



CITY COUNCIL REGULAR AGENDA

Tuesday, June 13, 2023

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, June 13, 2023, 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 | Moore |
| 2. Invocation | Moore |
| 3. Pledge of Allegiance to the United States Flag and to the Texas State Flag | Moore |

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.

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| 4. Public Comment | Moore |
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Announcements, Presentations and Public Hearings

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

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|-----|--|---------|-------|
| 5. | PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 1000 E. 20TH STREET, BIG SPRING, TEXAS 79720 - LEGAL
DESCRIPTION: SC 5 BK 32 IS 1231 ACQ 102412
BLK/TRACK 321S 0.808 ACRES - OWNER: HENRY RIOS | 6-53 | Hagen |
| 6. | PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 1106 NW 8TH STREET, BIG SPRING, TEXAS 79720 - LEGAL
DESCRIPTION: LT 5 BK 8 BANKS 50X115 182 0.132 ACRES - OWNER: JIMMY JOLLEY | 54-81 | Hagen |
| 7. | PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 605 NOLAN STREET, BIG SPRING, TEXAS 79720 - LEGAL
DESCRIPTION: LT 10 & N/2 OF LT 9 BK 48 ORIGINAL TOWN 75X140 0792 BLK/TRACT 48 0.241 ACRES - OWNER: JESSE BUSTAMANTE | 82-138 | Hagen |
| 8. | PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 611 NOLAN STREET, BIG SPRING, TEXAS 79720 - LEGAL
DESCRIPTION: EXC 33' & 3' N/SIDE OF LTS 7-8 BK 48 ORIGINAL TOWN 64X140 0789 ACQ 011310 BLK/TRACT 48 0.206 ACRES - OWNER: JUANITA FLORES | 139-211 | Hagen |
| 9. | PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 609 BELL STREET, BIG SPRING, TEXAS 79720 - LEGAL
DESCRIPTION: LT 8 BK 41 ORIGINAL TOWN 50X140 0854 ACQ 030612 BLK/TRACT 41 0.161 ACRES - OWNER SAM CASTRO | 212-243 | Hagen |
| 10. | PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 600 LANCASTER, BIG SPRING, TEXAS 79720 - LEGAL
DESCRIPTION: LT 1 BK 41 ORIGINAL TOWN 50X140 0847 0.161 ACRES ACQ 02082017 - OWNER: EZEQUIEL CONTRERAS | 244-274 | Hagen |
| 11. | PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 623 SGT | 275-299 | Hagen |

PAREDEZ, BIG SPRING, TEXAS 79720 - LEGAL
DESCRIPTION: W/2 OF LT 11 BK 99 ORIGINAL TOWN
50X1900211 ACQ 062408 BLK/TRACT 99 0.218 ACRES -
OWNER: SOFIA RUBIO

City Manager's Report

12. City Manager's report on the following items: Darden
- Large Item Pickup, District 6-June 21, 2023
 - Reminder of Tall Weeds & Grass
 - Mosquito Spraying
 - Seal Coat Update
 - Animal Control Open House, Saturday, June 24th, 10-12

Consent Items

13. Approval of the City Council Minutes of the Special Meeting 300- Davis
of May 22, 2023 and of the Regular Meeting of May 23, 2023. 312
14. Acknowledge Receipt of the Big Spring Economic 313- Mark Willis
Development Board Minutes of the Regular Meeting of March 314
21, 2023.
15. Final Reading of an Ordinance Granting a Partial Ad Valorem 315- S. Smith
Tax Exemption for Tax Year 2023 for the Homestead of any 316
Married or Unmarried Adult; Finding and Determining That
the Meetings at Which the Ordinance was Discussed were
Open to the Public as Required by Law; Providing for
Severability; Providing for Repeal of Conflicting Ordinances;
Providing for Publication; and Providing an Effective Date
16. Final Reading of an Ordinance Amending Ordinance Number 317- Medina
038-2022 Which Adopted the Annual Budget for the City of 318
Big Spring, Texas for the Fiscal Year Beginning October 1,
2022 and Ending September 30, 2023 by Increasing the
General Fund Budget for the Purpose of the Rebuilding of the
Detention Pond Dam at Birdwell Park: Providing for
Severability; Providing for Publication; and Providing an
Effective Date

Vouchers

17. Vouchers for 05/11/23 \$ 763,398.55 Tompkins

Vouchers for 05/18/23	\$	852,382.53	
Vouchers for 05/25/23	\$	336,639.36	
Drafts	\$	1,188,560.45	
18. Vouchers for 06/01/23	\$	183,846.69	M. Smith
Vouchers for 06/08/23	\$	452,556.32	
Drafts	\$	580,147.23	

New Business

- | | | |
|--|---------|----------|
| 19. First Reading of an Ordinance Amending Ordinance Number 038-2022 Which Adopted the Annual Budget for the City of Big Spring, Texas, for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the General Fund Budget for the Purpose of the Continued Funding of the Fire Department Employees that were Funded Through the Safer Grant; Providing for Severability; Providing for Publication; and Providing an Effective Date | 319-321 | S. Smith |
| 20. First Reading of an Ordinance Amending Ordinance Number 038-2022 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the General Fund Budget for the Purpose of the Repair of the Traffic Light at 11th and Birdwell; Providing for Severability; Providing for Publication; and Providing an Effective Date | 322-324 | Bowles |
| 21. First Reading of a Resolution Adopting Plans, Policies, and Procedures that Support the Civil Rights of All Persons Affected by the CDBG Project; Providing for Repeal of Conflicting Resolutions; Providing a Savings and Severability Clause; Finding and Determining that the Meeting at Which the Resolution was Discussed was Open to the Public as Required by Law; and Establishing an Effective Date | 325-343 | Medina |
| 22. Consideration and Possible Action on a Contract Agreement with Texas Department of Health and Human Services and Authorizing the Mayor to Execute any Necessary Documents | 344-356 | Lewis |

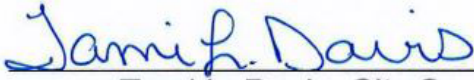
Council Input

- | | |
|--------------------|-------|
| 23. Input | Moore |
| 24. 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, June 9, 2023 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

THE MEETING FACILITY IS ACCESSIBLE TO DISABLED PERSONS. ANY DISABLED PERSON NEEDING SPECIAL ACCOMMODATION OR A HEARING IMPAIRED PERSON WISHING TO HAVE AN INTERPRETER SHOULD REQUEST SERVICES AT LEAST 48 HOURS PRIOR TO THE SCHEDULED MEETING BY CONTACTING TAMI DAVIS AT 432-264-2513 OR EMAIL: TDAVIS@MYBIGSPRING.COM.

1000 E 20TH ST

Code Compliance Official: Ashley Guerra

Exhibit D-1

STATE OF TEXAS

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COUNTY OF HOWARD

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**AFFIDAVIT OF ASHLEY GUERRA
CONCERNING 1000 E 20TH ST**

BEFORE ME, the undersigned authority, on this day, personally appeared **Ashley Guerra**, who, being by me duly sworn, deposed as follows:

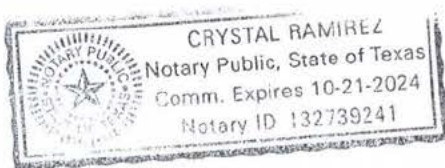
“My name is **Ashley Guerra**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“I am a Code Compliance Official for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **1000 E 20TH ST**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records.”

SIGNED on the 7 day of June, 2023.

Ashley Guerra
AFFIANT

SWORN TO AND SUBSCRIBED before me this 7th day of June, 2023 by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit D-2

Property Details

Account		
Property ID:	295238	Geographic ID: 51505000300
Type:	Real	Zoning:
Property Use:		Condo:
Location		
Situs Address:	1000 E 20TH	
Map ID:		Mapsco:
Legal Description:	SC 5 BK 32 1S 1231 1231 ACQ 102412 BLK/TRACT 321S 0.808 ACRES	
Abstract/Subdivision:		
Neighborhood:	GOLD GOLIAD	
Owner ?		
Owner ID:	19716	
Name:	RIOS HENRY	
Agent:		
Mailing Address:	1000 E 20TH BIG SPRING , TX 79720	
% Ownership:	100.0%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$40,726 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$14,875 (+)
Land Non-Homesite Value:	\$0 (+)
Agricultural Market Valuation:	\$0 (+)

Market Value:	\$55,601 (=)
Agricultural Value Loss: ⓘ	\$0 (-)
Appraised Value:	\$55,601 (=)
Homestead Cap Loss: ⓘ	\$0 (-)
Assessed Value:	\$55,601
Ag Use Value:	\$0

VALUES DISPLAYED ARE 2023 PRELIMINARY VALUES AND ARE SUBJECT TO CHANGE PRIOR TO CERTIFICATION.

Information provided for research purposes only. Legal descriptions and acreage amounts are for appraisal district use only and should be verified prior to using for legal purpose and or documents. Please contact the Appraisal District to verify all information for accuracy.

 Property Taxing Jurisdiction

Owner: RIOS HENRY %**Ownership:** 100.0%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
01H	HOWARD COUNTY	0.238916	\$55,601	\$55,601	\$132.84	
02B	CITY OF BIG SPRING	0.673163	\$55,601	\$55,601	\$374.29	
03B	BIG SPRING ISD	0.930900	\$55,601	\$55,601	\$517.59	
052	HOWARD COLLEGE	0.168395	\$55,601	\$55,601	\$93.63	

Total Tax Rate: 2.011374

Estimated Taxes With Exemptions: \$1,118.35

Estimated Taxes Without Exemptions: \$1,118.35

STATE OF TEXAS

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COUNTY OF HOWARD

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CERTIFICATION
1000 E 20TH ST CASE NOTES

“This record, attached as **Exhibit D-3**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

This record was kept in the course of a regularly conducted business activity of the Code Compliance Department of the City of Big Spring, Texas.

Making this record was a regular practice of that activity.

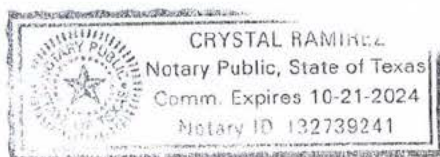
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout certain data.
7. I used the proper procedures to obtain the readout.
8. The computer was in working order at the time I obtained the readout.
9. I recognize the attached **Exhibit D-3** as the readout.”

SIGNED on the 7 day of June, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 7 day of June, 2023

by the above referenced Affiant.




Notary Public, State of Texas

Exhibit D-3

05-11-2023 01:42 PM

INCIDENT NOTES REPORT

INCIDENT #: 72508

ORIG. DATE:

INCIDENT CODE: 300-0002 SUBSTND BLD

PROPERTY: 1000 E 20TH ST

NOTES

Incident Notes:

DROVE DOWN E 20TH ST NOTICED A SUB STRUCTURE ,WL ,AI AND JV

THE OWNER OF THE PROPERTY IS HENRY RIOS

NOTICE OF VIOLATION WAS SENT OUT ON MARCH 24 2023

Reinspected on 5-11-23

Thomas Rios the son of Henery Rios called on 4-17-23 and said that he was

going to be the one fixing the house but he needed some time i noticed

alot of the trash and acumulation has been picked up sent to legal on

3-24-23 Thomas Rios phone number is 432-305-8601

Task #: 115075 - INSPECT SUBSTANDARD - 3/24/2023

Task #: 115076 - SUBSTANDARD BLD - 3/24/2023

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION OF
PHOTOGRAPHS BY ASHLEY GUERRA**

“With regard to the photographs in **Exhibits D-4** I am familiar with and recognize the scene depicted in the photographs. On march, 22, 2023 and April, 5, 2023, I inspected the property described as:

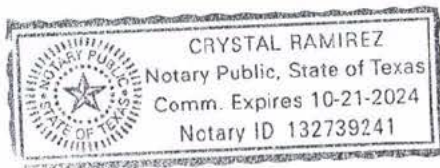
SC 5 BK 32 IS 1231 1231 ACQ 102412 BLK/TRACT 321S 0.808 ACRES Big Spring, Howard County, Texas, also known as **1000 E 20TH ST**, Big Spring, Texas.

Each of the photographs is a fair and accurate depiction of the scene at the relevant time.”

SIGNED on the 7 day of June, 2023.

Ashley Guerra
AFFIANT

SWORN TO AND SUBSCRIBED before me this 7 day of June, 2023
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit D-4



3/22/2023 12:17



3/22/2023 12:17



3/22/2023 12:18



3/22/2023 12:18



3/22/2023 12:17



3/22/2023 12:16











3/22/2023 12:19



3/22/2023 12:18







4/ 5/2023 9:00



4/ 5/2023 9:00



4/ 5/2023 9:01





4/ 5/2023 9:01





Exhibit D-5

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY ASHLEY GUERRA**

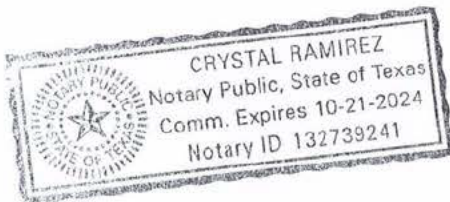
“The document in **Exhibit D-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

Certified Mail Return for **Exhibit D-6** is also attached.

SIGNED on the 7 day of June, 2023.

Ashley Guerra
AFFIANT

SWORN TO AND SUBSCRIBED before me this 7 day of June, 2023
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit D-6



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

1000 E 20TH ST
Lot: SC 5 BK: 32 1S 1231

March 24, 2023

Case No: 72505

HENRY RIOS
1000 E 20TH ST
BIG SPRING TX 79720-5862

Sent via: First Class US Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.4 Weeds	Premises and exterior property not maintained free from weeds or plant growth in excess of 12 inches (not including shrubs, trees or cultivated flowers).

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
High weeds and grass, needs to be mowed to the center of the easement including alley and curb line. This is the only notice you will receive for the next 12 months. If problem persists, criminal charges will be filed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

ASHLEY GUERRA
Name

Code Compliance
Department

432-264-2504
Phone

aguerra@mybigspring.com
E-mail

property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ashley G.", with a long horizontal flourish extending to the right.

Code Compliance Officer
City of Big Spring, Texas



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

1000 E 20TH ST
Lot: SC 5 BK: 32 1S 1231

March 24, 2023

Case No: 72507

HENRY RIOS
1000 E 20TH ST
BIG SPRING TX 79720-5862

Sent via: First Class US Mail

The City of Big Spring has determined that the following section of the **Property Maintenance Code (PMC) of Big Spring** has been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.1 Sanitation	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.

The following actions are required to correct these violations within the deadlines.

There are several items (OLD FRUNITURE, OLD WOOD, TRASH AND OLD PLAYPIN) that need to be removed from public view. This is the only notice you will receive for the next 12 months. If problem persists, criminal charges will be filed.

Deadline for Compliance

Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

ASHLEY GUERRA

Name

Code Compliance

Department

432-264-2505

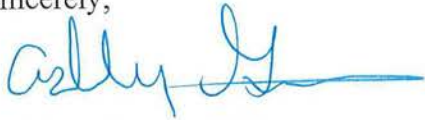
Phone

aguerra@mybigspring.com

E-mail

<https://codes.iccsafe.org/codes/i-codes>.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ashley G.", with a long horizontal flourish extending to the right.

Code Compliance Officer
City of Big Spring, Texas



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

1000 E 20TH ST
Lot: SC 5 BK: 32 1S 1231

March 24, 2023

Case No: 72516

HENERY RIOS
1000 E 20TH ST
BIG SPRING TX 79720-5862

Sent via: First Class US Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and **Big Spring City Code Chapter 36** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.5 Rodent Harborage	Structures and exterior property shall be kept free from rodent harborage and infestation.
Big Spring City Code Sec. 36-62. Dumping, accumulating, etc., garbage and trash so as to afford food or harborage for rats.	No garbage, rubbish, waste, or manure shall be placed, left, dumped, or permitted to accumulate or remain in any building or premises in the city so that the same shall or may afford food for or a harboring or breeding place for rats.
Big Spring City Code Sec. 36.63 Accumulations of lumber, boxes, barrels, etc.	It shall be unlawful for any person to permit to accumulate on any premises, improved or unimproved, or on any open lot or alley in the city any lumber, boxes, barrels, bricks, or stones or similar materials that may be permitted to remain thereon, and that may be used as harborage by rats, unless same are placed on open racks and elevated not less than 18 inches above the ground with a clear intervening space beneath, to prevent the harborage of rats.

property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL. Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,



Code Official
City of Big Spring, Texas



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 • Ph. 432-264-2505

NOTICE OF VIOLATION AND NOTICE OF HEARING

1000 E 20TH ST, BIG SPRING, TEXAS 79720

LEGAL DESCRIPTION: SC 5 BK 32 1S 1231 1231 ACQ 102412 BLK/TRACT 321S 0.808
ACRES, Howard County

May 31ST, 2023

HENRY RIOS
1000 E 20TH ST
Big Spring, Texas 79720

Sent via: Certified Mail; Return Receipt Requested

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** have been violated, constituting a nuisance:

VIOLATION	DESCRIPTION OF VIOLATION
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 7. The building or <i>structure</i> is <i>neglected</i> , damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or <i>structure</i> to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or <i>structure</i> for committing a nuisance or an unlawful act.	The structure is severely damaged and dilapidated.
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without	The roof appears to admit rain and has signs of deterioration. Unsafe condition.

proper anchorage and in capable of supporting all nominal loads and resisting all load effects.	
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	The roof has defects that admit rain and is not sound and not tight.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required

Repair building or demolish building.

Code Compliance is seeking an order for the following:

- Demolish and remove two rear structures; Main structure demolish/remove and/or repair roof of main structure.
- Secure premises
- Vacate premises

For further information about this notice, please contact the following person:

Issued by

Ashley Guerra	Code Compliance Official
<i>Name</i>	<i>Title</i>
+1 (432) 264-2505	aguerra@mybigspring.com
<i>Phone</i>	<i>E-mail</i>

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE.

Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

YOU ARE HEREBY NOTIFIED THAT THE CITY HAS INITIATED PROCEEDINGS TO ABATE THE ABOVE-DESCRIBED NUISANCES AT YOUR EXPENSE. This

proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **5:30 PM, June 13, 2023** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

CONDUCT OF THE HEARING. The Structural Standards Ordinance of the Big Spring City Code provides the following concerning the conduct of the hearing:

SECTION A-1.10. Rights of Parties

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.
- (c) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
- (d) Rights of Parties. Each party shall have the following rights, among others:
 - 1. To call and examine witnesses on any matter relevant to the issues of the hearing;
 - 2. To introduce documentary and physical evidence;
 - 3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - 4. To impeach any witness regardless of which party first called him to testify;
 - 5. To rebut the evidence against him;
 - 6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

Section C-9.02 (c)The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Code Official's order is upheld by the Hearing Board, you may appeal its ruling to the District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall be final.

FAILURE TO COMPLY/ATTACHMENT OF LIEN. If the owner of a premises fails to comply with an order of the Board within the time prescribed, and the City conducts abatement or work, either through an available public agency or by contract or arrangement with private persons, and the cost of such abatement work shall be charged against the real estate upon which the nuisance is located and shall be a lien on such real estate.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,


Ashley Guerra, Code Compliance Official
City of Big Spring, Texas

Exhibit D-8



Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON **JUNE 13th, 2023, AT 5:30 P.M.**, IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4TH ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

1000 E 20TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: SC 5 BK 32 1S 1231 1231 ACQ 102412 BLK/TRACT 321S 0.808 ACRES- OWNER: HENRY RIOS

1106 NW 8TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 5 BK 8 BANKS 50X115 182 0.132 ACRES – OWNER: JIMMY JOLLEY

605 NOLAN ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 10 & N/2 OF LT 9 BK 48 ORIGINAL TOWN 75X140 0792 BLK/TRACT 48 0.241 ACRES – OWNER: JESSE BUSTAMANTE

611 NOLAN ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: EXC 33' & 3' N/SIDE OF LTS 7-8 BK 48 ORIGINAL TOWN 64X140 0789 ACQ 011310 BLK/TRACT 48 0.206 ACRES – OWNER: JUANITA FLORES

609 BELL ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 8 BK 41 ORIGINAL TOWN 50X140 0854 ACQ 030612 BLK/TRACT 41 0.161 ACRES – OWNER: SAM CASTRO

600 LANCASTER, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 1 BK 41 ORIGINAL TOWN 50X140 0847 0.161 ACRES ACQ 02082017– OWNER: EZEQUIEL CONTRERAS

623 SGT PAREDEZ, TEXAS 79720 – LEGAL DESCRIPTION: W/2 OF LT 11 BK 99 ORIGINAL TOWN 50X1900211 ACQ 062408 BLK/TRACT 99 0.218 ACRES – OWNER: SOFIA RUBIO

THE CITY OF BIG SPRING HEARING BOARD MEETING IS AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT TAMI DAVIS AT 432-264-2513 OR AT 310 NOLAN, BIG SPRING, TEXAS 79720, AT LEAST FORTY-EIGHT (48) HOURS IN ADVANCE OF THE MEETING.

Nick Reyna

Nick Reyna, Building Official, City of Big Spring



Code Enforcement

217 E. 3rd St., Big Spring, Texas 79720 • PH: 432-264-2500

NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON JUNE 12th, 2023, AT 5:00 P.M. IN THE CITY OF BIG SPRING TOWN CHAMBERS AT 307 E. 4th ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABANDONED OR PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

1800 E. 28th ST., BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: SEC. 3 BK. 12N 12E 12E ACQ 182412 BLK/TRACT 3215 0.008 ACRES - 10W NEE - HENRY S. SUTS

1156 NW 8th ST., BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 5 BK 8 N 10E 50X115 142 812 ACRES - OWNER: JIMMY E. GLEY

602 NOLAN ST., BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 14 & N2 OF LT 5 BK 48 ORIGINAL TOWN 50X140 8752 BLK/TRACT 45 0.241 ACRES - OWNER: J. J. BUSTAMANTI

411 NOLAN ST., BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: EXC 45 & F 1/2 OF LT 5 BK 48 ORIGINAL TOWN 64X140 8753 ACQ 81210 BLK/TRACT 45 0.241 ACRES - OWNER: JUANITA FLORES

609 BELLE ST., BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 8 BK 48 ORIGINAL TOWN 50X140 0854 ACQ 810612 BLK/TRACT 45 0.241 ACRES - OWNER: J. J. BUSTAMANTI

600 LANCASTER, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 1 BK 48 ORIGINAL TOWN 50X140 0854 ACRES ACQ 82080612 - OWNER: J. J. BUSTAMANTI

623 867 PAREDEZ, TEXAS 79720 - LEGAL DESCRIPTION: N2 OF LT 11 BK 48 ORIGINAL TOWN 50X140 0854 ACQ 862400 BLK/TRACT 45 0.218 ACRES - OWNER: NOLAN BLANK

THE CITY OF BIG SPRING HEARING BOARD MEETING IS AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY IF YOU REQUEST SPECIAL ASSISTANCE, PLEASE CONTACT TAMI DAVIS AT 432-264-2500 OR AT 1115 NOLAN, BIG SPRING, TEXAS 79720. SEVEN (7) DAYS IN ADVANCE OF THE MEETING.

Paul Davis
Nick Payne, Hearing Officer, City of Big Spring

6/ 2/2023 10:56

1106 NW 8TH

Code Enforcement Officer: Jacob Leos

Exhibit B-1

ss

or

ss

Page 56 of 356

Exhibit B-2

Property Details

Account		
Property ID:	276860	Geographic ID: B2190008200
Type:	Real	Zoning:
Property Use:		Condo:
Location		
Situs Address:	1106 NW 8TH	
Map ID:		Mapsco:
Legal Description:	LT 5 BK 8 BANKS 50X115 182 0.132 ACRES	
Abstract/Subdivision:		
Neighborhood:	NTPK NORTH PARK	
Owner ?		
Owner ID:	285852	
Name:	JOLLEY JIMMY	
Agent:		
Mailing Address:	6611 GOLF HILL DR	
	DALLAS , TX 75232	
% Ownership:	100.0%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$7,592 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$0 (+)
Land Non-Homesite Value:	\$2,200 (+)
Agricultural Market Valuation:	\$0 (+)

Market Value:	\$9,792 (=)
Agricultural Value Loss: ⓘ	\$0 (-)
Appraised Value:	\$9,792 (=)
Homestead Cap Loss: ⓘ	\$0 (-)
Assessed Value:	\$9,792
Ag Use Value:	\$0

VALUES DISPLAYED ARE 2023 PRELIMINARY VALUES AND ARE SUBJECT TO CHANGE PRIOR TO CERTIFICATION.

Information provided for research purposes only. Legal descriptions and acreage amounts are for appraisal district use only and should be verified prior to using for legal purpose and or documents. Please contact the Appraisal District to verify all information for accuracy.

Property Taxing Jurisdiction

Owner: JOLLEY JIMMY %**Ownership:** 100.0%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
01H	HOWARD COUNTY	0.238916	\$9,792	\$9,792	\$23.39	
02B	CITY OF BIG SPRING	0.673163	\$9,792	\$9,792	\$65.92	
03B	BIG SPRING ISD	0.930900	\$9,792	\$9,792	\$91.15	
052	HOWARD COLLEGE	0.168395	\$9,792	\$9,792	\$16.49	

Total Tax Rate: 2.011374

Estimated Taxes With Exemptions: \$196.95

Estimated Taxes Without Exemptions: \$196.95

STATE OF TEXAS

§

§

COUNTY OF HOWARD

§

CERTIFICATION
1106 NW 8TH CASE NOTES

“This record, attached as **Exhibit B-3**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

This record was kept in the course of a regularly conducted business activity of the Code Compliance Department of the City of Big Spring, Texas.

Making this record was a regular practice of that activity.

1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout certain data.
7. I used the proper procedures to obtain the readout.
8. The computer was in working order at the time I obtained the readout.
9. I recognize the attached **Exhibit B-3** as the readout.”

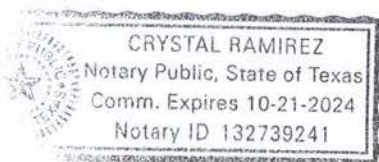
SIGNED on the 7th day of June, 2023.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7th day of June, 2023

by the above referenced Affiant.





Notary Public, State of Texas

Exhibit B-3

05-15-2023 09:41 AM

TASK NOTES REPORT

TASK #: 115772

ORIG. DATE:

TASK CODE: INSPECT SUBSTANDARD

DUE DATE:

PROPERTY: 1106 NW 8TH

NOTES

Incident Notes:

3/27/23 CODE OFFICER MARQUEZ INSPECTED PROPERTY. FOUND PROPERTY IN VIOLATION OF SUBSTANDARD BUILDING.

5/12/23 CODE OFFICER LEOS REINSPECTED PROPERTY AND OBSERVED STURCTURE ON PROPERTY IS SUBSTANDARD. HOLES/OPENINGS IN ROOF. ROOF DETIORATIING IN BAD SHAPE. SOME WINDOWS OPEN ON HOUSE. STRUCTURE SIDING HAS HOLES/OPENINGS INTO HOUSE AND THE WOOD IS WARPED AND WEATHERED.

5/15/23 WILL FILE COMPLAINT WITH LEGAL DEPT FOR SUBSTANDARD BUILDING.

HOWCAD:OWNER- JIMMY JOLLEY 6611 GOLF HILL DR. DALLAS TX 75232

Task #: 115772 - INSPECT SUBSTANDARD - 5/15/2023

Task #: 115773 - SUBSTANDARD BLD - 5/15/2023

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION OF
PHOTOGRAPHS BY JACOB LEOS**

“With regard to the photographs in **Exhibits B-4** I am familiar with and recognize the scene depicted in the photographs. On March, 27th, 2023 and May, 12th, 2023, I inspected the property described as:

LT 5 BK 8 BANKS 50 X 115 182 0.132 ACRES Big Spring, Howard County, Texas, also known as **1106 NW 8TH**, Big Spring, Texas.

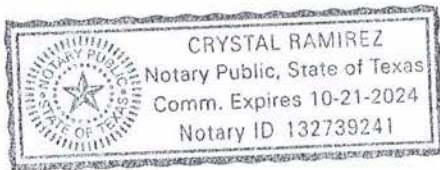
Each of the photographs is a fair and accurate depiction of the scene at the relevant time.”

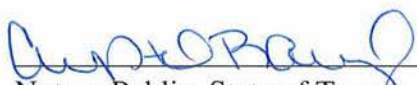
SIGNED on the 7th day of June, 2023.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7th day of June, 2023
by the above referenced Affiant.





Notary Public, State of Texas

Exhibit B-4

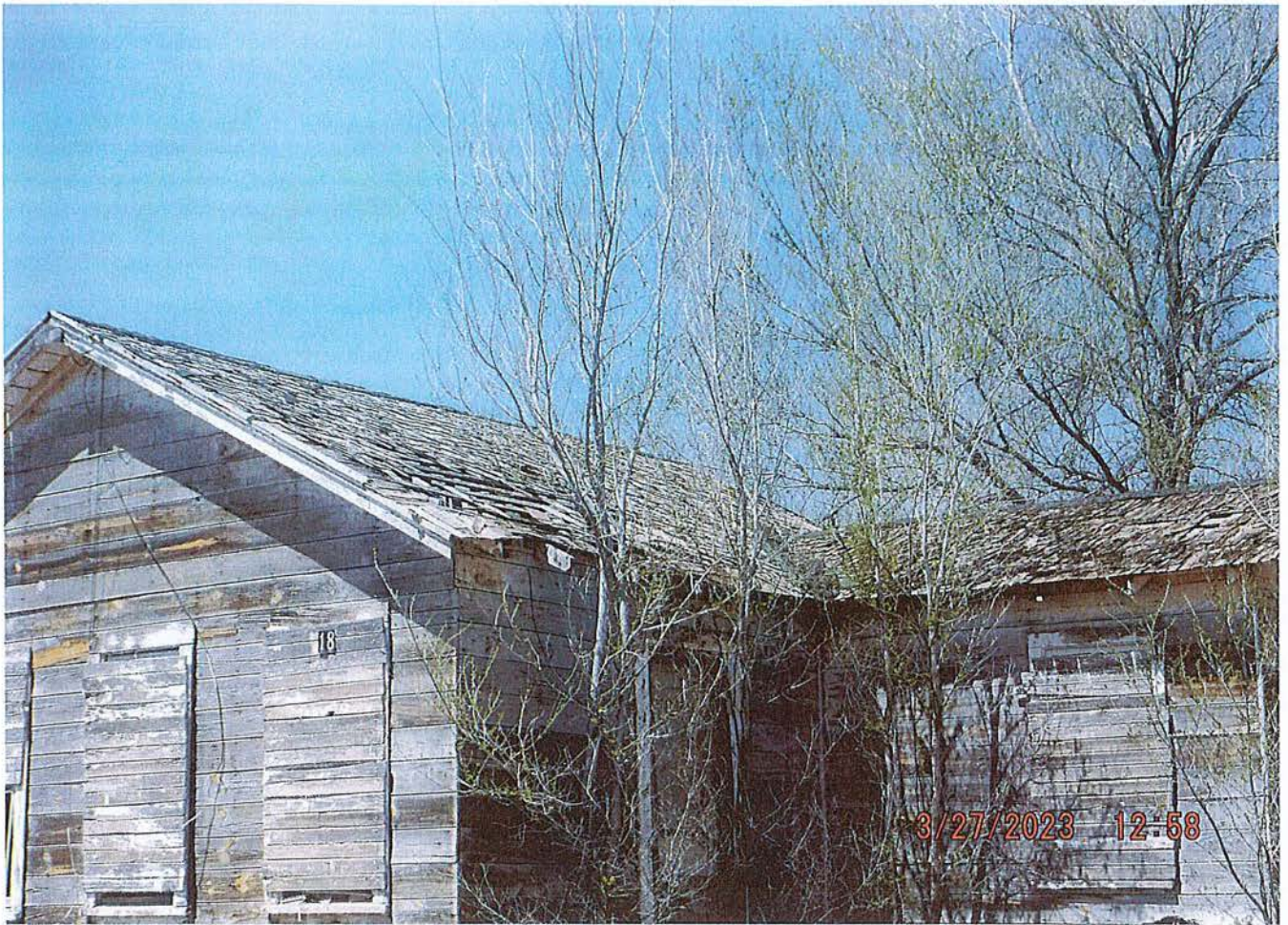








Exhibit B-5

STATE OF TEXAS

COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY JACOB LEOS**

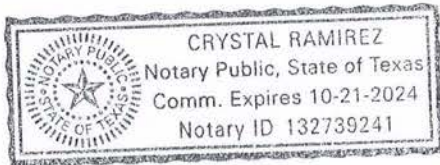
“The document in **Exhibit B-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

Certified Mail Return for **Exhibit B-6** is also attached.

SIGNED on the 7th day of June, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 7th day of June, 2023
by the above referenced Affiant.




Notary Public, State of Texas

Exhibit B-6



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2504

NOTICE OF VIOLATION AND ORDER TO ABATE

1106 NW 8TH

LT 5 BK 8 BANKS 50X115 182 0.132 ACRES

MAY 15, 2023
JIMMY JOLLEY
6611 GOLF HILL DR
DALLAS TX 75232

Case No: 72922

Sent via: Certified US Mail

The City of Big Spring has determined that the following section of the **Property Maintenance Code (PMC) of Big Spring** has been violated, constituting a nuisance:

VIOLATION	Description of Violation
Hazardous Structure or Premises Sec. 111.1.5.11	Any portion of a building remains on a site after the demolition or destruction of the building or <i>structure</i> or whenever any building or <i>structure</i> is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.
Property Maintenance Code Sec. 304.1.1 Unsafe Conditions	Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
Sec. 304.1.3 Unsafe Conditions	Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity.
Property Maintenance Code Sec. 304. 1.1	Premises and exterior/interior property of structure not considered structurally sound, has extensive fire damage and is determined to be as unsafe, poses a threat to public health, safety and welfare

affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,



Code Enforcement Officer
City of Big Spring, Texas



NOTICE OF VIOLATION AND NOTICE OF HEARING

1106 NW 8TH, BIG SPRING, TEXAS 79720

LEGAL DESCRIPTION: LT 5 BK 8 BANKS 50 X 115 182 0.132 ACRES, Howard County

May 31, 2023

JIMMY JOLLEY
6611 GOLF HILL DR
DALLAS, TX 75232

Sent via: Certified Mail; Return Receipt Requested

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** have been violated, constituting a nuisance:

VIOLATION	DESCRIPTION OF VIOLATION
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 7. The building or <i>structure</i> is <i>neglected</i> , damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or <i>structure</i> to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or <i>structure</i> for committing a nuisance or an unlawful act.	The structure is severely damaged and dilapidated.
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all	The roof appears to admit rain and has signs of deterioration. Unsafe condition.

nominal loads and resisting all load effects.	
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	The roof has defects that admit rain and is not sound and not tight.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required

Repair building or demolish building

Code Compliance is seeking an order for the following:

- Demolish and remove structure if owner does not repair structure.
- Secure premises
- Vacate premises

For further information about this notice, please contact the following person:

Issued by

Jacob Leos

Name

Code Enforcement Officer

Title

+1 (432) 264-2502

Phone

jleos@mybigspring.com

E-mail

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE.

Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

YOU ARE HEREBY NOTIFIED THAT THE CITY HAS INITIATED PROCEEDINGS

TO ABATE THE ABOVE-DESCRIBED NUISANCES AT YOUR EXPENSE. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **5:30 PM, June 13, 2023** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

CONDUCT OF THE HEARING. The Structural Standards Ordinance of the Big Spring City Code provides the following concerning the conduct of the hearing:

SECTION A-1.10. Rights of Parties

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.
- (c) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
- (d) Rights of Parties. Each party shall have the following rights, among others:
 - 1. To call and examine witnesses on any matter relevant to the issues of the hearing;
 - 2. To introduce documentary and physical evidence;
 - 3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - 4. To impeach any witness regardless of which party first called him to testify;
 - 5. To rebut the evidence against him;
 - 6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

Section C-9.02 (c)The City Attorney shall present the case for the City. If the City Attorney

is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Code Official's order is upheld by the Hearing Board, you may appeal its ruling to the District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall be final.

FAILURE TO COMPLY/ATTACHMENT OF LIEN. If the owner of a premises fails to comply with an order of the Board within the time prescribed, and the City conducts abatement or work, either through an available public agency or by contract or arrangement with private persons, and the cost of such abatement work shall be charged against the real estate upon which the nuisance is located and shall be a lien on such real estate.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

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CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,



Jacob Leos, Code Enforcement Officer
City of Big Spring, Texas

Exhibit B-7

Exhibit B-8



Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON **JUNE 13th, 2023, AT 5:30 P.M.**, IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4th ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

1000 E 20TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: SC 5 BK 32 1S 1231 1231 ACQ 102412 BLK/TRACT 321S 0.808 ACRES- OWNER: HENRY RIOS

1106 NW 8TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 5 BK 8 BANKS 50X115 182 0.132 ACRES – OWNER: JIMMY JOLLEY

605 NOLAN ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 10 & N/2 OF LT 9 BK 48 ORIGINAL TOWN 75X140 0792 BLK/TRACT 48 0.241 ACRES – OWNER: JESSE BUSTAMANTE

611 NOLAN ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: EXC 33' & 3' N/SIDE OF LTS 7-8 BK 48 ORIGINAL TOWN 64X140 0789 ACQ 011310 BLK/TRACT 48 0.206 ACRES – OWNER: JUANITA FLORES

609 BELL ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 8 BK 41 ORIGINAL TOWN 50X140 0854 ACQ 030612 BLK/TRACT 41 0.161 ACRES – OWNER: SAM CASTRO

600 LANCASTER, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 1 BK 41 ORIGINAL TOWN 50X140 0847 0.161 ACRES ACQ 02082017– OWNER: EZEQUIEL CONTRERAS

623 SGT PAREDEZ, TEXAS 79720 – LEGAL DESCRIPTION: W/2 OF LT 11 BK 99 ORIGINAL TOWN 50X1900211 ACQ 062408 BLK/TRACT 99 0.218 ACRES – OWNER: SOFIA RUBIO

THE CITY OF BIG SPRING HEARING BOARD MEETING IS AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT TAMI DAVIS AT 432-264-2513 OR AT 310 NOLAN, BIG SPRING, TEXAS 79720, AT LEAST FORTY-EIGHT (48) HOURS IN ADVANCE OF THE MEETING.

Nick Reyna

Nick Reyna, Building Official, City of Big Spring



Page 81 of 356

605 NOLAN

Code Compliance Official: Kaleb Smith

Exhibit E-1

STATE OF TEXAS

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COUNTY OF HOWARD

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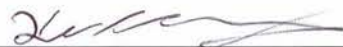
**AFFIDAVIT OF KALEB SMITH
CONCERNING 605 NOLAN**

BEFORE ME, the undersigned authority, on this day, personally appeared **Kaleb Smith**, who, being by me duly sworn, deposed as follows:

“My name is **Kaleb Smith**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

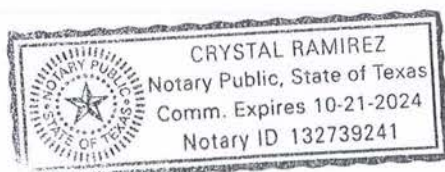
“I am a Code Compliance Official for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **605 NOLAN**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records.”

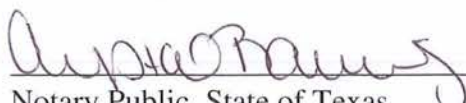
SIGNED on the 7th day of June, 2023.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7th day of June, 2023 by the above referenced Affiant.





Notary Public, State of Texas

Exhibit E-2

Property Details

Account		
Property ID:	284870	Geographic ID: B4830043200
Type:	Real	Zoning:
Property Use:		Condo:
Location		
Situs Address:	605 NOLAN	
Map ID:		Mapsco:
Legal Description:	LT 10 & N/2 OF LT 9 BK 48 ORIGINAL TOWN 75X140 0792 BLK/TRACT 48 0.241 ACRES	
Abstract/Subdivision:		
Neighborhood:	OGTN	
Owner ?		
Owner ID:	20256	
Name:	BUSTAMANTE JESSE	
Agent:		
Mailing Address:	605 NOLAN BIG SPRING , TX 79720	
% Ownership:	100.0%	
Exemptions:	HS - HOMESTEAD For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$67,713 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$6,563 (+)
Land Non-Homesite Value:	\$0 (+)
Agricultural Market Valuation:	\$0 (+)

Market Value:	\$74,276 (=)
Agricultural Value Loss: ?	\$0 (-)
Appraised Value:	\$74,276 (=)
Homestead Cap Loss: ?	\$39,377 (-)
Assessed Value:	\$34,899
Ag Use Value:	\$0

VALUES DISPLAYED ARE 2023 PRELIMINARY VALUES AND ARE SUBJECT TO CHANGE PRIOR TO CERTIFICATION.

Information provided for research purposes only. Legal descriptions and acreage amounts are for appraisal district use only and should be verified prior to using for legal purpose and or documents. Please contact the Appraisal District to verify all information for accuracy.

 Property Taxing Jurisdiction

Owner: BUSTAMANTE JESSE **%Ownership:** 100.0%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
01H	HOWARD COUNTY	0.238916	\$74,276	\$15,919	\$38.03	
02B	CITY OF BIG SPRING	0.673163	\$74,276	\$22,919	\$154.28	
03B	BIG SPRING ISD	0.930900	\$74,276	\$0	\$0.00	\$0.00
052	HOWARD COLLEGE	0.168395	\$74,276	\$15,919	\$26.81	

Total Tax Rate: 2.011374

Estimated Taxes With Exemptions: \$219.12

Estimated Taxes Without Exemptions: \$1,493.98

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
605 NOLAN CASE NOTES**

“This record, attached as **Exhibit E-3**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

This record was kept in the course of a regularly conducted business activity of the Code Compliance Department of the City of Big Spring, Texas.

Making this record was a regular practice of that activity.

1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout certain data.
7. I used the proper procedures to obtain the readout.
8. The computer was in working order at the time I obtained the readout.
9. I recognize the attached **Exhibit E-3** as the readout.”

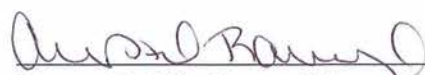
SIGNED on the 7th day of June, 2023.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7th day of June, 2023

by the above referenced Affiant.



Notary Public, State of Texas

Exhibit E-3

05-18-2023 09:44 AM
TASK #: 115060
TASK CODE: INSPECT SUBSTANDARD
PROPERTY: 605 NOLAN ST

TASK NOTES REPORT

ORIG. DATE:
DUE DATE:

NOTES

Incident Notes:

Task #: 115060 - INSPECT SUBSTANDARD - 3/23/2023
3/23/23 Inspected proeprty and found the structure in the rear of the property is falling in on itself and is beyond repair. It needs to be demolished and removed. Sent notice of violation to the property owenr Jesse Bustamante.
5/5/23 Inspected property and found it to be in the same condition. Sending case to legal department for abatement.

05-18-2023 09:40 AM
TASK #: 115057
TASK CODE: INSPECT RODENT CONT
PROPERTY: 605 NOLAN ST

TASK NOTES REPORT

ORIG. DATE:
DUE DATE:

NOTES

Incident Notes:

Task #: 115057 - INSPECT - 3/23/2023
3/23/23 Inspected proeprty on 2/13/23 and found an accumulation of items
that can provide harborage and/or food to rodents. Sent notice of vioation
to property owner Jesse Bustamante.
5/5/23 Inspected proeprty and found nothing had been done to bring it
into compliance. Sending case to legal department for abatement.

Task #: 115058 - RODENT CONTROL - 3/23/2023

NOTES

Incident Notes:

Task #: 115055 - INSPECT ACCUMULATED - 3/23/2023

Inspected property on 2/13/23 and found an accumulation of items including scrap metal, scrap plastic, plastic drums, PVC, tree trimmings, and tons of accumulated trash. Sent notice of violation to property owner Jesse Bustamante on 3/23/23.

5/5/23 Inspected property and found no changes had been made. Sending case to legal department for abatement.

Task #: 115056 - ACCUMULATED ITEMS - 3/23/2023

3/23/23 Sent notice of violation.

NOTES

Incident Notes:

Task #: .115053 - INSPECT WEEDL LOT - 3/23/2023

Inspected property on 2-13-23 and found the weeds to be overgrown. Sent notice of violation to property owner Jesse Bustamante on 3/23/23.

5/5/23 Inspected property and found that no progress has been made. Sending case to legal department for abatement.

Task #: 115054 - WEEDY LOT LTR - 3/23/2023

3/23/23 Sent notice of violation.

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION OF
PHOTOGRAPHS BY KALEB SMITH**

“With regard to the photographs in **Exhibits E-4** I am familiar with and recognize the scene depicted in the photographs. On February, 13th, 2023 and May, 5th, 2023, I inspected the property described as:

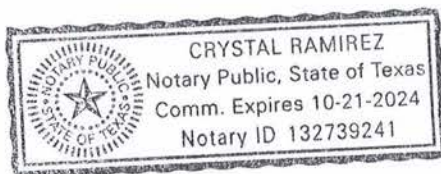
LT 10 & N/2 OF LT 9 BK 48 ORIGINAL TOWN 75X140 0792 BLK/TRACT 48
0.241 ACRES Big Spring, Howard County, Texas, also known as **605 NOLAN**,
Big Spring, Texas.

Each of the photographs is a fair and accurate depiction of the scene at the relevant time.”

SIGNED on the 7th day of June, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 7th day of June, 2023
by the above referenced Affiant.



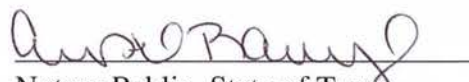

Notary Public, State of Texas

Exhibit E-4



2023. 2. 13 10:05



2023. 2. 13 10:05



2023. 2. 13 10:06









2023. 2. 13 10:07



2023. 2. 13 10:07



2023. 2. 13 10:05



2023. 5. 5 8:34



2023. 5. 5 8:34



2023. 5. 5 8:34





2023. 5. 5 8:34



2023. 5. 5 8:35



2023. 5. 5 8:35





2023. 5. 5 8:36



2023. 5. 5 8:36





2023. 5. 5. 8:36

Exhibit E-5

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY KALEB SMITH**

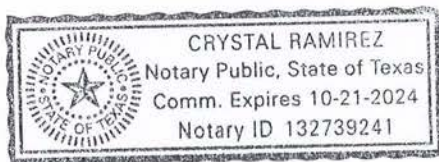
“The document in **Exhibit E-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

Certified Mail Return for **Exhibit E-6** is also attached.

SIGNED on the 7th day of June, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 7th day of June, 2023
by the above referenced Affiant.



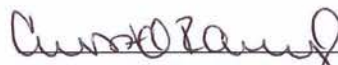

Notary Public, State of Texas

Exhibit E-6



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

605 NOLAN ST
Lot: 10 & N/2 OF 9 BK: 48 ORIGINAL TOWN 0792

March 23, 2023

Case No: 72496

JESSE BUSTAMANTE
605 NOLAN ST
BIG SPRING TX 79720-2827

Sent via: First Class US Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.4 Weeds	Premises and exterior property not maintained free from weeds or plant growth in excess of 12 inches (not including shrubs, trees or cultivated flowers).

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
Property is overgrown and needs to be mowed. This is the only notice you will receive for the next 12 months. If problem persists criminal charges will be filed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith

Name

432-264-2508

Phone

Code Compliance

Department

ksmith@mybigspring.com

E-mail

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE.

Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES.

If you fail to take the corrective action within the deadlines stated above, the City may proceed with abatement (taking the corrective action for you). If so, the City will send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

ANNUAL NOTICE FOR WEEDS. If a violation covered by this notice occurs before the first anniversary of the date of this notice, and the City had not been informed in writing by the owner of an ownership change, then the City, without further notice, may take the corrective action and charge the abatement costs to the owner and file the lien as above.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,



Kaleb Smith
Code Compliance Official
City of Big Spring, Texas



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

605 NOLAN ST

Lot: 10 & N/2 OF 9 BK: 48 ORIGINAL TOWN 0792

March 23, 2023

Case No: 72497

JESSE BUSTAMANTE
605 NOLAN ST
BIG SPRING TX 79720-2827

Sent via: First Class US Mail

The City of Big Spring has determined that the following section of the **Property Maintenance Code (PMC) of Big Spring** has been violated, constituting a nuisance:

VIOLATION

Description of Violation

Property Maintenance Code
Sec. 302.1 Sanitation

The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required

Deadline for Compliance

There are several items (PVC, scrap plastic, cardboard, scrap metal, plastic barrels, tree trimmings, and tons of accumulated items) that need to be removed from public view. If problem persists criminal charges will be filed.

Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith

Name

Code Compliance

Department

432-264-2508

Phone

ksmith@mybigspring.com

E-mail

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE.

Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES.

If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at

<https://codes.iccsafe.org/codes/i-codes>.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kaleb Smith', with a long horizontal flourish extending to the right.

Kaleb Smith
Code Compliance Official
City of Big Spring, Texas



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2504

NOTICE OF VIOLATION AND ORDER TO ABATE

605 NOLAN

Lot: 10 & N/2 OF LT 9 BK: 48 ORIGINAL TOWN 0792

March 23, 2023

Case No: 72500

JESSE BUSTAMANTE
605 NOLAN ST
BIG SPRING, TX 79720

Sent via: Certified US Mail

The City of Big Spring has determined that the following section of the **Property Maintenance Code (PMC) of Big Spring** has been violated, constituting a nuisance:

VIOLATION	Description of Violation
Sec. 304.1.1 Unsafe Conditions	7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
	8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
The storage building is unsanitary and unsafe. It needs to be demolished and removed from the property.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith	Code Compliance
<i>Name</i>	<i>Department</i>
432-264-2508	ksmith@mybigspring.com
<i>Phone</i>	<i>E-mail</i>

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY

RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY

RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY

OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section

250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,



Kaleb Smith
Code Compliance Official
City of Big Spring, Texas



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

605 NOLAN ST
Lot: 10 & N/2 OF 9 BK: 48 ORIGINAL TOWN 0792

March 23, 2023

Case No: 72498

JESSE BUSTAMANTE
605 NOLAN ST
BIG SPRING TX 79720-2827

Sent via: First Class US Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and **Big Spring City Code Chapter 36** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.5 Rodent Harborage	Structures and exterior property shall be kept free from rodent harborage and infestation.
Big Spring City Code Sec. 36-62. Dumping, accumulating, etc., garbage and trash so as to afford food or harborage for rats.	No garbage, rubbish, waste, or manure shall be placed, left, dumped, or permitted to accumulate or remain in any building or premises in the city so that the same shall or may afford food for or a harboring or breeding place for rats.
Big Spring City Code Sec. 36.63 Accumulations of lumber, boxes, barrels, etc.	It shall be unlawful for any person to permit to accumulate on any premises, improved or unimproved, or on any open lot or alley in the city any lumber, boxes, barrels, bricks, or stones or similar materials that may be permitted to remain thereon, and that may be used as harborage by rats, unless same are placed on open racks and elevated not less than 18 inches above the ground with a clear intervening space beneath, to prevent the harborage of rats.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required

**Deadline for
Compliance**

There is an accumulation of items that can provide harborage and/or food to rodents and other vermin that needs to be removed from the property. If problem persists criminal charges will be filed.

Seven (7) days from
date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith

Code Compliance

Name

Department

432-264-2508

ksmith@mybigspring.com

Phone

E-mail

The City's goal is voluntary compliance.

**FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY
RESULT IN FINE.**

Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

**FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY
RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY
OWNER(S) WITH COSTS AND PENALTIES.**

If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of

the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL. Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,



Kaleb Smith
Code Compliance Official
City of Big Spring, Texas



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 • Ph. 432-264-2505

NOTICE OF VIOLATION AND NOTICE OF HEARING

605 NOLAN, BIG SPRING, TEXAS 79720

**LEGAL DESCRIPTION: LT 10 & N/2 OF LT 9 BK 48 ORIGINAL TOWN 75X140 0792
BLK/TRACT 48 0.241 ACRES, Howard County**

May 31ST, 2023

JESSE BUSTAMANTE
605 NOLAN ST
Big Spring, Texas 79720

Sent via: Certified Mail; Return Receipt Requested

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** have been violated, constituting a nuisance:

VIOLATION	DESCRIPTION OF VIOLATION
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 7. The building or <i>structure</i> is <i>neglected</i> , damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or <i>structure</i> to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or <i>structure</i> for committing a nuisance or an unlawful act.	The structure is severely damaged and dilapidated.
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good	The roof appears to admit rain and has signs of deterioration. Unsafe condition.

repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects.	
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	The roof has defects that admit rain and is not sound and not tight.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required

Repair building or demolish building

Code Compliance is seeking an order for the following:

- Demolish and Remove rear structure.
- Secure premises
- Vacate premises

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith

Name

Code Compliance Official

Title

+1 (432) 264-2508

Phone

ksmith@mybigspring.com

E-mail

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY

RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

YOU ARE HEREBY NOTIFIED THAT THE CITY HAS INITIATED PROCEEDINGS TO ABATE THE ABOVE-DESCRIBED NUISANCES AT YOUR EXPENSE.

This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **5:30 PM, June 13, 2023** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

CONDUCT OF THE HEARING. The Structural Standards Ordinance of the Big Spring City Code provides the following concerning the conduct of the hearing:

SECTION A-1.10. Rights of Parties

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.
- (c) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
- (d) Rights of Parties. Each party shall have the following rights, among others:
 - 1. To call and examine witnesses on any matter relevant to the issues of the hearing;
 - 2. To introduce documentary and physical evidence;
 - 3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - 4. To impeach any witness regardless of which party first called him to testify;
 - 5. To rebut the evidence against him;

6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

Section C-9.02 (c)The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Code Official's order is upheld by the Hearing Board, you may appeal its ruling to the District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall be final.

FAILURE TO COMPLY/ATTACHMENT OF LIEN. If the owner of a premises fails to comply with an order of the Board within the time prescribed, and the City conducts abatement or work, either through an available public agency or by contract or arrangement with private persons, and the cost of such abatement work shall be charged against the real estate upon which the nuisance is located and shall be a lien on such real estate.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,


Kaleb Smith, Code Compliance Official
City of Big Spring, Texas

Exhibit E-7



Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON **JUNE 13th, 2023, AT 5:30 P.M.**, IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4th ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

1000 E 20TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: SC 5 BK 32 1S 1231 1231 ACQ 102412 BLK/TRACT 321S 0.808 ACRES- OWNER: HENRY RIOS

1106 NW 8TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 5 BK 8 BANKS 50X115 182 0.132 ACRES – OWNER: JIMMY JOLLEY

605 NOLAN ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 10 & N/2 OF LT 9 BK 48 ORIGINAL TOWN 75X140 0792 BLK/TRACT 48 0.241 ACRES – OWNER: JESSE BUSTAMANTE

611 NOLAN ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: EXC 33' & 3' N/SIDE OF LTS 7-8 BK 48 ORIGINAL TOWN 64X140 0789 ACQ 011310 BLK/TRACT 48 0.206 ACRES – OWNER: JUANITA FLORES

609 BELL ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 8 BK 41 ORIGINAL TOWN 50X140 0854 ACQ 030612 BLK/TRACT 41 0.161 ACRES – OWNER: SAM CASTRO

600 LANCASTER, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 1 BK 41 ORIGINAL TOWN 50X140 0847 0.161 ACRES ACQ 02082017– OWNER: EZEQUIEL CONTRERAS

623 SGT PAREDEZ, TEXAS 79720 – LEGAL DESCRIPTION: W/2 OF LT 11 BK 99 ORIGINAL TOWN 50X1900211 ACQ 062408 BLK/TRACT 99 0.218 ACRES – OWNER: SOFIA RUBIO

THE CITY OF BIG SPRING HEARING BOARD MEETING IS AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT TAMI DAVIS AT 432-264-2513 OR AT 310 NOLAN, BIG SPRING, TEXAS 79720, AT LEAST FORTY-EIGHT (48) HOURS IN ADVANCE OF THE MEETING.

Nick Reyna

Nick Reyna, Building Official, City of Big Spring



Code Enforcement

217 E. 3rd St., Big Spring, Texas 79701

NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING BOARD OF ALDERMEN
HEARING ON JUNE 13th, 2023, AT 5:30 P.M. IN THE CITY OF
CLAMBERS AT 307 E. 3rd ST. BIG SPRING, TEXAS 79701, TO
PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF
INTERESTED PERSONS MAY SPEAK THEN A DETERMINATION
REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

1000 E. 20th ST. BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION:
ACQ 102412 BLK TRACT 3218.8300 ACRES - OWNER: MICHAEL RAY

1106 NW 8th ST. BIG SPRING, TEXAS 79701 - LEGAL DESCRIPTION:
50X115 182.6132 ACRES - OWNER: JIMMY JOLLY

605 NOLAN ST. BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION:
BLK 48 ORIGINAL TOWN 50X140 0792 BLK TRACT 44.424

811 NOLAN ST. BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION:
BLK 48 ORIGINAL TOWN 50X140 0780 ACQ 62130 BLK TRACT

609 HELL ST. BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION:
BLK 48 ORIGINAL TOWN 50X140 0854 ACQ 62130 BLK TRACT

606 LANCASTER, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION:
ORIGINAL TOWN 50X140 0847.6161 ACRES ACQ 62130 BLK TRACT

625 SUTER, TEXAS 79720 - LEGAL DESCRIPTION:
TOWN 50X140 0801 ACQ 62130 BLK TRACT 99.8212 ACRES

THE CITY OF BIG SPRING BOARD OF ALDERMEN MEETING IN EXECUTION
OF ITS DUTY TO ENFORCE THE CITY CODE, REQUIRES THE CITY CLERK
TO MAKE THIS NOTICE OF PUBLIC HEARING AVAILABLE TO THE PUBLIC
AND TO POST THIS NOTICE ON THE PROPERTY OF THE HEARING

6/ 2/2023 9:42

611 Nolan Street

Code Compliance Official: Kaleb Smith

Exhibit F-1

STATE OF TEXAS

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§

COUNTY OF HOWARD

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**AFFIDAVIT OF KALEB SMITH
CONCERNING 611 Nolan Street**

BEFORE ME, the undersigned authority, on this day, personally appeared **Kaleb Smith**, who, being by me duly sworn, deposed as follows:

“My name is **Kaleb Smith**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

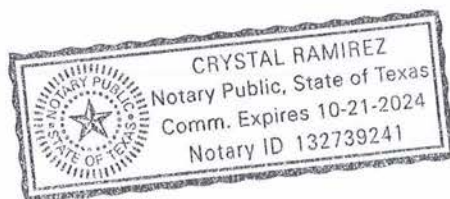
“I am a Code Compliance Official for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **611 Nolan Street**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records.”

SIGNED on the 7th day of June, 2023.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7th day of June, 2023 by the above referenced Affiant.





Notary Public, State of Texas

Exhibit F-2

Property Details

Account		
Property ID:	284867	Geographic ID: B4830042900
Type:	Real	Zoning:
Property Use:		Condo:
Location		
Situs Address:	611 NOLAN	
Map ID:		Mapsco:
Legal Description:	EXC 33' & 3' N/SIDE OF LTS 7-8 BK 48 ORIGINAL TOWN 64X140 0789 ACQ 011310 BLK/TRACT 48 0.206 ACRES	
Abstract/Subdivision:		
Neighborhood:	OGTN ORIGINAL TOWN	
Owner 		
Owner ID:	443578	
Name:	FLORES JUANITA	
Agent:		
Mailing Address:	1988 CHARCO BLANCO RD APT 7B RIO GRANDE, TX 78582	
% Ownership:	100.0%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$12,131 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$5,600 (+)
Land Non-Homesite Value:	\$0 (+)
Agricultural Market Valuation:	\$0 (+)

Market Value:	\$17,731 (=)
Agricultural Value Loss: ⓘ	\$0 (-)
Appraised Value:	\$17,731 (=)
Homestead Cap Loss: ⓘ	\$0 (-)
Assessed Value:	\$17,731
Ag Use Value:	\$0

VALUES DISPLAYED ARE 2023 PRELIMINARY VALUES AND ARE SUBJECT TO CHANGE PRIOR TO CERTIFICATION.

Information provided for research purposes only. Legal descriptions and acreage amounts are for appraisal district use only and should be verified prior to using for legal purpose and or documents. Please contact the Appraisal District to verify all information for accuracy.

Property Taxing Jurisdiction

Owner: FLORES JUANITA %Ownership: 100.0%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
01H	HOWARD COUNTY	0.238916	\$17,731	\$17,731	\$42.36	
02B	CITY OF BIG SPRING	0.673163	\$17,731	\$17,731	\$119.36	
03B	BIG SPRING ISD	0.930900	\$17,731	\$17,731	\$165.06	
052	HOWARD COLLEGE	0.168395	\$17,731	\$17,731	\$29.86	

Total Tax Rate: 2.011374

Estimated Taxes With Exemptions: \$356.64

Estimated Taxes Without Exemptions: \$356.64

STATE OF TEXAS

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COUNTY OF HOWARD

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CERTIFICATION
611 Nolan Street CASE NOTES

“This record, attached as **Exhibit F-3**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

This record was kept in the course of a regularly conducted business activity of the Code Compliance Department of the City of Big Spring, Texas.

Making this record was a regular practice of that activity.

1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout certain data.
7. I used the proper procedures to obtain the readout.
8. The computer was in working order at the time I obtained the readout.
9. I recognize the attached **Exhibit F-3** as the readout.”

SIGNED on the 7th day of June, 2023.

[Signature]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 7th day of June, 2023

by the above referenced Affiant.

[Signature]
Notary Public, State of Texas

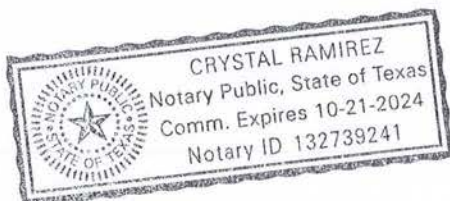


Exhibit F-3

NOTES

Incident Notes:

Task #: 115051 - INSPECT SUBSTANDARD - 3/23/2023

3/23/23 Inspected property on 2/9/23 due to complaint and found the structure to be substandard and unsanitary/unsafe due to the roof, walls, siding, windows, doors, and awning to be in disrepair. House needs to be fixed or demolished. Sent notice of violation to property owner Juanita Flores.

5/5/23 Inspected property and found there to be no changes whatsoever. Have also not had any contact with the owner or representatives. Could not find any identifiers for the owner but did come across a potentially her obituary. Sent case to legal department for abatement. Recommend the one and only structure to be demolished.

Task #: 115052 - SUBSTANDARD BLD - 3/23/2023

3/23/23 Sent notice of violation.

05-05-2023 02:31 PM
TASK #: 115045
TASK CODE: INSPECT WEEDL LOT
PROPERTY: 611 NOLAN ST

TASK NOTES REPORT

ORIG. DATE:
DUE DATE:

NOTES

Incident Notes:

Task #: 115045 - INSPECT WEEDL LOT - 3/23/2023
3/23/23 Inspected property on 2/9/23 due to complaint. Found proeprty to be overgrown. Sent notice of violation to property owner Juanita Flores.
5/5/23 Inspected property and found there to be no changes whatsoever. Sent case to legal department for abatement.

Task #: 115046 - WEEDY LOT LTR - 3/23/2023
3/23/23 Sent notice of violation.

NOTES

Incident Notes:

Task #: 115047 - INSPECT ACCUMULATED - 3/23/2023

3/23/23 Inspected property on 2/9/23 due to complaint. Found an accumulation of items including tree trimmings, broken pieces of concrete, a refrigerator, and tons of accumulated items. Sent notice of violation to property owner Juanita Flores.

5/5/23 Inspected property and found there to be no changes whatsoever. Have also not had any contact with the owner or representatives. Sent case to legal department for abatement.

Task #: 115048 - ACCUMULATED ITEMS - 3/23/2023

3/23/23 Sent notice of violation.

NOTES

Incident Notes:

Task #: 115049 - INSPECT - 3/23/2023

3/23/23 Inspected property on 2/9/23 due to complaint. Found an accumulation of items that can provide harborage and/or food to rodents and other vermin. Sent notice of violation to property owner Juanita Flores.

5/5/23 Inspected property and found there to be no changes whatsoever. Have also not had any contact with the owner or representatives. Sent case to legal department for abatement.

Task #: 115050 - RODENT CONTROL - 3/23/2023

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION OF
PHOTOGRAPHS BY KALEB SMITH**

“With regard to the photographs in **Exhibits F-4** I am familiar with and recognize the scene depicted in the photographs. On February 9th, 2023 and May 5th, 2023, I inspected the property described as:

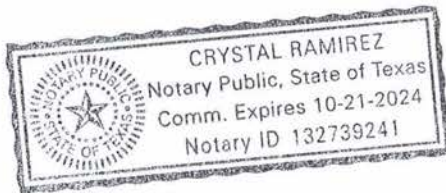
EXC 33' & 3' N/SIDE OF LTS 7-8 BK 48 ORIGINAL TOWN 64X140 0789
ACQ 011310 BLK/TRACT 48 0.206 ACRES Big Spring, Howard County,
Texas, also known as **611 Nolan Street**, Big Spring, Texas.

Each of the photographs is a fair and accurate depiction of the scene at the relevant time.”

SIGNED on the 7th day of June, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 7th day of June, 2023
by the above referenced Affiant.



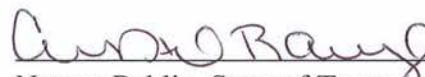

Notary Public, State of Texas

Exhibit F-4



2023. 2. 9 14:38



2023. 2. 9 14:38





2023. 2. 9 14:39



2023. 2. 13 10:03





2023. 2. 13 10:03











2023. 2. 13 10:04



2023. 2.13 10:04



2023. 2.13 10:04



2023. 2. 13 10:04



2023. 5. 5 8:38



2023. 5. 5 8:38



2023. 5. 5 8:38







2023. 5. 5 8:39





2023. 5. 5 8:39



2023. 5. 5 8:39





2023. 5. 5 8:40



2023 5 5 8:40



2023. 5. 5 8:40



2023. 5. 5 8:40



2023. 5. 5 8:40



2023. 5. 5 8:40



2023. 5. 5 8:40



2023. 5. 5 8:41

Exhibit F-5

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY KALEB SMITH**

“The document in **Exhibit F-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

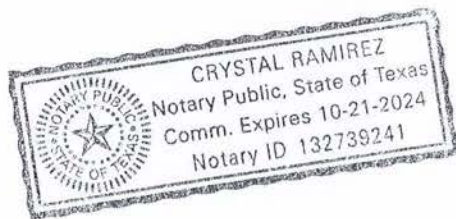
Certified Mail Return for **Exhibit F-6** is also attached.

SIGNED on the 7th day of June, 2023.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7th day of June, 2023
by the above referenced Affiant.





Notary Public, State of Texas



NOTICE OF VIOLATION AND NOTICE OF HEARING

611 NOLAN ST, BIG SPRING, TEXAS 79720

LEGAL DESCRIPTION: EXC 33' & 3' N/SIDE OF LTS 7-8 BK 48 ORIGINAL TOWN
64X140 0789 ACQ 011310 BLK/TRACT 48 0.206 ACRES, HOWARD COUNTY

May 12, 2023

JUANITA FLORES
1988 CHARCO BLANCO RD APT 713
RIO GRANDE, TX 78582-3954

Sent via: Certified Mail; Return Receipt Requested

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** have been violated, constituting a nuisance:

VIOLATION	DESCRIPTION OF VIOLATION
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or watertight. 7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects. 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects. 11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs,	The roof appears to admit rain and has signs of deterioration. Unsafe condition.

awnings, fire escapes, standpipes, and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.	
304.18 Building security Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.	Doors must be brought up to code.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required

Repair building or demolish building

Code Compliance is seeking an order for the following:

- Demolish and remove structure if owner does not repair structure.
- Secure premises
- Vacate premises

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith

Name

Code Compliance Official

Title

+1 (432) 264-2508

Phone

ksmith@mybigspring.com

E-mail

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY

RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

YOU ARE HEREBY NOTIFIED THAT THE CITY HAS INITIATED PROCEEDINGS TO ABATE THE ABOVE-DESCRIBED NUISANCES AT YOUR EXPENSE.

This proceeding is held before a hearing board (either City Council or the Board of Adjustment and

Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **5:30 PM, May 23, 2023** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

CONDUCT OF THE HEARING. The Structural Standards Ordinance of the Big Spring City Code provides the following concerning the conduct of the hearing:

SECTION A-1.10. Rights of Parties

(a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

(b) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.

(c) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

(d) Rights of Parties. Each party shall have the following rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To impeach any witness regardless of which party first called him to testify;
5. To rebut the evidence against him;
6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

Section C-9.02 (c)The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Code Official's order is upheld by the Hearing Board, you may appeal its ruling to the District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall be final.

FAILURE TO COMPLY/ATTACHMENT OF LIEN. If the owner of a premises fails to comply with an order of the Board within the time prescribed, and the City conducts abatement or work, either through an available public agency or by contract or arrangement with private persons, and the cost of such abatement work shall be charged against the real estate upon which the nuisance is located and shall be a lien on such real estate.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,



Kaleb Smith, Code Compliance Official
City of Big Spring, Texas



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

611 NOLAN ST

Lot: EXC 33' & 3' N/SIDE OF 7-8 BK: 48 ORIGINAL TOWN 0789

March 23, 2023

Case No: 72494

JUANITA FLORES
1988 CHARCO BLANCO RD APT 7B
RIO GRANDE TX 78582

Sent via: First Class US Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and **Big Spring City Code Chapter 36** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.5 Rodent Harborage	Structures and exterior property shall be kept free from rodent harborage and infestation.
Big Spring City Code Sec. 36-62. Dumping, accumulating, etc., garbage and trash so as to afford food or harborage for rats.	No garbage, rubbish, waste, or manure shall be placed, left, dumped, or permitted to accumulate or remain in any building or premises in the city so that the same shall or may afford food for or a harboring or breeding place for rats.
Big Spring City Code Sec. 36.63 Accumulations of lumber, boxes, barrels, etc.	It shall be unlawful for any person to permit to accumulate on any premises, improved or unimproved, or on any open lot or alley in the city any lumber, boxes, barrels, bricks, or stones or similar materials that may be permitted to remain thereon, and that may be used as harborage by rats, unless same are placed on open racks and elevated not less than 18 inches above the ground with a clear intervening space beneath, to prevent the harborage of rats.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required

Deadline for Compliance

There is an accumulation of items that can provide harborage and/or food to rodents and other vermin that needs to be removed from the property. If problem persists criminal charges will be filed.

Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith

Code Compliance

Name

Department

432-264-2508

ksmith@mybigspring.com

Phone

E-mail

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE.

Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES.

If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of

the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL. Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,



Kaleb Smith
Code Compliance Official
City of Big Spring, Texas



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

611 NOLAN ST

Lot: EXC 33' & 3' N/SIDE OF 7-8 BK: 48 ORIGINAL TOWN 0789

March 23, 2023

Case No: 72492

JUANITA FLORES
1988 CHARCO BLANCO RD APT 7B
RIO GRANDE TX 78582

Sent via: First Class US Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.4 Weeds	Premises and exterior property not maintained free from weeds or plant growth in excess of 12 inches (not including shrubs, trees or cultivated flowers).

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
Property is overgrown and needs to be mowed. This is the only notice you will receive for the next 12 months. If problem persists criminal charges will be filed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith

Name

Code Compliance

Department

432-264-2508

Phone

ksmith@mybigspring.com

E-mail

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY

RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY
RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY

OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may proceed with abatement (taking the corrective action for you). If so, the City will send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

ANNUAL NOTICE FOR WEEDS. If a violation covered by this notice occurs before the first anniversary of the date of this notice, and the City had not been informed in writing by the owner of an ownership change, then the City, without further notice, may take the corrective action and charge the abatement costs to the owner and file the lien as above.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,



Kaleb Smith
Code Compliance Official
City of Big Spring, Texas



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2504

NOTICE OF VIOLATION AND ORDER TO ABATE

611 NOLAN

Lot: EXC 33' & 3' N/SIDE OF 7-8 BK: 48 ORIGINAL TOWN 0789

March 23, 2023

Case No: 72495

JUANITA FLORES
1988 CHARCO BLANCO RD APT 7B
RIO GRANDE, TX 78582

Sent via: Certified US Mail

The City of Big Spring has determined that the following section of the **Property Maintenance Code (PMC) of Big Spring** has been violated, constituting a nuisance:

VIOLATION

Description of Violation

Sec. 304.1.1 Unsafe Conditions

4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight.

7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.

11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal

loads and resisting all load effects.

Sec. 304.18 Building Security

Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
The structure is unsanitary and unsafe. The roof, walls, siding, windows, doors, and awning need to be brought into compliance with the current Building Code or the structure should be demolished.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith	Code Compliance
<i>Name</i>	<i>Department</i>
432-264-2508	ksmith@mybigspring.com
<i>Phone</i>	<i>E-mail</i>

The City’s goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City’s request to abate the nuisance. If so

ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,



Kaleb Smith
Code Compliance Official
City of Big Spring, Texas



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

611 NOLAN ST

Lot: EXC 33' & 3' N/SIDE OF 7-8 BK: 48 ORIGINAL TOWN 0789

March 23, 2023

Case No: 72493

JUANITA FLORES
1988 CHARCO BLANCO RD APT 7B
RIO GRANDE TX 78582

Sent via: First Class US Mail

The City of Big Spring has determined that the following section of the **Property Maintenance Code (PMC) of Big Spring** has been violated, constituting a nuisance:

VIOLATION

Description of Violation

Property Maintenance Code
Sec. 302.1 Sanitation

The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required

Deadline for Compliance

There are several items (tree trimmings, broken pieces of concrete, a refrigerator, and tons of accumulated items) that need to be removed from public view. If problem persists criminal charges will be filed.

Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith

Name

Code Compliance

Department

432-264-2508

Phone

ksmith@mybigspring.com

E-mail

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE.

Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES.

If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at

<https://codes.iccsafe.org/codes/i-codes>.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kaleb Smith', with a long horizontal flourish extending to the right.

Kaleb Smith
Code Compliance Official
City of Big Spring, Texas



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 • Ph. 432-264-2505

NOTICE OF VIOLATION AND NOTICE OF HEARING

611 Nolan Street, BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: EXC 33' & 3' N/SIDE OF LTS 7-8 BK 48 ORIGINAL TOWN
64X140 0789 ACQ 011310 BLK/TRACT 48 0.206 ACRES, Howard County

May 31, 2023

JUANITA FLORES
1988 CHARCO BLANCO RD APT 7B
RIO GRANDE, TX 78582

Sent via: Certified Mail; Return Receipt Requested

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** have been violated, constituting a nuisance:

VIOLATION	DESCRIPTION OF VIOLATION
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous:	The building had fire damage to the roof that has not been repaired. Hazardous condition.
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects.	The roof appears to admit rain and has signs of deterioration. Unsafe condition.
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and	The roof has defects that admit rain and is not sound and not tight.

free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	
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The following actions are required to correct these violations within the deadlines.

Corrective Action Required

Repair building or demolish building

Code Compliance is seeking an order for the following:

- Demolish and remove structure if owner does not repair structure.
- Secure premises
- Vacate premises

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith

Name

Code Compliance Official

Title

+1 (432) 264-2508

Phone

ksmith@mybigspring.com

E-mail

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE.

Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

YOU ARE HEREBY NOTIFIED THAT THE CITY HAS INITIATED PROCEEDINGS TO ABATE THE ABOVE-DESCRIBED NUISANCES AT YOUR EXPENSE.

This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered

and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **5:30 PM, June 13, 2023** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

CONDUCT OF THE HEARING. The Structural Standards Ordinance of the Big Spring City Code provides the following concerning the conduct of the hearing:

SECTION A-1.10. Rights of Parties

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.
- (c) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
- (d) Rights of Parties. Each party shall have the following rights, among others:
 - 1. To call and examine witnesses on any matter relevant to the issues of the hearing;
 - 2. To introduce documentary and physical evidence;
 - 3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - 4. To impeach any witness regardless of which party first called him to testify;
 - 5. To rebut the evidence against him;
 - 6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

Section C-9.02 (c)The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Code Official's order is upheld by the Hearing Board, you may appeal its ruling to the District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall be final.

FAILURE TO COMPLY/ATTACHMENT OF LIEN. If the owner of a premises fails to comply with an order of the Board within the time prescribed, and the City conducts abatement or work, either through an available public agency or by contract or arrangement with private persons, and the cost of such abatement work shall be charged against the real estate upon which the nuisance is located and shall be a lien on such real estate.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,


Kaleb Smith, Code Compliance Official
City of Big Spring, Texas

Exhibit F-6

Exhibit F-7



Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON **JUNE 13th, 2023, AT 5:30 P.M.**, IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4th ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

1000 E 20TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: SC 5 BK 32 1S 1231 1231 ACQ 102412 BLK/TRACT 321S 0.808 ACRES- OWNER: HENRY RIOS

1106 NW 8TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 5 BK 8 BANKS 50X115 182 0.132 ACRES – OWNER: JIMMY JOLLEY

605 NOLAN ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 10 & N/2 OF LT 9 BK 48 ORIGINAL TOWN 75X140 0792 BLK/TRACT 48 0.241 ACRES – OWNER: JESSE BUSTAMANTE

611 NOLAN ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: EXC 33' & 3' N/SIDE OF LTS 7-8 BK 48 ORIGINAL TOWN 64X140 0789 ACQ 011310 BLK/TRACT 48 0.206 ACRES – OWNER: JUANITA FLORES

609 BELL ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 8 BK 41 ORIGINAL TOWN 50X140 0854 ACQ 030612 BLK/TRACT 41 0.161 ACRES – OWNER: SAM CASTRO

600 LANCASTER, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 1 BK 41 ORIGINAL TOWN 50X140 0847 0.161 ACRES ACQ 02082017– OWNER: EZEQUIEL CONTRERAS

623 SGT PAREDEZ, TEXAS 79720 – LEGAL DESCRIPTION: W/2 OF LT 11 BK 99 ORIGINAL TOWN 50X1900211 ACQ 062408 BLK/TRACT 99 0.218 ACRES – OWNER: SOFIA RUBIO

THE CITY OF BIG SPRING HEARING BOARD MEETING IS AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT TAMI DAVIS AT 432-264-2513 OR AT 310 NOLAN, BIG SPRING, TEXAS 79720, AT LEAST FORTY-EIGHT (48) HOURS IN ADVANCE OF THE MEETING.

Nick Reyna

Nick Reyna, Building Official, City of Big Spring



Code Enforcement

217 E. 8th St., Big Spring, Texas 79720

NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD will hold a public hearing on June 13, 2023, at 5:30 P.M. in the City of Big Spring, Texas, at 307 E. 4th St., Big Spring, Texas 79720, to consider and determine whether or not the following properties are a public nuisance and whether or not the City of Big Spring should take any action to remedy the same. If the hearing board determines that the following properties are a public nuisance, then a determination will be made as to whether or not the City of Big Spring should take any action to remedy the same.

- 1000 E 20th St, Big Spring, Texas 79720 - LEGAL DESCRIPTION: ACO 102412 BLK/TRACT 3215 0.068 ACRES. OWNER: JIMMY JOLLY.
- 1106 NW 8th St, Big Spring, Texas 79720 - LEGAL DESCRIPTION: 30X115 102.012 ACRES - OWNER: JIMMY JOLLY.
- 605 NOLAN ST, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: BK 14 ORIGINAL TOWN 75X140 0.792 BLK/TRACT 42.042 ACRES. OWNER: JIMMY JOLLY.
- 411 NOLAN ST, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: BK 14 ORIGINAL TOWN 64X140 0.69 ACRES. OWNER: JIMMY JOLLY.
- 400 80th St, Big Spring, Texas 79720 - LEGAL DESCRIPTION: TOWN 60X140 0.851 ACO 010012 BLK/TRACT 41 0.061 ACRES. OWNER: JIMMY JOLLY.
- 400 1st St, Big Spring, Texas 79720 - LEGAL DESCRIPTION: TOWN 60X140 0.851 ACO 010012 BLK/TRACT 41 0.061 ACRES. OWNER: JIMMY JOLLY.
- 400 2nd St, Big Spring, Texas 79720 - LEGAL DESCRIPTION: TOWN 60X140 0.851 ACO 010012 BLK/TRACT 41 0.061 ACRES. OWNER: JIMMY JOLLY.

6/ 2/2023

9:44

609 Bell Street

Code Enforcement Officer: Roy Marquez

Exhibit G-1

STATE OF TEXAS

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COUNTY OF HOWARD

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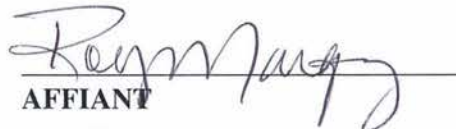
**AFFIDAVIT OF ROY MARQUEZ
CONCERNING 609 Bell Street**

BEFORE ME, the undersigned authority, on this day, personally appeared **Roy Marquez**, who, being by me duly sworn, deposed as follows:

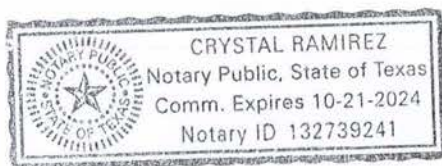
“My name is **Roy Marquez**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“I am a Code Enforcement Officer for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **609 Bell Street**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records.”

SIGNED on the 7 day of June, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 7th day of June, 2023 by the above referenced Affiant.



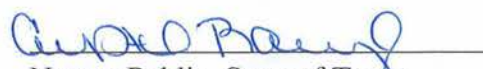

Notary Public, State of Texas

Exhibit G-2

Property Details

Account		
Property ID:	284801	Geographic ID: B4830036500
Type:	Real	Zoning:
Property Use:		Condo:
Location		
Situs Address:	609 BELL	
Map ID:		Mapsco:
Legal Description:	LT 8 BK 41 ORIGINAL TOWN 50X140 0854 ACQ 030612 BLK/TRACT 41 0.161 ACRES	
Abstract/Subdivision:		
Neighborhood:	CDCS CEDAR CREST	
Owner ?		
Owner ID:	417636	
Name:	CASTRO SAM	
Agent:		
Mailing Address:	2308 THORPE STREET BIG SPRING, TX 79720	
% Ownership:	100.0%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$9,604 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$2,500 (+)
Land Non-Homesite Value:	\$0 (+)
Agricultural Market Valuation:	\$0 (+)

Market Value:	\$12,104 (=)
Agricultural Value Loss: ?	\$0 (-)
Appraised Value:	\$12,104 (=)
Homestead Cap Loss: ?	\$0 (-)
Assessed Value:	\$12,104
Ag Use Value:	\$0

VALUES DISPLAYED ARE 2023 PRELIMINARY VALUES AND ARE SUBJECT TO CHANGE PRIOR TO CERTIFICATION.

Information provided for research purposes only. Legal descriptions and acreage amounts are for appraisal district use only and should be verified prior to using for legal purpose and or documents. Please contact the Appraisal District to verify all information for accuracy.

Property Taxing Jurisdiction

Owner: CASTRO SAM %**Ownership:** 100.0%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
01H	HOWARD COUNTY	0.238916	\$12,104	\$12,104	\$28.92	
02B	CITY OF BIG SPRING	0.673163	\$12,104	\$12,104	\$81.48	
03B	BIG SPRING ISD	0.930900	\$12,104	\$12,104	\$112.68	
052	HOWARD COLLEGE	0.168395	\$12,104	\$12,104	\$20.38	

Total Tax Rate: 2.011374

Estimated Taxes With Exemptions: \$243.46

Estimated Taxes Without Exemptions: \$243.46

STATE OF TEXAS

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COUNTY OF HOWARD

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CERTIFICATION
609 Bell Street CASE NOTES

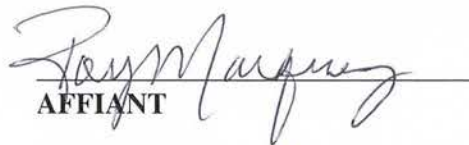
“This record, attached as **Exhibit G-3**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

This record was kept in the course of a regularly conducted business activity of the Code Compliance Department of the City of Big Spring, Texas.

Making this record was a regular practice of that activity.

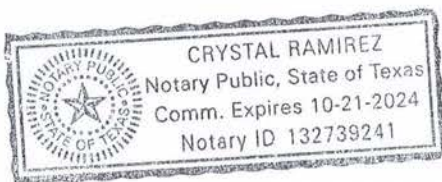
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout certain data.
7. I used the proper procedures to obtain the readout.
8. The computer was in working order at the time I obtained the readout.
9. I recognize the attached **Exhibit G-3** as the readout.”

SIGNED on the 7 day of June, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 7 day of June, 2023

by the above referenced Affiant.




Notary Public, State of Texas

Exhibit G-3

NOTES

Incident Notes:

THE STRUCTURE ON THIS PROPERTY DOES NOT MEET MINIMUM BUILDING STANDARDS, THE STRUCTURE NEEDS TO BE BROUGHT UP TO BUILDING CODE. IT HAS EXTENSIVE FIRE DAMAGE, EXPOSED EAVES/OVERHANG, WINDOWS/DOORS NOT PROPERLY SECURED.

Task #: 114591 - INSPECT SUBSTANDARD - 2/14/2023

ON 2-8-23 @ 13:52 CODE ENFORCEMENT OFFICER ROY MARQUEZ INSPECTED PROPERTY FOR SUBSTANDARD STRUCTURE VIOLATION, FOUND A STRUCTURE WITH FIRE DAMAGE, EXPOSED EAVES/OVERHANG, UNSECURED DOOR/WINDOWS. PICTURES WERE TAKEN, LETTER WILL BE SENT.

ON 2-21-23 CODE ENFORCEMENT ROY MARQUEZ RETURNED CALL TO OWNER SAM CASTRO ABOUT PROPERTY. HE STATED THAT HE UNDERSTOOD WHAT NEEDED TO BE DONE TO HAVE COMPLIANCE AND HE WAS GIVEN TIME TO SHOW IMPROVEMENT.

ON 5-8-23 @ 13:49 CODE ENFORCEMENT ROY MARQUEZ REINPSECTED PROPERTY FOR SUBSTANDARD STRUCTURE, NO CHANGES WERE MADE TO HAVE COMPLIANCE. WILL SEND COMPLAINT REQUEST TO COUNCIL FOR ABATEMENT

Task #: 114592 - SUBSTANDARD BLD - 2/14/2023

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION OF
PHOTOGRAPHS BY ROY MARQUEZ**

“With regard to the photographs in **Exhibits G-4** I am familiar with and recognize the scene depicted in the photographs. On Feb, 8, 2023 and May, 8, 2023, I inspected the property described as:

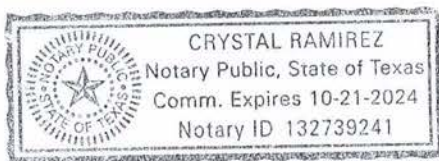
LT 8 BK 41 ORIGINAL TOWN 50X140 0854 ACQ 030612 BLK/TRACT 41
0.161 ACRES Big Spring, Howard County, Texas, also known as **609 Bell
Street**, Big Spring, Texas.

Each of the photographs is a fair and accurate depiction of the scene at the relevant time.”

SIGNED on the 7 day of June, 2023.

Roy Marquez
AFFIANT

SWORN TO AND SUBSCRIBED before me this 7 day of June, 2023
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit G-4









Exhibit G-5

STATE OF TEXAS

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COUNTY OF HOWARD

§

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**CERTIFICATION
NOTICE SENT BY ROY MARQUEZ**

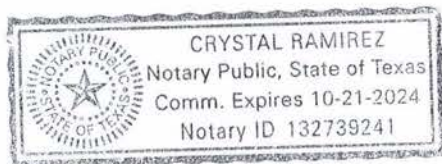
“The document in **Exhibit G-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

Certified Mail Return for **Exhibit G-6** is also attached.

SIGNED on the 7 day of June, 2023.

Roy Marquez
AFFIANT

SWORN TO AND SUBSCRIBED before me this 7 day of June, 2023
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit G-6



NOTICE OF VIOLATION AND NOTICE OF HEARING

609 BELL ST, BIG SPRING, TEXAS 79720

**LEGAL DESCRIPTION: LT 8 BK 41 ORIGINAL TOWN 50X140 0854 ACQ 030612
BLK/TRACT 41 0.161 ACRES, HOWARD COUNTY**

May 12, 2023

Sam Castro
2308 Thorpe St
Big Spring, TX 79720

Sent via: Certified Mail; Return Receipt Requested

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** have been violated, constituting a nuisance:

VIOLATION	DESCRIPTION OF VIOLATION
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.	The building had fire damage to the roof that has not been repaired. Hazardous condition.
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 3. Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity. 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects.	The roof appears to admit rain and has signs of deterioration. Unsafe condition.
304.2.18 Building security Doors, windows or hatchways for dwelling units, room	Doors must be brought up to code.

units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.	
--	--

The following actions are required to correct these violations within the deadlines.

Corrective Action Required

Repair building or demolish building

Code Compliance is seeking an order for the following:

- **Demolish and remove structure if owner does not repair structure.**
- **Secure premises**
- **Vacate premises**

For further information about this notice, please contact the following person:

Issued by

Roy Marquez

Name

Code Enforcement Officer

Title

+1 (432) 264-2507

Phone

rmarquez@mybigspring.com

E-mail

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE.

Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

YOU ARE HEREBY NOTIFIED THAT THE CITY HAS INITIATED PROCEEDINGS TO ABATE THE ABOVE-DESCRIBED NUISANCES AT YOUR EXPENSE.

This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District

Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **5:30 PM, May 23, 2023** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

CONDUCT OF THE HEARING. The Structural Standards Ordinance of the Big Spring City Code provides the following concerning the conduct of the hearing:

SECTION A-1.10. Rights of Parties

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.
- (c) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
- (d) Rights of Parties. Each party shall have the following rights, among others:
 - 1. To call and examine witnesses on any matter relevant to the issues of the hearing;
 - 2. To introduce documentary and physical evidence;
 - 3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - 4. To impeach any witness regardless of which party first called him to testify;
 - 5. To rebut the evidence against him;
 - 6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

Section C-9.02 (c)The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Code Official's order is upheld by the Hearing Board, you may appeal its ruling to the District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall be final.

FAILURE TO COMPLY/ATTACHMENT OF LIEN. If the owner of a premises fails to comply with an order of the Board within the time prescribed, and the City conducts abatement

or work, either through an available public agency or by contract or arrangement with private persons, and the cost of such abatement work shall be charged against the real estate upon which the nuisance is located and shall be a lien on such real estate.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

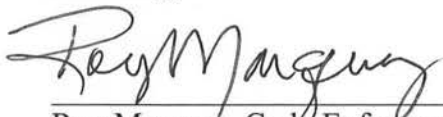
NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy Marquez", written over a horizontal line.

Roy Marquez, Code Enforcement Officer
City of Big Spring, Texas



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

609 BELL

LT 8 BK 41 ORIGINAL TOWN 50X140 0854 ACQ 030612 BLK/TRACT 41 0.161 ACRES

February 14, 2023

Case No: 72269

SAM CASTRO
2308 THORPE
BIG SPRING, TX 79720

Sent via: Certified US Mail

The City of Big Spring has determined that the following section of the **Property Maintenance Code (PMC) of Big Spring** has been violated, constituting a nuisance:

The following actions are required to correct these violations within the deadlines.

Corrective Action Required

THE STRUCTURE ON THIS PROPERTY DOES NOT MEET MINIMUM BUILDING STANDARDS, THE STRUCTURE NEEDS TO BE BROUGHT UP TO BUILDING CODE. IT HAS EXTENSIVE FIRE DAMAGE, EXPOSED EAVES/OVERHANG, WINDOWS/DOORS NOT PROPERLY SECURED

Deadline for Compliance

Seven (7) days from date of mailing

VIOLATION

Hazardous Structure or Premises
Sec. 111.1.5.11

Description of Violation

Any portion of a building remains on a site after the demolition or destruction of the building or *structure* or whenever any building or *structure* is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

Property Maintenance Code
Sec. 304.1.1 Unsafe Conditions

Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.

Sec. 304.1.3 Unsafe Conditions

Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity.

Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within

For further information about this notice, please contact the following person:

Issued by

<u>Roy Marquez</u>	<u>Code Compliance</u>
<i>Name</i>	<i>Department</i>
<u>432-264-2507</u>	<u>rmarquez@mybigspring.com</u>
<i>Phone</i>	<i>E-mail</i>

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this

notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy Marquez", written over the printed name.

Roy Marquez
Code Enforcement Officer
City of Big Spring, Texas



NOTICE OF VIOLATION AND NOTICE OF HEARING

609 BELL St, BIG SPRING, TEXAS 79720

LEGAL DESCRIPTION: LT 8 BK 41 ORIGINAL TOWN 50X140 0854 ACQ 030612
BLK/TRACT 41 0.161 ACRES, Howard County

May 31, 2023

SAM CASTRO
2308 THORPE ST
Big Spring, Texas 79720

Sent via: Certified Mail; Return Receipt Requested

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** have been violated, constituting a nuisance:

VIOLATION	DESCRIPTION OF VIOLATION
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.	The building had fire damage to the roof that has not been repaired. Hazardous condition.
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects.	The roof appears to admit rain and has signs of deterioration. Unsafe condition.
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have	The roof has defects that admit rain and is not sound and not tight.

defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	
--	--

The following actions are required to correct these violations within the deadlines.

Corrective Action Required

Repair building or demolish building

Code Compliance is seeking an order for the following:

- Demolish and remove structure if owner does not repair structure.
- Secure premises
- Vacate premises

For further information about this notice, please contact the following person:

Issued by

Roy Marquez

Name

Code Enforcement Officer

Title

+1 (432) 264-2507

Phone

rmarquez@mybigspring.com

E-mail

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE.

Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

YOU ARE HEREBY NOTIFIED THAT THE CITY HAS INITIATED PROCEEDINGS TO ABATE THE ABOVE-DESCRIBED NUISANCES AT YOUR EXPENSE.

This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the

nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **5:30 PM, June 13, 2023** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

CONDUCT OF THE HEARING. The Structural Standards Ordinance of the Big Spring City Code provides the following concerning the conduct of the hearing:

SECTION A-1.10. Rights of Parties

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.
- (c) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
- (d) Rights of Parties. Each party shall have the following rights, among others:
 - 1. To call and examine witnesses on any matter relevant to the issues of the hearing;
 - 2. To introduce documentary and physical evidence;
 - 3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - 4. To impeach any witness regardless of which party first called him to testify;
 - 5. To rebut the evidence against him;
 - 6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

Section C-9.02 (c)The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the

Code Official's order is upheld by the Hearing Board, you may appeal its ruling to the District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall be final.

FAILURE TO COMPLY/ATTACHMENT OF LIEN. If the owner of a premises fails to comply with an order of the Board within the time prescribed, and the City conducts abatement or work, either through an available public agency or by contract or arrangement with private persons, and the cost of such abatement work shall be charged against the real estate upon which the nuisance is located and shall be a lien on such real estate.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,

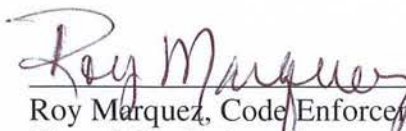

Roy Marquez, Code Enforcement Officer
City of Big Spring, Texas

Exhibit G-8



Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON **JUNE 13th, 2023, AT 5:30 P.M.**, IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4TH ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

1000 E 20TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: SC 5 BK 32 1S 1231 1231 ACQ 102412 BLK/TRACT 321S 0.808 ACRES- OWNER: HENRY RIOS

1106 NW 8TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 5 BK 8 BANKS 50X115 182 0.132 ACRES – OWNER: JIMMY JOLLEY

605 NOLAN ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 10 & N/2 OF LT 9 BK 48 ORIGINAL TOWN 75X140 0792 BLK/TRACT 48 0.241 ACRES – OWNER: JESSE BUSTAMANTE

611 NOLAN ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: EXC 33' & 3' N/SIDE OF LTS 7-8 BK 48 ORIGINAL TOWN 64X140 0789 ACQ 011310 BLK/TRACT 48 0.206 ACRES – OWNER: JUANITA FLORES

609 BELL ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 8 BK 41 ORIGINAL TOWN 50X140 0854 ACQ 030612 BLK/TRACT 41 0.161 ACRES – OWNER: SAM CASTRO

600 LANCASTER, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 1 BK 41 ORIGINAL TOWN 50X140 0847 0.161 ACRES ACQ 02082017– OWNER: EZEQUIEL CONTRERAS

623 SGT PAREDEZ, TEXAS 79720 – LEGAL DESCRIPTION: W/2 OF LT 11 BK 99 ORIGINAL TOWN 50X1900211 ACQ 062408 BLK/TRACT 99 0.218 ACRES – OWNER: SOFIA RUBIO

THE CITY OF BIG SPRING HEARING BOARD MEETING IS AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT TAMI DAVIS AT 432-264-2513 OR AT 310 NOLAN, BIG SPRING, TEXAS 79720, AT LEAST FORTY-EIGHT (48) HOURS IN ADVANCE OF THE MEETING.

Nick Reyna

Nick Reyna, Building Official, City of Big Spring



6/ 2/2023 10:25

600 Lancaster

Code Enforcement Officer: Roy Marquez

Exhibit A-1

STATE OF TEXAS

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§

COUNTY OF HOWARD

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**AFFIDAVIT OF ROY MARQUEZ
CONCERNING 600 Lancaster**

BEFORE ME, the undersigned authority, on this day, personally appeared **Roy Marquez**, who, being by me duly sworn, deposed as follows:

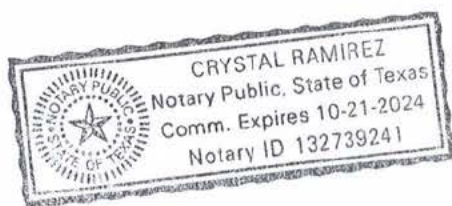
“My name is **Roy Marquez**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“I am a Code Enforcement Officer for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **600 Lancaster**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records.”

SIGNED on the 7 day of June, 2023.

Roy Marquez
AFFIANT

SWORN TO AND SUBSCRIBED before me this 7th day of June, 2023 by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit A-2

Property Details

Account		
Property ID:	284794	Geographic ID: B4830035800
Type:	Real	Zoning:
Property Use:		Condo:
Location		
Situs Address:	600 LANCASTER	
Map ID:		Mapsco:
Legal Description:	LT 1 BK 41 ORIGINAL TOWN 50X140 0847 0.161 ACRES ACQ 02082017	
Abstract/Subdivision:		
Neighborhood:	CDCS CEDAR CREST	
Owner ?		
Owner ID:	415006	
Name:	CONTRERAS EZEQUIEL	
Agent:		
Mailing Address:	600 LANCASTER BIG SPRING, TX 79720	
% Ownership:	100.0%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$52,845 (+)
Improvement Non-Homesite Value:	\$191 (+)
Land Homesite Value:	\$2,500 (+)
Land Non-Homesite Value:	\$0 (+)
Agricultural Market Valuation:	\$0 (+)
Market Value:	\$55,536 (=)

Agricultural Value Loss: ?	\$0 (-)
Appraised Value:	\$55,536 (=)
Homestead Cap Loss: ?	\$0 (-)
Assessed Value:	\$55,536
Ag Use Value:	\$0

VALUES DISPLAYED ARE 2023 PRELIMINARY VALUES AND ARE SUBJECT TO CHANGE PRIOR TO CERTIFICATION.

Information provided for research purposes only. Legal descriptions and acreage amounts are for appraisal district use only and should be verified prior to using for legal purpose and or documents. Please contact the Appraisal District to verify all information for accuracy.

Property Taxing Jurisdiction

Owner: CONTRERAS EZEQUIEL %**Ownership:** 100.0%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
01H	HOWARD COUNTY	0.238916	\$55,536	\$55,536	\$132.68	
02B	CITY OF BIG SPRING	0.673163	\$55,536	\$55,536	\$373.85	
03B	BIG SPRING ISD	0.930900	\$55,536	\$55,536	\$516.98	
052	HOWARD COLLEGE	0.168395	\$55,536	\$55,536	\$93.52	

Total Tax Rate: 2.011374

Estimated Taxes With Exemptions: \$1,117.03

Estimated Taxes Without Exemptions: \$1,117.03

STATE OF TEXAS

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COUNTY OF HOWARD

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CERTIFICATION
600 Lancaster CASE NOTES

“This record, attached as **Exhibit A-3**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

This record was kept in the course of a regularly conducted business activity of the Code Compliance Department of the City of Big Spring, Texas.

Making this record was a regular practice of that activity.

1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout certain data.
7. I used the proper procedures to obtain the readout.
8. The computer was in working order at the time I obtained the readout.
9. I recognize the attached **Exhibit A-3** as the readout.”

SIGNED on the 7 day of June, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 7th day of June, 2023

by the above referenced Affiant.


Notary Public, State of Texas

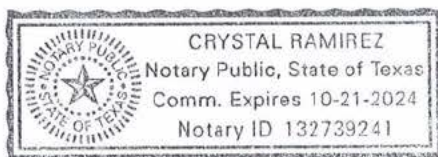


Exhibit A-3

05-10-2023 02:39 PM

TASK NOTES REPORT

TASK #: 114421
TASK CODE: INSPECT SUBSTANDARD
PROPERTY: 600 LANCASTER

ORIG. DATE:
DUE DATE:

NOTES

Incident Notes:

THE STRUCTURE ON THIS PROPERTY DOES NOT MEET MINIMUM BUILDING STANDARDS.
THE STRUCTURE NEEDS TO BE BROUGHT UP TO BUILDING CODE, AS IT IS DEEMED A
SAFETY HAZARD. EXTERIOR OF STRUCTURE IS NOT MAINTAINED WITH MISSING
SHINGLES, PART OF THE ROOF IS MISSING, AND STRUCTURE HAS SUSTAINED
EXTENSIVE FIRE DAMAGE.

Task #: 114421 - INSPECT SUBSTANDARD - 2/06/2023
ON 2-3-23 @ 13:40 CODE ENFORCEMENT OFFICER ROY MARQUEZ INSPECTED PROPERTY
FOR SUBSTANDARD STRUCTURE VIOLATION, FOUND STRUCTURE WITH EXTENSIVE FIRE
DAMAGE, MISSING SHINGLES AND PARTS OF THE ROOF MISSING. PICTURES WERE
TAKEN, LETTER WILL BE SENT.
ON 4-21-23 @ 14:15 CODE ENFORCEMENT OFFICER ROY MARQUEZ REINSPECTED
PROPERTY FOR SUBSTANDARD VIOLATION, STRUCTURE REMAINS IN SAME CONDITION.
PICTURES WERE TAKEN, OWNER HAS NOT MADE ATTEMPT TO CONTACT. WILL REQUEST
COMPLAINT TO COUNCIL FOR ABATEMENT.

Task #: 114422 - SUBSTANDARD BLD - 2/06/2023

STATE OF TEXAS

COUNTY OF HOWARD

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**CERTIFICATION OF
PHOTOGRAPHS BY ROY MARQUEZ**

“With regard to the photographs in **Exhibits A-4** I am familiar with and recognize the scene depicted in the photographs. On February, 3rd, 2023 and March, 21st, 2023, I inspected the property described as:

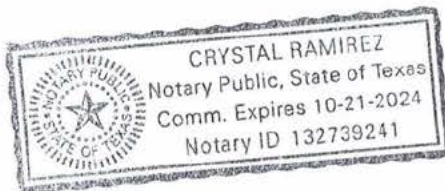
LT 1 BK 41 ORIGINAL TOWN 50X140 0847 0.161 ACRES ACQ 02082017
Big Spring, Howard County, Texas, also known as **600 Lancaster**, Big Spring,
Texas.

Each of the photographs is a fair and accurate depiction of the scene at the relevant time.”

SIGNED on the 7 day of June, 2023.

Roy Marquez
AFFIANT

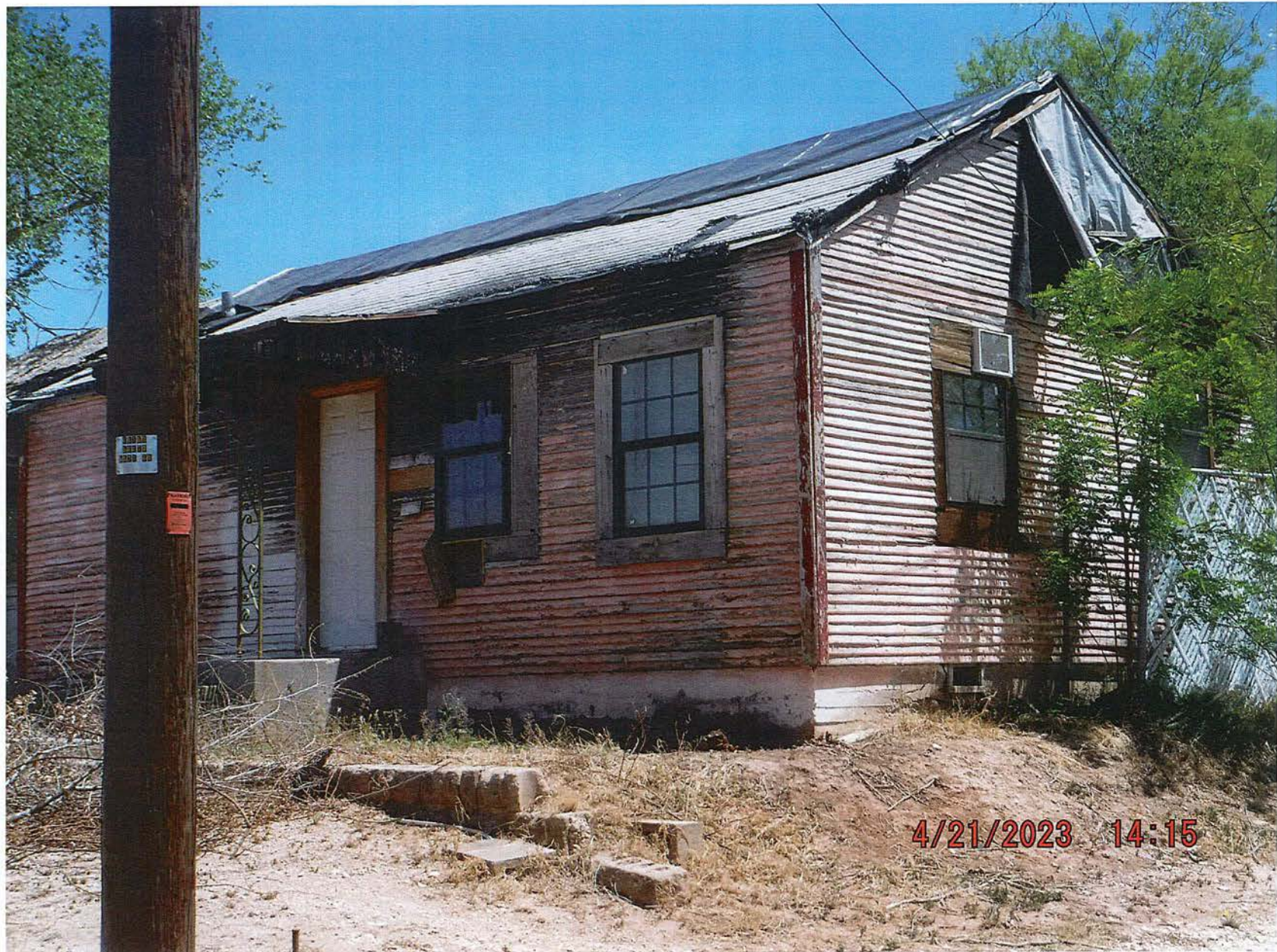
SWORN TO AND SUBSCRIBED before me this 7th day of June, 2023
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit A-4

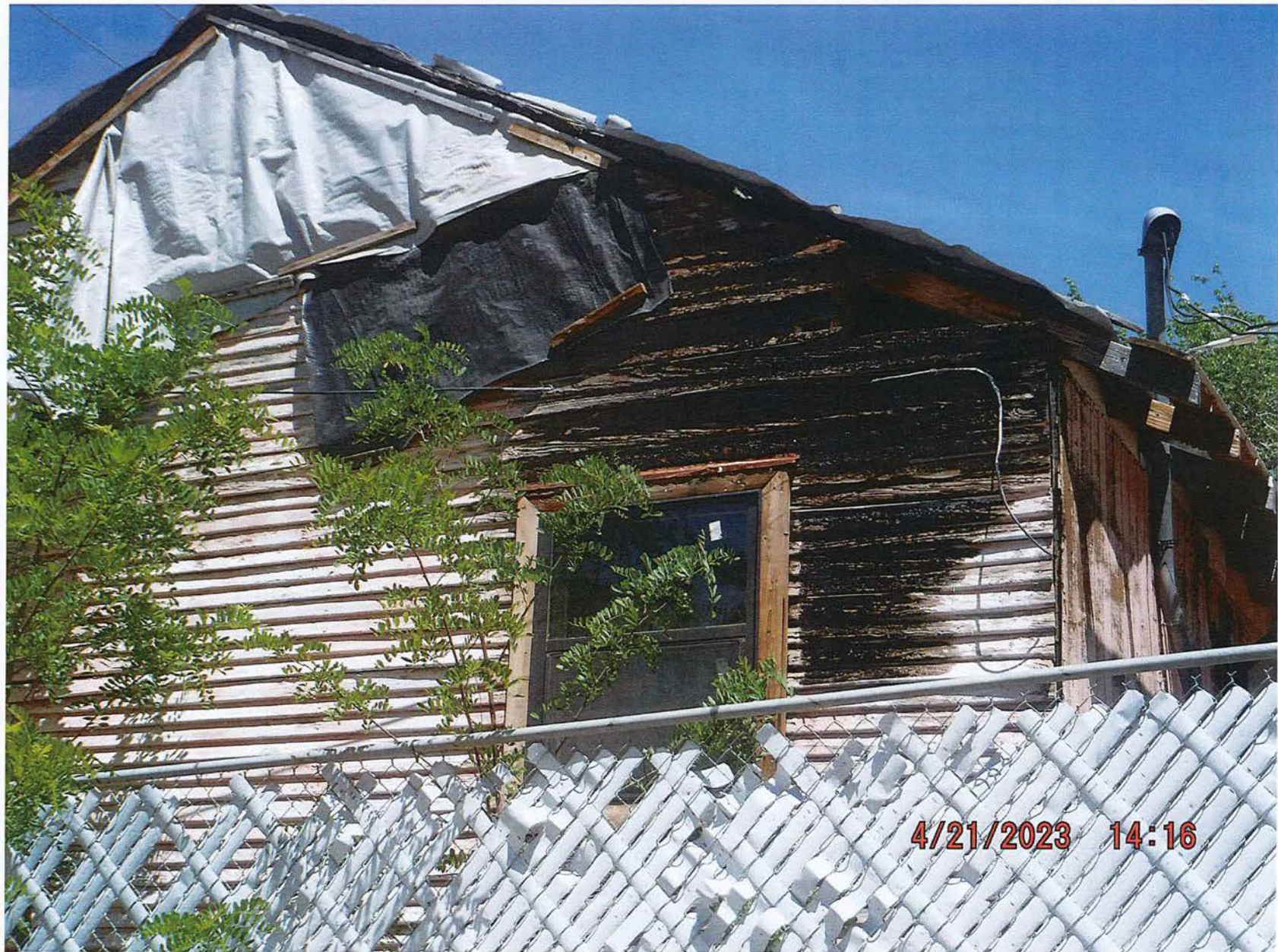












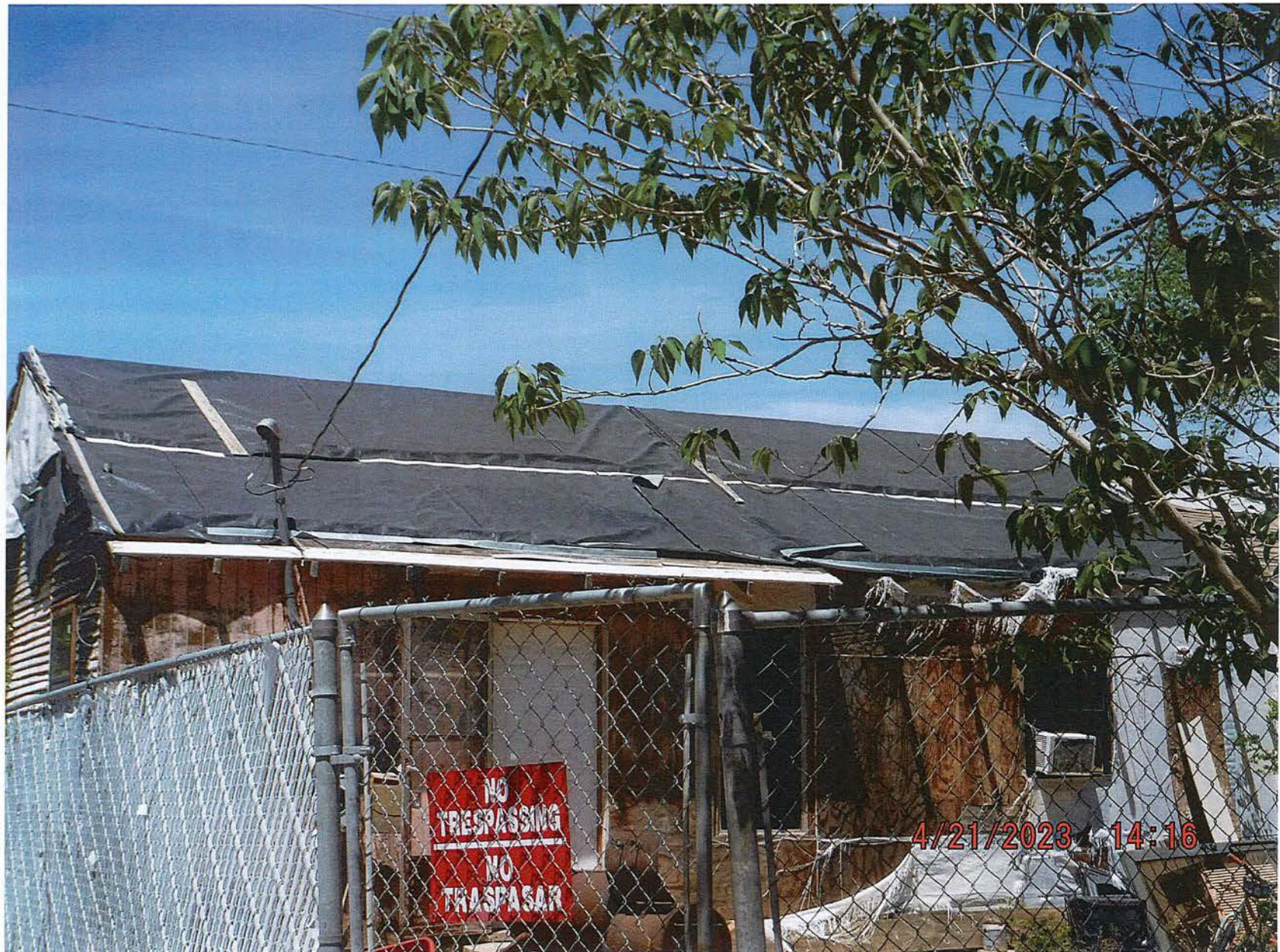




Exhibit A-5

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY ROY MARQUEZ**

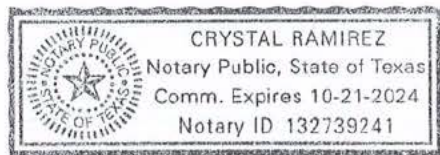
“The document in **Exhibit A-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

Certified Mail Return for **Exhibit A-6** is also attached.

SIGNED on the 7 day of June, 2023.

Roy Marquez
AFFIANT

SWORN TO AND SUBSCRIBED before me this 7th day of June, 2023
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

600 LANCASTER

LT 1 BK 41 ORIGINAL TOWN 50X140 0847 0.161 ACRES ACQ 02082017

EZEQUIEL CONTRERAS
600 LANCASTER
BIG SPRING TX 79720

Case No: 72183

Sent via: Certified US Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** have been violated, constituting a nuisance/safety issues:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 304.1.1	Premises and exterior/interior structure on property is not considered structurally sound, has extensive fire damage and is determined to be as unsafe, poses a threat to public health, safety and welfare.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
THE STRUCTURE ON THE 6TH STREET SIDE OF THIS PROPERTY DOES NOT MEET MINIMUM BUILDING STANDARDS. THE STRUCTURE NEEDS TO BE BROUGHT UP TO BUILDING CODE, AS IT IS DEEMED A SAFETY HAZARD. EXTERIOR OF STRUCTURE IS NOT MAINTAINED WITH MISSING SHINGLES, PART OF THE ROOF IS MISSING, AND STRUCTURE HAS SUSTAINED EXTENSIVE FIRE DAMAGE.	Seven (10) days from date of mailing

For further information about this notice, please contact the following person:

Issued by	Roy Marquez	Code Enforcement
	<i>Name</i>	<i>Department</i>
	432.264.2507	rmarquez@mybigspring.com
	<i>Phone</i>	<i>E-mail</i>

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found

guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES.

If you fail to take the corrective action within the deadlines stated above, the City may proceed with abatement (taking the corrective action for you). If so, the City will send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

ANNUAL NOTICE FOR WEEDS. If a violation covered by this notice occurs before the first anniversary of the date of this notice, and the City had not been informed in writing by the owner of an ownership change, then the City, without further notice, may take the corrective action and charge the abatement costs to the owner and file the lien as above.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,



Code Compliance Officer
City of Big Spring, Texas



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND NOTICE OF HEARING

600 LANCASTER BIG SPRING, TEXAS 79720

LEGAL DESCRIPTION: LT 1 BK 41 ORIGINAL TOWN 50X140 0847 0.161 ACRES
ACQ 02082017, Howard County

May 31ST, 2023

EZEQUIEL CONTRERAS
600 LANCASTER
BIG SPRING TX 79720

Sent via: Certified Mail; Return Receipt Requested

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** have been violated, constituting a nuisance:

VIOLATION	DESCRIPTION OF VIOLATION
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 7. The building or <i>structure</i> is <i>neglected</i> , damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or <i>structure</i> to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or <i>structure</i> for committing a nuisance or an unlawful act.	The structure is severely damaged and dilapidated.
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good	The roof appears to admit rain and has signs of deterioration. Unsafe condition.

repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects.	
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	The roof has defects that admit rain and is not sound and not tight.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required

Repair building or demolish building

Code Compliance is seeking an order for the following:

- Demolish and remove rear structure if not repaired.
- Secure premises
- Vacate premises

For further information about this notice, please contact the following person:

Issued by

Roy Marquez

Name

Code Enforcement Officer

Title

+1 (432) 264-2507

Phone

rmarquez@mybigspring.com

E-mail

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY

RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

YOU ARE HEREBY NOTIFIED THAT THE CITY HAS INITIATED PROCEEDINGS TO ABATE THE ABOVE-DESCRIBED NUISANCES AT YOUR EXPENSE.

This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **5:30 PM, June 13, 2023** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

CONDUCT OF THE HEARING. The Structural Standards Ordinance of the Big Spring City Code provides the following concerning the conduct of the hearing:

SECTION A-1.10. Rights of Parties

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.
- (c) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
- (d) Rights of Parties. Each party shall have the following rights, among others:
 - 1. To call and examine witnesses on any matter relevant to the issues of the hearing;
 - 2. To introduce documentary and physical evidence;
 - 3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - 4. To impeach any witness regardless of which party first called him to testify;
 - 5. To rebut the evidence against him;
 - 6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

Section C-9.02 (c)The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Code Official's order is upheld by the Hearing Board, you may appeal its ruling to the District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall be final.

FAILURE TO COMPLY/ATTACHMENT OF LIEN. If the owner of a premises fails to comply with an order of the Board within the time prescribed, and the City conducts abatement or work, either through an available public agency or by contract or arrangement with private persons, and the cost of such abatement work shall be charged against the real estate upon which the nuisance is located and shall be a lien on such real estate.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,

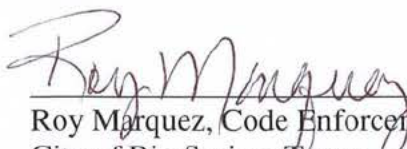

Roy Marquez, Code Enforcement Officer
City of Big Spring, Texas

Exhibit A-6

Exhibit A-7



Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON **JUNE 13th, 2023, AT 5:30 P.M.**, IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4TH ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

1000 E 20TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: SC 5 BK 32 1S 1231 1231 ACQ 102412 BLK/TRACT 321S 0.808 ACRES- OWNER: HENRY RIOS

1106 NW 8TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 5 BK 8 BANKS 50X115 182 0.132 ACRES – OWNER: JIMMY JOLLEY

605 NOLAN ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 10 & N/2 OF LT 9 BK 48 ORIGINAL TOWN 75X140 0792 BLK/TRACT 48 0.241 ACRES – OWNER: JESSE BUSTAMANTE

611 NOLAN ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: EXC 33' & 3' N/SIDE OF LTS 7-8 BK 48 ORIGINAL TOWN 64X140 0789 ACQ 011310 BLK/TRACT 48 0.206 ACRES – OWNER: JUANITA FLORES

609 BELL ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 8 BK 41 ORIGINAL TOWN 50X140 0854 ACQ 030612 BLK/TRACT 41 0.161 ACRES – OWNER: SAM CASTRO

600 LANCASTER, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 1 BK 41 ORIGINAL TOWN 50X140 0847 0.161 ACRES ACQ 02082017– OWNER: EZEQUIEL CONTRERAS

623 SGT PAREDEZ, TEXAS 79720 – LEGAL DESCRIPTION: W/2 OF LT 11 BK 99 ORIGINAL TOWN 50X1900211 ACQ 062408 BLK/TRACT 99 0.218 ACRES – OWNER: SOFIA RUBIO

THE CITY OF BIG SPRING HEARING BOARD MEETING IS AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT TAMI DAVIS AT 432-264-2513 OR AT 310 NOLAN, BIG SPRING, TEXAS 79720, AT LEAST FORTY-EIGHT (48) HOURS IN ADVANCE OF THE MEETING.

Nick Reyna

Nick Reyna, Building Official, City of Big Spring



623 SGT PAREDEZ

Code Enforcement Officer: Malissa Garcia

Exhibit C-1

STATE OF TEXAS

§

§

COUNTY OF HOWARD

§

**AFFIDAVIT OF MALISSA GARCIA
CONCERNING 623 SGT PAREDEZ**

BEFORE ME, the undersigned authority, on this day, personally appeared **Malissa Garcia**, who, being by me duly sworn, deposed as follows:

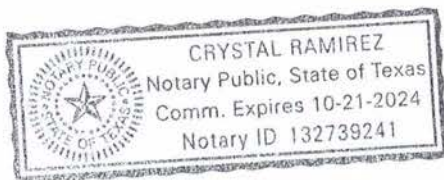
“My name is **Malissa Garcia**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“I am a Code Enforcement Officer for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **623 SGT PAREDEZ**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records.”

SIGNED on the 7 day of June, 2023.

Malissa Garcia
AFFIANT

SWORN TO AND SUBSCRIBED before me this 7th day of June, 2023 by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit C-2

Property Details

Account		
Property ID:	285228	Geographic ID: B4830079000
Type:	Real	Zoning:
Property Use:		Condo:
Location		
Situs Address:	623 SARGENT PAREDEZ	
Map ID:		Mapsc0:
Legal Description:	W/2 OF LT 11 BK 99 ORIGINAL TOWN 50X190 0211 ACQ 062408 BLK/TRACT 99 0.218 ACRES	
Abstract/Subdivision:		
Neighborhood:	TENN TENNYSON	
Owner ⓘ		
Owner ID:	431591	
Name:	RUBIO SOFIA	
Agent:		
Mailing Address:	1504 S MINEOLA ST MIDLAND, TX 79701	
% Ownership:	100.0%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$5,777 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$2,200 (+)
Land Non-Homesite Value:	\$0 (+)
Agricultural Market Valuation:	\$0 (+)
Market Value:	\$7,977 (=)
Agricultural Value Loss: 	\$0 (-)
Appraised Value:	\$7,977 (=)
Homestead Cap Loss: 	\$0 (-)
Assessed Value:	\$7,977
Ag Use Value:	\$0

VALUES DISPLAYED ARE 2023 PRELIMINARY VALUES AND ARE SUBJECT TO CHANGE PRIOR TO CERTIFICATION.

Information provided for research purposes only. Legal descriptions and acreage amounts are for appraisal district use only and should be verified prior to using for legal purpose and or documents. Please contact the Appraisal District to verify all information for accuracy.

Property Taxing Jurisdiction

Owner: RUBIO SOFIA %**Ownership:** 100.0%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
01H	HOWARD COUNTY	0.238916	\$7,977	\$7,977	\$19.06	
02B	CITY OF BIG SPRING	0.673163	\$7,977	\$7,977	\$53.70	
03B	BIG SPRING ISD	0.930900	\$7,977	\$7,977	\$74.26	
052	HOWARD COLLEGE	0.168395	\$7,977	\$7,977	\$13.43	

Total Tax Rate: 2.011374

Estimated Taxes With Exemptions: \$160.45

Estimated Taxes Without Exemptions: \$160.45

STATE OF TEXAS

§

§

COUNTY OF HOWARD

§

CERTIFICATION
623 SGT PAREDEZ CASE NOTES

“This record, attached as **Exhibit C-3**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

This record was kept in the course of a regularly conducted business activity of the Code Compliance Department of the City of Big Spring, Texas.

Making this record was a regular practice of that activity.

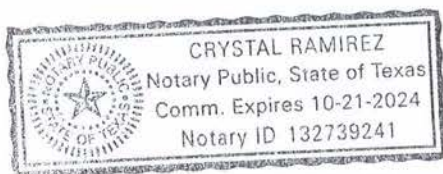
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout certain data.
7. I used the proper procedures to obtain the readout.
8. The computer was in working order at the time I obtained the readout.
9. I recognize the attached **Exhibit C-3** as the readout.”

SIGNED on the 7 day of June, 2023.

Melissa Garcia
AFFIANT

SWORN TO AND SUBSCRIBED before me this 7th day of June, 2023

by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit C-3

06-07-2023 09:32 AM

TASK NOTES REPORT

TASK #: 115714

ORIG. DATE:

TASK CODE: INSPECT SUBSTANDARD

DUE DATE:

PROPERTY: 623 SGT PAREDEZ ST

NOTES

Incident Notes:

Task #: 115714 - INSPECT SUBSTANDARD - 5/10/2023

4-26-2023 drove by and noticed this property with no windows or doors and roof looks like it is bowing in.

5-5-2023 got called out for a fire at 621 sgt paredez for a fire and saw the back side of this property and there is so much trash and all windows on this property is busted out and back door is open.

Task #: 115715 - SUBSTANDARD BLD - 5/10/2023

Exhibit C-4



4/26/2023 15:26







Exhibit C-5

STATE OF TEXAS

§

COUNTY OF HOWARD

§

§

**CERTIFICATION
NOTICE SENT BY MALISSA GARCIA**

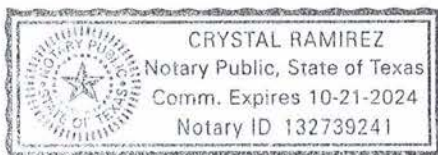
“The document in **Exhibit C-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

Certified Mail Return for **Exhibit C-6** is also attached.

SIGNED on the 7 day of June, 2023.

Malissa Garcia
AFFIANT

SWORN TO AND SUBSCRIBED before me this 7th day of June, 2023
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit C-6



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 • Ph. 432-264-2505

NOTICE OF VIOLATION AND NOTICE OF HEARING

623 SGT PAREDEZ, BIG SPRING, TEXAS 79720

LEGAL DESCRIPTION: W/2 OF LT 11 BK 99 ORIGINAL TOWN 50X190 0211 ACQ
062408 BLK/TRACT 99 0.218 ACRES, Howard County

May 31ST, 2023

SOFIA RUBIO
1504 S MINEOLA ST
Midland, Texas 79701

Sent via: Certified Mail; Return Receipt Requested

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** have been violated, constituting a nuisance:

VIOLATION	DESCRIPTION OF VIOLATION
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 7. The building or <i>structure</i> is <i>neglected</i> , damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or <i>structure</i> to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or <i>structure</i> for committing a nuisance or an unlawful act.	The structure is severely damaged and dilapidated.
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proper anchorage and is capable of supporting all nominal loads and resisting all load effects.	
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	The roof has defects that admit rain and is not sound and not tight.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required

Repair building or demolish building

Code Compliance is seeking an order for the following:

- Demolish and remove structure if owner does not repair structure.
- Secure premises
- Vacate premises

For further information about this notice, please contact the following person:

Issued by

Malissa Garcia

Name

Code Enforcement Officer

Title

+1 (432) 264-2506

Phone

mgarcia@mybigspring.com

E-mail

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE.

Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

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proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **5:30 PM, June 13, 2023** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

CONDUCT OF THE HEARING. The Structural Standards Ordinance of the Big Spring City Code provides the following concerning the conduct of the hearing:

SECTION A-1.10. Rights of Parties

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.
- (c) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
- (d) Rights of Parties. Each party shall have the following rights, among others:
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 - 2. To introduce documentary and physical evidence;
 - 3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - 4. To impeach any witness regardless of which party first called him to testify;
 - 5. To rebut the evidence against him;
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NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

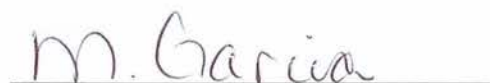
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Sincerely,



Malissa Garcia, Code Enforcement Officer
City of Big Spring, Texas

Exhibit C-7

Exhibit C-8



Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON **JUNE 13th, 2023, AT 5:30 P.M.**, IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4TH ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

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611 NOLAN ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: EXC 33' & 3' N/SIDE OF LTS 7-8 BK 48 ORIGINAL TOWN 64X140 0789 ACQ 011310 BLK/TRACT 48 0.206 ACRES – OWNER: JUANITA FLORES

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THE CITY OF BIG SPRING HEARING BOARD MEETING IS AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT TAMI DAVIS AT 432-264-2513 OR AT 310 NOLAN, BIG SPRING, TEXAS 79720, AT LEAST FORTY-EIGHT (48) HOURS IN ADVANCE OF THE MEETING.

Nick Reyna
Nick Reyna, Building Official, City of Big Spring



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

The City Council of the City of Big Spring, Texas, met in a SPECIAL AGENDA in the City Council Chambers located at 307 E. 4th St., Big Spring, Texas, at 9:00 AM, May 22, 2023, with the following members present in person:

COUNCIL MEMBER GLORIA MCDONALD
COUNCIL MEMBER TROY TOMPKINS
MAYOR ROBERT MOORE
COUNCIL MEMBER CODY HUGHES
MAYOR PRO TEM NICK ORNELAS
COUNCIL MEMBER MAURY SMITH
COUNCIL MEMBER DIANE YANEZ

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
JOSE CAZARES	Deputy Chief
SANDY SMITH	Finance Director
TAMI DAVIS	City Secretary

Open Session

Call to Order

Mayor Moore called the Special City Council Meeting to order at 9:00 a.m.

Invocation

Steve Moses, Trinity Baptist Church, 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 State Flag.

Mayor Moore allowed anyone to comment regarding the one item on the agenda concerning the expiration of the SAFER Grant. Several firefighters and citizens spoke

with their concerns of not keeping the 10 firefighter positions allowed through the SAFER Grant and the closing of Fire Station #2.

Announcements, Presentations and Public Hearings

Staff Presentation

City Staff gave a brief presentation on budget concerns regarding the number of positions for the Fire Department and the departments excess overtime and also the possibility to close Fire Stations #2 and relocate the current staff to other Fire Stations in order to keep the recommended number of staff to respond to an emergency.

After a brief discussion, Mayor Pro Tem Ornelas made a motion to keep and fund the 10 positions we currently have through the end of the fiscal year and assure that Fire Station #2 stays open, seconded by Council Member Yanez. Andrew Hagen, City Attorney, advised that the motion made was for a budget amendment and was not an item on this current agenda. Mayor Pro Tem Ornelas withdrew his motion.

MOTION WAS MADE BY Mayor Pro Tem Ornelas to table the ordinance listed below, seconded by Council Member Tompkins.

YEAS: Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member Tompkins **4**
3

NAYS: Mayor Moore, Council Member McDonald, Council Member Smith

MOTION PASSED

New Business

First Reading of an Ordinance Addressing Safety, Efficiency, Coverage, and Budgetary Concerns for the Fire Department, Establishing Classifications and Number of Positions for the Fire Department Pursuant to Section 143.021, Texas Local Government Code; Decreasing the Number of Sworn Fire Department Personnel by Ten (10) from Seventy-Four (74) to Sixty-Four (64) Through Attrition with No Current Positions Being Eliminated; Improving Safety, Efficiency, and Coverage by Consolidating from Five to Four Fire Stations; Providing for Repeal of Conflicting Ordinances; Providing a Severability Clause; Finding and Determining that the Meetings at Which the Ordinance was Discussed were Open to the Public as Required by Law; Providing for Publication; and Providing for an Effective Date

Adjourn

Mayor Moore adjourn the Special City Council Meeting at 1:30 p.m.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary

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, May 23, 2023, with the following members present in person:

COUNCIL MEMBER TROY TOMPKINS
MAYOR ROBERT MOORE
COUNCIL MEMBER DIANE YANEZ
COUNCIL MEMBER CODY HUGHES
MAYOR PRO TEM NICK ORNELAS
COUNCIL MEMBER GLORIA MCDONALD

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
MIKE FEELEY	Airpark Director
SANDY SMITH	Finance Director
HAYLEY LEWIS	Community Services Director
TAMI DAVIS	City Secretary
MANDY HAYNES	Municipal Judge

Open Session

Call to Order

Mayor Moore called the City Council meeting to order at 5:30 p.m.

Invocation

David Allman, Hillside Christian Church, 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 State Flag.

Public Comment

Public Comment

Several citizens spoke regarding agenda items and one citizen asked the council to consider allowing livestock within the city limits.

Public hearings regarding abatements of public nuisances

MOTION WAS MADE BY Council Member Hughes to open the below listed public hearings, seconded by Council Member Yanez.

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins**

NAYS: None

MOTION PASSED

**Each public hearing listed below was presented to the Council with an abatement order and pictures. The following citizen spoke regarding their property;
Tyra Lendermon - 1008 E. 12th St.**

Announcements, Presentations and Public Hearings

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1008 E 12TH STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 5 BK 29 COLE & STRAYHORN 50X140 251 AXQ 032206 BLK/TRACT 29 0.161 ACRES - OWNER: TYRA LENDERMON.

MOTION WAS MADE BY Council Member Yanez to abate the above captioned property (1008 E. 12th St.), seconded by Council Member McDonald.

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins**

NAYS: None

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 803 ROSEMONT STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: N/2 OF LT 3 & S61 OF LT 4 BK 2 CENTRAL PARK IRR 1153 0.261 ACRES - OWNER: ESTATE OF M.L JOHNSON.

Code Enforcement withdrew the above captioned property (803 Rosemont St.) as the owner has complied with the order.

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 820 W 7TH STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 17 BK 4 CEDAR CREST 50X133.5 917 0.153 ACRES ACQ 05252017- OWNER: ELISABETH PORTER, MANUEL LOPEZ JR, ELEANOR LOPEZ, EVE RUMSEY, AND ESTHER FROMAN

MOTION WAS MADE BY Council Member Hughes to abate the above captioned property (820 W. 7th St.), seconded by Council Member Yanez.

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins**

NAYS: None

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 910 W 4TH STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 12 BK 2 JONES VALLEY 50X150 528 0.172 ACRES- OWNER: ROSA G CANTU AND ESTATE OF ADOLFO CANTU.

MOTION WAS MADE BY Mayor Moore to abate the back part of the property and secure the front part (910 W. 4th St.), seconded by Council Member Hughes.

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins**

NAYS: None

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1603 LEXINGTON STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 2 BK 1 WILEY TERRACE 78X115 692 BLK/TRACT 1 0.206 ACRES- OWNER: ROBERT AND EDA FAYE SCHAAF.

MOTION WAS MADE BY Mayor Pro Tem Ornelas to abate the above captioned property (1603 Lexington St.), seconded by Council Member Yanez.

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins**

NAYS: None

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 703 E 14TH STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 11 BK 11 COLE & STRAYHORN 50X140 451 BLK/TRACT 11 0.161 ACRES ACQ 6192017- OWNER: SONIA WYRICK AND TERESA HARMON

MOTION WAS MADE BY Council Member McDonald to abate the above captioned property (703 E. 14th St.), seconded by Council Member Hughes.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins **6**
NAYS: None **0**

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 605 BELL STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LTS 9-10 BK 41 ORIGINAL TOWN 00140 0855 ACQ 1012017 1.321 ACRES- OWNER: NORMA C LOPEZ

MOTION WAS MADE BY Council Member McDonald to abate the back part of the main structure (an addition) and the garage in the back yard and leave the main structure alone as it is a historic home (605 Bell St.), seconded by Council Member Hughes.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins **6**
NAYS: None **0**

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 609 BELL STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 8 BK 41 ORIGINAL TOWN 50X140 0854 ACQ 030612 BLK/TRACT 41 0.161 ACRES- OWNER: ROBERT AND EDA FAYE SCHAAF

Staff asked to postpone the above captioned property (609 Bell St.) until the next council meeting as the wrong owner is currently listed.

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1206 MAIN STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: S/2 OF LT 3 & N/2 OF LT 4 BK 6 HATHCOCK HEIGHTS 50X150 145 ACQ 031222018 BLK/TRACT 6 0.172 ACRES- OWNER: FERNANDO HERRERA AND MAYRA GUIRADO

MOTION WAS MADE BY Council Member Yanez to abate the above captioned property (1206 Main St.), seconded by Council Member Hughes.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins **6**
NAYS: None **0**

MOTION PASSED

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

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, **6**

**Council Member Hughes, Council Member McDonald, Council Member
Tompkins 0**
NAYS: None

MOTION PASSED

City Manager's Report

City Manager's report on the following items:

- Aquatic Center to Open June 3rd
- Update on Large Item Pickup, District 5
- Update on Seal Coating
- City Holiday - Memorial Day, May 29th

Todd Darden, City Manager, reported on the above captioned items as follows: The aquatic center is scheduled to open on June 3rd; Large item picked up in District 5 picked up 9 1/2 tons of trash; Street seal coating is scheduled to begin in June; and the city will be closed on Monday, May 29th in observance of Memorial Day.

Consent Items

Approval of the City Council Minutes of the Regular Meeting of May 9, 2023.

Acknowledge Receipt of the Planning & Zoning Minutes of the Regular Meeting of April 18, 2023

Final Reading of an Ordinance Authorizing Z-22-04, Amending the Big Spring Zoning Ordinance by Rezoning Approximately 5.08 Acres of Land out on N/2 of Section 8, Block 32, T-1-S, T&P RR. Co. Survey, Big Spring, Howard County, Texas, from Agricultural (A) to Single-Family Residential (SF-2), Single-Family Dwelling District; Providing a Savings and Severability Clause; Providing for Repeal of Conflicting Ordinances; Providing for Publication; and Providing an Effective Date; and Finding and Determining that the Meeting at Which the Ordinance was Discussed was Open to the Public as Required by Law

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

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins
NAYS: None

MOTION PASSED

Final Reading of an Ordinance Addressing Safety, Efficiency, Coverage, and Budgetary Concerns for the Fire Department, Establishing Classifications and Number of Positions for the Fire Department Pursuant to Section 143.021, Texas Local Government Code; Decreasing the Number of Sworn Fire Department Personnel by Ten (10) from Seventy-Four (74) to Sixty-Four (64) Through Attrition with No Current Positions Being Eliminated; Improving Safety, Efficiency, and Coverage by Consolidating from Five to Four Fire Stations; Providing for Repeal of Conflicting Ordinances; Providing a Severability Clause; Finding and Determining that the Meetings at Which the Ordinance was Discussed were Open to the Public as Required by Law; Providing for Publication; and Providing for an Effective Date

The above captioned ordinance regarding the Fire Department Safer Grant was tabled at the special meeting on May 22, 2023.

Other Business

Final Reading of an Ordinance Amending the Big Spring City Code, Chapter 40, "Parks, Recreation, and Cultural Affairs," Article V, "Moss Creek Lake," Section 40-151, "Admission Regulations," to Clarify Moss Creek Lake Fees; to Clarify Moss Creek Lake Rules; to Confirm that Moss Creek Lake May Not be Used as a Permanent Residence Except for the Caretaker, and to Delegate the Authority to Make Policies and Regulations for Moss Creek Lake Not Inconsistent with Article V to the City Manager, and With the City Manager's Permission, to the Public Works Director, Providing for Repeal of Conflicting Ordinances; Providing for a Savings and Severability Clause; Establishing an Effective Date; Providing for Publication; and Finding and Determining that the Meeting at Which the Ordinance was Discussed was Open to the Public as Required by Law

MOTION WAS MADE BY Mayor Moore to approve the above captioned ordinance as amended, seconded by Council Member Hughes.

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins**

NAYS: None

MOTION PASSED

Vouchers

Vouchers for 05/11/23	\$	763,398.55
Vouchers for 05/18/23	\$	852,382.53
Drafts	\$	1,188,560.45

Council Member Tompkins did not have a chance to review the above captioned vouchers and will be added to the next agenda.

Bids

Consideration and Possible Action on Awarding a Bid for Birdwell Park Detention Pond

Improvements Project and Authorizing the City Manager or His Designee to Execute any Necessary Documents. This Project Included Repairs and Improvements to the Existing Birdwell Park Detention Pond.

MOTION WAS MADE BY Council Member Yanez to award the above captioned bid to Bontke Brothers Construction in the amount of \$296,692.50, seconded by Mayor Pro Tem Ornelas.

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins**

NAYS: None

MOTION PASSED

New Business

Consideration and Possible Action to Accept a Donation from Big Spring Jr. High National Junior Honor Society to the Big Spring Police Department.

MOTION WAS MADE BY Council Member McDonald to accept the above captioned donation in the amount of \$406.12 to be used for the Animal Control Division, seconded by Council Member Hughes.

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins**

NAYS: None

MOTION PASSED

First Reading of an Ordinance Granting a Partial Ad Valorem Tax Exemption for Tax Year 2023 for the Homestead of any Married or Unmarried Adult; Finding and Determining That the Meetings at Which the Ordinance was Discussed were Open to the Public as Required by Law; Providing for Severability; Providing for Repeal of Conflicting Ordinances; Providing for Publication; and Providing an Effective Date

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

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins**

NAYS: None

MOTION PASSED

First Reading of an Ordinance Amending Ordinance Number 038-2022 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the General Fund Budget for the Purpose of the Rebuilding of the Detention Pond Dam at Birdwell Park: Providing for Severability; Providing for Publication; 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, Council Member Hughes, Council Member McDonald, Council Member Tompkins **6**
0

NAYS: None

MOTION PASSED

Consideration and Possible Action of a Third Amendment to the Service Agreement with TML Health Benefits Pool (TMLHBP) for Administrative Services for Employee Health Insurance to Reflect TML Health's Fee in Connection with Claims, Items, and Services that are Subject to the No Surprises Act (NSA) and Disputed by a Provider Through the Independent Dispute Resolution Process, to be Paid by Big Spring, to be Governed by its Terms and Conditions Thereby and Authorizing the City Manager or His Designee to Execute any Necessary Documents

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

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins **6**
0

NAYS: None

MOTION PASSED

Consideration and Possible Action on an Engineering Service Agreement with Jacob Martin for Birdwell Liftstation and Authorizing the City Manager or His Designee to Execute any Necessary Documents

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

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins **6**
0

NAYS: None

MOTION PASSED

Consideration and Possible Action of an Agreement with Spectrum Voip/GDT Providing the City of Big Spring Services to Upgrade the Phone System, Internet and Long-Distance Phone Services and Authorizing the City Manager or His Designee to Execute any Necessary Documents

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

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins **6**
0

NAYS: None

MOTION PASSED

Consideration and Possible Action on an Engineering Agreement for Big Spring Wastewater Treatment Plant (WWTP) Grit and Filter Improvement Study and Authorizing the City Manager or His Designee to Execute any Necessary Documents

MOTION WAS MADE BY Mayor Moore to approve the above captioned agreement with Freese and Nichols, Inc., seconded by Council Member Hughes.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins

NAYS: None

MOTION PASSED

Boards & Committees

CRMWD Board of Directors

Term - June 1, 2023 through May 31, 2025

Rick Watkins

Ernie Morgan

Roy Worthy

Council Member Tompkins announced that Roy Worthy was not interested and asked to be removed from the nomination list.

MOTION WAS MADE BY Council Member Tompkins to appoint Rick Watkins and Ernie Morgan to the CRMWD Board of Directors, seconded by Mayor Pro Tem Ornelas.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins

NAYS: None

MOTION PASSED

Zoning Board of Adjustments - Alternate

Jose Olivias - Nominated by Council Member Yanez (Dist. 2)

MOTION WAS MADE BY Mayor Moore to appoint Jose Olivias to the Zoning Board of Adjustments as an alternate, seconded by Council Member Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins

NAYS: None

MOTION PASSED

Council Input

Input

Council Member Yanez thanked Todd.
Council Member Tompkins asked for a CRMWD update on the lake levels.

Adjourn
Mayor Moore adjourned the City Council meeting at 6:49 p.m.

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, March 21, 2023, 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, March 21, 2023, in the offices of the Big Spring Economic Development Corporation. The following notice was sent on March 17, 2023, to all Directors, the news media, and duly posted on March 17, 2023, by Teresa Morris in compliance with the Open Meetings 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 March 21, 2023, at 5:15p.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 February 21, 2023, Regular Meeting, Consideration/Action to Approve February Investment Report and Financials, Directors Report, Executive Session, Action as a Result of Executive Session, Board Comment, and Adjourn".

Directors Present:

Mr. Raul Benavides- President
Mrs. Kristy Tyra- Secretary/Treasurer
Ms. Anna Scott

Directors Absent:

Mr. Cody Williams-Vice President

Staff Present:

Mr. Mark Willis, Ms. Teresa Morris

Guests that signed in:

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

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

AGENDA ITEM #2- Public Comment:

None

AGENDA ITEM #3- Action on Minutes of the February 21, 2023, Regular Meeting:

Mr. Benavides presented the Minutes. The motion to accept the Minutes was made by Ms. Scott seconded by Mrs. Tyra. The motion passed 3 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM# 4- Consideration/Action to Approve December and February Investment Report and Financials:

Ms. Morris presented the Investment Reports and Financials. Motion to approve the Investment Reports, Financials was made by Mrs. Tyra seconded by Ms. Scott. The motion passed 3 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #5- Directors Report:

Projects: In the process of connecting with the EDC attorney to start constructing the contract for Cross Ell Ranch that represents the next step in the process. The Director continues to work with the Ryan group after getting direction from the City Council. The contract for sale of the former Ramada Inn/Prison is being fine-tuned and expected to be ready for signature shortly. The restaurant prospect the EDC and City have been working with, accepted the 380 Agreement and is expected to close on the property shortly. The EDC Associate Director, in partnership with the Chamber and Howard College, coordinated the second Howard County Joint Leadership Summit. The EDC is still talking with several companies considering large renewable projects in the County.

Meetings: EDC Director attended the TEDC Legislative Conference. EDC Director participated in the Howard College Business Planning annual meeting. The EDC Director spoke at a Rotary Club lunch. The EDC Director participated in two monthly radio interviews. The EDC Director participated in three City

staff meetings. The EDC Director participated in two City Council meetings. The EDC Director attended the monthly County leadership meeting. The next Board meeting will be April 18th.

AGENDA ITEM #6- Executive Session in accordance with Texas Government Code, Section 551.087 to discuss or deliberate regarding prospect activity:

Mr. Benavides adjourned the Board into Executive Session at 5:25 pm., March 21, 2023. Mr. Benavides called the Executive Session to order at 5:29 pm., March 21, 2023. Mr. Benavides adjourned out of executive session at 6:17 pm., March 21, 2023. Mr. Benavides reconvened into open session at 6:20 pm., March 21, 2023.

AGENDA ITEM #7- Action as a Result of Executive Session:

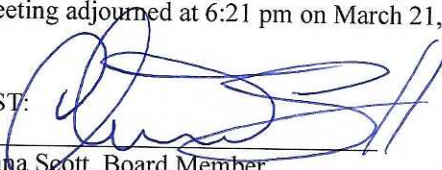
None

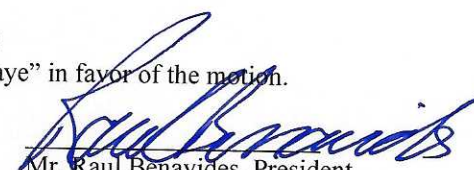
AGENDA ITEM #8- Board Comments:

AGENDA ITEM #9- Adjourn:

Mrs. Tyra made a motion to adjourn, seconded by Ms. Scott
The motion passed 3 to 0 with all members present voting "aye" in favor of the motion.
The meeting adjourned at 6:21 pm on March 21, 2023.

ATTEST:


Ms. Anna Scott, Board Member


Mr. Raul Benavides, President

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS GRANTING A PARTIAL AD VALOREM TAX EXEMPTION FOR TAX YEAR 2023 FOR THE HOMESTEAD OF ANY MARRIED OR UNMARRIED ADULT; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE WAS DISCUSSED WERE OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council finds that it would be in the best interest of the public welfare for the City Council to grant the residence homestead exemptions provided in Article 8, Section 1-b of the Texas Constitution and §11.13 of the Texas Property Tax Code;

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

SECTION 1. As authorized by Article 8 Section 1-b(e) of the Texas Constitution and §11.13(n) of the Texas Property Tax code the City Council hereby exempts from municipal ad valorem taxation twenty percent (20%) of the market value of the residence homestead of a married or unmarried adult, including one living alone, for the tax year 2022. However, as provided in said constitutional provision, the amount of the exemption authorized pursuant to this section may not be less than Five Thousand Dollars (\$5,000.00) unless the legislature by general law prescribes other monetary restrictions on the amount of this exemption. Also, as prescribed in said constitutional provisions, an eligible adult is entitled to receive other applicable exemptions provided by law. Further, as provided in said constitution provision, where ad valorem tax has previously been pledged for the payment of debt, the City of Big Spring may continue to levy and collect the tax against the value of the homesteads exempted under this section until the debt is discharged if the cessation of the levy would impair the obligation of the contract by which the debt was created.

SECTION 2. As set forth in Texas Tax Code §11.13, joint, community, or successive owners of property may not each receive the same exemption adopted by the ordinance for the same residence homestead. Furthermore, a person may not receive an exemption under Section 11.13 for more than one residence homestead in the same year.

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. It is hereby officially found and determined that the meetings at which this Ordinance was adopted were open to the public and that public notice of the time, place and purpose of said meetings was given as required by law.

SECTION 6. Upon final passage and approval of this Ordinance, the City Secretary is hereby directed to publish the caption of the ordinance that summarizes the purpose of the ordinance and the penalty for violating the ordinance twice as required by law.

SECTION 7. This Ordinance shall become effective upon its second publication.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **23rd** day of **May, 2023**, 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 **13th** day of **June, 2023**, with all members 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, AMENDING ORDINANCE NUMBER 038-2022 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023 BY INCREASING THE GENERAL FUND BUDGET FOR THE PURPOSE OF THE REBUILDING OF THE DETENTION POND DAM AT BIRDWELL PARK; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City Council adopted the annual 2022-23 budget for the City of Big Spring, Texas on September 27, 2022 (“Budget”); and

WHEREAS the original budget did not provide for the expenditure, since it was the result of an unusual amount of rainfall in a very short period of time.

WHEREAS the City Manager and the Finance Director recommend that the City Council increase the General Fund budgeted expenditures and amend the Budget previously approved;

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

SECTION 1. The General Fund Budget of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023 is hereby increased by the amount of \$300,000 to the Street Department, account number 002-022-320-6224. The net increase will be funded through the fund balance.

SECTION 2. The remaining portions of Ordinance Number 038-2022 shall remain in full force and effect.

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 authorized and directed to cause the publication of this ordinance in accordance with law.

SECTION 6. This ordinance shall be in full force and effective from and after its publication as required by law.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 23rd day of May, 2023 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 13th day of June, 2023 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: 06/07/2023

From: Sandy Smith, Finance Director

To: Mayor and City Council

Re: 2022-2023 Budget Amendment

The budget for the SAFER Grant was funded through March 31, 2023. This budget amendment will provide for the salaries for the personnel hired with SAFER Grant funds through June, 2023.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING ORDINANCE NUMBER 038-2022 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023 BY INCREASING THE GENERAL FUND BUDGET FOR THE PURPOSE OF THE CONTINUED FUNDING OF THE FIRE DEPARTMENT EMPLOYEES THAT WERE FUNDED THROUGH THE SAFER GRANT; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City Council adopted the annual 2022-23 budget for the City of Big Spring, Texas on September 27, 2022 (“Budget”); and

WHEREAS the original budget for the SAFER grant ended on March 31, 2023. This budget amendment will continue the funding through June 30, 2023.

WHEREAS the City Manager and the Finance Director recommend that the City Council increase the General Fund budgeted expenditures and amend the Budget previously approved;

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

SECTION 1. The General Fund Budget of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023 is hereby increased by the amount of \$80,000.00 to Department 002-012-211 SAFER Grant (and respective Personnel Services accounts) for the purpose continued funding for salaries for employees hired through the SAFER Grant funds through June 30, 2023. The net increase will be funded through the fund balance.

SECTION 2. The remaining portions of Ordinance Number 038-2022 shall remain in full force and effect.

SECTION 3. Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose, the reminder 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 authorized and directed to cause the publication of this ordinance in accordance with law.

SECTION 6. This ordinance shall be in full force and effective from and after its publication as required by law.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **13th** day of **June, 2023** 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 **June, 2023** 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



INTEROFFICE MEMORANDUM

Date: June 9, 2023
To: Mayor Robert H. Moore, Big Spring City Council, and Todd Darden, City Manager
From: John Medina, Assistant City Manager
Subject: 11th and Birdwell Traffic Signal Repair

On May 7, 2023, there was an accident at 11th Place and Birdwell that destroyed the traffic signal on the northwest corner of the intersection. Administration is requesting a budget amendment in the amount of \$35,350.00, to cover the cost of repairing the traffic signal at this intersection.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING ORDINANCE NUMBER 038-2022 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023 BY INCREASING THE GENERAL FUND BUDGET FOR THE PURPOSE OF THE REPAIR OF THE TRAFFIC LIGHT AT 11TH AND BIRDWELL; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City Council adopted the annual 2022-23 budget for the City of Big Spring, Texas on September 27, 2022 (“Budget”); and

WHEREAS the original budget does not provide for emergency repair of traffic lights damaged by vehicles/vehicle accidents.

WHEREAS the City Manager and the Finance Director recommend that the City Council increase the General Fund budgeted expenditures and amend the Budget previously approved;

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

SECTION 1. The General Fund Budget of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023 is hereby increased by the amount of \$35,350.00 to the Street Department, account 002-022-320-6321 Signal Systems. The net increase will be funded through the fund balance.

SECTION 2. The remaining portions of Ordinance Number 038-2022 shall remain in full force and effect.

SECTION 3. Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose, the reminder 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 authorized and directed to cause the publication of this ordinance in accordance with law.

SECTION 6. This ordinance shall be in full force and effective from and after its publication as required by law.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 13th day of June, 2023 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 June, 2023 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

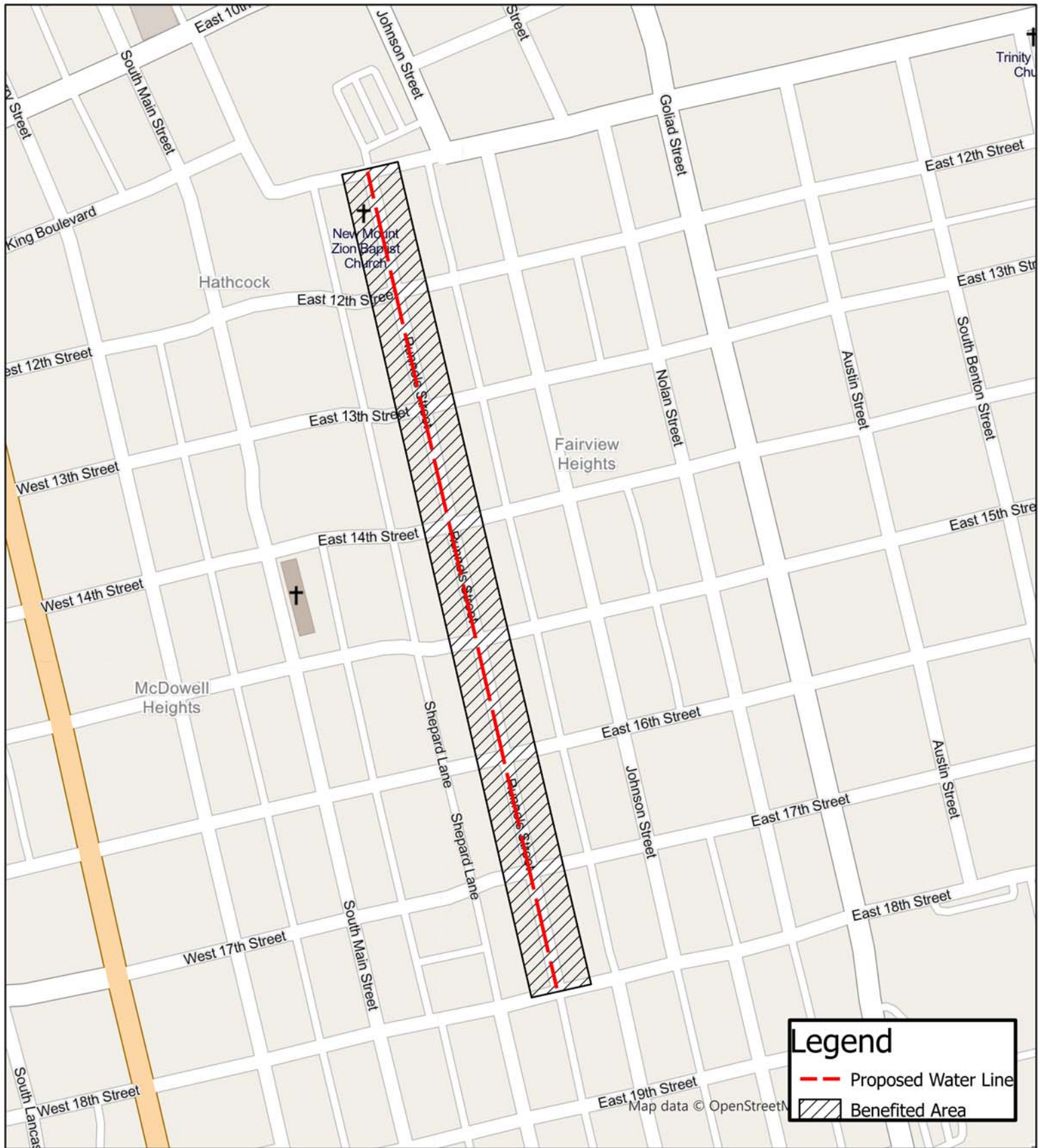


INTEROFFICE MEMORANDUM

Date: June 13, 2023
To: Mayor Robert H. Moore, Big Spring City Council, and Todd Darden, City Manager
From: John Medina, Assistant City Manager
Subject: Resolution Regarding Civil Rights for CDBG Runnels Street Waterline Replacement

In January 2023, the city received an award notification for the 2021 Community Development Block Grant funds for the Runnels Street Waterline Replacement Project. South Plains Association of Governments (SPAG), the grant manager of the 2021 Texas Department of Agriculture Community Development Block Grant Project, has requested the City Council consider and pass the attached resolution. This resolution states that the City agrees to comply with all federal rules and regulations, including those rules and regulations governing citizen participation and civil rights. This is a standard requirement for the receipt of any and all federal funding.

FIGURE A1



City of Big Spring
Water System Improvements
TX 2021/22 TDA - CDBG Application
Project Map



0 200 400 800



Feet



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING ADOPTING PLANS, POLICIES, AND PROCEDURES THAT SUPPORT THE CIVIL RIGHTS OF ALL PERSONS AFFECTED BY THE CDBG PROJECT; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS DISCUSSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Whereas, the City of Big Spring, Texas, (hereinafter referred to as “City of Big Spring”) has been awarded TxCDBG funding through a TxCDBG grant from the Texas Department of Agriculture (hereinafter referred to as “TDA”); and

WHEREAS, the City of Big Spring, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability; and

WHEREAS, the City of Big Spring, in consideration for the receipt and acceptance of federal funding, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections; and

WHEREAS, the City of Big Spring, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135, is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the TxCDBG project area; and

WHEREAS, the City of Big Spring, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State’s certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations; and

WHEREAS, the City of Big Spring in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each TxCDBG project; and

WHEREAS, the City of Big Spring, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to

ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and

WHEREAS, the City of Big Spring, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period of the TxCDBG contract, to affirmatively further fair housing; and

WHEREAS, the City of Big Spring, agrees to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts;

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

SECTION 1. The facts and matters set forth in the preamble of this Resolution are hereby found to be true and correct.

SECTION 2. The City of Big Spring adopts the following:

1. Citizen Participation Plan and Grievance Procedures (Form A1013);
2. Section 3 Policy (Form A1002);
3. Excessive Force Policy (Form A1003);
4. Section 504 Policy and Grievance Procedures (Form A1004);
5. Code of Conduct Policy (Sample Form Appendix C);
6. Limited English Proficiency Plan (Form 1010); and
7. Fair Housing Policy (Exhibit 1015).

SECTION 3. All provisions of any resolution in conflict with this Resolution are hereby repealed to the extent they are in conflict. Any remaining portions of said resolutions shall remain in full force and effect.

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

SECTION 5. It is hereby officially found and determined that the meeting at which this Resolution was adopted is open to the public and that public notice of the time, place and purpose of said meeting was given as required by law.

SECTION 6. This Resolution shall become effective immediately.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **13th** day of **June, 2023** with all members of the Council voting “aye” for the passage of same.

PASSED AND APPROVED on second reading at a regular meeting of the City Council on the **27th** day of **June, 2023** with all members of the Council voting “aye” for the passage of same.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary

THE CITY OF BIG SPRING
CITIZEN PARTICIPATION PLAN
TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Note to Grant Recipients regarding Limited English Proficiency (LEP) requirements:

In accordance with federal law, if there is a significant number of the population who are non-English speaking residents and are affected by the TxCDBG project, such citizens should have ‘meaningful access’ to all aspects of the TxCDBG project. To provide ‘meaningful access’, Grant Recipients may need to provide interpreter services at public hearings or provide non-English written materials that are routinely provided in English. Examples of such vital documents may include Citizen Participation notices (e.g., complaint procedures, hearings notices), civil rights notices, and any other published notice that may allow an eligible person with limited English proficiency to participate in discussing proposed CDBG activities.

For more information, see LEP.gov

COMPLAINT PROCEDURES

These complaint procedures comply with the requirements of the Texas Department of Agriculture’s Texas Community Development Block Grant (TxCDBG) Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at the City of Big Spring, 310 Nolan Street, Big Spring, TX 79720, (432) 264-2514, during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the TxCDBG project.

1. A person who has a complaint or grievance about any services or activities with respect to the TxCDBG project, whether it is a proposed, ongoing, or completed TxCDBG project, may during regular business hours submit such complaint or grievance, in writing to the City Attorney at 310 Nolan Street, Big Spring, TX 79720, or may call (432) 264-2514.
2. A copy of the complaint or grievance shall be transmitted by the City Attorney to the entity that is the subject of the complaint or grievance and to the City Attorney within five (5) working days after the date of the complaint or grievance was received.
3. The City Attorney shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to person who made the complaint or grievance within ten (10) days.
4. If the investigation cannot be completed within ten (10) working days per 3 above, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.

5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the TxCDBG for their further review and comment.
6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

TECHNICAL ASSISTANCE

When requested, the City shall provide technical assistance to groups that are representative of persons of low- and moderate-income in developing proposals for the use of TxCDBG funds. The City, based upon the specific needs of the community's residents at the time of the request, shall determine the level and type of assistance.

PUBLIC HEARING PROVISIONS

For each public hearing scheduled and conducted by the City, the following public hearing provisions shall be observed:

1. Public notice of all hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice must include the date, time, location, and topics to be considered at the public hearing. A published newspaper article can also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.
2. When a significant number of non-English speaking residents are a part of the potential service area of the TxCDBG project, vital documents such as notices should be published in the predominant language of these non-English speaking citizens.
3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and the City must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to the hearing.
4. A public hearing held prior to the submission of a TxCDBG application must be held after 5:00 PM on a weekday or at a convenient time on a Saturday or Sunday.
5. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City shall comply with the following citizen participation requirements for the preparation and submission of an application for a TxCDBG project:

1. At a minimum, the City shall hold at least one (1) public hearing to prior to submitting the application to the Texas Department of Agriculture.

2. The City shall retain documentation of the hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the proposed use of funds for three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.
3. The public hearing shall include a discussion with citizens as outlined in the applicable TxCDBG application manual to include, but is not limited to, the development of housing and community development needs, the amount of funding available, all eligible activities under the TxCDBG program, and the use of past TxCDBG contract funds, if applicable. Citizens, with particular emphasis on persons of low- and moderate-income who are residents of slum and blight areas, shall be encouraged to submit their views and proposals regarding community development and housing needs. Citizens shall be made aware of the location where they may submit their views and proposals should they be unable to attend the public hearing.
4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City must comply with the following citizen participation requirements in the event that the City receives funds from the TxCDBG program:

1. The City shall also hold a public hearing concerning any substantial change, as determined by TxCDBG, proposed to be made in the use of TxCDBG funds from one eligible activity to another again using the preceding notice requirements.
2. Upon completion of the TxCDBG project, the City shall hold a public hearing and review its program performance including the actual use of the TxCDBG funds.
3. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, for either a public hearing concerning substantial change to the TxCDBG project or for the closeout of the TxCDBG project, publish notice in both English and Spanish, or other appropriate language and provide an interpreter at the hearing to accommodate the needs of the non-English speaking residents.
4. The City shall retain documentation of the TxCDBG project, including hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.

Robert Moore, Mayor

Date

LA CIUDAD DE BIG SPRING
PLAN DE PARTICIPACIÓN CIUDADANA
PROGRAMA DE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Nota a los receptores de subvención en relación a requisitos de Dominio Limitado del Inglés:

De acuerdo con la ley federal hay un número significativo de población que son residentes y que no hablan inglés y son afectados por el proyecto TxCDBG, estos ciudadanos deben tener "acceso significativo" a todos los aspectos del proyecto TxCDBG. Para proporcionar "acceso significativo", receptores de la subvención pueden ser utilizados para proporcionar servicios de interpretación en las audiencias públicas o proporcionar materiales no escritos en inglés que se proporcionan de manera rutinaria en Inglés. Para obtener más información, consulte LEP.gov.

PROCEDIMIENTOS DE QUEJA

Estos procedimientos de queja cumplen con los requisitos del Departamento de Programa de Agricultura de Texas Community Development Block Grant (TxCDBG) y los requisitos del gobierno local de Texas se encuentran en 24 CFR §570.486 (Código de Regulaciones Federales). Los ciudadanos pueden obtener una copia de estos procedimientos en la Ciudad de Big Spring, 310 Nolan Street, Big Spring, TX 79720, (432) 264-2514 en horario de oficina.

A continuación se presentan los procedimientos formales de quejas y quejas relativas a los servicios prestados en el marco del proyecto TxCDBG.

1. Una persona que tiene una queja o reclamación sobre cualquiera de los servicios o actividades en relación con el proyecto TxCDBG, o si se trata de una propuesta, en curso o determinado proyecto TxCDBG, pueden durante las horas regulares presentar dicha queja o reclamo, por escrito a la Asistente legal, a 310 Nolan Street, Big Spring, TX 79720 o puede llamar a (432) 264-2514.
2. Una copia de la queja o reclamación se transmitirá por el Asistente legal a la entidad que es encargada de la queja o reclamación y al Abogado de la Ciudad dentro de los cinco (5) días hábiles siguientes a la fecha de la queja o día que la reclamación fue recibida.
3. El Asistente legal deberá cumplir una investigación de la queja o reclamación, si es posible, y dará una respuesta oportuna por escrito a la persona que hizo la denuncia o queja dentro de los diez (10) días.
4. Si la investigación no puede ser completada dentro de los diez (10) días hábiles anteriormente, la persona que hizo la queja o denuncia será notificada, por escrito, dentro de los quince (15) días cuando sea posible después de la entrega de la queja original o quejas y detallará cuando se deba completar la investigación.
5. Si es necesario, la queja y una copia escrita de la investigación posterior se remitirán a la TxCDBG para su posterior revisión y comentarios.

6. Se proporcionara copias de los procedimientos de queja y las respuestas a las quejas, tanto en Inglés y Español, u otro lenguaje apropiado.

ASISTENCIA TÉCNICA

Cuando lo solicite, la Ciudad proporcionará asistencia técnica a los grupos que son representantes de las personas de bajos y moderados ingresos en el desarrollo de propuestas para el uso de los fondos TxCDBG. La Ciudad, en base a las necesidades específicas de los residentes de la comunidad en el momento de la solicitud, deberá determinar el nivel y tipo de asistencia.

DISPOSICIONES AUDIENCIA PÚBLICA

Para cada audiencia pública programada y llevada a cabo por la Ciudad, se observarán las disposiciones siguientes de audiencias públicas:

1. Aviso público de todas las audiencias deberá publicarse al menos setenta y dos (72) horas antes de la audiencia programada. El aviso público deberá publicarse en un periódico local. Cada aviso público debe incluir la fecha, hora, lugar y temas a considerar en la audiencia pública. Un artículo periodístico publicado también puede utilizarse para cumplir con este requisito, siempre y cuando cumpla con todos los requisitos de contenido y temporización. Los avisos también deben ser un lugar prominente en los edificios públicos y se distribuyen a las autoridades locales de vivienda pública y otros grupos interesados de la comunidad.
2. Cuando se tenga un número significativo de residentes que no hablan inglés serán una parte de la zona de servicio potencial del proyecto TxCDBG, documentos vitales como las comunicaciones deben ser publicados en el idioma predominante de estos ciudadanos que no hablan inglés.
3. Cada audiencia pública se llevará a cabo en un momento y lugar conveniente para los beneficiarios potenciales o reales e incluirá alojamiento para personas con discapacidad. Las personas con discapacidad deben poder asistir a las audiencias y la Ciudad debe hacer los arreglos para las personas que requieren ayudas o servicios auxiliares en caso de necesitarlo por lo menos dos días antes de la audiencia será pública.
4. Una audiencia pública celebrada antes de la presentación de una solicitud TxCDBG debe hacerse después de las 5:00 pm en un día de semana o en un momento conveniente en sábado o domingo.
5. Cuando un número significativo de residentes que no hablan inglés se registra para participar en una audiencia pública, un intérprete debe estar presente para dar cabida a las necesidades de los residentes que no hablan inglés.

La Ciudad deberá cumplir con los siguientes requisitos de participación ciudadana para la elaboración y presentación de una solicitud para un proyecto TxCDBG:

1. Como mínimo, la Ciudad deberá tener por lo menos un (1) audiencia pública antes de presentar la solicitud al Departamento de Agricultura de Texas.

2. La Ciudad conservará la documentación de la convocatoria(s) audiencia, un listado de las personas que asistieron a la audiencia(s) , acta de la vista(s), y cualquier otra documentación relativa a la propuesta de utilizar los fondos para tres (3) años a partir de la liquidación de la subvención para el Estado . Dichos registros se pondrán a disposición del público, de conformidad con el Capítulo 552, Código de Gobierno de Texas.
3. La audiencia pública deberá incluir una discusión con los ciudadanos como se indica en el manual correspondiente de aplicación TxCDBG, pero no se limita a, el desarrollo de las necesidades de vivienda y desarrollo comunitario, la cantidad de fondos disponibles, todas las actividades elegibles bajo el programa TxCDBG y el uso de fondos últimos contratos TxCDBG, en su caso. Los ciudadanos, con especial énfasis en las personas de bajos y moderados ingresos que son residentes de las zonas de tugurios y tizón, se fomentará a presentar sus opiniones y propuestas sobre el desarrollo de la comunidad y las necesidades de vivienda. Los ciudadanos deben ser conscientes de la ubicación en la que podrán presentar sus puntos de vista y propuestas en caso de que no pueda asistir a la audiencia pública.
4. Cuando un número significativo de residentes que no hablan inglés se registra para participar en una audiencia pública, un intérprete debe estar presente para dar cabida a las necesidades de los residentes que no hablan inglés.

La Ciudad debe cumplir con los siguientes requisitos de participación ciudadana en el caso de que la Ciudad recibe fondos del programa TxCDBG:

1. La Ciudad celebrará una audiencia pública sobre cualquier cambio sustancial, según lo determinado por TxCDBG, se propuso que se hará con el uso de fondos TxCDBG de una actividad elegible a otro utilizando de nuevo los requisitos de notificación
2. Una vez finalizado el proyecto TxCDBG, la Ciudad celebrará una audiencia pública y revisara el desempeño del programa incluyendo el uso real de los fondos TxCDBG.
3. Cuando un número significativo de residentes que no hablan inglés se puede registra para participar en una audiencia pública, ya sea para una audiencia pública sobre el cambio sustancial del proyecto TxCDBG o para la liquidación del proyecto TxCDBG, publicará un aviso en Inglés y Español u otro idioma apropiado y se proporcionara un intérprete en la audiencia para dar cabida a las necesidades de los residentes.
4. La Ciudad conservará la documentación del proyecto TxCDBG, incluyendo aviso de audiencia(s), un listado de las personas que asistieron a la audiencia(s), acta de la vista(s), y cualquier otro registro concerniente al uso real de los fondos por un período de a tres (3) años a partir de la liquidación del proyecto al estado.

Dichos registros se pondrán a disposición del público, de conformidad con el Capítulo 552, Código de Gobierno de

Robert Moore, Alcalde de la ciudad

Fecha

09/01/2020

Section 3 Policy

In accordance with 12 U.S.C. 1701u the City of Big Spring agrees to implement the following steps, which, to *the greatest extent feasible*, will provide job training, employment and contracting opportunities for Section 3 residents and Section 3 businesses of the areas in which the program/project is being carried out.

- A. Introduce and pass a resolution adopting this plan as a policy to strive to attain goals for compliance to Section 3 regulations by increasing opportunities for employment and contracting for Section 3 residents and businesses.
- B. Assign duties related to implementation of this plan to the designated Civil Rights Officer.
- C. Notify Section 3 residents and business concerns of potential new employment and contracting opportunities as they are triggered by TxCDBG grant awards through the use of: Public Hearings and related advertisements; public notices; bidding advertisements and bid documents; notification to local business organizations such as the Chamber(s) of Commerce or the Urban League; local advertising media including public signage; project area committees and citizen advisory boards; local HUD offices; regional planning agencies; and all other appropriate referral sources. Include Section 3 clauses in all covered solicitations and contracts.
- D. Maintain a list of those businesses that have identified themselves as Section 3 businesses for utilization in TxCDBG funded procurements, notify those businesses of pending contractual opportunities, and make this list available for general Grant Recipient procurement needs.
- E. Maintain a list of those persons who have identified themselves as Section 3 residents and contact those persons when hiring/training opportunities are available through either the Grant Recipient or contractors.
- F. Require that all Prime contractors and subcontractors with contracts over \$100,000 commit to this plan as part of their contract work. Monitor the contractors' performance with respect to meeting Section 3 requirements and require that they submit reports as may be required by HUD or TDA to the Grant Recipient.
- G. Submit reports as required by HUD or TDA regarding contracting with Section 3 businesses and/or employment as they occur; and submit reports within 20 days of the federal fiscal year end (by October 20) which identify and quantify Section 3 businesses and employees.
- H. Maintain records, including copies of correspondence, memoranda, etc., which document all actions taken to comply with Section 3 regulations.

As officers and representatives of City of Big Spring, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

Signature

Mayor _____
Title Date

Excessive Force Policy

In accordance with 24 CFR 91.325(b)(6), the City of Big Spring hereby adopts and will enforce the following policy with respect to the use of excessive force:

1. It is the policy of the City of Big Spring to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations;
2. It is also the policy of the City of Big Spring to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.
3. The City of Big Spring will introduce and pass a resolution adopting this policy.

As officers and representatives of the City of Big Spring, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

Signature

Mayor

Title

Date

09/01/2020

Section 504 Policy Against Discrimination based on Handicap and Grievance Procedures

In accordance with 24 CFR Section 8, Nondiscrimination based on Handicap in federally assisted programs and activities of the Department of Housing and Urban Development, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309), the City of Big Spring hereby adopts the following policy and grievance procedures:

1. Discrimination prohibited. No otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development (HUD).
2. The City of Big Spring does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its federally assisted programs and activities.
3. The City of Big Spring's recruitment materials or publications shall include a statement of this policy in 1. above.
4. The City of Big Spring shall take continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients that it does not discriminate on the basis of handicap in violation of 24 CFR Part 8.
5. For hearing and visually impaired individuals eligible to be served or likely to be affected by the TxCDBG program, the City of Big Spring shall ensure that they are provided with the information necessary to understand and participate in the TxCDBG program.
6. Grievances and Complaints
 - a. Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for the City of Big Spring to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
 - b. Complaints should be addressed to **Andrew Hagen, City Attorney, 310 Nolan Street, Big Spring, Texas 79720, (432) 264-2404** who has been designated to coordinate Section 504 compliance efforts.

- c. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
- d. A complaint should be filed within thirty (30) working days after the complainant becomes aware of the alleged violation.
- e. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by **Andrew Hagen, City Attorney**. Informal but thorough investigations will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
- f. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by **Andrew Hagen, City Attorney**, and a copy forwarded to the complainant with fifteen (15) working days after the filing of the complaint where practicable.
- g. The Section 504 coordinator shall maintain the files and records of the City of Big Spring relating to the complaints files.
- h. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the determination/resolution as described in f. above. The request for reconsideration should be made to the City of Big Spring within ten working days after the receipt of the written determination/resolution.
- i. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- j. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the City of Big Spring complies with Section 504 and HUD regulations.

Signature of Mayor

Date

CODE OF CONDUCT POLICY

These procedures are intended to serve as guidelines for the procurement of supplies, equipment, construction services and professional services for the Texas Community Development Block Grant (TxCDBG) Program. The regulations related to conflict of interest and nepotism may be found at the Texas Government Code Chapter 573, Texas Local Government Code Chapter 171, Uniform Grant Management Standards by Texas Comptroller, 24 CFR 570.489(g) & (h), and 2 CFR 200.318.

CODE OF CONDUCT

As a Grant Recipient of a TxCDBG contract, the City of Big Spring shall avoid, neutralize or mitigate actual or potential conflicts of interest so as to prevent an unfair competitive advantage or the existence of conflicting roles that might impair the performance of the TxCDBG contract or impact the integrity of the procurement process.

For procurement of goods and services, no employee, officer, or agent of the City of Big Spring shall participate in the selection, award, or administration of a contract supported by TxCDBG funds if he or she has a real or apparent conflict of interest. Such a conflict could arise if the employee, officer or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

No officer, employee, or agent of the City of Big Spring shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

Contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

For all other cases, no employee, agent, consultant, officer, or elected or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or subrecipients which are receiving TxCDBG funds, that has any CDBG function/responsibility, or is in a position to participate in a decision-making process or gain inside information, may obtain a financial interest or benefit from the TxCDBG activity.

The conflict of interest restrictions and procurement requirements identified herein shall apply to a benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a TxCDBG contract or award, or that is required to complete some or all work under the TxCDBG contract in order to meet the National Program Objective.

Any person or entity including any benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a TxCDBG contract or award, or that is required to complete some or all work under the TxCDBG contract in order to meet a National Program Objective, that might potentially receive benefits from TxCDBG awards may not participate in the selection, award, or administration of a contract supported by CDBG funding.

Any alleged violations of these standards of conduct shall be referred to the City of Big Spring City Attorney. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer; where violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.

Passed and approved this 27th day of June, 2023.

Mayor Robert Moore

City of Big Spring

Limited English Proficiency Plan

Name Grantee:	City of Big Spring
Community Population:	26,144
LEP population:	32.4%
Languages spoken: 1) by more than 5% of the eligible population or beneficiaries and has more than 50 in number; or 2) By more than 5% of the eligible population or beneficiaries but has less than 50 or less in number; or 3) By more than 1,000 individuals in the eligible population in the market area or among current beneficiaries.	Spanish and English

Program activities to be accessible to LEP persons:	
☐	Public Notices and hearings regarding applications for grant funding, amendments to project activities, and completion of grant-funded project
☐	Publications regarding TxCDBG application, grievance procedures, <i>complaint procedures, complaint procedures, answers to complaints, notices, notices of rights and disciplinary action</i> , and other vital hearings, documents, and program requirements
X	Other program documents: <u>Spanish speaking assistance available at City Hall for all items pertaining to Grant</u>

Resources available to Grant Recipient:	
X	Translation services: _____ _____
X	Interpreter services: _____ _____
☐	Other resources: _____ _____

Language Assistance to be provided:	
X	Translation (oral and/or written) of advertised notices and vital documents for: _____
☐	Referrals to community liaisons proficient in the language of LEP persons _____
☐	Public meetings conducted in multiple languages: _____
☐	Notices to recipients of the availability of LEP services: _____
☐	Other services: _____

Date: _____

Signature - Chief Elected Official or Civil Rights Officer

Fair Housing Policy

In accordance with Fair Housing Act, the City of Big Spring hereby adopts the following policy with respect to the Affirmatively Furthering Fair Housing:

1. The City of Big Spring *agrees to* affirmatively further fair housing choice for all seven protected classes (race, color, religion, sex, disability, familial status, and national origin).
2. The City of Big Spring *agrees to* plan at least one activity during the contract term to affirmatively further fair housing.
3. The City of Big Spring will introduce and pass a resolution adopting this policy.

As officers and representatives of the City of Big Spring, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

Signature

Mayor

Title

Date

HEALTH AND HUMAN SERVICES

Contract Number _____

Attachment ____ **CONTRACT AFFIRMATIONS**

For purposes of these Contract Affirmations, HHS includes both the Health and Human Services Commission (HHSC) and the Department of State Health Services (DSHS). System Agency refers to HHSC, DSHS, or both, that will be a party to this Contract. These Contract Affirmations apply to all Contractors and Grantees (referred to as “Contractor”) regardless of their business form (e.g., individual, partnership, corporation).

By entering into this Contract, Contractor affirms, without exception, understands, and agrees to comply with the following items through the life of the Contract:

1. Contractor represents and warrants that these Contract Affirmations apply to Contractor and all of Contractor's principals, officers, directors, shareholders, partners, owners, agents, employees, subcontractors, independent contractors, and any other representatives who may provide services under, who have a financial interest in, or otherwise are interested in this Contract and any related Solicitation.

2. **Complete and Accurate Information**

Contractor represents and warrants that all statements and information provided to HHS are current, complete, and accurate. This includes all statements and information in this Contract and any related Solicitation Response.

3. **Public Information Act**

Contractor understands that HHS will comply with the Texas Public Information Act (Chapter 552 of the Texas Government Code) as interpreted by judicial rulings and opinions of the Attorney General of the State of Texas. Information, documentation, and other material prepared and submitted in connection with this Contract or any related Solicitation may be subject to public disclosure pursuant to the Texas Public Information Act. In accordance with Section 2252.907 of the Texas Government Code, Contractor is required to make any information created or exchanged with the State pursuant to the Contract, and not otherwise excepted from disclosure under the Texas Public Information Act, available in a format that is accessible by the public at no additional charge to the State.

4. **Contracting Information Requirements**

Contractor represents and warrants that it will comply with the requirements of Section 552.372(a) of the Texas Government Code. Except as provided by Section 552.374(c) of the Texas Government Code, the requirements of Subchapter J (Additional Provisions Related to Contracting Information), Chapter 552 of the Government Code, may apply to the Contract and the Contractor agrees that the Contract can be terminated if the Contractor knowingly or intentionally fails to comply with a requirement of that subchapter.

5. Assignment

- A. Contractor shall not assign its rights under the Contract or delegate the performance of its duties under the Contract without prior written approval from System Agency. Any attempted assignment in violation of this provision is void and without effect.
- B. Contractor understands and agrees the System Agency may in one or more transactions assign, pledge, or transfer the Contract. Upon receipt of System Agency's notice of assignment, pledge, or transfer, Contractor shall cooperate with System Agency in giving effect to such assignment, pledge, or transfer, at no cost to System Agency or to the recipient entity.

6. Terms and Conditions

Contractor accepts the Solicitation terms and conditions unless specifically noted by exceptions advanced in the form and manner directed in the Solicitation, if any, under which this Contract was awarded. Contractor agrees that all exceptions to the Solicitation, as well as terms and conditions advanced by Contractor that differ in any manner from HHS' terms and conditions, if any, are rejected unless expressly accepted by System Agency in writing.

7. HHS Right to Use

Contractor agrees that HHS has the right to use, produce, and distribute copies of and to disclose to HHS employees, agents, and contractors and other governmental entities all or part of this Contract or any related Solicitation Response as HHS deems necessary to complete the procurement process or comply with state or federal laws.

8. Release from Liability

Contractor generally releases from liability and waives all claims against any party providing information about the Contractor at the request of System Agency.

9. Dealings with Public Servants

Contractor has not given, has not offered to give, and does not intend to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with this Contract or any related Solicitation, or related Solicitation Response.

10. Financial Participation Prohibited

Under Section 2155.004, Texas Government Code (relating to financial participation in preparing solicitations), Contractor certifies that the individual or business entity named in this Contract and any related Solicitation Response is not ineligible to receive this Contract and acknowledges that this Contract may be terminated and payment withheld if this certification is inaccurate.

11. Prior Disaster Relief Contract Violation

Under Sections 2155.006 and 2261.053 of the Texas Government Code (relating to convictions and penalties regarding Hurricane Rita, Hurricane Katrina, and other disasters), the Contractor certifies that the individual or business entity named in this Contract and any related Solicitation Response is not ineligible to receive this Contract

and acknowledges that this Contract may be terminated and payment withheld if this certification is inaccurate.

12. Child Support Obligation

Under Section 231.006(d) of the Texas Family Code regarding child support, Contractor certifies that the individual or business entity named in this Contract and any related Solicitation Response is not ineligible to receive the specified payment and acknowledges that the Contract may be terminated and payment may be withheld if this certification is inaccurate. If the certification is shown to be false, Contractor may be liable for additional costs and damages set out in 231.006(f).

13. Suspension and Debarment

Contractor certifies that it and its principals are not suspended or debarred from doing business with the state or federal government as listed on the *State of Texas Debarred Vendor List* maintained by the Texas Comptroller of Public Accounts and the *System for Award Management (SAM)* maintained by the General Services Administration. This certification is made pursuant to the regulations implementing Executive Order 12549 and Executive Order 12689, Debarment and Suspension, 2 C.F.R. Part 376, and any relevant regulations promulgated by the Department or Agency funding this project. This provision shall be included in its entirety in Contractor's subcontracts, if any, if payment in whole or in part is from federal funds.

14. Excluded Parties

Contractor certifies that it is not listed in the prohibited vendors list authorized by Executive Order 13224, "*Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism*," published by the United States Department of the Treasury, Office of Foreign Assets Control.'

15. Foreign Terrorist Organizations

Contractor represents and warrants that it is not engaged in business with Iran, Sudan, or a foreign terrorist organization, as prohibited by Section 2252.152 of the Texas Government Code.

16. Executive Head of a State Agency

In accordance with Section 669.003 of the Texas Government Code, relating to contracting with the executive head of a state agency, Contractor certifies that it is not (1) the executive head of an HHS agency, (2) a person who at any time during the four years before the date of this Contract was the executive head of an HHS agency, or (3) a person who employs a current or former executive head of an HHS agency.

17. Human Trafficking Prohibition

Under Section 2155.0061 of the Texas Government Code, Contractor certifies that the individual or business entity named in this Contract is not ineligible to receive this Contract and acknowledges that this Contract may be terminated and payment withheld if this certification is inaccurate.

18. Franchise Tax Status

Contractor represents and warrants that it is not currently delinquent in the payment of any franchise taxes owed the State of Texas under Chapter 171 of the Texas Tax Code.

19. Debts and Delinquencies

Contractor agrees that any payments due under this Contract shall be applied towards any debt or delinquency that is owed to the State of Texas.

20. Lobbying Prohibition

Contractor represents and warrants that payments to Contractor and Contractor's receipt of appropriated or other funds under this Contract or any related Solicitation are not prohibited by Sections 556.005, 556.0055, or 556.008 of the Texas Government Code (relating to use of appropriated money or state funds to employ or pay lobbyists, lobbying expenses, or influence legislation).

21. Buy Texas

Contractor agrees to comply with Section 2155.4441 of the Texas Government Code, requiring the purchase of products and materials produced in the State of Texas in performing service contracts.

22. Disaster Recovery Plan

Contractor agrees that upon request of System Agency, Contractor shall provide copies of its most recent business continuity and disaster recovery plans.

23. Computer Equipment Recycling Program

If this Contract is for the purchase or lease of computer equipment, then Contractor certifies that it is in compliance with Subchapter Y, Chapter 361 of the Texas Health and Safety Code related to the Computer Equipment Recycling Program and the Texas Commission on Environmental Quality rules in 30 TAC Chapter 328.

24. Television Equipment Recycling Program

If this Contract is for the purchase or lease of covered television equipment, then Contractor certifies that it is compliance with Subchapter Z, Chapter 361 of the Texas Health and Safety Code related to the Television Equipment Recycling Program.

25. Cybersecurity Training

- A. Contractor represents and warrants that it will comply with the requirements of Section 2054.5192 of the Texas Government Code relating to cybersecurity training and required verification of completion of the training program.
- B. Contractor represents and warrants that if Contractor or Subcontractors, officers, or employees of Contractor have access to any state computer system or database, the Contractor, Subcontractors, officers, and employees of Contractor shall complete cybersecurity training pursuant to and in accordance with Government Code, Section 2054.5192.

26. Restricted Employment for Certain State Personnel

Contractor acknowledges that, pursuant to Section 572.069 of the Texas Government Code, a former state officer or employee of a state agency who during the period of state service or employment participated on behalf of a state agency in a procurement or contract negotiation involving Contractor may not accept employment from Contractor before the second anniversary of the date the Contract is signed or the procurement is terminated or withdrawn.

27. No Conflicts of Interest

- A. Contractor represents and warrants that it has no actual or potential conflicts of interest in providing the requested goods or services to System Agency under this Contract or any related Solicitation and that Contractor's provision of the requested goods and/or services under this Contract and any related Solicitation will not constitute an actual or potential conflict of interest or reasonably create an appearance of impropriety.
- B. Contractor agrees that, if after execution of the Contract, Contractor discovers or is made aware of a Conflict of Interest, Contractor will immediately and fully disclose such interest in writing to System Agency. In addition, Contractor will promptly and fully disclose any relationship that might be perceived or represented as a conflict after its discovery by Contractor or by System Agency as a potential conflict. System Agency reserves the right to make a final determination regarding the existence of Conflicts of Interest, and Contractor agrees to abide by System Agency's decision.

28. Fraud, Waste, and Abuse

Contractor understands that HHS does not tolerate any type of fraud, waste, or abuse. Violations of law, agency policies, or standards of ethical conduct will be investigated, and appropriate actions will be taken. Pursuant to Texas Government Code, Section 321.022, if the administrative head of a department or entity that is subject to audit by the state auditor has reasonable cause to believe that money received from the state by the department or entity or by a client or contractor of the department or entity may have been lost, misappropriated, or misused, or that other fraudulent or unlawful conduct has occurred in relation to the operation of the department or entity, the administrative head shall report the reason and basis for the belief to the Texas State Auditor's Office (SAO). All employees or contractors who have reasonable cause to believe that fraud, waste, or abuse has occurred (including misconduct by any HHS employee, Grantee officer, agent, employee, or subcontractor that would constitute fraud, waste, or abuse) are required to immediately report the questioned activity to the Health and Human Services Commission's Office of Inspector General. Contractor agrees to comply with all applicable laws, rules, regulations, and System Agency policies regarding fraud, waste, and abuse including, but not limited to, HHS Circular C-027.

A report to the SAO must be made through one of the following avenues:

- SAO Toll Free Hotline: 1-800-TX-AUDIT
- SAO website: <http://sao.fraud.state.tx.us/>

All reports made to the OIG must be made through one of the following avenues:

- OIG Toll Free Hotline 1-800-436-6184
- OIG Website: ReportTexasFraud.com
- Internal Affairs Email: InternalAffairsReferral@hhsc.state.tx.us
- OIG Hotline Email: OIGFraudHotline@hhsc.state.tx.us.
- OIG Mailing Address: Office of Inspector General
Attn: Fraud Hotline
MC 1300
P.O. Box 85200
Austin, Texas 78708-5200

29. Antitrust

The undersigned affirms under penalty of perjury of the laws of the State of Texas that:

- A. in connection with this Contract and any related Solicitation Response, neither I nor any representative of the Contractor has violated any provision of the Texas Free Enterprise and Antitrust Act, Tex. Bus. & Comm. Code Chapter 15;
- B. in connection with this Contract and any related Solicitation Response, neither I nor any representative of the Contractor has violated any federal antitrust law; and
- C. neither I nor any representative of the Contractor has directly or indirectly communicated any of the contents of this Contract and any related Solicitation Response to a competitor of the Contractor or any other company, corporation, firm, partnership or individual engaged in the same line of business as the Contractor.

30. Legal and Regulatory Actions

Contractor represents and warrants that it is not aware of and has received no notice of any court or governmental agency proceeding, investigation, or other action pending or threatened against Contractor or any of the individuals or entities included in numbered paragraph 1 of these Contract Affirmations within the five (5) calendar years immediately preceding execution of this Contract or the submission of any related Solicitation Response that would or could impair Contractor's performance under this Contract, relate to the contracted or similar goods or services, or otherwise be relevant to System Agency's consideration of entering into this Contract. If Contractor is unable to make the preceding representation and warranty, then Contractor instead represents and warrants that it has provided to System Agency a complete, detailed disclosure of any such court or governmental agency proceeding, investigation, or other action that would or could impair Contractor's performance under this Contract, relate to the contracted or similar goods or services, or otherwise be relevant to System Agency's consideration of entering into this Contract. In addition, Contractor acknowledges this is a continuing disclosure requirement. Contractor represents and warrants that Contractor shall notify System Agency in writing within five (5) business days of any changes to the representations or warranties in this clause and understands that failure to so timely update System Agency shall constitute breach of contract and may result in immediate contract termination.

31. No Felony Criminal Convictions

Contractor represents that neither Contractor nor any of its employees, agents, or representatives, including any subcontractors and employees, agents, or representative of such subcontractors, have been convicted of a felony criminal offense or that if such a conviction has occurred Contractor has fully advised System Agency in writing of the facts and circumstances surrounding the convictions.

32. Unfair Business Practices

Contractor represents and warrants that it has not been the subject of allegations of Deceptive Trade Practices violations under Chapter 17 of the Texas Business and Commerce Code, or allegations of any unfair business practice in any administrative hearing or court suit and that Contractor has not been found to be liable for such practices in such proceedings. Contractor certifies that it has no officers who have served as officers of other entities who have been the subject of allegations of Deceptive Trade Practices violations or allegations of any unfair business practices in an administrative hearing or court suit and that such officers have not been found to be liable for such practices in such proceedings.

33. Entities that Boycott Israel

Contractor represents and warrants that (1) it does not, and shall not for the duration of the Contract, boycott Israel or (2) the verification required by Section 2271.002 of the Texas Government Code does not apply to the Contract. If circumstances relevant to this provision change during the course of the Contract, Contractor shall promptly notify System Agency.

34. E-Verify

Contractor certifies that for contracts for services, Contractor shall utilize the U.S. Department of Homeland Security's E-Verify system during the term of this Contract to determine the eligibility of:

1. all persons employed by Contractor to perform duties within Texas; and
2. all persons, including subcontractors, assigned by Contractor to perform work pursuant to this Contract within the United States of America.

35. Former Agency Employees – Certain Contracts

If this Contract is an employment contract, a professional services contract under Chapter 2254 of the Texas Government Code, or a consulting services contract under Chapter 2254 of the Texas Government Code, in accordance with Section 2252.901 of the Texas Government Code, Contractor represents and warrants that neither Contractor nor any of Contractor's employees including, but not limited to, those authorized to provide services under the Contract, were former employees of an HHS Agency during the twelve (12) month period immediately prior to the date of the execution of the Contract.

36. Disclosure of Prior State Employment – Consulting Services

If this Contract is for consulting services,

- A. In accordance with Section 2254.033 of the Texas Government Code, a Contractor providing consulting services who has been employed by, or employs an individual who has been employed by, System Agency or another State of Texas agency at any time during the two years preceding the submission of Contractor's offer to provide services must disclose the following information in its offer to provide services. Contractor hereby certifies that this information was provided and remains true, correct, and complete:
1. Name of individual(s) (Contractor or employee(s));
 2. Status;
 3. The nature of the previous employment with HHSC or the other State of Texas agency;
 4. The date the employment was terminated and the reason for the termination; and
 5. The annual rate of compensation for the employment at the time of its termination.
- B. If no information was provided in response to Section A above, Contractor certifies that neither Contractor nor any individual employed by Contractor was employed by System Agency or any other State of Texas agency at any time during the two years preceding the submission of Contractor's offer to provide services.

37. Abortion Funding Limitation

Contractor understands, acknowledges, and agrees that, pursuant to Article IX of the General Appropriations Act (the Act), to the extent allowed by federal and state law, money appropriated by the Texas Legislature may not be distributed to any individual or entity that, during the period for which funds are appropriated under the Act:

1. performs an abortion procedure that is not reimbursable under the state's Medicaid program;
2. is commonly owned, managed, or controlled by an entity that performs an abortion procedure that is not reimbursable under the state's Medicaid program; or
3. is a franchise or affiliate of an entity that performs an abortion procedure that is not reimbursable under the state's Medicaid program.

The provision does not apply to a hospital licensed under Chapter 241, Health and Safety Code, or an office exempt under Section 245.004(2), Health and Safety Code. Contractor represents and warrants that it is not ineligible, nor will it be ineligible during the term of this Contract, to receive appropriated funding pursuant to Article IX.

38. Funding Eligibility

Contractor understands, acknowledges, and agrees that, pursuant to Chapter 2272 (eff. Sept. 1, 2021, Ch. 2273) of the Texas Government Code, except as exempted under that Chapter, HHSC cannot contract with an abortion provider or an affiliate of an abortion provider. Contractor certifies that it is not ineligible to contract with HHSC under the terms of Chapter 2272 (eff. Sept. 1, 2021, Ch. 2273) of the Texas Government Code.

39. Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment (2 CFR 200.216)

Contractor certifies that the individual or business entity named in this Response or Contract is not ineligible to receive the specified Contract or funding pursuant to 2 CFR 200.216.

40. COVID-19 Vaccine Passports

Pursuant to Texas Health and Safety Code, Section 161.0085(c), Contractor certifies that it does not require its customers to provide any documentation certifying the customer's COVID-19 vaccination or post-transmission recovery on entry to, to gain access to, or to receive service from the Contractor's business. Contractor acknowledges that such a vaccine or recovery requirement would make Contractor ineligible for a state-funded contract.

41. Entities that Boycott Energy Companies

In accordance with Senate Bill 13, Acts 2021, 87th Leg., R.S., pursuant to Section 2274.002 of the Texas Government Code (relating to prohibition on contracts with companies boycotting certain energy companies), Contractor represents and warrants that: (1) it does not, and will not for the duration of the Contract, boycott energy companies or (2) the verification required by Section 2274.002 of the Texas Government Code does not apply to the Contract. If circumstances relevant to this provision change during the course of the Contract, Contractor shall promptly notify System Agency.

42. Entities that Discriminate Against Firearm and Ammunition Industries

In accordance with Senate Bill 19, Acts 2021, 87th Leg., R.S., pursuant to Section 2274.002 of the Texas Government Code (relating to prohibition on contracts with companies that discriminate against firearm and ammunition industries), Contractor verifies that: (1) it does not, and will not for the duration of the Contract, have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association or (2) the verification required by Section 2274.002 of the Texas Government Code does not apply to the Contract. If circumstances relevant to this provision change during the course of the Contract, Contractor shall promptly notify System Agency.

43. Security Controls for State Agency Data

In accordance with Senate Bill 475, Acts 2021, 87th Leg., R.S., pursuant to Texas Government Code, Section 2054.138, Contractor understands, acknowledges, and agrees that if, pursuant to this Contract, Contractor is or will be authorized to access, transmit, use, or store data for System Agency, Contractor is required to meet the security controls the System Agency determines are proportionate with System Agency's risk under the Contract based on the sensitivity of System Agency's data and that Contractor must periodically provide to System Agency evidence that Contractor meets the security controls required under the Contract.

44. Cloud Computing State Risk and Authorization Management Program (TX-RAMP)

In accordance with Senate Bill 475, Acts 2021, 87th Leg., R.S., pursuant to Texas Government Code, Section 2054.0593, Contractor acknowledges and agrees that, if providing cloud computing services for System Agency, Contractor must comply with the requirements of the state risk and authorization management program and that System Agency may not enter or renew a contract with Contractor to purchase cloud computing services for the agency that are subject to the state risk and authorization management program unless Contractor demonstrates compliance with program requirements. If providing cloud computing services for System Agency that are subject to the state risk and authorization management program, Contractor certifies it will maintain program compliance and certification throughout the term of the Contract.

45. Office of Inspector General Investigative Findings Expert Review

In accordance with Senate Bill 799, Acts 2021, 87th Leg., R.S., if Texas Government Code, Section 531.102(m-1)(2) is applicable to this Contract, Contractor affirms that it possesses the necessary occupational licenses and experience.

46. Contract for Professional Services of Physicians, Optometrists, and Registered Nurses

In accordance with Senate Bill 799, Acts 2021, 87th Leg., R.S., if Texas Government Code, Section 2254.008(a)(2) is applicable to this Contract, Contractor affirms that it possesses the necessary occupational licenses and experience.

47. Foreign-Owned Companies in Connection with Critical Infrastructure

If Texas Government Code, Section 2274.0102(a)(1) (relating to prohibition on contracts with certain foreign-owned companies in connection with critical infrastructure) is applicable to this Contract, pursuant to Government Code Section 2274.0102, Contractor certifies that neither it nor its parent company, nor any affiliate of Contractor or its parent company, is: (1) majority owned or controlled by citizens or governmental entities of China, Iran, North Korea, Russia, or any other country designated by the Governor under Government Code Section 2274.0103, or (2) headquartered in any of those countries.

48. Critical Infrastructure Subcontracts

For purposes of this Paragraph, the designated countries are China, Iran, North Korea, Russia, and any countries lawfully designated by the Governor as a threat to critical infrastructure. Pursuant to Section 113.002 of the Business and Commerce Code, Contractor shall not enter into a subcontract that will provide direct or remote access to or control of critical infrastructure, as defined by Section 113.001 of the Texas Business and Commerce Code, in this state, other than access specifically allowed for product warranty and support purposes to any subcontractor unless (i) neither the subcontractor nor its parent company, nor any affiliate of the subcontractor or its parent company, is majority owned or controlled by citizens or governmental entities of a designated country; and (ii) neither the subcontractor nor its parent company, nor any affiliate of the subcontractor or its parent company, is headquartered in a designated country. Contractor will notify the System Agency before entering into any subcontract that will provide direct or remote

access to or control of critical infrastructure, as defined by Section 113.001 of the Texas Business & Commerce Code, in this state.

49. Enforcement of Certain Federal Firearms Laws Prohibited

In accordance with House Bill 957, Acts 2021, 87th Leg., R.S., if Texas Government Code, Section 2.101 is applicable to Contractor, Contractor certifies that it is not ineligible to receive state grant funds pursuant to Texas Government Code, Section 2.103.

50. Prohibition on Abortions

Contractor understands, acknowledges, and agrees that, pursuant to Article II of the General Appropriations Act, (1) no funds shall be used to pay the direct or indirect costs (including marketing, overhead, rent, phones, and utilities) of abortion procedures provided by contractors of HHSC; and (2) no funds appropriated for Medicaid Family Planning, Healthy Texas Women Program, or the Family Planning Program shall be distributed to individuals or entities that perform elective abortion procedures or that contract with or provide funds to individuals or entities for the performance of elective abortion procedures. Contractor represents and warrants that it is not ineligible, nor will it be ineligible during the term of this Contract, to receive appropriated funding pursuant to Article II.

51. False Representation

Contractor understands, acknowledges, and agrees that any false representation or any failure to comply with a representation, warranty, or certification made by Contractor is subject to all civil and criminal consequences provided at law or in equity including, but not limited to, immediate termination of this Contract.

52. False Statements

Contractor represents and warrants that all statements and information prepared and submitted by Contractor in this Contract and any related Solicitation Response are current, complete, true, and accurate. Contractor acknowledges any false statement or material misrepresentation made by Contractor during the performance of this Contract or any related Solicitation is a material breach of contract and may void this Contract. Further, Contractor understands, acknowledges, and agrees that any false representation or any failure to comply with a representation, warranty, or certification made by Contractor is subject to all civil and criminal consequences provided at law or in equity including, but not limited to, immediate termination of this Contract.

53. Permits and License

Contractor represents and warrants that it will comply with all applicable laws and maintain all permits and licenses required by applicable city, county, state, and federal rules, regulations, statutes, codes, and other laws that pertain to this Contract.

54. Equal Employment Opportunity

Contractor represents and warrants its compliance with all applicable duly enacted state and federal laws governing equal employment opportunities.

55. Federal Occupational Safety and Health Law

Contractor represents and warrants that all articles and services shall meet or exceed the safety standards established and promulgated under the Federal Occupational Safety and Health Act of 1970, as amended (29 U.S.C. Chapter 15).

56. Signature Authority

Contractor represents and warrants that the individual signing this Contract Affirmations document is authorized to sign on behalf of Contractor and to bind the Contractor.

Signature Page Follows

Authorized representative on behalf of Contractor must complete and sign the following:

Robert H Moore

Legal Name of Contractor

City of Big Spring

Assumed Business Name of Contractor, if applicable (d/b/a or 'doing business as')

Big Spring Senior Center

Texas County(s) for Assumed Business Name (d/b/a or 'doing business as')

Attach Assumed Name Certificate(s) filed with the Texas Secretary of State and Assumed Name Certificate(s), if any, for each Texas County Where Assumed Name Certificate(s) has been filed.

Signature of Authorized Representative

Robert H Moore

Date Signed

Mayor

**Printed Name of Authorized Representative
First, Middle Name or Initial, and Last Name**

100 Whipkey Drive

Title of Authorized Representative

Big Spring, Texas 79720

Physical Street Address

310 Nolan Street

City, State, Zip Code

Big Spring, Texas 79720

Mailing Address, if different

(432) 267-1628

City, State, Zip Code

(432) 268-9496

Phone Number

gvalencia@mybigspring.com

Fax Number

087491858

Email Address

756000462

DUNS Number

17560004628

Federal Employer Identification Number

Texas Identification Number (TIN)

Texas Franchise Tax Number

**Texas Secretary of State Filing
Number**

SAM.gov Unique Entity Identifier (UEI)