of said property for said bond issues, and the amounts of levies therefore being as shown in said Section 3.

SECTION 5. Schedule of Bond Issues and Amounts of the Tax Levies Thereof:

<u>Purpose of Issue</u>	<u>Date of Issue</u>	<u>Tax Rate Per \$100 Valuation</u>
Certificates of Obligation	2020	2.28731¢
General Obligation Bonds	2016	<u>7.14929¢</u>
Total requirements for outstanding bonds		9.4366¢

SECTION 6. The City Council hereby finds and determines that the meeting at which this Ordinance was passed was open to the public as required by law.

SECTION 7. If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or found to be unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part of provision thereof, other than the part so declared to be invalid or found to be unconstitutional.

SECTION 8. The ordinance shall become effect immediately upon adoption on second reading.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **13th** day of **September, 2022**, with all members of the Council present voting “aye” for passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the 27th day of September, 2022, with all members of the Council present voting “aye” for the passage of same.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary



Memorandum

Date: 09/13/2022

From: Sandy Smith, Finance Director

To: Mayor and City Council

Re: 2022 Budget Changes

The following changes were made to the 2022 Budget that was originally presented to the Council during the budget work sessions:

- 1) The Tax Rate as presented was the de minimis rate of \$0.647682.
The Tax Rate in the budget presented tonight is \$0.673163, which is the same rate we used in 2021. It increases the Maintenance and Operation budget by \$327,709.
- 2) The Animal Control Buildings capital account (002-011-240-6201) was increased by 60,000, to make improvements to the existing building to utilize as an office. In addition, the Communications account (002-011-240-5511) was increased by \$10,000 to provide for fiber optic cable so the shelter's computer can be connected to the server.
- 3) Account 002-022-320-5421 Signal Systems Revised Budget, (Street Department), was increased by \$28,000 to purchase new LED bulbs for the streetlights, specifically on Gregg Street.
- 4) Code Enforcement/Permits budgets (both Revised and Proposed) were increased by \$10,000 each. Account 002-021-300-5521-02, Special Services Discounts/Rebates was created to pay for the Infill Program refunds being utilized by local contractors.
- 5) Department 211 (SAFER Grant) was reduced by \$420,413, in anticipation of the completion of the SAFER Grant. The employees that are being paid out of that Department will be moved to Department 210 – Fire Department in March at the conclusion of the grant.

- 6) Since the Planning Department was eliminated, it was determined that we needed to budget for the Contract Planner, so \$25,000 was added to the Planning Department account (Special Services) 002-001-190-5521.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, APPROVING AND ADOPTING AN ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Manager of the City of Big Spring has prepared, at the direction of the City Council, the annual budget of the City of Big Spring, Texas, for the fiscal year beginning October 1, 2022 and ending September 30, 2023; and

WHEREAS, public notices of a public hearing upon this budget have been duly and legally made as required by law; and

WHEREAS, after due deliberation, study and consideration of the proposed budget as submitted by the City Manager, the City Council of the City of Big Spring is of the opinion that the same should be approved and adopted;

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

SECTION 1. That the budget of the City of Big Spring, Texas for the fiscal year commencing October 1, 2021, and ending September 30, 2022, be revised in accordance with the expenditures estimated for said fiscal year as indicated in the documents setting forth the budget for the fiscal year commencing October 1, 2022 and terminating September 30, 2023.

SECTION 2. That the annual budget of the City of Big Spring, Texas for the fiscal year commencing October 1, 2022, and ending September 30, 2023 as submitted by the City Manager is hereby approved and adopted and that a true and correct copy of the budget herein approved and adopted shall be filed for record in the office of the City Secretary and that same shall constitute a part of the public records of the City of Big Spring, Texas.

SECTION 3. That the City Manager is granted the authority to revise line item accounts within a department budget so long as the total departmental budget is not increased, unless the City Council has approved increases in a departmental budget at a scheduled Council meeting. The City Manager will notify the City Council of any such revisions that exceed \$1,000.00.

SECTION 4. Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 6. The City Secretary is hereby authorized and directed to publish the caption of this ordinance as required by law.

SECTION 7. This ordinance shall take effect on October 1, 2022.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **13th** day of **September, 2022**, with all members present voting “aye” for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **27th** day of **September, 2022**, with all members present voting “aye” for the passage of same.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, ESTABLISHING THE PAY SCHEDULE FOR CLASSIFIED POSITIONS WITHIN THE POLICE DEPARTMENT FOR THE FISCAL YEAR 2022-23; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council desires to amend the Police Department pay plan for fiscal year 2022-23;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, AS FOLLOWS:

SECTION 1: The pay schedule for the Police Department as shown in Exhibit “A”, which is attached hereto and incorporated herein for all purposes as if copied herein verbatim, is adopted as the pay schedule for the classified positions within the Police Department of the City of Big Spring for fiscal year 2022-23. In the event the City Council does not take action to amend the pay schedule in the years following 2022-23, the pay plan provided shall remain in effect for subsequent years.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 3: This ordinance shall be in force and effect beginning October 1, 2022.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **13th** day of **September, 2022**, with all members of the Council voting “aye” for passage of the same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **27th** day of **September, 2022**, with all members voting “aye” for the passage of the same.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary

Exhibit A

City of Big Spring Police Department Pay Plan FY 22-23

<u>Rank</u>	<u>Grade & Step</u>	<u>Old Pay Rate</u>	<u>New Pay Rate</u>	<u>Bi-weekly</u>	<u>HCP</u>
Non-Cert Police Officer	P0-01	22.641	22.641	\$ 1,811.28	
Police Officer	P1-01	25.117	26.875	\$ 2,150.00	\$ -
Corporal	P2-01	27.047	28.805	\$ 2,304.40	\$ 1.930
Corporal 1 st Class	P3-01	29.128	30.847	\$ 2,467.76	\$ 2.042
Senior Corporal	P4-01	30.601	32.391	\$ 2,591.28	\$ 1.544
Sergeant	P5-01	32.151	34.016	\$ 2,721.28	\$ 1.625
Sergeant 1 st Class	P6-01	34.976	36.550	\$ 2,924.00	\$ 2.534
Master Sergeant	P7-01	36.747	38.401	\$ 3,072.08	\$ 1.851
Lieutenant	P8-01	38.604	40.321	\$ 3,225.68	\$ 1.920
Senior Lieutenant	P9-01	42.534	43.810	\$ 3,504.80	\$ 3.489

Additional Assignment Pay

Narcotics Officers

<u>Includes authorized personnel only, specifically:</u>		<u>Pay Rate</u>	<u>Bi-weekly</u>
(1) Master Sergeant	P7-01	38.401	\$ 3,072.08
(1) Corporal	P2-01	28.805	\$ 2,304.40
(1) Corporal - 1 st Class	P3-01	30.847	\$ 2,467.76
(1) Senior Corporal	P4-01	32.391	\$ 2,591.28

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, ESTABLISHING THE FIRE DEPARTMENT PAY SCALE FOR THE FISCAL YEAR 2022-23 IN ACCORDANCE WITH CHAPTER 143 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council desires to amend the Fire Department pay plan for October 1, 2022 to September 30, 2023; and to provide for certificate, education, and paramedic pay;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, AS FOLLOWS, THAT:

SECTION 1. The pay schedule for the Fire Department as shown in Exhibit “A,” which is attached hereto and incorporated herein for all purposes as if copied herein verbatim, is adopted as the pay scale for the Fire Department of the City of Big Spring for October 1, 2022 through September 30, 2023. Assignment, education and paramedic pay are authorized as provided in Exhibit “A.” In the event the City Council does not take action to amend the assignment, education, and paramedic pay in the years following 2022-23, the assignment, education, and paramedic pay provided shall remain in effect for subsequent years.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 3. This ordinance shall be in force and effect beginning October 1, 2022.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **13th** day of **September, 2022** with all members of the Council voting “aye” for passage of the same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **27th** day of **September, 2022** with all members of the Council voting “aye” for passage of the same.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary

FIRE - Exhibit A
FY 22-23

	STEP	SHIFT	JOB DESCRIPTION	CODE	PREVIOUS HOURLY	NEW HOURLY	HCP
BASE PAY	1	SHIFT	CADET		-----	-----	
		DAY			\$19.595	\$19.595	
	1	SHIFT	FIRE FIGHTER	FF S	\$15.689	\$16.905	
	2	DAY	FIRE FIGHTER	FF D	\$21.964	\$23.666	\$2.55
	1	SHIFT	APPARATUS ENGINEER	APENG S	\$17.342	\$18.556	\$1.65
	2	DAY	APPARATUS ENGINEER	APENG D	\$24.278	\$25.977	\$2.31
	1	SHIFT	LIEUTENANT	LT S	\$19.567	\$20.780	\$2.22
	2	DAY	LIEUTENANT	LT D	\$27.396	\$29.095	\$3.12
	1	SHIFT	DEPUTY CHIEF	DC S	\$23.485	\$24.694	\$3.91
	2	DAY	DEPUTY CHIEF	DC D	\$32.883	\$34.576	\$5.48
PARA CERT.	1	SHIFT	EMERGENCY MED TECH PARAMEDIC	EMTP S	\$2.131	\$2.131	
	2	DAY	EMERGENCY MED TECH PARAMEDIC	EMTP D	\$2.985	\$2.985	
EDUCATION	1	SHIFT	ASSOCIATE DEGREE	ASSOC S	\$0.428	\$0.428	
	2	DAY	ASSOCIATE DEGREE	ASSOC D	\$0.600	\$0.600	
	1	SHIFT	BACHELORS DEGREE	BACH S	\$0.870	\$0.870	
	2	DAY	BACHELORS DEGREE	BACH D	\$1.218	\$1.218	
ASSIGNMENT PAY			EMS				
	1	SHIFT	INSTRUCTOR - TDH	INST-TDH S	\$0.888	\$0.888	
	2	DAY	INSTRUCTOR - TDH	INST-TDH D	\$1.244	\$1.244	
			FIRE				
	1	SHIFT	INSTRUCTOR - INTERMEDIATE TCFP	INST-TCFP S	\$0.888	\$0.888	
	2	DAY	INSTRUCTOR - INTERMEDIATE TCFP	INST-TCFP D	\$1.244	\$1.244	
	1	SHIFT	FIRE INVESTIGATOR or INSPECTOR	INV-INSP S	\$0.455	\$0.455	
	2	DAY	FIRE INVESTIGATOR or INSPECTOR	INV-INSP D	\$0.636	\$0.636	
	1	SHIFT	ARSON INVESTIGATOR	ARSON S	\$0.908	\$0.908	
	2	DAY	ARSON INVESTIGATOR	ARSON D	\$1.261	\$1.261	
	1	SHIFT	TRAINING OFFICER	TRANOFF S		\$0.861	
	2	DAY	TRAINING OFFICER	TRANOFF D	\$1.206	\$1.206	
	1	SHIFT	FIRE MARSHAL	FIRE MARSH S		\$2.548	
	2	DAY	FIRE MARSHAL	FIRE MARSH D	\$8.410	\$3.567	
	1	SHIFT	HEALTH INSPECTOR	FIRE MARSH S	\$0.861	\$0.861	
	2	DAY	HEALTH INSPECTOR	FIRE MARSH D	\$1.206	\$1.206	

Emergency Management Coordinator \$300.00 per month

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF BIG SPRING, TEXAS, AMENDING CHAPTER 32 OF THE BIG SPRING CITY CODE ENTITLED “LICENSES, TAXATION AND MISCELLANEOUS BUSINESS,” ARTICLE II “TAXATION,” DIVISION 2 “HOTEL OCCUPANCY TAX,” SECTION 32-65 “REVENUES-USE” TO ADD A NEW SUBSECTION 3 TO WAIVE THE 5-YEAR LIMITATION ON ASSISTANCE; AND AMENDING CHAPTER 40 OF THE BIG SPRING CITY CODE ENTITLED “PARKS, RECREATION AND CULTURAL AFFAIRS”, ARTICLE IV “DORA ROBERTS COMMUNITY CENTER”, SECTION 40-110 “ADMINISTRATION” SUBSECTION (B) TO MAKE EXCEPTIONS TO THE BOARD’S DUTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, “ The City Council may take final action on any expenditure of hotel occupancy tax revenues regardless of whether the convention and visitors bureau board has previously taken action on the matter,” under the Big Spring City Code, Section 32-65(f); and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AS FOLLOWS:

SECTION 1. The City of Big Spring Code of Ordinances Chapter 32 entitled “License, Taxation, and Miscellaneous Business” Article II “ Taxation,” Section 32-65 “Revenue-Use” is hereby amended partially as follows:

Sec. 32-65. - Revenues—Use.

...

(b) Event funding formula. Events are programs and activities. Events may be funded annually for five years.

...

(3) Assistance may be obtained by events without the five-year limitation upon the following conditions: meeting the funding criteria, including THLA guidelines; the funding being used solely to rent City-owned and operated facilities; and with the amount of such rent shall being no more than \$2,000.00. By motion or otherwise, City Council or the CVB board may waive the deposit for such an event.

...

(i) No single program, funding, or contract committing revenues from the hotel occupancy tax with a duration of more than five years may be agreed to on behalf of the city without prior action by city council.

SECTION 2. The City of Big Spring Code of Ordinances Chapter 40 entitled “Parks, Recreation and Cultural Affairs ” Article IV “ Dora Roberts Community Center,” Section 40-110 “Administration” is hereby amended partially as follows:

Sec. 40-110. - Administration.

- (a) The administrator in charge of the Dora Roberts Community Center shall be the facilities coordinator under the oversight of the community services director.
- (b) The convention visitors bureau board shall make such regulations as the board may deem necessary for the management of the center, ~~with city council approval~~ except as may conflict with an ordinance of City Council.

NOTE: Language to be added appears underlined and language to be deleted is ~~stricken~~.

SECTION 3. Should any section, paragraph, sentence, clause, phrase, or word of this Ordinance be declared unconstitutional or invalid for any purpose, the remainder of this Ordinance shall not be affected thereby.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5. This ordinance shall take effect immediately after its publication in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 13th day of September, 2022, with all members of the Council present voting “aye” for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the 27th day of September, 2022, with all members of the Council present voting “aye” for the passage of same.

Robert H. Moore, III, Mayor

ATTEST:

Tami L. Davis, City Secretary

Minutes of the Board of Director's Regular Meeting
BIG SPRING ECONOMIC DEVELOPMENT CORPORATION
Tuesday, August 30, 2022, 5:15 p.m.
Offices of the Big Spring Economic Development Corporation
215 West Third Street, Big Spring, Texas

The Regular Meeting of the Board of Directors of the Big Spring Economic Development Corporation was called to order at 5:15 p.m. Tuesday, August 30, 2022 in the offices of the Big Spring Economic Development Corporation. The following notice was sent on August 30, 2022 to all Directors, the news media, and duly posted on August 26, 2022, by Teresa Darden in compliance with the Open Meeting's Act by posting it on the outside door of the Big Spring Economic Development Corporation and on the inside and outside of City Hall.

"The Board of Directors of the Big Spring Economic Development Corporation will hold a Regular Board Meeting on Tuesday, August 30, 2022, at 5:15 p.m. in the offices of the Big Spring Economic Development Corporation, 215 West Third Street, Big Spring, Texas. The purpose of the meeting is: Public Comment, Action on Minutes of the July 19, 2022, Regular Meeting, Action to Approve July Investment and Financials Report, Consideration/Action to Approve a Resolution adopting the 2022-2023 Investment Policy, Action to Approve Authorized Security Broker/Dealer, Action to Approve a Corporate Resolution for Authorized Representative for Financial Institutions, Action to Approve 2022-2023 Goals, Directors Report, Executive Session, Action as a Result of Executive Session, Action to Approve 2022-2023 Annual Budget, Board Comment, and Adjourn".

Directors Present:

Mr. Shane Seaton- President
Mr. Jeff Ward- Vice President
Mr. Raul Benavides- Secretary/Treasurer
Mr. Paschal Odom
Mr. Cody Williams

Directors Absent:

Staff Present:

Mr. Mark Willis
Ms. Teresa Morris

Guests that signed in: Andreia Medlin

AGENDA ITEM #1 – Call to Order/Invocation and Pledge:

Mr. Seaton called the meeting to order at 5:15 p.m. Mr. Seaton led the invocation and pledge.

ACTION ITEM #2- Public Comment:

None

AGENDA ITEM #3- Action on Minutes of the July 19, 2022 Regular Meeting:

Mr. Seaton presented the Minutes. Motion to accept the Minutes was made by Mr. Ward seconded by Mr. Odom. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

AGENDA ITEM #4- Action to Approve July Investment & Financial Report:

Mr. Benavidez presented the Financials. Motion to approve the Investment & Financial Report was made by Mr. Benavides seconded by Mr. Ward. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #5- Consideration/Action to Approve a Resolution adopting the 2022-2023 Investment Policy:

Mr. Willis presented the Resolution. Motion to approve the Resolution was made by Mr. Ward seconded by Mr. Odom. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #6- Consideration/Action to Approve Authorized Security Broker/Dealer:

Mr. Willis presented the Authorized Security Broker/Dealer. Motion to approve Authorized Security Broker/Dealer was made by Mr. Odom, seconded by Mr. Williams. The motion passed 3 to 0 voting "aye" in favor of the motion with Mr. Ward and Mr. Benavides abstaining.

ACTION ITEM #7- Consideration/Action to Approve a Corporate Resolution for Authorized Representative for Financial Institutions:

Ms. Morris presented the Resolution. Motion to approve the Resolution was made by Mr. Ward, seconded by Mr. Williams. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #8- Consideration/Action to Approve 2022-2023 Goals:

Ms. Morris presented the Goals. Motion to approve the Goals was made by Mr. Ward, seconded by Mr. Benavides. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #9- Directors Report:

Projects: The City and EDC have completed all the various steps required by the EDA to receive the \$3.2 million grant and the comment period has expired. Final approval is pending. The amended county 381 agreement with Recover Howard, LLC has been completed. Construction on the project is expected to commence late this year or early next year. The RFP involving the demolition of the former prison property on I-20 and Highway 176 (Andrews Highway) has been discussed with City Council and will be discussed by the County Commissioners at the first meeting in September. Work on the project will likely begin this fall. There is still a request for minor property tax relief to be discussed by the County Commissioners at the first meeting in September. The restaurant prospect the EDC and City have been working with had a minor delay but is now expected move forward with the potential 380 Agreement in September. EDC staff continue to play a leading role in the planning of the Ports to Plain annual meeting to be held in Big Spring this September. The large County industrial prospect is waiting on state response to the proposed 313 Agreement with Big Spring ISD. It is expected that response will be positive and a 381 Agreement proposal to the County will follow. EDC and City staff continue to work with a hotel prospect interested in a Big Spring location and perhaps acquiring additional land for a mixed-use project. The cotton seed shipping at the Airpark is moving forward with the City. Harbor freight is currently renovating at the mall and plan to begin operations in September.

Meetings: The EDC Associate Director coordinated a Congressional visit to Big Spring focusing on the future I-27 corridor and other issues. The EDC Associate Director helped to facilitate a rail meeting to discuss future developments with UP and Big Spring Rail. The EDC Associate Director attended the annual regional Legislative Summit. The EDC Director attended the High Ground annual Board Meeting (he is now a member of the Board). The EDC Director attended the Southern Economic Development Council annual meeting. The EDC Director attended the Team Texas Summit. The EDC Director participated in four City staff meetings. The next Board meeting will be September 20th.

ACTION ITEM #10- Executive Session: in accordance with Texas Government Code, Section 551.074 to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:

- **Executive Directors' Annual Evaluation**

Mr. Seaton adjourned the Board into Executive Session @ 5:47 pm., August 30, 2022

Mr. Seaton called the Executive Session to order at 5:48 pm., August 30, 2022

Mr. Seaton adjourned out of executive session at 6:06 pm., August 30, 2022

Mr. Seaton reconvened into open session at 6:07 pm., August 30, 2022

AGENDA ITEM #11- Action as a Result of Executive Session:

Motion to approve the renewal of the Executive Directors 2 year contract and approval of raises for the Executive Director and Associate Director which is reflected in the proposed budget was made by Mr.

Ward, seconded by Mr. Benavides. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

AGENDA ITEM #12- Approval of 2022-2023 Annual Budget:

Mr. Ward made a motion to Approve the 2022-2023 Annual Budget as amended, seconded by Benavides. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

AGENDA ITEM #13-Board Comments: The Board expressed their appreciation for the staff and enthusiasm for the upcoming opportunities for Big Spring.

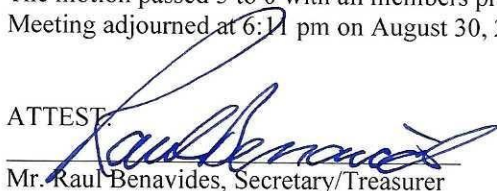
AGENDA ITEM #14- Adjourn:

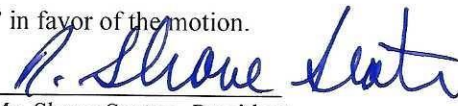
Mr. Ward made a motion to adjourn, seconded by Mr. Odom

The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

Meeting adjourned at 6:11 pm on August 30, 2022.

ATTEST:


Mr. Raul Benavides, Secretary/Treasurer


Mr. Shane Seaton, President



MEMORANDUM

Date: September 27, 2022
To: Mayor Robert H. Moore, Big Spring City Council, and Todd Darden, City Manager
From: John Medina, Assistant City Manager
Re: Request for Bid Award – Aluminum Sulfate

On Friday, August 19, 2022, at the request of the City's Water Treatment Plant, the City of Big Spring received sealed bids for Aluminum Sulfate. We contacted eleven (11) vendors; we received five (5) responses. A bid tabulation sheet is included below for your consideration in making the award.

Recommendation: Staff recommends awarding the bid to Chameleon Industries of Mesquite, Texas for \$252,500.00 over twelve (12) months.

Note: Last year's bid was \$205,500.00. Chameleon Industries' bid for this year will reflect an increase of \$50,000 increase, a 19.80% increase.

Aluminum Sulfate (Bid No: 23-001) Bid Tabulation

COMPANY NAME	UNIT COST	TOTAL PRICE
Affinity Chemical	\$560.00	\$280,000.00
Penco Inc.	NO BID	NO BID
Chameleon Industries Inc.	\$505.00	\$252,500.00
Chemtrade	\$599.00	\$299,500.00
G2o Technologies LLC	\$780.00	\$390,000.00



MEMORANDUM

Date: September 27, 2022
To: Mayor Robert H. Moore, Big Spring City Council, and Todd Darden, City Manager
From: John Medina, Assistant City Manager
Re: Request for Bid Award – Anhydrous Ammonia

On Friday, August 19, 2022, at the request of the City's Water Treatment Plant, the City of Big Spring received sealed bids for **Anhydrous Ammonia**. Eleven (11) bid packets were sent to vendors; we received one (1) response. A bid tabulation sheet is provided below for your consideration in making the award.

Recommendation: Staff recommends awarding the bid to DPC Industries of Sweetwater, Texas for \$82,000.00 over twelve (12) months.

Note: The bid from DPC Industries is the \$12,580.00 higher than last year's awarded bid of \$69,420.00, an increase of 15.34%.

Anhydrous Ammonia (Bid No: 23-002) Bid Tabulation

COMPANY NAME	UNIT COST	TOTAL PRICE
DPC Industries	\$4,100.00	\$82,000.00



MEMORANDUM

Date: September 27, 2022
To: Mayor Robert H. Moore, Big Spring City Council, and Todd Darden, City Manager
From: John Medina, Assistant City Manager
Re: Request for Bid Award – Liquid Chlorine

On Friday, August 19, 2022, at the request of the City's Water Treatment Plant, the City of Big Spring received sealed bids for **Liquid Chlorine**. We contacted six (6) vendors; we received one (1) response. A bid tabulation sheet is included below for your consideration in making the award.

Recommendation: Staff recommends awarding the bid to DPC Industries of Sweetwater, Texas for \$305,370.00 over twelve (12) months.

Note: Last year's awarded bid was \$174,460.00. DPC Industries' bid is \$130,910.00 higher than last year, an increase of 42.86%.

Liquid Chlorine (Bid No: 23-003) Bid Tabulation

COMPANY NAME	UNIT COST	TOTAL PRICE
DPC Industries	\$2,349.00	\$305,370.00



MEMORANDUM

Date: September 27, 2022
To: Mayor Robert H. Moore, Big Spring City Council, and Todd Darden, City Manager
From: John Medina, Assistant City Manager
Re: Request for Bid Award – Polymer

On Friday, August 19, 2022, at the request of the City's Water Treatment Plant, the City of Big Spring received sealed bids for **Polymer**. We contacted eleven (11) vendors; we received one (1) response. A bid tabulation sheet is included below for your consideration in making the award.

Recommendation: Staff recommends awarding the bid Polydyne, Inc. of Riceboro, Georgia for \$74,000.00 over twelve (12) months.

Note: Last year's bid was \$59,600.00. There was no increase last year. This year, there is an increase of \$14,400.00, an increase of 19.45%.

Polymer (Bid No: 23-004) Bid Tabulation

COMPANY NAME	UNIT COST	TOTAL PRICE
Polydyne, Inc.	\$1.85/LB	\$74,000.00



MEMORANDUM

Date: September 27, 2022
To: Mayor Robert H. Moore, Big Spring City Council, and Todd Darden, City Manager
From: John Medina, Assistant City Manager
Re: Request for Bid Award – Sulfur Dioxide

On Friday , August 19, 2022, at the request of the City’s Water Treatment Plant, the City of Big Spring received sealed bids for **Sulfur Dioxide**. We contacted fourteen (14) vendors; we received responses from one (1). A bid tabulation sheet is included below for your consideration in making the award.

Recommendation: Staff recommends awarding the bid to DPC Industries, of Sweetwater, Texas for \$43,000.00 over twelve (12) months.

Note: The quote submitted by DPC Industries had an increase of \$14,160.00 from the previous year’s award bid of \$28,840, an increase of 32.93%.

Sulfur Dioxide (Bid No: 23-006) Bid Tabulation

COMPANY NAME	UNIT COST	TOTAL PRICE
DPC Industries	\$2,150.00	\$43,000.00



MEMORANDUM

Date: September 27, 2022

To: Mayor Robert H. Moore, Big Spring City Council, and Todd Darden, City Manager

From: John Medina, Assistant City Manager

Re: Request for Bid Award – Sodium Hydroxide

On Friday, August 19, 2022, at the request of the City's Water Treatment Plant, the City of Big Spring received sealed bids for **Sodium Hydroxide**. We contacted eleven (11) vendors; we received one (1) response. A bid tabulation sheet is included below for your consideration in making the award.

Recommendation: Staff recommends awarding the bid to DPC Industries, of Sweetwater, Texas for \$53,250.00 over twelve (12) months.

Note: This is the first time the City of Big Spring has requested an annual contract for this particular chemical.

Sodium Hydroxide (Bid No: 23-005) Bid Tabulation

COMPANY NAME	UNIT COST	TOTAL PRICE
DPC Industries	\$0.3550/ LB	\$53,250.00



MEMORANDUM

Date: September 27, 2022

To: Mayor Robert H. Moore, Big Spring City Council, and Todd Darden, City Manager

From: John Medina, Assistant City Manager

Re: Request for Bid Award – Sodium Permanganate

On Friday, August 19, 2022, at the request of the City's Water Treatment Plant, the City of Big Spring received sealed bids for **Sodium Permanganate**. We contacted eleven (11) vendors; we received two (2) responses. A bid tabulation sheet is included below for your consideration in making the award.

Recommendation: Staff recommends awarding the bid to Shannon Chemical Corporation of Malvern, Pennsylvania for \$53,250.00 over twelve (12) months.

Note: This is the first time that the City of Big Spring has requested an annual contract for this particular chemical. Shannon Chemical Corporation's bid reflects a lower cost of \$245.26 per ton and an overall lower cost of \$17,168.20.

Sodium Permanganate (Bid No: 23-012) Bid Tabulation

COMPANY NAME	UNIT COST	TOTAL PRICE
Brenntag Southwest Inc.	\$3,920.00	\$274,400.00
Shannon Chemical Corporation	\$3,674.74	\$257,231.80



MEMORANDUM

Date: September 27, 2022

To: Mayor Robert H. Moore, Big Spring City Council, and Todd Darden, City Manager

From: John Medina, Assistant City Manager

Re: Request for Bid Award – Valves and Fittings

On Friday, August 19, 2022, at the request of the City's Distribution and Collections Department, the City of Big Spring received sealed bids for **Valves and Fittings**. We contacted seven (7) vendors; we received responses from three (3). A bid tabulation sheet is included below for your consideration in making the award.

Recommendation: Staff recommends awarding the bid to Benchmark Supply Company, of Abilene, Texas for \$688,835.57 over twelve (12) months.

Note: Last year's bid was \$625,472.98. The quote submitted by Benchmark Supply reflects an increase of \$63,362.59 from the previous year, an increase of 9.19%.

Valves and Fittings (Bid No: 23-007) Bid Tabulation

COMPANY NAME	TOTAL PRICE
Benchmark Supply	\$688,835.57
Core & Main	\$895,951.69
APSCO/Abilene Plumbing Supply	\$726,535.70



MEMORANDUM

Date: September 27, 2022
To: Mayor Robert H. Moore, Big Spring City Council, and Todd Darden, City Manager
From: John Medina, Assistant City Manager
Re: Request for Bid Award – DRCC Janitorial Services

On Friday, August 19, 2022, at the request of the Big Spring Visitors Center, the City of Big Spring received sealed bids for janitorial services at the Dora Roberts Community Center. We contacted nine (9) vendors; we received one (1) response. A bid tabulation sheet is included below for your consideration in making the award.

Recommendation: Staff recommends awarding the bid to Evan's Janitorial Service of Big Spring, Texas for a price of \$8,940.00 for twelve (12) months.

Note: The bid from Evan's Janitorial is \$240.12 higher than last year's award bid of \$8,699.88, an increase of 2.685%.

DRCC Janitorial Services (Bid No: 23-011) Bid Tabulation

COMPANY NAME	LOCATION	BID AMOUNT
Evan's Janitorial Services	Big Spring, Texas	\$ 8,940.00



Memorandum

To: Honorable Mayor, City Council, and City Manager

From: Chad Williams, Chief of Police

Date: April 19, 2022

Subject: Repeal of City Ordinance Section 8-122 Unlawful Restraint

On January 18, 2022, Texas Senate Bill 5 went into effect, which regulates tethering in the State by providing guidelines on how a dog may be tethered. Previously, Texas did not regulate the tethering of animals and left it up to each city or county.

The City of Big Spring has had a tethering ordinance for numerous years, but we feel that the new state law adequately provides guidelines and restrictions for citizens to safely tether their animal if need be. We also feel that repealing our current tethering ordinance which, strictly prohibited the tethering of animals unless on a leash held by a person, could reduce some of our dogs running at large, particularly ones that are able to jump or climb fences or enclosures. I have attached the State tethering law for your review. It is staff's recommendation that we repeal our city ordinance and instead use the State law regarding tethering within our city.

Your consideration in this matter is greatly appreciated.

Sec. 821.102. UNLAWFUL RESTRAINT OF DOG; OFFENSE. (a) An owner may not leave a dog outside and unattended by use of a restraint unless the owner provides the dog access to:

- (1) adequate shelter;
- (2) an area that allows the dog to avoid standing water and exposure to excessive animal waste;
- (3) shade from direct sunlight; and
- (4) potable water.

(b) An owner may not restrain a dog outside and unattended by use of a restraint that:

- (1) is a chain;
- (2) has weights attached;
- (3) is shorter in length than the greater of:

(A) five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or

(B) 10 feet; or

- (4) is attached to a collar or harness not properly fitted.

(c) A person commits an offense if the person knowingly violates this section. The restraint of each dog that is in violation is a separate offense.

(d) An offense under this section is a Class C misdemeanor, except that the offense is a Class B misdemeanor if the person has previously been convicted under this section.

(e) If conduct constituting an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

Added by Acts 2021, 87th Leg., 3rd C.S., Ch. 6 (S.B. [5](#)), Sec. 1, eff. January 18, 2022.

Sec. 821.103. EXCEPTIONS. (a) Section [821.102](#) does not apply to:

- (1) the use of a restraint on a dog in a public camping or recreational area in compliance with the requirements of the public camping or recreational area as defined by a federal, state, or local authority or jurisdiction;
- (2) the use of a restraint on a dog while the owner and dog engage in, or actively train for, an activity conducted under a valid license issued by this state provided the activity is associated with the use or presence of a dog;
- (3) the use of a restraint on a dog while the owner and dog engage in conduct directly related to the business of shepherding or herding cattle or livestock;
- (4) the use of a restraint on a dog while the owner and dog engage in conduct directly related to the business of cultivating agricultural products;
- (5) a dog left unattended in an open-air truck bed only for the time reasonably necessary for the owner to complete a temporary task that requires the dog to be left unattended in the truck bed;
- (6) a dog taken by the owner, or another person with the owner's permission, from the owner's residence or property and restrained by the owner or the person for not longer than the time necessary for the owner to engage in an activity that requires the dog to be temporarily restrained; or
- (7) a dog restrained while the owner and dog are engaged in, or actively training for, hunting or field trialing.

(b) Section [821.102](#)(b)(3) does not apply to a restraint attached to a trolley system that allows a dog to move along a running line for a distance equal to or greater than the lengths specified under that subdivision.

(c) This subchapter does not prohibit a person from walking a dog with a handheld leash.

Added by Acts 2021, 87th Leg., 3rd C.S., Ch. 6 (S.B. [5](#)), Sec. 1, eff. January 18, 2022.

Sec. 821.104. EFFECT OF SUBCHAPTER ON OTHER LAW. This subchapter does not preempt a local regulation relating to the restraint of a dog or affect the authority of a political subdivision to adopt or enforce an ordinance or requirement relating to the restraint of a dog if the regulation, ordinance, or requirement:

- (1) is compatible with and equal to or more stringent than a requirement prescribed by this subchapter; or
- (2) relates to an issue not specifically addressed by this subchapter.

Added by Acts 2021, 87th Leg., 3rd C.S., Ch. 6 (S.B. [5](#)), Sec. 1, eff. January 18, 2022.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AMENDING THE BIG SPRING CITY CODE, CHAPTER 8 “ANIMALS,” ARTICLE V “MISCELLANEOUS REGULATIONS, IN ORDER TO REPEAL SECTION 8-122 “UNLAWFUL RESTRAINT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Big Spring is a Texas home rule municipality; and

WHEREAS, the City Council of Big Spring has, by ordinance, prohibited the restraint or anchoring of a dog or cat by means of a tether, cable, rope, or cord to an inanimate object; and

WHEREAS; the City Council expresses its continual disapproval of practices that are harmful to animals, including unlawful restraint; and

WHEREAS, the 87th Texas Legislature enacted S.B. 5 in its 3rd called session to prohibit the unlawful restraint of dogs statewide, and such prohibition became effective January 18, 2022; and

WHEREAS, the new state law prohibits harmful restraint practices such as restraining dogs without access to food, water or shelter, restraining a dog in an area fouled by waste; and restraining a dog with an improperly fitted collar or choke collar; and

WHEREAS, other state laws and City ordinances will continue prohibit to animal cruelty and animal neglect, and

WHEREAS, the City Council finds that the existing City ordinance prohibiting the unlawful restraint of a dog or cat should be repealed, as dogs and cats will be protected by state law and City ordinances;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AS FOLLOWS, THAT:

SECTION 1. Big Spring City Code, Chapter 8 entitled “Animals,” Article V entitled “Miscellaneous Regulations,” Section 8-122 entitled “Unlawful Restraint” be repealed in its entirety and the section reserved, as follows:

Sec. 8-122. – ~~Unlawful restraint.~~ Reserved.

~~——— It shall be unlawful for a custodian of any dog or cat to restrain or anchor a dog or cat by means of a tether, cable, rope, or cord, unless the tether or restraint is being personally held by a person. No dog or cat may be attached to any inanimate object.~~

NOTE* Language to be added appears underlined and language to be deleted is ~~stricken~~.

SECTION 2. Should any section, paragraph, sentence, clause, phrase, or word of this ordinance be declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4. This Ordinance shall take effect immediately after passage in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 27th day of September, 2022 with all members of the Council voting “aye” for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the 11th day of October, 2022 with all members of the Council voting “aye” for the passage of same.

Robert H. Moore, III, Mayor

ATTEST:

Tami L. Davis, City Secretary

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS REQUESTING, ON BEHALF OF THE CITIZENS OF BIG SPRING, THAT THE TEXAS DEPARTMENT OF TRANSPORTATION REVIEW THE PROPOSAL FOR A TRUCK ROUTE FOR THE CITY OF BIG SPRING, TAKE APPROPRIATE ACTION, AND NOTIFY THE CITY OF COMMENTS, IN PREPARATION FOR THE CITY TO PUT INTO PLACE A NEW TRUCK ROUTE.

WHEREAS, many Big Spring residents have voiced their concerns for large trucks not stopping in Big Spring to be routed around the City; and

WHEREAS, the City of Big Spring is a Texas home rule municipal corporation; and

WHEREAS, the governing body of the City of Big Spring is the City Council of Big Spring under the Charter of the City of Big Spring, Article IV, Section 1a; and

WHEREAS, Designated the William B. Crooker Memorial Highway under Section 225.110, Texas Transportation Code, the US 87 Truck Relief Route was completed in 2020, laying important groundwork for the Ports to Plains Corridor; and

WHEREAS, US Highway 87 now routes around the city limits of Big Spring, from Interstate Highway 20 north of Big Spring southward to a location near Mitchell Road, with the former route redesignated as Business US Highway 87-M which continues to run through Big Spring; and

WHEREAS, with the US 87 Truck Relief Route in place, trucks traveling north and south through Big Spring can already drive around the City; and

WHEREAS, a primary truck route would allow signs to be placed at appropriate places directing truck traffic appropriately; and

WHEREAS, the City Council of Big Spring strongly shares the concerns of its citizens and respectfully requests consideration for review, comment, and approval of primary truck routes in the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AS FOLLOWS, THAT:

SECTION 1: It is the sense of the City Council of Big Spring that primary truck routes should be established or revised within the city limits of Big Spring, Texas. City Council has interest in adopting an ordinance that would prohibit a truck driving through Big Spring while not having

commercial business in Big Spring, unless the truck remains on primary truck routes. The following are proposed as the primary truck routes within the city limits of Big Spring:

- (a) Interstate Highway 20 from the west city limits to the east city limits. This would include Interstate Highway 20's service roads, exit ramps, on ramps, and overpasses. This would exclude the small part not within city limits.
- (b) Business Interstate Highway 20-G from west city limits (near its intersection with Interstate Highway 20) to its intersection with Farm to Market Road 700 (Marcy Drive).
- (c) Farm to Market Road 700 (Marcy Drive) from its intersection with Business Interstate Highway 20-G to its intersection with Interstate Highway 20 on the east side of the City.
- (d) Business Interstate Highway 20-G from its intersection with Farm to Market Road 700 (Marcy Drive) to Interstate Highway 20.
- (e) State Highway 350 from the north city limits to Interstate Highway 20.
- (f) State Highway 176 from the north city limits to Interstate Highway 20.

Notably excluded from this list is Business US Highway 87-M. City Council believes this may be excluded from the primary truck routes due to the existence of the US 87 Truck Relief Route, designated as the William B. Crooker Memorial Highway.

SECTION 2: The City Council of Big Spring hereby directs the City Manager to submit this proposal in writing for re-routing trucks on the state highway system to the Abilene Texas Department of Transportation district office for review and comment.

SECTION 3: The City Council hereby requests that TxDOT proceed to review and act on this proposal, such as by notifying the City of Big Spring of comments according to TxDOT's process, as specified in the TxDOT Sign Guidelines and Applications Manual, and to please direct such comments to the City Manager of Big Spring.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **27th** day of **September, 2022** with all members of the Council voting "aye" for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **11th** day of **October, 2022** with all members of the Council voting "aye" for the passage of same.

Robert H. Moore, III, Mayor

ATTEST:

Tami L. Davis, City Secretary

MODEL STAFF REPORT REGARDING ONCOR ELECTRIC'S REQUESTED RATE CHANGE

Purpose:

On May 13, 2022, Oncor Electric Delivery Company LLC (“Oncor” or “Company”) filed an application with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by about \$251 million or approximately 4.5% over present revenues. The Company asks the City to approve an 11.2% increase in residential rates and a 1.6% increase in street lighting rates. The impact of this requested increase on an average residential customer using 1,300 kWh/month would be about \$6.02 per month.

In a prior City action, Oncor’s rate request was suspended from taking effect for 90 days, the fullest extent permissible under the law. This time period has permitted the City, through its participation with the Steering Committee of Cities Served by Oncor (“Steering Committee”), to determine that the proposed rate increase is unreasonable. Consistent with the recommendations of the experts engaged by the Steering Committee, Oncor’s request for a rate increase should be denied.

Accordingly, the purpose of the Resolution is to deny the rate change application proposed by Oncor. Once the Resolution is adopted, Oncor will have 30 days to appeal the decision to the Public Utility Commission of Texas where the appeal will be consolidated with Oncor’s filing (i.e. PUC Docket No. 53601) currently pending at the Commission.

All cities with original jurisdiction will need to adopt the Resolution ***prior to October 30, 2022.***

Explanation of “Be It Resolved” Sections:

1. This paragraph finds that the Company’s application is unreasonable and should be denied.
2. This section states that the Company’s current rates shall not be changed.
3. The Company will reimburse Cities for their reasonable rate case expenses. Legal counsel and consultants approved by Cities will submit monthly invoices that will be forwarded to Oncor for reimbursement.
4. This section merely recites that the resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.
5. This section provides Oncor and counsel for Cities will be notified of the City’s action by sending a copy of the approved and signed resolution to counsel.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF BIG SPRING, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S ("ONCOR" OR "COMPANY") APPLICATION TO CHANGE RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, the City of Big Spring, Texas ("City") is an electric utility customer of Oncor Electric Delivery Company LLC ("Oncor" or "Company"), and a regulatory authority with an interest in the rates and charges of Oncor; and

WHEREAS, the City is a member of the Steering Committee of Cities Served by Oncor ("Steering Committee"), a coalition of similarly situated cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor's service area; and

WHEREAS, on or about May 13, 2022, Oncor filed with the City an application to increase system-wide transmission and distribution rates by \$251 million or approximately 4.5% over present revenues. The Company asks the City to approve an 11.2% increase in residential rates and a 1.6% increase in street lighting rates; and

WHEREAS, the Steering Committee is coordinating its review of Oncor's application and working with the designated attorneys and consultants to resolve issues in the Company's filing; and

WHEREAS, through review of the application, the Steering Committee's consultants determined that Oncor's proposed rates are excessive; and

WHEREAS, the Steering Committee's members and attorneys recommend that members deny the Application; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AS FOLLOWS, THAT:

Section 1. That the rates proposed by Oncor to be recovered through its electric rates charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

Section 2. That the Company shall continue to charge its existing rates to customers within the City.

Section 3. That the City's reasonable rate case expenses shall be reimbursed in full by Oncor within 30 days of the adoption of this Resolution.

Section 4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

Section 5. That a copy of this Resolution shall be sent to Oncor, Care of Howard Fisher, Oncor Electric Delivery Company, LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202 and to Thomas Brocato, Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Ave., Suite 1900, Austin, TX 78701.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 27th day of September, 2022 with all members of the Council voting "aye" for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the 11th day of October, 2022 with all members of the Council voting "aye" for the passage of same.

Robert H. Moore, III, Mayor

ATTEST:

Tami L. Davis, City Secretary



INTEROFFICE MEMORANDUM

Date: September 22, 2022
To: Honorable Mayor, City Council, City Manager
From: John Medina, Assistant City Manager
Re: State Funding to Match Competitive Federal Rail Programs

The Infrastructure Law passed last fall by Congress resulted in an historic \$36 billion in advanced appropriation for freight and passenger rail projects to rebuild core infrastructure and improve safety and accessibility. This includes \$5 billion for CRISI, Consolidated Rail Infrastructure and Safety Improvement Program, over 5 years. Another \$5 billion goes to states for needed highway at-grade rail crossing upgrades.

Many of the programs to be administered by the U.S. Department of Transportation's Federal Railroad Administration will be through a competitive grant process and will require a state match of at least 20-30% of project costs. Over the past decade Texas missed out on our share of \$19 billion in funding for worthy rail projects, according to data from the FRA, because the state was not able to pursue competitive grant programs and those \$19 billion in federal funds went to many other states. Texas will not be eligible for competitive federal-state rail project funding in the IIJA if we don't have a state match.

Texas has always been a strong participant in federal-state highway cost-sharing programs – by doing the same with state matching Texas can take advantage and do the same for rail with this once-in-a-generation IIJA law.

The Rail Division at the Texas Department of Transportation, only established in 2009, lacks the means to pursue federal competitive grants. Give TxDOT Rail Division the financial tools it needs to accommodate the growing needs of moving goods and people by rail throughout the state.

Appropriated Fund 0306, Texas Rail Relocation and Improvement Fund was approved by voters in 2006 but has remained unfunded. Rail Relo Fund can expand economic opportunity, relieve congestion on public highways, enhance public safety, improve air quality, and construct railroad overpasses and underpasses. We need a kickstart appropriation for the Rail Relo fund to take advantage of competitive federal-state cost-sharing programs.

Texas has 10,500 miles of rail, over 10,000 highway-rail crossings, over 5,400 rail bridges and moves more freight rail cars than most any other state. Railroad Crossing Elimination program will send \$5.5 billion to states to eliminate dangerous highway-rail crossings. In 2021 Texas was ranked #1 in highway-rail grade crossing accidents with 247 collisions, 57 injuries and 17 deaths

Federal-State Partnership for Intercity Passenger Rail will send \$43.5 billion to states and provides a five-year authorization of essential public transportation programs that communities and businesses rely upon.



A STRONG voice for rail issues

TEXAS RAIL ADVOCATES SPEAKS FOR BOTH FREIGHT & PASSENGER RAIL DEVELOPMENT IN TEXAS AND THE SOUTHWEST

- Through our website
- In person before the public and private sector
- In Austin before lawmakers on rail legislation

Texas Rail Advocates is a 501c3 not for profit grass roots organization, established in Dallas in 2000.

TRA is an educational and informational resource that promotes both freight and passenger rail development throughout Texas and the Southwest.

Our Board of Directors come from diverse backgrounds. Some from within the rail industry, some from the business sector, some to advocate for rail.

www.TexasRailAdvocates.org

Here's where we need your help

We've missed out on our share of over \$19 BILLION in federal rail programs over the last decade. Texas should participate in federal cost-sharing rail programs for needed passenger and freight rail projects. Help us convince our leaders that Texas needs its Fair-Share-For-Rail.

BECOME A TEXAS RAIL ADVOCATES SUPPORTER



800 Jaguar Lane
Dallas, Texas 75226
(214) 803-7285
peter@TexasRailAdvocates.org

ACCOMPLISHMENTS

- Key stakeholder that helped establish the TxDOT Rail Division in 2009 culminating nine years of work
- Stakeholder in federally required Texas Rail Plan and Updates
- Host of Southwestern Rail Conference held each year
- Advocates for important rail issues
- Track Texas rail legislation and testify before transportation committees
- Pushed for the Texas Rail Relocation and Improvement Fund Prop 1 that passed in 2005
- Worked with elected and appointed officials to secure federal grant funding for multiple rail projects
- Participant in the I-35 and I-30 TxDOT Advisory Committee on rail issues
- Brought parties together to secure funding for Tower 55—Fort Worth rail chokepoint
- Website that reports the news on current rail issues and developments

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS IN SUPPORT OF STATE FUNDING TO MATCH COMPETITIVE FEDERAL RAIL PROGRAMS.

WHEREAS, the City of Big Spring is a Texas home rule municipal corporation; and

WHEREAS, the governing body of the City of Big Spring is the City Council of Big Spring under the Charter of the City of Big Spring, Article IV, Section 1a; and

WHEREAS, the City of Big Spring, Texas has proudly hosted railroad facilities since 1873, and the City of Big Spring is proud to say that Union Pacific continues to do so at the Big Spring Yard; and

WHEREAS, Big Spring Rail (BSR) was established on August 29, 2012 as part of an economic development project by the Big Spring Economic Development Corporation, of which the City of Big Spring is the authorizing unit, to create opportunities to transport and distribute product for customers; and

WHEREAS, BSR maintains and operates 3.3 miles of rail line in Howard County, Texas, over trackage owned by the City of Big Spring, Texas; and

WHEREAS, BSR interchanges traffic with Union Pacific just west of its Big Spring Yard and extending southward from the Toyah Subdivision; and

WHEREAS, BSR assists railroads and users of railroads in solving transportation issues ranging from the storage of products and fleets to the trans-loading of commodities, providing for logistical needs in the movement of products and materials nationwide; and

WHEREAS, BSR lines are adjacent to Big Spring McMahon-Wrinkle Airport and Industrial Park, and Big Spring is served by Interstate Highway 20 to the east and west, with Interstate Highway 27 to the north and south now authorized to run concurrently with US Highway 87 past Big Spring with both highways near BSR and the airport; and

WHEREAS, the Texas and Permian Basin economic story of which Big Spring is a part is optimistic and just beginning; and

WHEREAS, the City of Big Spring does have one rail crossing and does not have a railroad quiet zone, and due to the City budget and funding priorities, upgrades and options such as these cannot be considered without federal or state assistance; and

WHEREAS, the Federal Bipartisan Infrastructure Law (BIL), signed into law November 2021, provides for a generational investment in America's intermodal transportation needs for five years, and

WHEREAS, freight and intercity passenger rail is an integral part and engine of our economy, and

WHEREAS, funding programs to be administered by the Federal Railroad Administration will allow for rail improvement projects at the local, region and state level to move people and goods, and

WHEREAS, these projects will include eliminating and improving dangerous at-grade highway rail crossings, improve the safety, efficiency, and reliability of railroads, and

WHEREAS, programs can provide funding for track rehabilitation, elimination of rail bottlenecks and repair or replacement of aging bridges in rural rail districts, and

WHEREAS, the BIL can provide funding for the development of industrial rail parks and transload facilities in rural areas to promote economic growth and jobs, and

WHEREAS, programs can identify and develop federal-state partnerships for intercity passenger rail to restore service to towns and cities long deprived of options for surface transportation, and

WHEREAS, the State of Texas lost out on its share of over \$19 billion in the last decade because there was no state match available for competitive federal grants and those funds went to other states, and

WHEREAS, Appropriated Fund 0306, the Texas Rail Relocation and Improvement Fund, approved in a constitutional amendment in 2005 but never funded, and

WHEREAS, the Rail Relocation and Improvement Fund would direct the Texas Department of Transportation and their Rail Division to be involved in the planning, programming, and construction of projects to move people and goods in our state, and

WHEREAS, the livelihood of our growing economy depends on a strong multi-modal transportation network that includes rail,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AS FOLLOWS, THAT:

The Big Spring City Council duly convened and acting in its capacity as the governing body of the City of Big Spring, does hereby petition the State Legislature during the 2023 session to

address Texas' transportation infrastructure needs with a FAIR-SHARE-FOR-RAIL kickstart appropriation to the Rail Relocation and Improvement Fund in an amount determined by the Texas Department of Transportation as sufficient to enable the State to compete for matching funds in federal rail grant programs.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 27th day of September, 2022 with all members of the Council voting "aye" for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the 11th day of October, 2022 with all members of the Council voting "aye" for the passage of same.

Robert H. Moore, III, Mayor

ATTEST:

Tami L. Davis, City Secretary



COMMUNITY SERVICES MEMORANDUM

Date: September 27 , 2022
To: Mayor and City Council
Todd Darden, City Manager
From: Hayley Lewis, Community Services Director
Subject: Request for HOT Funds for Facility Rental

We are respectfully requesting City Council approve the staff recommendation of \$1,300 in hotel tax funds for the rental of Dora Roberts Community Center for the West Texas Disc Golf Champions Tournament from October 7-9, 2022. The Tournament uses DRCC for their registration and headquarters for the event. This event has been held at Comanche Trail Park for over 10 years and brings in over 100 out of town guests into the area.

The West Texas Disc Golf Champions Tournament has fulfilled their requirement of being funded by CVB event funding for 5 years and fulfills the requirement of being an event of that meets the THLA standards for Hotel Tax funding.

These funds will be taken out of 110-040-560-5521-01: CVB Event Funding.



REQUEST FOR HOT FUNDS FOR CITY FACILITY RENTALS

Date of Application: 9/19/2022

Event: West Texas Disc Golf Champions Tournament

Has your event met the requirement of being funded for 5 years by CVB

YES

☒

NO

Date of Event: October 7-9, 2022

Facility Requested DRCC-Entire Facility

Amount Requested \$ 1,300

Name of Sponsoring Organization: Big Sky Disc Golf Club

Sponsoring Organization is:

Profit

☐

Non Profit

☒

Person Presenting Request: Chanz Reed

Address: 5912 Rockhouse Road

Phone: 432-528-0024

Email: chanzreed@gmail.com

Contact Person for Organization (if not the same) : _____

Description Of Activities Planned

Annual Disc Golf Tournament- brings in over 110 disc golfers, resulting in over 100+ hotel rooms

Request for funds for City Facilities is as the discretion of the Convention and Visitors Bureau Committee or City Council. Requests can not be received for any fundraising event.

Chanz Reed

SIGNATURE

19-Sep-22

DATE

Office Use Only

Approval:

Signature:



COMMUNITY SERVICES MEMORANDUM

Date: September 27, 2022
To: Mayor and City Council
Todd Darden, City Manager
From: Hayley Lewis, Community Services Director
Subject: Contract Agreement with Area Agency on Aging

We are respectfully requesting City Council approve the contract agreement between the City of Big Spring Senior Center and the Area Agency on Aging of the Permian Basin. This contract allows the Senior Center to continue to serve the citizens of Big Spring with a coordinated service delivery system for our older citizens with the objective of reducing food insecurity.



**AREA AGENCY ON AGING OF
Permian Basin Regional Planning Commission
CONTRACTOR AGREEMENT**

City of Big Spring, hereinafter referred to as Contractor, and **Area Agency on Aging (AAA) of the Permian Basin Regional Planning Commission (PBRPC)**, do hereby agree to provide services effective beginning October 1, 2022, and ending September 30, 2023 in accordance with the Older Americans Act of 1965 (OAA), as amended, regulations of the Health and Human Services Commission (HHSC), the AAA Direct Purchase of Services program and the stated Scope of Services.

The AAA Direct Purchase of Services program is designed to promote the development of a comprehensive and coordinated service delivery system to meet the needs of older individuals (60 years of age or older) and their caregivers. This agreement provides a mechanism for the creation of an individualized network of community resources accessible to a program participant in compliance with the OAA and HHSC AAA Access and Assistance guidelines.

The purpose of the system of Access and Assistance is to develop cooperative working relationships with service providers to build an integrated service delivery system that ensures broad access to and information about community services, maximizes the use of existing resources, avoids duplication of effort, identifies gaps in services, and facilitates the ability of people who need services to easily find the most appropriate Contractor.

A. SCOPE OF SERVICES:

The Contractor agrees to provide the following service(s) as identified below to program participants authorized by the AAA staff, in accordance with the Contractor application, all required assurances, licenses, certifications and rate setting documents, as applicable.

1. **Service:** Home Delivered Meals with the objective of reducing food insecurity and helping the recipient sustain independent living in a safe and healthful environment.

Service Definition: Hot, chilled, frozen, dried, canned, fresh, or supplemental food (with a satisfactory storage life) delivered to an eligible individual to their place of residence which meet most recent Dietary Guidelines for Americans (DGA), published by the US Department of HHS Secretary and the Secretary of Agriculture. The meal must provide a minimum of 33 ¹/₃ percent of the DRI

established by the Food & Nutrition Board of the Institute of Medicine of the National Academy of Sciences.

Unit Definition: One Meal

Service Area: Howard County, TX

2. **Service:** Congregate Meals with the objective of reducing food insecurity and promote socialization.

Service Definition: A hot or other appropriate meal served to an older person who is eligible in a congregate setting that comply with the most recent Dietary Guidelines for Americans (DGA), published by the US Department of HHS Secretary and the Secretary of Agriculture. The meal must provide a minimum of 33 1/3 percent of the DRI established by the Food & Nutrition Board of the Institute of Medicine of the National Academy of Sciences. To the maximum extent practicable, contractor may provide a therapeutic meal to meet any special dietary needs of participants.

Unit Definition: One Meal

Service Area: Howard County, TX

All Texas Administrative Code standards are located at the Texas Secretary of State website: www.sos.state.tx.us.

All Older Americans Act and other required rules and regulations are located at http://www.aoa.gov/AoARoot/About/Authorizing_Statutes/index.aspx.

Area Agency on Aging Policies and Procedures Manual located at <https://www.hhs.texas.gov/laws-regulations/handbooks/aaa/area-agency-aging-policies-procedures-manual>

Targeting: AAA services are designed to identify eligible program participants, with an emphasis on high-risk program participants and to serve older individuals with greatest economic and social need, low-income minorities and those residing in rural areas, as required by the OAA.

B. Services & Reimbursement Methodology:

Service	Fixed Rate (include rate)	Variable Rate (identify range)	Cost Reimbursement
Home Delivered Meals	\$5.31	N/A	N/A
Congregate Meals	\$11.48	N/A	N/A
Transportation	N/A	N/A	N/A

3. TERMS OF AGREEMENT

A. The Contractor agrees to:

1. Provide services in accordance with current or revised HHSC policies and standards and the OAA.
2. Submit billing with appropriate documentation as required by the AAA by the close of business on the **5th calendar day** of each month following the last day of the month in which services were provided.
 - a. If the **5th** day falls on a weekend or holiday, the information shall be delivered by the close of business on the following business day.
 - b. If a holiday falls between the 1st and the 5th calendar day of the month the reports shall be delivered by the 6th calendar day of the month.
 - c. No reimbursement for services provided will be made if contractor payment invoices and supporting documentation are not correct and submitted to the AAA within **30 calendar days** of the month following the month in which services were provided.
 - d. Any concerns regarding discrepancies between the invoiced services and payment must be made within **45 calendar days** after payment is mailed.
3. Encourage program participant contributions (program income) on a voluntary and confidential basis. Such contributions will be properly safeguarded and accurately accounted for as receipts and expenditures on Contractor's financial reports if contributions are not required to be forwarded to the AAA. Client contributions (program income) will be reported fully, as required, to the AAA. Contractor agrees to expend all program income to expand or enhance the program/service under which it is earned.
4. Notify the AAA Director within **24 hours** if, for any reason, the Contractor becomes unable to provide the service(s).
5. Maintain communication and correspondence concerning program participants' status.
6. Establish a method to guarantee the confidentiality of all information relating to the program participant in accordance with applicable federal and state laws, rules, and regulations. This provision shall not be construed as limiting AAA or any federal or state authorized representative's right of access to program participant case records or other information relating to program participants served under this agreement.
7. Keep financial and program supporting documents, statistical records, and any other records pertinent to the services for which a claim for reimbursement was submitted to the AAA. The records and documents will be kept for a minimum of five years after close of Contractor's fiscal year.
8. Make available at reasonable times and for required periods all fiscal and program participant records, books, and supporting documents pertaining to

services provided under this agreement, for purposes of inspection, monitoring, auditing, or evaluations by AAA staff, the Comptroller General of the United States and the State of Texas, through any authorized representative(s).

9. If applicable, comply with the HHSC process for Centers for Medicare and Medicaid Services (CMS) screening for excluded individuals and entities involved with the delivery of the Legal Assistance and Legal Awareness services.

C. The Contractor further agrees:

1. The agreement may be terminated for cause or without cause upon the giving of **thirty (30)** days advance written notice.
2. The agreement does not guarantee a total level of reimbursement other than for individual units/services authorized, contingent upon receipt of funds.
3. Contractor is an independent provider, NOT an agent of the AAA. Thus, the Contractor indemnifies, saves, and holds harmless **AAA of the PBRPC** against expense or liability of any kind arising out of service delivery performed by the Contractor. Contractor must immediately notify the AAA if the Contractor becomes involved in or is threatened with litigation related to program participants receiving services funded by the AAA.
4. Employees of the Contractor will not solicit or accept gifts or favors of monetary value by or on behalf of program participants as a gift, reward, or payment.

D. Through the Direct Purchase of Services program, the AAA of the PBRPC agrees to:

1. Review program participant intake and assessment forms completed by the Contractor, as applicable, to determine program participant eligibility. Service authorization is based on program participant need and the availability of funds.
2. Provide timely written notification to Contractor of program participant's eligibility and authorization to receive services.
3. Maintain communication and correspondence concerning the program participants' status.
4. Provide timely technical assistance to Contractor as requested and as available.
5. Conduct quality-assurance procedures, which may include on-site visits, to ensure quality services are being provided and if applicable, CMS exclusion reviews are conducted.
6. Provide written policies, procedures, and standard documents concerning program participant authorization to release information (both a general and medical/health related release), client rights and responsibilities, contributions, and complaints/grievances and appeals to all program participants.
7. Contingent upon the AAA's receipt of funds authorized for this purpose from HHSC, reimburse the Contractor based on the agreed reimbursement methodology, approved rate(s), service(s) authorized, and in accordance with

subsection (A)(2) of this document, within **45** days of the AAA's receipt of Contractor's invoice.

4. ASSURANCES

The Contractor shall comply with the following non-exclusive list as applicable:

- A. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d *et seq.*)
- B. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794)
- C. Americans with Disabilities Act of 1990 (42 U.S.C. §12101 *et seq.*)
- D. Age Discrimination in Employment Act of 1975 (42 U.S.C. §§6101-6107)
- E. Title IX of the Education Amendments of 1972 (20 U.S.C. §§1681-1688)
- F. Food Stamp Act of 1977 (7 U.S.C. §200 *et seq.*)
- G. Drug Free Workplace Act of 1988
- H. Texas Senate Bill 1 - 1991, as applicable
- I. HHSC administrative rules, as set forth in the Texas Administrative Code, to the extent applicable to this Agreement
- J. HHSC AAA Policies and Procedures Manual, to the extent applicable to this Agreement.
- K. Certification Regarding Debarment - 45CFR §92.35 Subawards to debarred and suspended parties; this document is required annually as long as this agreement is in effect
- L. Centers for Medicare and Medicaid Services (CMS) State Medicaid Director Letter SMDL #09-001 regarding Individuals or Entities Excluded from Participation in Federal Health Care Programs
- M. HHSC (legacy DADS) Information Letter 11-07 – Obligation to Identify Individuals or Entities Excluded from Participation in Federal Health Care Programs
- N. HHSC Uniform Terms and Conditions

5. FOCAL POINT

The Area Agency on Aging of the Permian Basin (AAA) is designated by the Health and Human Services Commission (HHSC) to be the focal point for services to persons 60 or older in the Permian Basin.

6. ATTACHMENTS

- A – Certification regarding Debarment
- B – Affirmative Action Plan
- C – W-9 Form
- D – Data Use Agreement
- E – Client Confidentiality Statement
- F – Conflict of Interest Statement

7. ADDITIONAL GRANT INFORMATION:

Contractor Employee Identification Number (EIN): 75-6000462

8. SIGNATURES

For the faithful performance of the terms of this agreement, the parties affix their signatures and bind themselves effective October 1, 2022.

Authorized Contractor Signature

Hon. Robert Moore

Print Name

Mayor- City of Big Spring

Title

Date

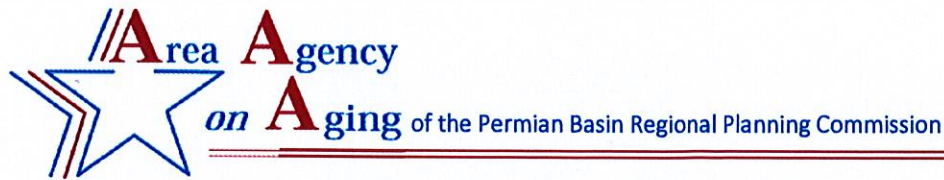
AAA Authorized Signature

Alma Montes

Printed Name

Date

Area Agency on Aging of the PBRPC
2910 La Force Blvd, PO Box 60660
Midland, TX 79711



P.O. Box 60660 | Midland, TX 79701 | (432) 563-1061 | Fax: (432) 567-1009 | 1-800-491-4636

DIRECT PURCHASE OF SERVICE APPLICATION INFORMATION

The Area Agency on Aging of the Permian Basin (AAPB) is designated by the Texas Health and Human Services Commission (HHSC) to be the focal point for services to persons 60 or older within the AAA's region. The AAPB administers services funded by the Older Americans Act (OAA) with emphasis placed on frail, rural, low income and minority individuals. The AAA purchases various short-term services for eligible clients. Services are purchased from appropriate contractors that have completed a Direct Purchase of Service (DPS) Application form and have executed a contractor agreement with the AAA.

Eligibility to Apply: Organizations eligible to apply include private non-profit, private for-profit, and local city-county governmental entities, which have the capacity to meet the requirements of service delivery under DPS procedures.

Debarred/Suspended Parties: Debarred or suspended parties are ineligible to apply for funding and are excluded from participation in this program.

Definition of Direct Purchase of Service (DPS): DPS is a contracting methodology for the purchase of services by the AAA on a client-by-client basis in lieu of annualized contracting, or a fixed sum basis. It is a procurement methodology, which provides flexibility in the purchasing of services for participants in the OAA Programs.

Application Process: Interested parties may apply for consideration for participation in the contractor pool by submitting a completed and signed direct purchase of service application, including all required attachments, and certification regarding debarment. If the application is approved by the AAA, a contractor agreement may be executed.



AREA AGENCY ON AGING OF THE PERMIAN BASIN
DIRECT PURCHASE OF SERVICE
FISCAL YEAR 2023 CONTRACTOR APPLICATION/RENEWAL UPDATE

Please type or clearly print application information.

City of Big Spring

Contractor Name/Legal Entity

DBA (if applicable)

Physical Address: 100 Whipkey Dr. Big Spring, TX 79720	
Mailing Address (if different from physical address):	
Tax Identification Number (SSN or Federal ID): 75-6000462	Fax Number (including area code): 432-263-8310
Type of Provider: (Please check one) ☐ Governmental Agency ☐ Private Non-Profit ☐ Private for Profit ☒ City Government ☐ County Government ☐ Other: (Specify) _____	
Authorizing Official Name: Hon. Robert Moore	Title: Mayor
Email Address: rmoore@mybigspring.com	Telephone (including area code): 432-264-2401
Billing Contact Person <u>and</u> billing address: Sandy Smith	Title: Finance Director
Email Address: sgsmith@mybigspring.com	Telephone (including area code): 432-264-2517
Number of Years Organization has been in business: <u>118</u> Years	Is Organization Bonded? (If YES, Certificate of bonding insurance MUST be attached) ☐ Yes ☒ No
Has anyone involved in the direct provision of client services been convicted of a felony (In-home Services only)? →→→ ☐ Yes ☒ No	If yes, provide details:
Does Organization have liability insurance? (If YES, Certificates of ALL insurances MUST be attached) ☒ Yes ☐ No	<u>Attach a copy of ALL applicable State and Federal licenses and /or certifications for your business.</u>

Conflicts of Interest: Attach information of applicable names and relationship of any employee(s) or officers of your organization that may have a conflict of interest with the Area Agency on Aging of the Permian Basin staff person or Advisory Council member.

Service and Bidding Information:

1. Proposed Service: Congregate Meals

A. Service Area: (List ALL Counties contractor will serve in the Permian Basin region for the above proposed service)

Howard County, TX

B. Proposed AAA cost per unit:

\$ 11.48

Standard cost per Unit:

\$

2. Proposed Service: Home Delivered Meals

A. Service Area: (List ALL Counties contractor will serve in the Permian Basin region for the above proposed service)

Howard County, TX

B. Proposed AAA cost per unit:

\$ 5.31

Standard cost per Unit:

\$

3. Proposed Service: _____

A. Service Area: (List ALL Counties contractor will serve in the Permian Basin region for the above proposed service)

B. Proposed AAA cost per unit:

\$

Standard cost per Unit:

\$

NOTE: See attached service and unit definition(s) for specific service and unit information.

Additional Attachments:

- Affirmative Action Plan
- Signed Statement indicating compliance with the Civil Rights Act of 1964
- Signed Certification Regarding Debarment

Signature:

I certify that the information provided in this application is true and correct to the best of my knowledge.

Hon. Robert Moore

Printed Name

Date

Authorized Signature

ATTACHMENT B
CERTIFICATION
REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY
AND VOLUNTARY EXCLUSION FOR COVERED CONTRACTS AND GRANTS

Federal Executive Order 12549 requires the Texas Health and Human Services Commission (HHSC) to screen each covered potential contractor/grantee to determine whether each has a right to obtain a contract/grant in accordance with federal regulations on debarment, suspension, ineligibility, and voluntary exclusion. Each covered contractor/grantee must also screen each of its covered subcontractors/providers.

In this certification "contractor/grantee" refers to both contractor/grantee and subcontractor/subgrantee; "contract/grant" refers to both contract/grant and subcontract/subgrant.

By signing and submitting this certification the potential contractor/grantee accepts the following terms:

1. The certification herein below is a material representation of fact upon which reliance was placed when this contract/grant was entered into. If it is later determined that the potential contractor/grantee knowingly rendered an erroneous certification, in addition to other remedies available to the federal government, the Department of Health and Human Services, United States Department of Agriculture or other federal department or agency, or the HHSC may pursue available remedies, including suspension and/or debarment.
2. The potential contractor/grantee shall provide immediate written notice to the person to which this certification is submitted if at any time the potential contractor/grantee learns that the certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
3. The words "covered contract," "debarred," "suspended," "ineligible," "participant," "person," "principal," "proposal," and "voluntarily excluded," as used in this certification have meanings based upon materials in the Definitions and Coverage sections of federal rules implementing Executive Order 12549. Usage is as defined in the attachment.
4. The potential contractor/grantee agrees by submitting this certification that, should the proposed covered contract/grant be entered into, it shall not knowingly enter into any subcontract with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the Department of Health and Human Services, United States Department of Agriculture or other federal department or agency, and/or the HHSC, as applicable.

Do you have or do you anticipate having subcontractors/subgrantees under this proposed contract? ☐ YES ☒ NO
5. The potential contractor/grantee further agrees by submitting this certification that it will include this certification titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion for Covered Contracts and Grants" without modification, in all covered subcontracts and in solicitations for all covered subcontracts.
6. A contractor/grantee may rely upon a certification of a potential subcontractor/subgrantee that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered contract/grant, unless it knows that the certification is erroneous. A contractor/grantee must, at a minimum, obtain certifications from its covered subcontractors/subgrantees upon each subcontract's/subgrant's initiation and upon each renewal.
7. Nothing contained in all the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this certification document. The knowledge and information of a contractor/grantee is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
8. Except for contracts/grants authorized under paragraph 4 of these terms, if a contractor/grantee in a covered contract/grant knowingly enters into a covered subcontract/subgrant with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in the transaction, in addition to other remedies available to the federal government, Department of Health and Human Services, United State Department of Agriculture, or other federal department or agency, as applicable, and/or the HHSC may pursue available remedies, including suspension and/or debarment.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION FOR COVERED CONTRACTS AND GRANTS

Indicate which statement applies to the covered potential contractor/grantee:

- ☒ The potential contractor/grantee certifies, by submission of this certification, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this contract/grant by any federal department or agency or by the State of Texas.
- ☐ The potential contractor/grantee is unable to certify to one or more of the terms in this certification. In this instance, the potential contractor/grantee must attach an explanation for each of the above terms to which he is unable to make certification. Attach the explanation(s) to this certification.

NAME OF POTENTIAL CONTRACTOR/GRANTEE City of Big Spring
VENDOR ID NO./FEDERAL EMPLOYER'S ID NO. 75-1490876

Signature of Authorized Representative Date	Hon. Robert Moore Printed/Typed Name of Authorized Representative Mayor- City of Big Spring Title of Authorized Representative
---	--

THIS CERTIFICATION IS FOR FY 2022-2023, PERIOD BEGINNING October 1, 2022 and ENDING September 30, 2023.

INSTRUCTIONS FOR CERTIFICATION

1. By signing and submitting this proposal, the prospective contractor/grantee is providing the certification set out below.
2. The inability of a contractor/grantee to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective contractor/grantee shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective contractor/grantee to furnish a certification or an explanation shall disqualify such contractor/grantee from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective contractor/grantee knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective contractor/grantee shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective contractor/grantee learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is submitted for assistance in obtaining a copy of those regulations (13 CFR Part 145).
6. The prospective contractor/grantee agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective contractor/grantee further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the ineligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

FY2023 AFFIRMATIVE ACTION PLAN

The City of Big Spring hereby agrees that it will enact
(Name of Applicant)

affirmative action plan. Affirmative action is a management responsibility to take necessary steps to eliminate the effects of past and present job discrimination, intended or unintended, which is evident from an analysis of employment practices and policies. It is the policy of the agency that equal employment opportunity is afforded to all persons regardless of race, color, ethnic origin, religion, sex or age.

This applicant is committed to uphold all laws related to Equal Employment Opportunity including, but not limited to, the following:

Title VI of the Civil Rights Act of 1964, which prohibits discrimination because of race, color, religion, sex or nations origin in all employment practices including hiring, firing, promotion, compensation and other terms, privileges and conditions of employment.

The Equal Pay Act of 1963, which covers all employees who are covered by the Fair Labor Standards Act. The act forbids pay differentials on the basis of sex.

The Age Discrimination Act, which prohibits discrimination because of age against anyone between the ages of 50 and 70.

Federal Executive Order 11246, which requires every contract with Federal financial assistance to contain a clause against discrimination because of race, color, religion, sex or national origin.

Administration on Aging Program Instruction AoA PI-75-11, which requires all grantees to develop affirmative action plans. Agencies, which are part of an "umbrella agency," shall develop and implement an affirmative action plan for single organizational unit on aging. Preference for hiring shall be given to qualified older persons (subject to requirements of merit employment systems).

Section 504 of the Rehabilitation Act of 1973, which states that employers may not refuse to hire or promote handicapped persons solely because of their disability.

Hon. Robert Moore is the designated person with the executive authority responsible for the implementation of this affirmative action plan. Policy information on affirmative action and equal employment opportunity shall be disseminated through employee meetings, bulletin boards, and any newsletters prepared by this agency.

Work Force Analysis: Paid Staff

Total Staff:	# Full Time	# Part Time
Older Persons (60+)	# <u>1</u> <u>100</u> %	# <u>1</u> <u>100</u> %
Minority	# <u>2</u> <u>50</u> %	# <u> </u> <u> </u> %
Women	# <u>3</u> <u>75</u> %	# <u> </u> <u> </u> %

ASSURANCE OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, SECTION 504 OF THE REHABILITATION ACT OF 1973, TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, THE AGE DISCRIMINATION ACT OF 1975, AND SECTION 1557 OF THE AFFORDABLE CARE ACT

The Contractor provides this assurance in consideration of and for the purpose of obtaining Federal grants, loans, contracts, property, discounts or other Federal financial assistance from the U.S. Department of Health and Human Services.

THE CONTRACTOR HEREBY AGREES THAT IT WILL COMPLY WITH:

1. Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), as amended, and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 C.F.R. Part 80), to the end that, in accordance with Title VI of that Act and the Regulation, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Contractor receives Federal financial assistance from the Department.
2. Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended, and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 C.F.R. Part 84), to the end that, in accordance with Section 504 of that Act and the Regulation, no otherwise qualified individual with a disability in the United States shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity for which the Contractor receives Federal financial assistance from the Department.
3. Title IX of the Education Amendments of 1972 (Pub. L. 92-318), as amended, and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 C.F.R. Part 86), to the end that, in accordance with Title IX and the Regulation, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Contractor receives Federal financial assistance from the Department.
4. The Age Discrimination Act of 1975 (Pub. L. 94-135), as amended, and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 C.F.R. Part 91), to the end that, in accordance with the Act and the Regulation, no person in the United States shall, on the basis of age, be denied the benefits of, be excluded from participation in, or be subjected to discrimination under any program or activity for which the Contractor receives Federal financial assistance from the Department.
5. Section 1557 of the Affordable Care Act (Pub. L. 111-148), as amended, and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 CFR Part 92), to the end that, in accordance with Section 1557 and the Regulation, no person in the United States shall, on the ground of race, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any health program or activity for which the Contractor receives Federal financial assistance from the Department.

The Contractor agrees that compliance with this assurance constitutes a condition of continued receipt of Federal financial assistance, and that it is binding upon the Contractor, its successors, transferees and assignees for the period during which such assistance is provided. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Contractor by the Department, this assurance shall obligate the Contractor, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Contractor for the period during which it retains ownership or possession of the property. The Contractor further recognizes and agrees that the United States shall have the right to seek judicial enforcement of this assurance.

The person whose signature appears below is authorized to sign this assurance and commit the Contractor to the above provisions.

Date

Hon. Robert Moore

Printed Name and Title of Authorized Official

310 Nolan St.

Street Address

City of Big Spring

Printed Name of Contractor

Signature of Authorized Official

Big Spring, TX. 79720

City, State, Zip



Client Confidentiality Statement

Employment at the Permian Basin Regional Planning Commission/Area Agency on Aging (AAPB), whether permanent or temporary, may involve the collection and use of confidential client information for the purpose of assuring access to goods, services, or rights. All client information collected for these purposes is CONFIDENTIAL and may not be disclosed to any person or group without the express authorization of the client or his/her authorized agent.

The AAPB shall have exclusive access to information for the sole purpose of assisting the client. Reports obtained from confidential client information shall not reveal any information that may identify specific individuals or the issues about which a specific individual is seeking assistance. Special consideration will be made to safeguard a client's identity and all aspects of information exchange in cases of domestic violence and other endangerment situations.

Any breach of confidentiality by a staff member (permanent or temporary) or authorized volunteer will be subject to disciplinary action, up to and including possible termination and/or legal action/penalties.

"I have read, and I understand and accept the Client Confidentiality Policy of the Permian Basin Regional Planning Commission/Area Agency on Aging."

Signature of AAA Staff Person/Volunteer/Temporary Staff

City of Big Spring

Printed Name

Area Agency on Aging Director Signature

Date

Mayor

Title

Alma Montes

Printed Name

SUBCONTRACTOR AGREEMENT FORM

HHS CONTRACT NO. HHS000874100021

The DUA between HHS and Contractor establishes the permitted and required uses and disclosures of Confidential Information by Contractor.

Contractor has subcontracted with City of Big Spring for performance of duties on behalf of CONTRACTOR which are subject to the DUA. Subcontractor acknowledges, understands and agrees to be bound by the same terms and conditions applicable to Contractor under the DUA, incorporated by reference in this Agreement, with respect to HHS Confidential Information. Contractor and Subcontractor agree that HHS is a third-party beneficiary to applicable provisions of the subcontract.

HHS has the right, but not the obligation, to review or approve the terms and conditions of the subcontract by virtue of this Subcontractor Agreement Form.

Contractor and Subcontractor assure HHS that any Breach as defined by the DUA that Subcontractor Discovers shall be reported to HHS by Contractor in the time, manner and content required by the DUA.

If Contractor knows or should have known in the exercise of reasonable diligence of a pattern of activity or practice by Subcontractor that constitutes a material breach or violation of the DUA or the Subcontractor's obligations, Contractor shall:

1. Take reasonable steps to cure the violation or end the violation, as applicable;
2. If the steps are unsuccessful, terminate the contract or arrangement with Subcontractor, if feasible;
3. Notify HHS immediately upon Discovery of the pattern of activity or practice of Subcontractor that constitutes a material breach or violation of the DUA and keep HHS reasonably and regularly informed about steps Contractor is taking to cure or end the violation or terminate Subcontractor's contract or arrangement.

This Subcontractor Agreement Form is executed by the parties in their capacities indicated below.

CONTRACTOR

BY: _____

NAME: Virginia Belew

TITLE: Executive Director

DATE _____, 20 ____

SUBCONTRACTOR

BY: _____

NAME: City of Big Spring

TITLE: Mayor

DATE: _____, 20 ____



CONFLICT OF INTEREST

I hereby affirm that I do not currently have any conflict of interest as specified in TAC Title 26, Part 1, Chapter 213, Subchapter C, Rule §213.151 (3)(A)(B)(C) and in accordance with HHSC Program Instruction AAA-PI 500 Conflicts of Interest. **YES** ☐ **NO** ☒

- (A) A conflict of interest includes: (i) having a substantial financial interest, directly or indirectly, in the profits of any entity from which services or goods are contracted or otherwise procured by the AAA; and (ii) deriving a personal profit, directly or indirectly, from any entity that would conflict in any manner or degree with the performance or responsibilities of the board member, employee, advisory committee member, or volunteer.
- (B) A AAA must comply with 26 TAC §88.2 (i) of this chapter (Title 26, Part 1, Chapter 88 relating to Long-Term Care Ombudsman Program).
- (C) A AAA must include a requirement in a request for proposal (RFP) for services for older person and requests for vendor enrollment that any potential conflicts of interest be identified in the RFP or vendor enrollment response. The notification of potential conflicts of interest must include: (i) the person and the nature for which a potential conflict of interest exists; and (ii) the relationship to any current or former board member, current or former aging advisory committee member or current or former employee.

I agree to notify the Director of the Area Agency on Aging of the Permian Basin immediately of any conflicts of interest that exist or may develop in my relationship with any individual or entity that may derive any profit, directly or indirectly, from my association with the Area Agency on Aging of the Permian Basin. **YES** ☒ **NO** ☐

Check one of the following:

AAA Employee	☐	PBRPC Board Member	☐	Vendor/Contractor	☒
Aging Advisory Council Member	☐	AAA Volunteer	☐		

Signature

Date

Printed Name

**Permian Basin Regional Planning Commission – Area Agency on Aging
Contractor's Emergency / Disaster Preparedness Plan**

Contractor (Company) Name: City of Big Spring Business Phone: 432-264-1288 ext. 1628

Representative: Gina Valencia Service Provided: Congregate Meals and Home Delivered Meals

Period Covered by Contractor Agreement: 10/01/2022 – 09/30/2023 Business Fax: 432-268-9496

Per requirements of the Texas Health and Human Services Commission (HHSC), each contractor is required to submit an *Emergency / Disaster Preparedness Plan* to the Permian Basin Regional Planning Commission – Area Agency on Aging with its Contractor Agreement for the year. The plan relates to the vendor's service to the PBRPC-AAA's client(s) whom the contractor serves.

PBRPC-AAA does not expect any contractor to be a *first responder* if that is not already the vendor's primary role. The contractor needs to have the following:

- 1) Explain how the contractor plans to make the client(s) aware of potential emergencies or disasters (including natural and/or pandemic events):

PSA on radio, television, Phone calls, or personal contact.
By Center Employee

- 2) Explain how the contractor plans to ensure continuity of service for the client(s) **during** emergencies or disasters (including natural and/or pandemic events):

IF the Center Kitchen is operable, meals will
Be prepared & packaged as usual. Frozen or shelf stable
meals will be used if hot meals cannot be prepared.

- 3) Explain how the contractor plans to ensure continuity of service for the client(s) **following** emergencies or disasters (including natural and/or pandemic events) until normal service activity resumes:

SAME AS

ABOVE

- 4) Contractor Contacts (emergency only): Cell Ph: Home Ph: Email:

a. Gina Valencia 432-268-3492 gvalencia@mybigspring.com
b. Becky Letz 432-270-2551 432-268-1896 bletz@mybigspring.com

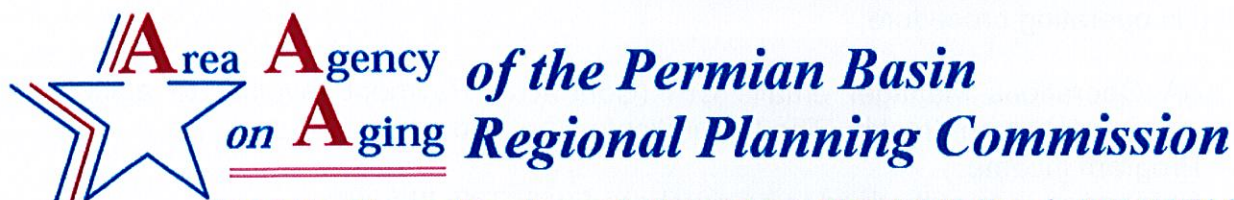
Gina Valencia- Executive Director

Gina Valencia 09-21-2022

Printed Name and Title

Signature

Date



2910 La Force Boulevard, P.O. Box 60660 Midland, TX 79711-0660
(432) 563-1061 phone • (432) 563-1728 fax

POLICY & OPERATING PROCEDURE

Date of Revision: September 2020
Purpose: Direct Purchase of Service Documentation
Texas Administrative Code: Title 26, Part 1, Chapter 213, Subchapter B, Rules §213.51 & §213.55

Title 26, Part 1, Chapter 213, Subchapter B, Rule §213.51 of the Texas Administrative Code (TAC) defines Service Authorization as "A process which identifies a need for a service(s) and uses the direct purchase of service procedures to obtain and initiate one or more services. There are two types of service authorization without an assessment and service authorization requiring an assessment"

Title 26, Part 1, Chapter 213, Subchapter B, Rule §213.55 (d)(1)(D) of the Texas Administrative Code (TAC) states that "The AAA must submit fiscal and programmatic reports required by HHSC in a timely, complete, and accurate manner."

Policy: The intention of this Operating Procedure is to ensure that appropriate and accurate records specific to directly purchased congregate meals, home delivered meals and transportation services are maintained in a manner that fully documents that:

- a. Services are provided to eligible individuals;
- b. Units of service are allowable;
- c. Units of service provided to eligible individuals are properly authorized;
- d. Information reported to the Texas Health and Human Services Commission is accurately and fully supported;
- e. Records are in compliance with all applicable rules and regulations; and
- f. Processes are in place to reimburse contractors for authorized services expeditiously.

Outcomes: Documentation for directly purchased congregate meals, home delivered meals and transportation services is accurate, fully supports data submitted to the Texas Health and Human Services Commission Office of the Area Agencies on Aging (HHSC/OAAA) and meets all applicable rules, regulations and policies of the Commission. Contractors of congregate and home delivered meals and transportation services are reimbursed in a timely manner.

Procedures: The following procedures delineate the methods employed by AAA staff to achieve the outcomes of this operating procedure:

- a. The AAA Operations Manager emails CPI (Contractor Payment Invoice) to each nutrition and/or transportation contractor. The CPI indicates the following:
 1. Program income
 2. Number of units authorized to be purchased with Title III funds
 3. Correct unit rate for each service for which the CPI is to be used
- b. Congregate, Home-Delivered, and/or Transportation contractors must submit Contractor Payment Invoices with **ALL** supporting documentation to the AAA by the fifth (**5th**) working day of the month following the month in which services are provided. Supporting documentation must be in ink with no white out.

***Supporting documentation** includes:

1. Fully completed, signed and dated Contractor Payment Invoice using the form provided to the Contractor by the AAA.
2. Units of service rosters
3. Nutrition Education Report (Meal providers only)
4. Monthly Menu (Meal providers only)
5. All Program Income backup documentation

Congregate Meals:

1. **Client Intake** – Bold type on the Client Intake indicates that the information is *required*. Contractor's staff must print their name on the 3rd page of the intake. Client Intakes are submitted for new clients or for client information updates. At a minimum, Client Intakes must be updated **annually**.
2. **Client Rights and Responsibilities** – Must be signed and dated by client, and appropriate boxes must be check marked and must be submitted **annually**.
3. **Nutrition Risk Assessment** – Must be updated and submitted **annually**.

Home Delivered Meals:

1. **Client Intake** – Bold type on the Client Intake indicates that the information is *required*. Contractor's staff must print their name on the 3rd page of the intake. Client Intakes are submitted for new clients or for client information updates. At a minimum, Client Intakes must be updated **annually**.
2. **Client Rights and Responsibilities** – Must be signed and dated by client, and appropriate boxes must be check marked and must be submitted **annually**.
3. **Nutrition Risk Assessment** – Must be updated and submitted **annually**.
4. **Client Needs Evaluation** – Must be updated and submitted **annually**.

Transportation:

1. **Client Intake** – Bold type on the Client Intake indicates that the information is *required*. Contractor's staff must print their name on the 3rd page of the intake. Client Intakes are submitted for new clients or for client information updates. At a minimum, Client Intakes must be updated **annually**.
2. **Client Rights and Responsibilities** – Must be signed and dated by client, and appropriate boxes must be check marked and must be submitted **annually**.
- c. Documents are reviewed by the AAA's Operations Manager in the order in which they are received.

- d. Reports received **after** the (5th) fifth working day of the month **will not be processed** for payment until the following month and the contractor is notified in writing.
- e. Every page related to the report is date stamped by the AAA Operations Manager indicating the date of receipt.
- f. Rosters are verified for mathematical accuracy.
- g. Rosters are initialed and dated by the AAA staff performing the review.
- h. Rosters and Contractor Payment Invoices are cross referenced to ensure no addition or transfer errors exist.
- i. Clients for whom contractor is requesting reimbursement are verified for current service authorization to ensure service authorization occurred prior to initiation of service.
- j. Clients for whom contractor is requesting reimbursement are verified to have current ***supporting documentation**, as applicable, on file with the AAA.
- k. Any services provided to a client without ***supporting documentation**, as applicable, on file at the AAA are **disallowed and non-reimbursable**.
- l. Validated units of service are entered into the AAA's client tracking system.
- m. A client tracking system report is generated.
- n. Contractor Payment Invoices processed for the current month, rosters, and client tracking report are submitted to AAA Director for verification.
- o. Unit rates on Contractor Payment Invoices are verified as accurate in accordance with contractor agreement by the AAA Director.
- p. Contractor Payment Invoices are dated and signed by AAA Director validating accuracy.
- q. Contractor Payment Invoice data are compiled and submitted to the PBRPC fiscal department for processing and payment.
- r. A request for reimbursement for costs is completed and submitted by the AAA Director to HHSC/OAAA by the (3rd) third Friday of each month for the weekly 10:00 a.m. Monday deadline.
- s. AAA is notified of receipt by HHSC/OAAA Report Desk and that the request for reimbursement has been forwarded to HHSC/OAAA Fiscal Coordinator review. This normally occurs on the Tuesday following the weekly 10:00 a.m. Monday deadline.
- t. AAA is notified that request for reimbursement is approved by the OAAA Section of HHSC and forwarded to the fiscal area for processing. This normally occurs on the Tuesday following the weekly 10:00 a.m. Monday deadline.

- u. AAA is notified of direct deposit of funds to PBRPC account and payments to contractors are released. This normally occurs two to five days following the Monday submission of the request for reimbursement.
- v. AAA Operations Manager compiles funds, units, match and program income to AAA Director in preparation for the Quarterly Performance Report to HHSC/OAAA.
- w. All documentation from which reports are prepared is maintained, by month, at the AAA.
- x. All documentation is maintained by the AAA for a minimum of five (5) years.

Authorized Signature

Title

Printed Name

Date

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
	2 Business name/disregarded entity name, if different from above	
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
	☐ Individual/sole proprietor or single-member LLC	Exempt payee code (if any) _____
	☐ C Corporation	Exemption from FATCA reporting code (if any) _____
	☐ S Corporation	(Applies to accounts maintained outside the U.S.)
	☐ Partnership	
☐ Trust/estate		
☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____		
Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.		
☐ Other (see instructions) ► _____		
5 Address (number, street, and apt. or suite no.) See instructions.		
Requester's name and address (optional)		
6 City, state, and ZIP code		
7 List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number									
				-			-		
or									
Employer identification number									
				-					

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ►	Date ►
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

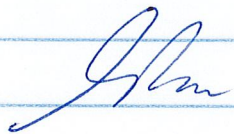
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
 - Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
 - Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
 - Form 1099-S (proceeds from real estate transactions)
 - Form 1099-K (merchant card and third party network transactions)
 - Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
 - Form 1099-C (canceled debt)
 - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

Septiembre - 6 - 2022

a quien corresponda.

por medio de esta carta
le comunico que quiero donar mi terreno
con la dirección 200 Galveston Big Spring TX
por la razón que no puedo
construir nada y ya no puedo pagar
mis mis taxes y el trabajo de la
Yarda.



Juan Ramos

Juan Ramos



515 E. PECK AVE.

MIDLAND TX 79701.

432 770-2840

jcevivri@gmail.com



OWNER: JUAN RAMOS
200 GALVESTON
PARCEL 5687
Legend

- Parcel Layer
- ETJ
- Streets
- City Limits
- Flood Zone
- 0.2 PCT ANNUAL CHANCE FL
- FLOODWAY

**OWNER:
JUAN RAMOS
PARCEL#5687
FLOODWAY ZONE
WOULD LIKE TO
DONATE THE
PROPERTY TO
THE CITY OF
BIG SPRING**

**SEE MANDY
HAYNES FOR
FURTHER INFO**

Projection: WGS_1984_Web_Mercator_Auxiliary_Spheroid
0 0.01 0.01 Miles
1: 564

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This map has been prepared for informational purposes only. Jacob & Martin Ltd. accepts no responsibility for erroneous measurements or computations that may be made through use of any information contained in this map.

F#2448



September 6, 2022

To whom it may concern:

Through this letter I communicate that I want to donate my land with the address 200 Galveston Big Spring, TX for the reason that I cannot build anything and I can no longer pay my taxes and the yard work.

Ines Ramos
Juan Ramos

515 E Peck Ave.
Midland, Texas 79702
432-770-2840
jcfvivi@gmail.com

Translated by MHaynes using Google Translate 9-19-2022

