



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, OCTOBER 2, 2018**

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Weslaco, Texas will hold a Regular Meeting in the Legislative Chamber of City Hall, located at 255 South Kansas Avenue, on Tuesday, October 2, 2018 at 5:30 PM for the purpose of discussing the following items:

NOTE: If during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the Weslaco City Commission will convene in such executive or closed session whether or not such item is posted as an executive session item at any time during the meeting when authorized by the provisions of the Texas Open Meetings Act.

I. CALL TO ORDER

- A. Certification of Public Notice.
- B. Invocation.
- C. Pledge of Allegiance.
- D. Mayoral recognition.
- E. Roll Call.

II. PUBLIC COMMENTS

The Public Comments portion of the meeting promotes a fair and open process for the governance of the City. This portion of the meeting is not intended to be an extended discussion or a debate and is limited to three minutes for each presenter. Due to the Texas Open Meetings Act, the Mayor and City Commissioners do not reply; they listen. Matters under litigation are not to be addressed and comments regarding specific City employees and elected officials may be prohibited.

If you are discussing something not included on the agenda, the Commission cannot take any formal action until it is placed on an agenda and notice of the meeting is properly posted. Registration for Public Comments must be submitted to the City Secretary before the City Commission meeting is called to order. As the Mayor calls upon those who submitted a registration form with the City Secretary, please step to the podium and state your name and address before beginning your presentation.

III. CONSENT AGENDA

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

- A. Approval of the following:
 - 1) Record of Workshop on September 18, 2018;
 - 2) Minutes of the Regular Meeting on September 18, 2018; and
 - 3) Minutes of the Special Meeting on September 25, 2018. (Staffed by City Secretary's Office.) Attachment
- B. Approval on second and final reading of the following:
 - 1) Ordinance 2018-34 rezoning 1901 Maria Isabel Drive, also being Lot 24, San Francisco subdivision, Weslaco, Hidalgo County, and Texas from R-2 Duplex and Apartment District to B-1 Neighborhood Business District. Three-fourths vote required. (First reading held September 18, 2018; staffed by Planning and Code Enforcement Department.) Attachment
 - 2) Ordinance 2018-36 rezoning 2500 E. Expressway 83, also being a 2.59 acres out of Farm Tract 18, West Tract Subdivision, Weslaco, Hidalgo County, and Texas from R-1 One-family dwelling District to B-2 Secondary highway business District. (First reading held September 18, 2018; staffed by Planning and Code Enforcement Department.) Attachment
- C. Authorization to accept funds from the Lower Rio Grande Valley Development Council (LRGVDC) as awarded to continue enhancing Public Safety Answering Point (PSAP) operations. (Staffed by the Police Department.)
- D. Ratification of Purchase Order No. 18-04444 to contract Moore Land Surveying, LLC. for the repairs and engineering services of the water line at the Water Treatment Plant, in the amount of \$82,725.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Public Works.) Attachment
- E. Ratification of Purchase Order No. 18-04502 to contract Southern Trenchless Solutions for emergency repairs of a collapsed manhole located at 18th & 22nd St., in the amount not to exceed \$120,500.00, authorize a budget amendment as may be required and authorize the Mayor to execute any related documents. (Staffed by Public Works.) Attachment
- F. Approval of renewal of a Memorandum of Understanding between Weslaco Fire Department and Texas A&M Engineering Extension Service (TEEX) and Texas Task Force 1 (TX-TF1) program to provide personnel to serve in TX-TF1 as determined by TEEX and authorize the Mayor to execute any related documents. (Staffed by the Fire Department.) Attachment

IV. APPOINTMENTS

- A. Discussion and consideration to approve Resolution 2018-51 appointing a member to the Citizen's Drainage Committee and authorize the Mayor to execute any related documents. Possible action. (There was no action on September 18, 2018; Staffed by City Manager's Office.) Attachment

V. OLD BUSINESS

- A. Discussion and consideration to select an engineering firm from short list for Civil Engineering Services from the Request for Qualifications #2017-18-21 for consulting services to prepare a Stormwater Improvements Plan and prepare any applicable grant applications for funding. Possible action. (There was no action on this item September 18, 2018; Staffed by Planning and Code Enforcement.)

VI. NEW BUSINESS

- A. Discussion and consideration to approve payment to Republic Services in the amount of \$104,113.40 for flood debris removal for total payment to date in the amount of \$442,211.09. Possible action. (Staffed by Planning and Code Enforcement.) Attachment
- B. Discussion and consideration to authorize staff to discontinue debris pickup from flood event of June 20 effective October 12, 2018 at 5 p.m. and authorize continuance of construction debris disposal at the City Shop until November 16, 2018. Possible action. (Staffed City Manager's Office.)
- C. Discussion and consideration to approve an interlocal agreement with Weslaco Independent School District for the employment and shared expense of the First Offender Program case manager as identified in the proposed FY 2018-2019 budget and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police.) Attachment
- D. Discussion and consideration to accept from Texas Office of the Governor - Criminal Justice Division NB-National Incident-Based Reporting System (NIBRS) Grant #3658001, in an amount not to exceed \$904,025.00 with no match required and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.) Attachment
- E. Discussion and consideration to solicit Request for Proposals to provide landscape architect and engineering design services for the North Side Sports Complex and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.) Attachment

- F. Discussion and consideration to authorize the submission of a grant to the Texas Water Development Board under the FEMA Flood Mitigation Assistance Grant Program and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.)
- G. Discussion and consideration to authorize the submission of a grant to the Department of Homeland Security for FY18 Flood Mitigation Assistance and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.) Attachment
- H. Discussion and consideration to authorize the submission of a grant to the Department of Homeland Security for FY18 Pre - Disaster Mitigation and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.) Attachment
- I. Discussion and consideration to authorize the submission of a Letter of Intent to the US Army Corps of Engineers under the Continuing Authorities Program (CAP), Section 205 grant funding and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.) Attachment
- J. Discussion and consideration to authorize the 2nd Annual Community Fly-In event at the Mid Valley Airport on October 13, 2018 and authorize a fuel discount. Possible action. (Staffed by Airport.) Attachment
- K. Discussion and consideration to approve the purchase of a Certificate of Deposit from Navy Army Credit Union in the amount of \$240,000.00 for a term of 30 months utilizing Booth Endowment Funds. Possible action. (Staffed by the Library Department.) Attachment
- L. Discussion and consideration to authorize the expenditure of \$3,620 of the Marion Booth Endowment fund for the expansion of the Hotspot and Tablet checkout program within the Mayor Joe V. Sanchez Public Library. Possible action. (Staffed by the Library Department.) Attachment
- M. Discussion and consideration to approve the 2018-2019 Interlocal Agreement with County of Hidalgo for the implementation of the Community Development Block Grant (CDBG) under Grant No. B-18-UC-48-0501 setting the City's allotment at \$295,584.00 for activities to be carried out in the City's jurisdiction and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Finance Department.) Attachment

- N. Discussion and consideration to approve the Economic Development Corporation of Weslaco annual budget and work plan for fiscal year 2018-2019. Possible action. (Requested by Weslaco Economic Development Corporation.) Attachment

VII. REPORTS

- A. Report by Weslaco Area Chamber of Commerce.
- B. Report by Economic Development Corporation of Weslaco.
- C. Report by Planning and Code Enforcement.
- D. Report by Inframark.
- E. Report by Public Works.
- F. Report by Siemens Technologies on Performance Contracting Agreement.

VIII. EXECUTIVE SESSION

Texas Government Code, Section 551 Open Meetings:

§551.145. Closed Meeting Without Certified Agenda or Tape Recording; Offense; Penalty

(a) A member of a government body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a tape recording of the closed meeting is not being made.

(b) An offense under Subsection (a) is a Class C misdemeanor.

§551.146. Disclosure of Certified Agenda or Tape Recording of Closed Meeting; Offense; Penalty; Civil Liability

(a) An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the public the certified agenda or tape recording of a meeting that was lawfully closed to the public under this chapter:

(1) commits an offense; and

(2) is liable to a person injured or damaged by the disclosure for:

(A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;

(B) reasonable attorney fees and court costs; and

(C) at the discretion of the trier of fact, exemplary damages.

(b) An offense under Subsection (a)(1) is a Class B misdemeanor.

(c) It is a defense to prosecution under Subsection (a)(1) and an affirmative defense to a civil action under Subsection (a)(2) that:

(1) the defendant had good reason to believe the disclosure was lawful; or

(2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda or tape recording. (Added by Acts 1993, 73rd Leg., ch 268, § 1, eff. Sept. 1, 1993.)

NOTE: Any documentation related to the following items will be maintained as part of the certified agenda.

- A. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by §551.074 of the Texas Government Code.
- B. Personnel - Discussion with the City Manager regarding employment of a City Engineer as authorized by §551.074 of the Texas Government Code.

- C. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City’s rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the Fire Union (IAFF-WFFA Local 3207) as authorized by §551.071 of the Texas Government Code.
- D. Legal Consultation - Seek City Attorney opinion relating to the mediation with CDM as authorized by §551.071 of the Texas Government Code.
- E. Real Property – Consultation with City Attorney on the purchase of real property legally described as Chelsea Park W6.83AC GR 5.22AC Net on Border Avenue as authorized by §551.072 of the Texas Local Government Code.
- F. Real Property – Consultation with City Attorney on the purchase of real property legally described as West Tract W3.67AC-S10AC-N20AC FT 685 at Dawson and Oregon Streets as authorized by §551.072 of the Texas Local Government Code.
- G. Economic Development – Consultation with City Attorney regarding Economic Development incentive programs related to Project Catherine as authorized by §551.087 of the Texas Government Code.

IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

X. ADJOURNMENT

I hereby certify this **Notice of a Regular Meeting of the Weslaco City Commission** was posted in accordance with the Open Meetings Act on the outside bulletin board at City Hall of the City of Weslaco, located at the 255 South Kansas Avenue entrance, visible and accessible to the general public during and after regular working hours. This notice was posted on this 28th day of September, 2018 at 5:30 p.m. and will remain so posted continuously for at least 72-hours preceding the scheduled time of this meeting in accordance with Chapter 551 of the Texas Government Code.

/s/ Elizabeth M. Walker, City Secretary

NOTE: If any accommodation for a disability is required, please notify the City Secretary’s Office at (956) 968-3181, Ext. 3100 prior to the meeting date.

Regular Meetings of the Weslaco City Commission stream live online at <http://www.weslacotx.gov/open-government/open-meetings>. Archived video of some meetings are also available.

Removed from Bulletin Board

Date:

Initials:



Standardized Agenda Request Form

Date of Meeting: October 2, 2018		Agenda Item No. (to be assigned by CSO): 2018-1976	
From:			
Subject: Certification of Public Notice.			
Background: Call to Order, includes the following: A. Certification of Public Notice. B. Invocation. C. Pledge of Allegiance. D. Mayoral recognition. E. Roll Call			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted:			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Elizabeth Walker		Created/Initiated	
Elizabeth Walker		Approved	
Mike Perez		Final Approval	
City Manager Comments: Approve.			
Staff Recommendation: A. Mayor will Call to Order and certify Public Notice. B. Pastor Robin Wiley, First Baptist Church, will lead the invocation. C. Mayor will lead Pledge of Allegiance; Mayor Pro-Tem may lead Texas Flag. D. Mayoral recognition. E. City Secretary will call roll. Four or more Commissioners present constitute a Quorum; otherwise, no action may be taken.			
Attachments, if any: Pledge & Mission updated 2017 election			
Responsibilities upon Approval:			

City of Weslaco

"The City on the Grow"



David Suarez, Mayor
Gerardo "Jerry" Tafolla, Mayor Pro-Tem, District 4
Leo Muñoz, Commissioner, District 1
Greg Kerr, Commissioner, District 2
Jose "J.P." Rodriguez, Commissioner, District 3
Letty Lopez, Commissioner, District 5
Josh Pedraza, Commissioner, District 6

Mike R. Perez, City Manager

The Pledge of Allegiance to the Flag

"I PLEDGE ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA AND TO THE REPUBLIC FOR WHICH IT STANDS, ONE NATION UNDER GOD, INDIVISIBLE, WITH LIBERTY AND JUSTICE FOR ALL."

The Pledge of Allegiance to the State Flag

"Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."

**The pledge was amended by House Bill 1034 during the 80th Legislature with the addition of "one state under God." The revised wording became effective on June 15, 2007.*

Preamble to the Constitution of the United States of America

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

STATEMENT OF VISION: AN INTERNATIONAL CENTER OF GROWTH

Friendly people with vision, courage and integrity

STATEMENT OF MISSION: COMMITMENT TO EXCELLENCE IN PUBLIC SERVICE

- *Positive Attitude of Courtesy & Concern
- *Doing it Right the First Time
- *Sensitive to the citizens' needs
- *Friendly Respect for All
- *Service without Hassle



Standardized Agenda Request Form

Date of Meeting: October 2, 2018		Agenda Item No. (to be assigned by CSO): 2018-1981	
From:			
Subject: Approval of the following: 1) Record of Workshop on September 18, 2018; 2) Minutes of the Regular Meeting on September 18, 2018;and 3) Minutes of the Special Meeting on September 25, 2018. (Staffed by City Secretary's Office.) Attachment			
Background: Record of commission from the regular meeting and workshop on September 18, 2018 and the special meeting on September 28, 2018.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted:			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Elizabeth Walker Mike Perez		Created/Initiated Final Approval	
City Manager Comments: Approve.			
Staff Recommendation: Approve.			
Attachments, if any: 18-09-18 record, 18-09-18 minutes, 180925 special meeting			
Responsibilities upon Approval: Execute and retain.			



**RECORD OF WORKSHOP
OF THE WESLACO CITY COMMISSION
TUESDAY, SEPTEMBER 18, 2018**

On this 18th day of September at 4:38 p.m., the City Commission of the City of Weslaco, Texas convened in a Workshop as part of the budget series at City Hall in the Planning Conference Room located at 255 S. Kansas Avenue with the following members present:

Mayor	David Suarez
Mayor Pro-Tem	Gerardo “Jerry” Tafolla
Commissioner	Jose “J.P.” Rodriguez
Commissioner	Letty Lopez
Commissioner	Josh Pedraza
City Manager	Mike R. Perez
City Secretary	Elizabeth M. Walker

Also present: Leo Gonzalez, IT Director, Andrew Munoz, Aviation Director; Mardoqueo Hinojosa, City Engineer/Planning and Code Enforcement Director; as well as members of the public and representatives of the media.

I. CALL TO ORDER

A. Certification of Public Notice.

Mayor Pro-Tem Tafolla called the meeting to order and certified the public notice of the meeting as properly posted Friday, September 14, 2018.

B. Roll Call.

The City Secretary called the roll, noting the absence of Commissioners Muñoz and Kerr.

II. NEWBUSINESS

A. Discussion of the Hidalgo County Regional Foreign Trade Zone, Weslaco Foreign Trade Zone, and Subzones. (Requested by the Mayor.)

Ralph Cowan reviewed Foreign Trade Zone basics, emphasizing that duties are paid when merchandise is imported not exported and both U.S.-made and duty-paid merchandise can be located in same space. A Foreign Trade Zone is publicly owned and there is no time restriction on how long goods can remain in the zone, rather the duty rate is set when goods are placed in space. There are General Purpose Zone (Weslaco), Subzones (sponsored by a General-Purpose Zone) and Alternative Site Facility. The City Manager noted his recommendation is to authorize a sub-zone for Donna.

III. ADJOURNMENT

With no other business before the Commission, this workshop stood adjourned at 5:00 p.m. on September 18, 2018.

CITY OF WESLACO

MAYOR, David Suarez

ATTEST:

CITY SECRETARY, Elizabeth Walker



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, SEPTEMBER 18, 2018**

On Tuesday, September 18, 2018, at 5:31 p.m. the City Commission of the City of Weslaco, Texas convened in a Regular Meeting at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following members present

Mayor	David Suarez
Mayor Pro-Tem	Gerardo “Jerry” Tafolla
Commissioner	Leo Muñoz
Commissioner	Greg Kerr
Commissioner	Jose “J.P.” Rodriguez
Commissioner	Letty Lopez
Commissioner	Josh Pedraza
City Manager	Mike R. Perez
City Secretary	Elizabeth Walker
City Attorney	Juan E. Gonzalez

Also present: Sonia Flores, Interim Finance Director; Veronica Ramirez, Human Resources Director; Olga Garza, Interim Parks and Recreation Director; Leo Gonzalez, Information Technology Director; Mardoqueo Hinojosa, Planning and Code Enforcement Director and City Engineer; Tony Lopez, Fire Chief; Robert Lopez, Assistant Police Chief; Andrew Munoz, Airport Director; Arnold Becho, Library Director; Pete Garcia, Public Works Director; and other staff members and citizens.

I. CALL TO ORDER

A. Certification of Public Notice.

Mayor Suarez called the meeting to order and certified the public notice of the meeting as properly posted Friday, September 14, 2018.

B. Invocation.

Pastor Tom Murry, Grace Episcopal Church, led the invocation.

C. Pledge of Allegiance.

Mayor Suarez led the Pledge of Allegiance and Texas Flag.

D. Mayoral Recognition.

Mayor Suarez recognized “Valley Grande Manor” for fifty years of service to seniors in the community.

E. Roll Call.

Elizabeth Walker, City Secretary, called the roll, noting perfect attendance and a quorum present.

II. PUBLIC COMMENTS

Nereyda Ramirez voiced concerns on drainage in the canal located along Merida and Austin Streets asking for consideration of street closure. Raul Reyna expressed concern with the levee being 12-inches higher than his adjacent property.

III. PUBLIC HEARING

Mayor Pro Tem Tafolla, seconded by Commissioner Lopez moved to open the public hearing. The motion carried unanimously; Mayor Suarez was present and voting.

A. To solicit input on behalf of Nelda Gonzalez to rezone 112 Adelita Street, also being Lot 27, San Francisco Subdivision, Weslaco, Hidalgo County, and Texas from R-2 Duplex and Apartment District to B-1 Neighborhood Business District. (Staffed by Planning and Code Enforcement Department.)

No comments received.

B. To solicit input on behalf of Nelda Gonzalez to rezone 114 Adelita Street, also being Lot 28, San Francisco Subdivision, Weslaco, Hidalgo County, and Texas from R-2 Duplex and Apartment District to B-1 Neighborhood Business District. (Staffed by Planning and Code Enforcement Department.)

No comments received.

C. To solicit input on behalf of Robert Rangel to rezone 1901 Maria Isabel Drive, also being Lot 24, San Francisco Subdivision, Weslaco, Hidalgo County, and Texas from R-2 Duplex and Apartment District to B-1 Neighborhood Business District. (Staffed by Planning and Code Enforcement Department.)

Robert Rangel, applicant, stated he is requesting favorable approval because he is seeking to expand his business and hire eight employees.

D. To solicit input on behalf of Jaime Perez to rezone 2500 E. Expressway 83, also being a 2.59-acres out of Farm Tract 18, West Tract Subdivision, Weslaco, Hidalgo County, and Texas from R-1 One-family dwelling District to B-2 Secondary highway business District. (Staffed by Planning and Code Enforcement Department.)

No comments received.

Mayor Pro Tem Tafolla, seconded by Commissioner Kerr, moved to close the public hearing at 5:50 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

IV. CONSENT AGENDA

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately

unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

A. Approval of the Minutes of the Regular Meeting on September 4, 2018. (Staffed by City Secretary's Office.)

B. Approval on second and final reading of the following:

1) Ordinance 2018-26 amending the Master Fee Schedule with respect to Administrative, Library and Airport fees, and authorize the Mayor to execute any related documents. (First reading held September 4, 2018; Staffed by Finance Department.)

2) Ordinance 2018-29 establishing the capital project fund for drainage improvements and authorize the Mayor to execute any related documents. (First reading held September 4, 2018; Staffed by Finance.)

3) Ordinance 2018-30 adopting a budget amendment and authorize the Mayor to execute any related documents. (First reading held September 4, 2018; Staffed by Finance Department.)

4) Ordinance 2018-31 increasing the number of police officers by six (6). (First Reading held September 4, 2018; Staffed by Police Department.)

C. Approval to authorize the submission of a grant to Kaboom! for playground equipment for Isaac Rodriguez Park with no local match required. (Staffed by Airport.)

D. Approval to authorize the submission of a grant to Kaboom! for an Imagination Playground and Rigamajig Equipment for Isaac Rodriguez Park with no local match required and authorize the Mayor to execute any related documents. (Staffed by Airport.)

E. Acceptance of donated monies and gifts from local vendors and/or the public for library programming within Fiscal Year 2018–2019. (Staffed by Library Department.)

F. Authorization to reapply and renew the Reading Is Fundamental (RIF) grant for FY 2018-2019, to accept funds upon award throughout the year, to provide local matching funds not to exceed 25% of the total granted amount in each instance and not to exceed \$700.00 total annually, and to allow the Mayor to execute any associated documents throughout the year. (Staffed by Library Department.)

G. Acceptance of reimbursement funds from the Federal Bureau of Investigation (FBI) for state and local law enforcement agencies (LEA) for the cost of overtime incurred by task force related activities in the amount of \$18,343.75 per year for officer assigned full-time to the FBI task force. (Staffed by Police Department.)

H. Approval of renewal the Interlocal Agreement with Willacy County for Animal Care Services. (Staffed by Planning and Code Enforcement Department.)

I. Approval of renewal the Interlocal Agreement with the City of Mercedes for Animal Care Services. (Staffed by Planning and Code Enforcement Department.)

J. Approval of renewal the Interlocal Agreement with the City of Edcouch for Animal Care Services. (Staffed by Planning and Code Enforcement Department.)

K. Approval of renewal the Interlocal Agreement with the City of Donna for Animal Care Services. (Staffed by Planning and Code Enforcement Department.)

L. Approval of renewal the Interlocal Agreement with the City of Elsa for Animal Care Services. (Staffed by Planning and Code Enforcement Department.)

M. Approval of renewal the Interlocal Agreement with the City of La Villa for Animal Care Services. (Staffed by Planning and Code Enforcement Department.)

N. Approval of renewal the Interlocal Agreement with the City of San Juan for Animal Care Services. (Staffed by Planning and Code Enforcement Department.)

Mayor Pro Tem Tafolla, seconded by Commissioner Pedraza, moved to approve consent agenda items A through N as presented. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the following are the ordinances:

ORDINANCE 2018-26

AN ORDINANCE AMENDING ORDINANCE 2017-46 THE MASTER FEE SCHEDULE, TO REVISE EXISTING FEES AND ESTABLISH NEW FEES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE, AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT:

SECTION 1. APPROVAL. Ordinance 2017-46 passed and approved on the 7th day of November 2017 as “The Master Fee Schedule Ordinance” and Codified as Section 2-190 of The Weslaco Code of Ordinances is hereby amended so that after final reading it shall read as follows:

ARTICLE VI. MASTER FEE SCHEDULE

Section 2-190. Scheduled established.

The fee schedule attached as an Exhibit to this Ordinance is hereby adopted as if fully forth herein. The City Commission may hereafter amend or replace this fee schedule at any time.

SECTION 2. All other provisions of Ordinance 2017-46 shall remain in full force and effect.

SECTION 3. SEVERABILITY CLAUSE. It is the intent of the City Commission that each sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be deemed severable and, should any such sentence, paragraph, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of the Ordinance left standing.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect upon final reading.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 4th day of September 2018.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 18th day of September.

ORDINANCE NO. 2018-29

AN ORDINANCE ESTABLISHING A DRAINAGE CAPITAL PROJECT FUND; PROMULGATING RULES AND REGULATIONS CONCERNING THE BUILDING AND MAINTAINING OF SUCH FUND, AND THE PERMITTED WITHDRAWALS AND PROHIBITIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Weslaco provides services to the citizens of Weslaco to meet today's needs, as well as those of the future, and in turn the citizens pay taxes and fees for such services; and

WHEREAS, the City Commission has requested proposals to secure the services of a professional consultant to perform all aspects of application, management, preparation, project implementation, planning services and submission requirements associated with the approval of a Hazardous Mitigation planning grant and plan development to the Federal Emergency Management Agency (FEMA) through the Texas Division of Emergency Management, and

WHEREAS, a Hazard Mitigation Plan is required for eligibility for grant funds through FEMA's pre-disaster grant programs such as: Pre-Disaster Mitigation (PDM) and Flood Mitigation Assistance (FMA); and post disaster grant programs such as: Public Assistance (PA) and Hazard Mitigation Grant Program (HMGP); and

WHEREAS, the City Commission also solicited Statements of Qualifications for Civil Engineering Services for Storm Water Improvements Master Plan to provide grant writing, engineering, and management services for the City for implementation of local, state and federal funding opportunities for water management, drainage improvements and/or flood protection planning, and

WHEREAS, based on the recommendations of these professional consultants, the City Manager shall submit a proposed Drainage Improvement Plan for 2018-2019 which contains anticipated receipts and proposed projects and planned expenditures for each of the various capital drainage improvements of the City;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS, THAT:

SECTION ONE. A Drainage Capital Project Fund is to be added to the Code of Ordinances Chapter 54 Section 23 of the City of Weslaco, to read in its entirety as follows:

§XXX ESTABLISHMENT AND FUNDING OF DRAINAGE CAPITAL PROJECTS FUND.

- (A) A fund is hereby established, to be maintained by the Finance Department and separately maintained from the other funds of the City, to be designated the Drainage Capital Projects Fund (the DCP).
- (B) The DCP shall be accounted for as a separate Capital Project Fund of the City.
- (C) Contributions may vary from year to year when the General Fund has produced a surplus after payment of all operation and maintenance expenses, debt service, and required contributions to reserves, if any. Contributions shall be added to such Fund per the above criteria.
- (D) At the option of the City Commission, other sources of surplus finds, including bond proceeds or grant revenue, if available, may be used to contribute to the Fund.
- (E) Nothing in this section shall be construed to mean that any contribution to the Fund is mandatory, but such will be solely at the discretion of the City Commission.

SECTION TWO. A new section, Chapter 54 Article 24, is to be added to the Code of Ordinances of the City of Weslaco, to read in its entirety as follows:

§XXX EXPENDITURES FROM THE DRAINAGE CAPITAL PROJECTS FUND; PROHIBITED EXPENDITURES.

(A) Withdrawals from the Fund require the authorization of the City Commission. At the time of withdrawal, a plan to replenish the Fund over a reasonable time frame shall be adopted by the City Commission. The plan may or may not include a tax or rate increase, depending on the circumstances.

(B) Withdrawals from the Fund should be restricted to:

(1) pay for capital improvement projects as presented and approved within the Drainage Capital Project (DCP) budget approved by the City Commission for each fiscal year,

(2) make up for a severe shortfall in funds where projected revenues are not met, typically because of unexpected negative influence on revenue stream,

(3) pay for catastrophic repair events of such magnitude that the cost of such would initiate an unplanned tax or rate increase or a greater than planned tax or rate increase (i.e. increases that would not have been needed if such event had not occurred). At the time of any such withdrawal for (2) or (3), a plan to raise taxes and/or rates over a reasonable time period to a level sufficient to cover the ongoing cost of maintenance and operations should be presented to the Commission and adopted.

(C) Withdrawal from the Fund should not be allowed for the following reasons:

(1) to make any expenditure not clearly and directly for an approved Drainage Improvement Project.

(2) to pay for expense made necessary as a result of growth, expansion, or enhancement of existing services or inflation.

(3) for the addition of permanent personnel or equipment.

SECTION THREE. This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Weslaco, Texas, and this Ordinance shall not operate to repeal or affect any other ordinance except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION FIVE. This Ordinance shall become effective from and after its passage as provided by law.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 4th day of September 2018.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 18th day of September 2018.

ORDINANCE 2018-30

AN ORDINANCE AMENDING ORDINANCE NUMBER 2017-37, AS PREVIOUSLY AMENDED BY ORDINANCE 2018-12, APPROVING AND ADOPTING A BUDGET FOR THE CITY OF WESLACO, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018, FINDING NEED TO AMEND THE 2017-2018 MUNICIPAL BUDGET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE, AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

WHEREAS, the City Commission of the City of Weslaco utilized diligent thought and attention to the preparation of the 2017-2018 budget; and

WHEREAS, unusual and unforeseen conditions have arisen during the fiscal year which have, or will require, the expenditure of additional funds constituting an emergency expenditure; and

WHEREAS, Section 102.009 of the Texas Local Government Code authorizes the City to amend its budget in such a manner as to provide for emergency expenditures as an amendment to the original budget in a case of grave public necessity to meet an unusual and unforeseen condition; and

WHEREAS, the City Commission finds the amendments in the line items identified in the attached Exhibit are reasonable, necessary, and for municipal purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT:

SECTION 1. FINDINGS. The City Commission finds the statements made in the preamble above are true.

SECTION 2. BUDGET LINE ITEMS. The City Commission approves the budget amendments in the attached Exhibit as such change is necessary to meet an unusual and unforeseen condition as the result of an emergency.

SECTION 3. BUDGET TOTAL. The City Commission further finds the amended budget line items identified in such Exhibit will not cause the total expenditures in the budget to exceed the total amount of available resources.

SECTION 4. APPROVAL. The 2017-2018 Official Budget, adopted by Ordinance 2017-37, and amended by Ordinance 2018-12, is hereby reallocated, revised, amended and approved as set forth in the attached Exhibit.

SECTION 5. AUTHORIZATION. The City Manager is authorized to undertake action to execute such transfers in accordance with state law, and file, or cause to be filed, a true and correct copy of this Ordinance, with the attached budget amendment, with the City Secretary.

SECTION 6. SEVERABILITY CLAUSE. It is the intent of the City Commission that each sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be deemed severable and, should any such sentence, paragraph, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of the Ordinance left standing.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect upon final reading.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 4th day of September 2018.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 18th day of September 2018.

ORDINANCE NO. 2018- 31

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WESLACO RELATING TO THE AUTHORIZED STRENGTH AND CLASSIFICATIONS OF THE CITY OF WESLACO POLICE OFFICERS; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATING TO THE SUBJECT MATTER THEREOF.

WHEREAS, the City Commissioners adopted Ordinance No. 2017-37 on September 17, 2017, which affixed by budget the authorized strength and classification of the Weslaco Police Department; and

WHEREAS, it remains the most recent City Ordinance relating to authorized strength of the Police Department, and same should be amended to provide an increase in the number of authorized Police Officer positions by adding six (6) additional Police Officer positions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT:

SECTION I: The number of authorized positions for the classifications of members of the Police Department is as set forth in the attached Exhibit "A". The number of positions as prescribed therein is the maximum strength for each classification, and it is further recognized and enacted that the Police Department may have a lesser number of employees in such classification depending on the ability of the Police Department to recruit and have qualified applicants. The number of authorized positions may be increased or decreased by the City Commission from time to time at its sole discretion, subject to any collective bargaining agreement requirements set out in any current collective bargaining agreement.

SECTION II: It is hereby provided that all ordinances in conflict herewith are hereby expressly repealed to the extent of such conflict

SECTION III: The City Secretary is hereby directed not to codify this Ordinance in the Code of Ordinances of the City of Weslaco as it is not amendatory thereof.

SECTION IV: The City Secretary is hereby authorized and directed to cause the caption of this Ordinance to be published in a newspaper having general circulation in Weslaco, Texas in accordance with the provisions of the Code of Ordinances of the City of Weslaco.

SECTION V: If any part or parts of this Ordinance are found to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to that extent this Ordinance is considered severable.

PASSED and APPROVED on first reading this 4th day of September, 2018.

PASSED and APPROVED on second and final reading this 18th day of September, 2018 at a regular meeting of the Board of Commissioners of the City of Weslaco, Texas, at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this 18th day of September, 2018.

CITY OF WESLACO
/s/David Suarez, MAYOR

ATTEST:
/s/Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:
/s/Juan E. Gonzalez, CITY ATTORNEY

Mayor Suarez changed the order of the day to proceed immediately to V. New Business item S.

S. Discussion and consideration to approve Resolution 2018-62 supporting legislative efforts to make funding available to strengthen the Texas Trauma Network in the Rio Grande Valley and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.)

Dr. Cano stated the closest Trauma Level I is in San Antonio then Houston; he requested consideration of the resolution supporting funding for medical residents' training in Level I.

Commissioner Lopez, seconded by Commissioner Pedraza, moved to approve Resolution 2018-62 supporting legislative efforts to make funding available to strengthen the Texas Trauma Network in the Rio Grande Valley as presented. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the following is the resolution:

RESOLUTION NO. 2018-62

RESOLUTION IN SUPPORT OF STRENGTHENING THE TEXAS TRAUMA NETWORK

WHEREAS, the Trauma Network in the State of Texas is comprised of 22 regions and includes 18 Level I Comprehensive Trauma Facilities, 21 Level II Major Trauma Facilities, 56 Level III Advanced Trauma Facilities and 193 Level IV Basic Trauma Facilities;

WHEREAS, Region V encompasses the Rio Grande Valley counties of Hidalgo, Cameron, Starr and Willacy and have a combined population of over 1.5 million residents and continues to be one of the fastest growing areas in the State of Texas;

WHEREAS, the Rio Grande Valley is situated along the Texas Gulf Coast and is therefore at risk of experiencing widespread and catastrophic flooding and damage which may pose significant threats to life and property due to tropical storms, hurricanes, and other inclement weather events;

WHEREAS, approximately 40 Texans die every day due to traumatic injuries, and for every Texan that dies from a traumatic injury, at least six are injured;

WHEREAS, studies show that access to the appropriate level of medical care during the first 60 minutes of trauma incident (the “Golden Hour”) is critical to saving lives and the American College of Surgeons recommends that each geographic region include a Level I or Level II trauma facility at its center and within a 30 minute transport time and have a Level I trauma facility per 1 million residents;

WHEREAS, approximately 25% of Texans live in a county not accessible to a Level I trauma facility, and the nearest Level I Comprehensive Trauma Facility to Region V of the Texas Trauma Network is located over 240 miles away;

NOW, THEREFORE, BE IT RESOLVED that no Texan should ever go without timely access to the highest level of care when they need it, the City of Weslaco hereby supports legislative efforts to make funding available to strengthen the Texas Trauma Network and ensuring the residents of the Rio Grande Valley have timely access to the highest level of care when facing a severe traumatic incident.

PASSED AND APPROVED on this 18th day of September 2018.

CITY OF WESLACO
/s/David Suarez, MAYOR

ATTEST:
/s/Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:
/s/Juan E. Gonzalez, CITY ATTORNEY

The order of the day was changed to VII. Reports A.

VIII. REPORTS

A. Update by Hidalgo County Precinct One Commissioner David Fuentes on proposed drainage projects.

County Commissioner David Fuentes stated a \$190-million bond election is scheduled for November; direct impacts for bond-supported projects include Highway 281 & FM88, Mid Valley Airport, Mile 11 N & FM 1015, Mile 11 N & Texas Boulevard, Mile 9 N & FM 1015 and Southwest Weslaco. Additionally, Precinct One is applying for funds with Texas Department of Emergency Management totaling \$36.5 million, TXDoT/MPO funds totaling \$9.2 million and \$10 million from the US Army Corps of Engineering. Slated drainage improvements for Precinct 1 total \$142 million.

V. APPOINTMENTS

A. Discussion and consideration to approve Resolutions 2018-51, 2018-60 and 2018-61 appointing members to the Citizen's Drainage Committee and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.)

Mayor Pro Tem Tafolla, seconded by Commissioner Pedraza, moved to approve 2018-60 and 2018-61 appointing Alex Livas and Juan Flores as members to the Citizen's Drainage Committee presented. The motion carried unanimously; Mayor Suarez was present and voting.

RESOLUTION NO. 2018-60

A RESOLUTION OF THE CITY OF WESLACO ESTABLISHING AN AD HOC CITIZENS' COMMITTEE THAT SHALL BE DESIGNATED AS THE WESLACO DRAINAGE CITIZENS' TASK FORCE

WHEREAS, This Commission finds merit in establishing an ad hoc citizens' committee to solicit suggestions, make recommendations, and review progress toward the planning and implementing of infrastructure improvements for City-wide detention and drainage of floodwaters; and

WHEREAS, as it is intended to serve ad hoc, the work of this Committee shall be limited to one year from establishment; and

WHEREAS, Resolution 2018-44 established the creation of the Weslaco Drainage Citizen's Task Force with seven (7) members who shall be nominated one by each Commission member and approved by the whole Weslaco City Commission; and

WHEREAS, Resolution 2018-59 increased the membership from seven (7) and not to exceed nine (9).

WHEREAS, members shall be residents of the City of Weslaco, serve without compensation, and may be eligible for reappointment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Alex Livas is appointed to serve on the Weslaco Drainage Citizen's Task Force and the term will expire on August 7, 2019.

RESOLUTION NO. 2018-61

A RESOLUTION OF THE CITY OF WESLACO ESTABLISHING AN AD HOC CITIZENS' COMMITTEE THAT SHALL BE DESIGNATED AS THE WESLACO DRAINAGE CITIZENS'

TASK FORCE

WHEREAS, This Commission finds merit in establishing an ad hoc citizens' committee to solicit suggestions, make recommendations, and review progress toward the planning and implementing of infrastructure improvements for City-wide detention and drainage of floodwaters; and

WHEREAS, as it is intended to serve ad hoc, the work of this Committee shall be limited to one year from establishment; and

WHEREAS, Resolution 2018-44 established the creation of the Weslaco Drainage Citizen's Task Force with seven (7) members who shall be nominated one by each Commission member and approved by the whole Weslaco City Commission; and

WHEREAS, Resolution 2018-59 increased the membership from seven (7) and not to exceed nine (9).

WHEREAS, members shall be residents of the City of Weslaco, serve without compensation, and may be eligible for reappointment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Juan Flores is appointed to serve on the Weslaco Drainage Citizen's Task Force and the term will expire on August 7, 2019.

PASSED AND APPROVED on this 18th day of September 2018.

CITY OF WESLACO
/s/David Suarez, MAYOR

ATTEST:
/s/Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:
/s/Juan E. Gonzalez, CITY ATTORNEY

VI. OLD BUSINESS

A. Discussion and consideration to approve Ordinance 2018-27 adopting the City of Weslaco's budget appropriation for the fiscal year October 1, 2018 to September 30, 2019 and authorize the Mayor to execute any related documents. First Reading held September 4, 2018. ROLL CALL VOTE REQUIRED. Possible action. (Staffed by Finance Department.)

The City Manager stated there are no changes since first reading; bonds would be sold with half the debt payment from the City and the other \$140,000 from the Weslaco Economic Development Corporation. He recommended approval stating roll call vote is required.

Commissioner Kerr, seconded by Commissioner Lopez, moved to approve Ordinance 2018-27 adopting the City of Weslaco's budget appropriation for the fiscal year October 1, 2018 to September 30, 2019 and authorized the Mayor to execute any related documents. By roll call vote, the motion carried unanimously; Mayor Suarez was present and voting

For the record, the following is the ordinance:

ORDINANCE NO. 2018-27

AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF WESLACO FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019; APPROPRIATING MONEY TO A SINKING FUND TO PAY INTEREST AND PRINCIPAL ON THE CITY'S INDEBTEDNESS; AND ADOPTING THE ANNUAL BUDGET FOR THE CITY OF WESLACO, TEXAS, FOR THE 2018-2019 FISCAL YEAR.

WHEREAS, the budget appended here as Exhibit A, for the fiscal year beginning October 1, 2018, and ending September 30, 2019, was duly presented to the City Commission by the City Manager, that due and timely public notice that a Public Hearing on such budget would be held on August 21, 2018, was given and made in accordance with state law and within the time limits set forth by law; that such Public Hearing was held in accordance with the law on August 21, 2018; now therefore,

BE IT ORDAINED BY CITY OF WESLACO, TEXAS:

SECTION 1. That the appropriations for the fiscal year beginning October 1, 2018, and ending September 30, 2019, for the support of the general government of the City of Weslaco, Texas be fixed and determined for said terms in accordance with the expenditures shown in the City's Fiscal Year 2018-2019 Budget, a copy of which is appended hereto as Exhibit A;

SECTION 2. That the Budget, as shown in words and figures in Exhibit A, is hereby approved in all respects and adopted as the City's Budget for the fiscal year beginning October 1, 2018 and ending September 30, 2019.

SECTION 3. That there is hereby appropriated the amount shown in said budget necessary to provide for a sinking fund for the payment of the principal and interest and the retirement of the bonded debt requirements of Fiscal 2018-2019 of the City of Weslaco.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 4th day of September 2018.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 18th day of September, 2018.

CITY OF WESLACO
/s/David Suarez, MAYOR

ATTEST:
/s/Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:
/s/Juan E. Gonzalez, CITY ATTORNEY

B. Discussion and consideration to approve Ordinance 2018-28 adopting and levying the ad valorem tax rate for the 2018-2019 fiscal year and authorize the Mayor to execute any related documents. First reading held September 4, 2018. ROLL CALL VOTE REQUIRED. Possible action. (Staffed by Finance Department.)

The City Manager recommended approval adopting a tax rate of \$0.6667, the same as last year, noting roll call vote required.

Commissioner Kerr, seconded by Commissioner Pedraza, moved to approve Ordinance 2017-38 adopting and levying the ad valorem tax rate for the 2018-2019 fiscal year as \$0.6667 per \$100.00. By roll call vote, the motion carried unanimously; Mayor Suarez was present and voting

For the record, the following is the ordinance:

ORDINANCE NO. 2018-28

AN ORDINANCE LEVYING AN AD VALOREM TAX ON ALL TAXABLE PROPERTY WITHIN THE CITY OF WESLACO, TEXAS FOR THE TAX YEAR 2018, FIXING THE TAX RATE FOR THE USE AND SUPPORT OF THE GENERAL GOVERNMENT AND FOR THE INTEREST AND SINKING FUND FOR THE REDEMPTION OF BONDS AND OTHER INDEBTEDNESS OF THE CITY OF WESLACO, TEXAS, AND FIXING A LIEN ON ALL TAXABLE PROPERTY.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

I. THAT, there is hereby levied and there shall be collected for the use and support of the municipal government of the City of Weslaco for the 2018-2019 fiscal year, upon all property, real, personal and mixed, within the corporate limits of said City subject to taxation, a tax of \$0.6667 on each \$100 valuation of property, said tax being so levied and apportioned to the specific purposes here set forth:

- a. Maintenance and operation of the General Government (General Fund) for fiscal year 2018-2019, \$0.5143 on each \$100 valuation of property.
- b. Interest and sinking fund for debt service payments for fiscal year 2018-2019, \$0.1524 on each \$100 valuation of property for the purpose of paying interest on and providing a sinking fund for the redemption of outstanding indebtedness of the City of Weslaco.

II. THAT there is hereby fixed on each and every item of taxable property a lien for the purpose of securing the payment of the taxes assessed thereon, and said lien shall continue to exist against any item of property against which a tax is assessed here under until such tax, together with all interest shall be paid.

III. IF, any person shall neglect or refuse to pay the taxes herein imposed on him or his property, on or before January 31, 2019 the tax collector shall apply the following schedule of penalty and interest rates for use in calculating the total amount due on delinquent tax bills:

February 2019	7.0%
March 2019	9.0%
April 2019	11.0%
May 2019	13.0%
June 2019	15.0%
July 2019	18.0%

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 4th day of September 2018.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 18th day of September 2018.

CITY OF WESLACO
/s/David Suarez, MAYOR

ATTEST:
/s/Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:
/s/Juan E. Gonzalez, CITY ATTORNEY

The order of the day was changed to VII New Business item C.

VII. NEW BUSINESS

C. Discussion and consideration after public hearing on behalf of Robert Rangel to approve Ordinance 2018-34 rezoning 1901 Maria Isabel Drive, also being Lot 24, San Francisco subdivision, Weslaco, Hidalgo County, Texas from R-2 Duplex and Apartment District to B-1 Neighborhood Business District. First reading of Ordinance 2018-34. Three-fourths vote required. Possible action. (Staffed by Planning and Code Enforcement Department.)

Mardoqueo Hinojosa, City Engineer/Director of Planning and Code Enforcement, stated twenty-four property owners were notified with no objection received. The property is zoned R-2 in the 2040 Land Use Map; its alley abuts Texas Boulevard, a commercial corridor. Staff recommends compliance with the 2040 Land Use Map and the Planning and Zoning Commission recommend denial.

In response to Mayor Pro Tem Tafolla and Commissioner Muñoz, this is not considered spot zoning as the site abuts a commercial corridor and use is not an extension of existing business unless alley is abandoned and re-platted as one-lot subdivision.

The City Manager stated the use and site plan will be reviewed and considered separately and recommends approval of the rezone.

Commissioner Rodriguez, seconded by Commissioner Pedraza, moved to approve Ordinance 2018-34 rezoning 1901 Maria Isabel Drive from R-2 Duplex and Apartment District to B-1 Neighborhood Business District. as presented. The motion carried with Commissioner Kerr opposed (6-1); Mayor Suarez was present and voting.

A. Discussion and consideration after public hearing on behalf of Nelda Gonzalez to approve Ordinance 2018-32 rezoning 112 Adelita Street, also being Lot 27, San Francisco Subdivision, Weslaco, Hidalgo County, Texas from R-2 Duplex and Apartment District to B-1 Neighborhood Business District. First reading of Ordinance 2018-32. Three-fourths vote required. Possible action. (Staffed by Planning and Code Enforcement Department.)

Mardoqueo Hinojosa stated there was no letter received in favor or against; however, this would be spot zoning as it is in the middle of the neighborhood. Staff and the Planning and Zoning Commission recommend denial.

Mayor Pro Tem Tafolla, seconded by Commissioner Lopez, moved to approve Ordinance 2018-32 rezoning 112 Adelita Street, also being Lot 27, San Francisco Subdivision, Weslaco, Hidalgo County, Texas from R-2 Duplex and Apartment District to B-1 Neighborhood Business District as presented. The motion failed with Mayor Pro Tem Tafolla in favor and Mayor Suarez, Commissioners Kerr, Lopez, Pedraza and Muñoz opposed. Commissioner Rodriguez was absent from the dais (1-5).

B. Discussion and consideration after public hearing on behalf of Nelda Gonzalez to approve Ordinance 2018-33 rezoning 114 Adelita Street, also being Lot 28, San Francisco Subdivision, Weslaco, Hidalgo County, Texas from R-2 Duplex and Apartment District to B-1 Neighborhood Business District. First reading of Ordinance 2018-33. Three-fourths vote required. Possible action. (Staffed by Planning and Code Enforcement Department.)

Mardoqueo Hinojosa stated the Planning and Zoning Commission recommend denial based on the zoning map.

Commissioner Kerr, seconded by Commissioner Lopez, moved to approve Ordinance 2018-33 rezoning 114 Adelita Street from R-2 Duplex and Apartment District to B-1 Neighborhood Business District as presented. The motion failed with Mayor Pro Tem Tafolla in favor and Mayor Suarez, Commissioners Kerr, Lopez, Pedraza and Muñoz opposed. Commissioner Rodriguez was absent from the dais (1-5).

D. Discussion and consideration after public hearing on behalf of Jaime Perez to approve Ordinance 2018-36 rezoning 2500 E. Expressway 83, also being a 2.59-acres out of Farm Tract 18, West Tract Subdivision, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling District to B-2 Secondary Highway Business District. First reading of Ordinance 2018-36. Possible action. (Staffed by Planning and Code Enforcement Department.)

Mardoqueo Hinojosa stated staff and the Planning and Zoning Commission recommend approval.

Commissioner Muñoz, seconded by Commissioner Lopez, moved to approve Ordinance 2018-36 rezoning 2500 E. Expressway 83 from R-1 One-family dwelling District to B-2 Secondary Highway Business District as presented. The motion carried unanimously; Mayor Suarez was present and voting.

E. Discussion and consideration to approve the Final Plat for R&E Ranch Subdivision – being a 6.00 acre out of Farm Tract 650, West Tract Subdivision, Weslaco, Hidalgo County, Texas located on the Northwest Corner of Milanos Road and 18th Street. Possible action. (Staffed by Planning and Code Enforcement.)

Mardoqueo Hinojosa stated this is a proposed five lot subdivision outside city limits, serviced with water by Military Highway Water Supply Corporation through a 6” waterline and sewer by septic. The property is within Flood Zone “B” in compliance with 25-storm detention and owner requests a variance to on-site sanitary sewer facility. Staff and the Planning and Zoning Commission recommended approval.

Commissioner Lopez, seconded by Commissioner Muñoz, moved to approve the Final Plat for R&E Ranch Subdivision – being a 6.00 acre out of Farm Tract 650, West Tract Subdivision as presented. The motion carried unanimously; Mayor Suarez was present and voting.

F. Discussion and consideration to approve the Final Plat for Ramos Commercial Plaza – being a 2.042-acres out of Farm Tract 124, Block 162, West Tract Addition, Weslaco, Hidalgo County, Texas located approximately 600 feet north of W. Expressway 83. Possible action. (Staffed by Planning and Code Enforcement.)

Mardoqueo Hinojosa stated the proposed one (1) lot subdivision is north of Bar-B-Cuties; it is serviced with city water through a 12” waterline and sewer through a 15” sewer line; property is within a Flood Zone “X”. Staff and the Planning and Zoning Commission recommend approval.

Commissioner Rodriguez, seconded by Commissioner Muñoz, moved to approve Final Plat for Ramos Commercial Plaza as presented. The motion carried unanimously; Mayor Suarez was present and voting.

G. Discussion and consideration to approve the Final Plat for Weslaco Plaza Subdivision – being a re-subdivision of 6.595-acres being all of Lots 1 and 2, Limon Subdivision, Weslaco, Hidalgo County, Texas located approximately 1,150 feet East of Westgate Drive. Possible action. (Staffed by Planning and Code Enforcement.)

Mardoqueo Hinojosa stated this is a proposed three (3) lot subdivision located along Expressway and Pike inside City limits and serviced with City water and sewer. The property is within a Flood Zone “B” and developer has dedicated right-a-way for a road. Staff and the Planning and Zoning Commission recommend approval.

Commissioner Rodriguez, seconded by Commissioner Lopez, moved to approve Final Plat for Weslaco Plaza Subdivision as presented. The motion carried unanimously; Mayor Suarez was present and voting.

H. Discussion and consideration to approve a six-month extension of the Final Plat for Pleasantview Village Subdivision – being an 8.55-acres tract of land out of Farm Tract 709, Block 136, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located along the East right-of-way of Pleasant Village Drive, and about 1250 feet South of the U.S. Business Highway 83. Possible action. (Staffed by Planning and Code Enforcement.)

Mardoqueo Hinojosa stated the developer requests additional time for completion of the sewer line. Staff recommends approval.

Commissioner Rodriguez, seconded by Commissioner Lopez, moved to approve a six-month extension of the Final Plat for Pleasantview Village Subdivision as presented. The motion carried unanimously; Mayor Suarez was present and voting.

I. Discussion and consideration to interview a short list for Civil Engineering Services from the Request for Qualifications #2017-18-21 for consulting services to prepare a Stormwater Improvements Plan. Possible action. (Staffed by Planning and Code Enforcement.)

Commissioner Kerr, seconded by Commissioner Lopez, moved to discuss.

Mardoqueo Hinojosa stated firms drew to determine order, with 10-12 minutes allocated for each presentation and 3-5 minutes for questions and answers. Those firms not presenting left the Legislative Chambers until called as a professional courtesy.

Cruz-Hogan Engineering, Perez Consulting Engineers, Half Associates, and Sigler, Winston Greenwood & Associates, each in turn presented their qualifications, emphasizing their project experience and team expertise. Mayor Pro Tem asked each if any litigation with a City and Commissioner Munoz asked each about time available to prioritize this work for the City. The City Manager indicated there would be no action in order to further review the firms’ qualifications.

J. Discussion and consideration to approve an interlocal agreement with Weslaco Independent School District for six law enforcement officers to serve as school resource security officers, to be reimbursed in the amount of \$285,000.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police.)

Commissioner Kerr abstained from discussion and vote.

Joel Rivera, Chief of Police, stated this partnership with the District would provide added security and safety, with the school district to provide two vehicles with maintenance and fuel at their cost.

The City Manager noted the collective bargaining agreement would need to address the change and an ordinance recently adopted reflects the increase in strength. Juan E. Gonzalez concurred if collective bargaining agreement does not align with these changes, the City would need to amend the school agreement.

Commissioner Rodriguez, seconded by Commissioner Muñoz, moved to approve an interlocal agreement with Weslaco Independent School District for six law enforcement officers to serve as school resource security officers, to be reimbursed in the amount of \$285,000.00 as presented. The motion carried unanimously with Commissioner Kerr abstaining; Mayor Suarez was present and voting.

K. Discussion and consideration to authorize the submission of the Weslaco Mid Valley Airport's Fiscal Year 2018-2019 Texas Department of Transportation Grant for the Routine Airport Maintenance Program, Project M1921WESL, in the amount not to exceed \$100,000.00 with a 50/50 cost share and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.)

Andrew Munoz, Aviation Director, stated this is an annual 50/50 reimbursement match grant for routine maintenance and improvements of the airport grounds and buildings. Staff recommends approval.

Commissioner Lopez, seconded by Commissioner Pedraza, moved to approve the submission of the Weslaco Mid Valley Airport's Fiscal Year 2018-2019 Texas Department of Transportation Grant for the Routine Airport Maintenance Program, Project M1921WESL, in the amount not to exceed \$100,000.00 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

L. Discussion and consideration to award the Request for Proposals No. 2017-18-22 for the Grant Application and Hazard Mitigation Plan and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.)

Andrew Munoz stated proposals were solicited for respondents to prepare a grant application and Hazard Mitigation Plan; the City advertised for thirty (30) consecutive days and four (4) responses were received. Staff evaluated those responses and recommends awarding H2O Partners, Inc.

Commissioner Rodriguez, seconded by Commissioner Lopez, moved to approve H2O Partners, Inc. for the Grant Application and Hazard Mitigation Plan as presented. The motion carried unanimously; Mayor Suarez was present and voting.

M. Discussion and consideration to approve the annual renewal of a general service contract with Carasoft/Accela Civic Platform and Accela CRM software subscription services in an amount not to exceed \$46,086.99 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Information Technology Department.)

Leo Gonzalez, IT Director, stated this is year four of a five-year agreement. Accela provides software used by Planning and Code Enforcement Department.

In response to Commissioner Muñoz, Juan Gonzalez, City Attorney, stated a letter was sent to Accela expressing issues whose general counsel responded earlier today requesting a meeting. In response to Commissioner Rodriguez, staff stated there are issues with their network support and workflow operations; cost of implementation was \$130,000.00. The City Manager recommends approval.

Commissioner Lopez, seconded by Commissioner Kerr, moved to approve the annual renewal of a general service contract with Carasoft/Accela Civic Platform and Accela CRM software subscription services in an amount not to exceed \$46,086.99 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

N. Discussion and consideration to pave the parking lot north of City Hall as leased from St. Joan of Arc Catholic Church. Possible action. (Requested by Mayor.)

The City Manager stated an agreement with the church allows the City to use the parking lot located north of City Hall; by this agreement, the City maintains it and seal-coat is not lasting. Church requests an overlay of the lot. Staff recommends authorize placing on the paving schedule for improvements.

Commissioner Rodriguez, seconded by Commissioner Pedraza, moved to authorize and place on the paving improvements list. The motion carried unanimously; Mayor Suarez was present and voting.

O. Discussion and consideration to remove Coronado Towing Service from the wrecker rotation. Possible action. (Staffed by City Manager's Office.)

The City Manager stated the item is considered a complaint and in accordance with Ordinance will be forwarded to Municipal Court. There was no action.

P. Discussion and consideration authorizing the City of Donna to create a sub-zone to the Weslaco Foreign Trade Zone and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.)

The City Manager stated as discussed in the earlier workshop, the City of Donna desires to create a sub-zone before creating a Regional Foreign Trade Zone because it would be grandfathered as perpetual under old rules. Staff recommends approval to create this sub-zone before joining a regional effort with County. Any cost would be absorbed by Donna.

In response to Commissioner Kerr, the advantage to Weslaco is the sub-zone is located closer to Weslaco. In response to Mayor Pro Tem Tafolla, the Foreign Trade Zone for Weslaco has been

dormant. In response to Commissioner Muñoz, there are fees that would be negotiated and there are no commodities currently crossing.

Commissioner Kerr, seconded by Commissioner Lopez, moved to approve and authorize the City of Donna to create a sub-zone to the Weslaco Foreign Trade Zone as presented. The motion carried unanimously; Mayor Suarez was present and voting.

Q. Discussion and consideration to address standing water in ditch off Border Avenue and behind McCoy's Lumber Yard. Possible action. (Staffed by City Manager's Office.)

The City Manager stated concerns have been raised since 2015 about the area and staff investigation identified a culvert box 1.5-feet higher than elevation. He recommends the City Engineer draft plans and prepare cost estimate to put in submersible six or eight-inch pump.

In response to Commissioner Muñoz, staff stated there is not enough slope to raise the culvert box. Commissioner Kerr would like to know any effect on drainage per acre feet.

Mayor Pro Tem Tafolla, seconded by Commissioner Pedraza, moved to authorize the City Engineer to draft plans, cost estimate and calculate effect on drainage as presented. The motion carried unanimously; Mayor Suarez was present and voting.

R. Discussion and consideration of petition from neighbors of Tejas Subdivision I, II, III, and IV for the removal of Austin Street over drainage ditch on Subdivision Tejas II. Possible action. (Staffed by City Manager's Office.)

The City Manager stated a petition submitted to consider closure of Austin and Merida Street was submitted. In those subdivisions, a 42-inch and 36-inch pipe are in place where water flows from the larger to the smaller pipe; if the City closes Austin and Merida Streets, the water flow may north without need for pipe. The City Engineer would send notices to residents on the proposed closure of streets. In response to Mayor Pro Tem, closure could help alleviate flooding.

Commissioner Kerr, seconded by Commissioner Lopez, moved to proceed with notification of proposed closure of streets as presented. The motion carried unanimously; Mayor Suarez was present and voting.

VIII. REPORTS

B. Report by Siemens Technologies on Performance Contracting Agreement.

Chad Nobles reported lighting retrofits HVAC replacements, HVAC Armor are completed; traffic signal retrofits are expected to start September 24 and water meter replacement expected to complete by November.

IX. EXECUTIVE SESSION

At 9:11 p.m. Mayor Pro Tem, seconded by Commissioner Muñoz, moved to convene the regular meeting in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

At 9:32 p.m. Mayor Suarez announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

X. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

A. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by §551.074 of the Texas Government Code.

There was no action.

B. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City’s rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the Fire Union (IAFF-WFFA Local 3207) as authorized by §551.071 of the Texas Government Code.

There was no action

C. Legal Consultation - Seek City Attorney opinion relating to the mediation with CDM as authorized by §551.071 of the Texas Government Code.

There was no action

D. Real Property – Consultation with City Attorney on the purchase of real property legally described as Chelsea Park W6.83AC GR 5.22AC Net on Border Avenue as authorized by §551.072 of the Texas Local Government Code.

There was no action

E. Real Property – Consultation with City Attorney on the purchase of real property legally described as West Tract W3.67AC-S10AC-N20AC FT 685 at Dawson and Oregon Streets as authorized by §551.072 of the Texas Local Government Code.

There was no action

F. Real Property – Consultation with City Attorney on the purchase of real property located at the corner of East Pike Boulevard and VoTech Drive as authorized by §551.072 of the Texas Local Government Code.

There was no action

G. Pending Litigation – Consultation with City Attorney regarding Cause No. C-2394-16-F Maria Jacinta Camarena v. City of Weslaco as authorized by §551.071 of The Texas Government Code.

There was no action

XI. ADJOURNMENT

Mayor Pro Tem Tafolla, seconded by Commissioner Lopez, moved to adjourn the meeting at 9:33 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

MAYOR, David Suarez

ATTEST:

CITY SECRETARY, Elizabeth Walker

MAYOR PRO-TEM, Gerardo “Jerry” Tafolla

COMMISSIONER, Leo Muñoz

COMMISSIONER, Greg Kerr

COMMISSIONER, Jose “J.P.” Rodriguez

COMMISSIONER, Letty Lopez

COMMISSIONER, Josh Pedraza



**A SPECIAL MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, SEPTEMBER 25, 2018**

On Tuesday, September 25, 2018, at 5:34 p.m. the City Commission of the City of Weslaco, Texas convened in a Special Meeting at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following members present:

Mayor	David Suarez
Mayor Pro-Tem	Gerardo "Jerry" Tafolla
Commissioner	Leo Muñoz
Commissioner	Greg Kerr
Commissioner	Jose "J.P." Rodriguez
Commissioner	Letty Lopez
Commissioner	Josh Pedraza
City Manager	Mike R. Perez
Deputy City Secretary	Aida Vega

Also present: Leo Gonzalez, Information Technology Director; Mardoqueo Hinojosa, Planning and Code Enforcement Director and City Engineer; Sonia Flores, Interim Finance Director; and other staff members and citizens.

I. CALL TO ORDER

A. Certification of Public Notice.

Mayor Suarez called the meeting to order and certified the public notice of the meeting as properly posted Friday, September 21, 2018.

B. Pledge of Allegiance.

The Mayor led the Pledge of Allegiance and Texas Flag.

C. Roll Call.

Aida Vega, Deputy City Secretary, called the roll, noting a perfect attendance and a quorum present.

II. NEW BUSINESS

A. Discussion and consideration to approve Ordinance 2018-37 authorizing the issuance of "City of Weslaco, Texas Certificates of Obligation, Series 2018;" entering into a paying agent/registrar agreement; and other matters related thereto and authorizing the Mayor to execute any related documents. First and Final Reading of Ordinance 2018-37. Possible action. (Staffed by the City Manager's Office.).

Mike Perez, City Manager, stated timed bids were received for the Certificates of Obligations and introduced Ann Burger, Hilltop Securities. Ms. Burger reviewed the the credit rating for the City stating management, liquidity and flexibility are very strong. Timed bids were received this morning from three (3) bidders and Ms. Burger recommends Robert W. Baird & Co Inc. with a

true interest cost of 3.385%. She stated true interest cost is 20 basis point lower than projected which will put an additional \$461,239 into the project fund. The call date is one year sooner, PAR amount \$3,940,000 with accrued interest of \$7,497, premium of \$179,262, and total sources \$4,126,758. The net debt service payment is \$280,974 beginning 2019.

Mayor Pro Tem Tafolla, seconded by Commissioner Lopez, moved to approve Ordinance 2018-37 authorizing the issuance of "City of Weslaco, Texas Certificates of Obligation, Series 2018;" entering into a paying agent/registrar agreement with Robert W. Baird and Company Inc. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, following is the ordinance.

ORDINANCE 2018-37

ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF WESLACO, TEXAS CERTIFICATES OF OBLIGATION, SERIES 2018"; ENTERING INTO A PAYING AGENT/REGISTRAR AGREEMENT; AND OTHER MATTERS RELATED THERETO

WHEREAS, the City Commission of the City of Weslaco (the "Issuer" or the "City") deems it advisable to issue Certificates of Obligation hereinafter described (the "Certificates") for the purposes specified in Section 1 hereof;

WHEREAS, the Certificates hereinafter authorized and designated are to be issued and delivered for cash pursuant to the Certificate of Obligation Act of 1971, Section 271.041 et seq, Texas Local Government Code, as amended (the "Act");

WHEREAS, notice of intention to issue the Certificates has been duly published in *The Monitor*, which is a newspaper of general circulation in the City, in its issues of August 13, 2018 and August 20, 2018, the date of the first publication being at least 30 days prior to the tentative date stated in the notice for passage of this Ordinance, such action being hereby ratified and approved;

WHEREAS, the City has received no petition from the qualified electors of the City protesting the issuance of the Certificates; and

WHEREAS, the City Commission of the City desires to issue the Certificates under the Act, the proceeds of which are to be used for the purposes described below;

WHEREAS, it is considered to be in the best interest of the City that the Certificates be issued and the terms hereafter provided are the most reasonable available and are hereby determined by the City Commission to be in the best interest of the City.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT:

Section 1. Authorization of the Certificates. There is hereby authorized to be issued and delivered, a series of certificates of the City to be known as "CITY OF WESLACO, TEXAS CERTIFICATES OF OBLIGATION, SERIES 2018" (the "Certificates") in the original aggregate principal amount of \$3,940,000, primarily payable from the proceeds of an ad valorem tax levied upon all taxable property within the City, within the limitations prescribed by law, and are further payable from and secured by a limited pledge of the Pledged Revenues (defined herein), for the purpose of providing for the payment of contractual obligations to be incurred in connection with the design, planning, acquisition, construction, equipping, expansion, repair, renovation, and/or rehabilitation of certain City-owned public property, specifically being: (1) drainage projects and projects related thereto or necessary therefor, and (2) payment of contractual obligations for professional services in connection therewith (to wit: architectural, engineering, financial advisory, and legal).

Section 2. Designation, Date, Denominations, Numbers, and Maturities of the Certificates. The Certificates shall be dated as of September 15, 2018 shall be in denominations of \$5,000 each or any

integral multiple thereof: shall be numbered 1-1 for the Initial Certificate and consecutively from R-1 upward for the Definitive Certificates and shall mature on August 15 in each of the years as provided below unless theretofore called for redemption prior to maturity in accordance with the provisions of the Form of the Certificates contained in Section 6 hereof, and the Certificates shall bear interest at the rates per annum shown below from the date of initial delivery and payable on February 15, 2019 and on each August 15 and February 15 thereafter through the respective maturity date or earlier redemption, to wit:

Years of Stated Maturity (August 15)	Principal Installment (\$)	Interest Rate(%)	Years of Stated Maturity (August 15)	Principal Installment(\$)	Interest Rate(%)
2019	150,000	5.000	2029	200,000	4.000
2020	130,000	5.000	2030	210,000	3.000
2021	135,000	5.000	****	*****	****
2022	145,000	5.000	2032*	435,000	3.250
2023	150,000	5.000	****	*****	****
2024	160,000	5.000	2034*	465,000	3.375
2025	165,000	5.000	****	*****	****
2026	175,000	5.000	2036*	500,000	3.500
2027	185,000	5.000	****	*****	****
2028	195,000	4.000	2038*	540,000	3.625

*Represents a Term Certificate

Section 3. Paying Agent/Registrar. The principal of and interest on the Certificates, due and payable by reason of Stated Maturity, redemption, or otherwise, shall be payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts, and such payment of principal of and interest on the Certificates shall be without exchange or collection charges to the Owner (as hereinafter defined) of the Certificates.

The selection and appointment of ZB, National Association dba Amegy Bank, Houston, Texas, to serve as the initial Paying Agent/Registrar for the Certificates is hereby approved and confirmed, and the City agrees and covenants to cause to be kept and maintained at the corporate trust office of the Paying Agent/Registrar books and records (the "Register") for the registration, payment and transfer of the Certificates, all as provided herein, in accordance with the terms and provisions of a Paying Agent/Registrar Agreement, attached, in substantially final form, as Exhibit A hereto, and such reasonable rules and regulations as the Paying Agent/Registrar and City may prescribe. The Paying Agent/Registrar has agreed to keep a copy of the Register at its offices, or its agent's offices, located in Houston, Texas. The City covenants to maintain and provide a Paying Agent/Registrar at all times while the certificates are Outstanding, and any successor Paying Agent/Registrar shall be (i) a national or state banking institution or (ii) an association or a corporation organized and doing business under the laws of the United States of America or of any state, authorized under such laws to exercise trust powers. Such Paying Agent/Registrar shall be subject to supervision or examination by federal or state authority and authorized by law to serve as a Paying Agent/Registrar.

The City reserves the right to appoint a successor Paying Agent/Registrar upon providing the previous Paying Agent/Registrar with a certified copy of a resolution or ordinance terminating such agency. Additionally, the City agrees to promptly cause a written notice of this substitution to be sent to each Owner of the Certificates by United States mail, first-class postage prepaid, which notice shall also give the address of the new Paying Agent/Registrar.

Both principal of and interest on the Certificates, due and payable by reason of Stated Maturity, redemption, or otherwise, shall be payable only to the registered owner of the Certificates appearing on the Register (the "Owner" or "Owners") maintained on behalf of the City by the Paying Agent/Registrar as hereinafter provided (i) on the Record Date (hereinafter defined) for purposes of payment of interest thereon, and (ii) on the date of surrender of the Certificates for purposes of receiving payment of principal thereof upon redemption of the Certificates or at the Certificates' Stated Maturity. The City and the

Paying Agent/Registrar, and any agent of either, shall treat the Owner as the owner of a Certificate for purposes of receiving payment and all other purposes whatsoever, and neither the City nor the Paying Agent/Registrar, or any agent of either, shall be affected by notice to the contrary.

Principal of the Certificates shall be payable only upon presentation and surrender of the Certificates to the Paying Agent/Registrar at its corporate trust office. Interest on the Certificates shall be paid to the Owner whose name appears in the Register at the close of business on the last business day of the month next preceding an Interest Payment Date for the Certificates (the "Record Date") and shall be paid (i) by check sent by United States mail, first-class postage prepaid, by the Paying Agent/Registrar, to the address of the Owner appearing in the Register or (ii) by such other method, acceptable to the Paying Agent/Registrar, requested in writing by the Owner at the Owner's risk and expense.

If the date for the payment of the principal of or interest on the Certificates shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city where the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a day. The payment on such date shall have the same force and effect as if made on the original date any such payment on the Certificates was due.

In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the Special Payment Date - which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each Owner appearing on the Register at the close of business on the last business day next preceding the date of mailing of such notice.

Section 4. Right of Prior Redemption. (a) Optional Redemption. The City reserves the right to redeem the Certificates maturing on or after August 15, 2028, in whole or in part in principal amount of \$5,000 or an integral multiple thereof, on August 15, 2027, or any date thereafter, at the redemption price of par plus interest accrued to the specific date of redemption, and shall direct the Paying Agent/Registrar to call by lot Certificates, or portions thereof, within such maturity or maturities and in such principal amounts, for redemption.

(b) Mandatory Redemption. The Certificates maturing on August 15 in each of the years 2032, 2034, 2036, and 2038 is subject to mandatory redemption as described in the Form of Certificates in Section 6 hereof.

(c) Notice of Redemption. Notice of any redemption shall be given as provided in the FORM OF CERTIFICATES included in Section 6 hereof. If such notice of redemption is given, and if due provision for such payment is made, the Certificates, or the portions thereof which are to be so redeemed, thereby automatically shall be redeemed prior to their scheduled maturities, and shall not bear interest after the date fixed for their redemption, and shall not be regarded as being outstanding except for the right of the Owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/Registrar shall record in the Register all such redemptions of principal of the Certificates or any portion thereof. By the date fixed for any such redemption due provision shall be made by the City with the Paying Agent/Registrar for the payment of the required redemption price for the Certificates, or the portions thereof which are to be so redeemed, plus accrued interest thereon to the date fixed for redemption. If such notice of redemption is given and if due provision for such payment is made, all as provided above, the Certificates, or the portions thereof which are to be so redeemed, thereby

automatically shall be redeemed prior to their scheduled maturities and shall not bear interest after the date fixed for their redemption and shall not be regarded as being outstanding except for the right of the Owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. If a portion of any Certificate shall be redeemed, a substitute Certificate or Certificates having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000, at the written request of the Owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Owner upon the surrender thereof for cancellation, at the expense of the City all as provided in this Ordinance.

Section 5. Initial Certificate; Exchange or Transfer of Certificate. Initially, one Certificate (the "Initial Certificate") numbered I-1 and being in the principal amount of the Certificate shall be registered in the name of the Initial Purchaser and shall be executed and submitted to the Attorney General of Texas for approval, and thereupon certified by the Comptroller of Public Accounts of the State of Texas or his duly authorized agent, by manual signature, and the Initial Certificate shall be effective and valid without the Authentication Certificate being signed by the Paying Agent/Registrar. At any time thereafter, the Owner may deliver the Initial Certificate to the Paying Agent/Registrar for exchange, accompanied by instructions from the Owner or designee designating the persons, maturities, and principal amounts to and in which the Initial Certificate is to be transferred and the addresses of such persons, and the Paying Agent/Registrar shall thereupon, within not more than three days, register and deliver such Certificates upon authorization of the City as provided in such instructions.

Each Certificate shall be transferable only upon the presentation and surrender thereof at the designated payment office of the Paying Agent/Registrar, duly endorsed for transfer, or accompanied by an assignment duly executed by the Owner or his authorized representative in form satisfactory to the Paying Agent/Registrar. Upon presentation of any Certificate for transfer, the Paying Agent/Registrar shall authenticate and deliver in exchange therefore, to the extent possible and under reasonable circumstances within three business days after such presentation, a new Certificate or Certificates, registered in the name of the transferee or transferees, in authorized denominations and of the same maturity and aggregate principal amount and bearing interest at the same rate as the Certificate or Certificates so presented.

All Certificates shall be exchangeable upon presentation and surrender thereof at the designated payment office of the Paying Agent/Registrar for a Certificate or Certificates of the same maturity and interest rate and in any authorized denomination, in an aggregate principal amount equal to the unpaid principal amount of the Certificate or Certificates presented for exchange. The Paying Agent/Registrar shall be and is hereby authorized to authenticate and deliver exchange Certificates in accordance with this Ordinance and each Certificate so delivered shall be entitled to the benefits and security of this Ordinance to the same extent as the Certificate or Certificates in lieu of which such Certificate is delivered.

The City or the Paying Agent/Registrar may require the Owner of any Certificate to pay a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with the transfer or exchange of such Certificate. Any fee or charge of the Paying Agent/Registrar for such transfer or exchange shall be paid by the City.

Section 6. General Characteristics and Form of the Certificates. The Certificates shall be issued, shall be payable, may be redeemable prior to their scheduled maturities, shall have the characteristics, and shall be signed and executed (and the Certificates shall be sealed) all as provided and in the manner indicated in the form set forth below. The Form of the Certificates, the Form of the Registration of the Comptroller of Public Accounts of the State of Texas to be printed and manually endorsed on each of the Initial Certificate, the Form of the Authentication, and the Form of Assignment,

which shall be, respectively, substantially as follows, with necessary and appropriate variations, omissions, and insertions as permitted or required by this Ordinance, and the definitions contained within each such form shall apply solely to such form:

FORM OF DEFINITIVE CERTIFICATE

R-
REGISTERED

\$ _____
REGISTERED

United States of America
State of Texas
CITY OF WESLACO, TEXAS CERTIFICATE OF
OBLIGATION, SERIES 2018

<u>DATED DATE:</u>	INTEREST	MATURITY	CUSIP
September 15, 2018	RATE:	DATE:	NUMBER:
	%		950868

REGISTERED OWNER: CEDE&CO.

PRINCIPAL AMOUNT: _____ DOLLARS (\$
_____ /

THE CITY OF WESLACO, TEXAS (the "City"), a body corporate and municipal corporation located in the County of Hidalgo, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the order of the Registered Owner specified above, or the registered assigns thereof (the "Owner"), on the Stated Maturity date specified above, the Principal Amount specified above (or so much thereof as shall not have been paid upon prior redemption) and to pay interest on the unpaid principal amount hereof from the Dated Date specified above, or from the most recent interest payment date to which interest has been paid or duly provided for until such principal sum has become due and payment thereof has been made or duly provided for, to the earlier of redemption or Stated Maturity, at the per annum rate of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on February 15 and August 15 of each year commencing February 15, 2019.

PRINCIPAL OF THIS CERTIFICATE shall be payable to the Owner (the "Owner"), upon presentation and surrender, at the corporate trust office of ZB, National Association dba Amegy Bank, Houston, Texas (the "Paying Agent/Registrar") executing the registration certificate appearing hereon or a successor thereof. Interest shall be payable to the Owner of this Certificate (or one or more Predecessor Certificates, as defined in the Ordinance hereinafter referenced) whose name appears on the Register maintained by the Paying Agent/Registrar at the close of business on the Record Date, which is the last business day of the month next preceding each interest payment date. All payments of principal of and interest on this Certificate shall be in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts. Interest shall be paid by the Paying Agent/Registrar by check sent on the appropriate date of payment by United States mail, first-class postage prepaid, to the Owner hereof at the address appearing in the Register or by such other method, acceptable to the Paying Agent/Registrar, requested by the Owner hereof at the Owner's risk and expense.

THIS CERTIFICATE is one of the series specified in its title issued in the aggregate principal amount of \$3,940,000 (the "Certificates") pursuant to an Ordinance adopted by the governing body of the

City (the "Ordinance"), for the purpose of providing for the payment of contractual obligations to be incurred in connection with the design, planning, acquisition, construction, equipping, expansion, repair, renovation, and/or rehabilitation of certain City-owned public property, specifically being: (1) drainage projects and projects related thereto or necessary therefor, and (2) payment of contractual obligations for professional services in connection therewith (to wit: architectural, engineering, financial advisory, and legal).

THE CERTIFICATES of this series scheduled to mature on and after August 15, 2028 may be redeemed prior to their scheduled maturities, in whole or part, in principal amounts of \$5,000 or any integral multiple thereof, at the option of the City, on August 15, 2027, or on any date thereafter, at the redemption price of par plus accrued interest to the date fixed for redemption.

THE CERTIFICATES MATURING IN 2032, 2034, 2036, and 2038 (the "Term Certificates") shall be subject to mandatory sinking fund redemption, in whole or in part (at a redemption price equal to the principal amount thereof and any accrued interest thereon to the date set for redemption) on August 15, in each of the years and in the amounts set forth below:

Year	<u>Amount</u>	Year	Amount
2031	215,000	2033	230,000

2032*	220,000	2034*	235,000
Year	Amount	Year	Amount
2035	245,000	2037	265,000
2036*	255,000	2038*	275,000

*Final Maturity

AT LEAST 45 days prior to the mandatory redemption date for the Term Certificates, the Paying Agent/Registrar shall select by lot the Term Certificates to be redeemed. Any Term Certificates, or a portion thereof, not selected for prior redemption shall be paid on the date of final maturity. To the extent, however, that the Term Certificates of a maturity which at least 45 days prior to a mandatory redemption date (i) have been previously purchased by the City and delivered to the Paying Agent/Registrar for cancellation or (ii) called for optional redemption in part and other than from a sinking fund redemption payment, the annual sinking fund payments shall be reduced by the amount obtained by multiplying the principal amount of the Term Certificates of such maturity so purchased or redeemed by the ratio which each remaining annual sinking fund redemption payment bears to the total sinking fund payments for such maturity, and by rounding each such payment to the nearest \$5,000 integral.

NOTICE OF ANY REDEMPTION shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, at least 30 days prior to the date fixed for any such redemption, to the Owner of each Certificate, or portion thereof to be redeemed, at its address as it appeared on the Registration Books on the 45th day prior to such redemption date; provided, however, that the failure to send, mail, or receive such notice, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Certificate. By the date fixed for any such redemption, due provision shall be made by the City with the Paying Agent/Registrar for the payment of the required redemption price for this Certificate or the portion hereof which is to be so redeemed, plus accrued interest thereon to the date fixed for redemption. If such notice of redemption is given, and if due provision for such payment is made, all as provided above, this Certificate, or the portion thereof which is to be so redeemed, thereby automatically shall be redeemed prior to its scheduled maturity, and shall not bear interest after the date fixed for its redemption, and shall not be regarded as being outstanding except for the right of the Owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/ Registrar shall record in the Registration Books all such redemptions of principal of this Certificate or any portion hereof. If a portion of any Certificate shall be redeemed, a substitute Certificate or Certificates having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000, at the written request of the Owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Owner upon the surrender thereof for cancellation, at the expense of the City, all as provided in the Ordinance.

IF THE DATE for the payment of the principal of or interest on the Certificates shall be a Saturday, a Sunday, a legal holiday, or a day on which banking institutions in the city where the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding business day; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THE CERTIFICATES OF THIS SERIES are payable from the proceeds of an ad valorem tax levied upon all taxable property within the City, within the limitations prescribed by law, and are further payable from and secured by a lien on and pledge of the Pledged Revenues as defined in the Ordinance, such pledge being a limited amount of the Net Revenues, in an amount not to exceed \$1,000, derived from the operation of the City's waterworks sewer system (the "System"), such lien on and pledge of the Net Revenues being subordinate and inferior to the lien on and pledge of such Net Revenues securing payment of any Prior Lien Obligations

and Subordinate Lien Obligations issued by the City. The City previously authorized the issuance of the currently outstanding Prior Lien Obligations and Subordinate Lien Obligations (which are payable, in part, from and secured by a lien on and pledge of a limited amount of the Net Revenues) in the manner provided in the ordinances authorizing the issuance of the currently outstanding Prior Lien Obligations and Subordinate Lien Obligations. In the Ordinance, the City reserves and retains the right to issue Additional Prior Lien Obligations, Additional Subordinate Lien Obligations, and Additional Limited Pledge Obligations, while the Certificates are Outstanding, without limitation as to principal amount but subject to any terms, conditions, or restrictions as may be applicable thereto under law or otherwise. Capitalized terms used herein have the same meanings assigned in the Ordinance.

REFERENCE IS HEREBY MADE to the Ordinance, copies of which are on file in the corporate trust office of the Paying Agent/Registrar, and to all of the provisions of which the Owner by his acceptance hereof hereby assents, for definitions of terms; the description of and the nature and extent of the tax levied and the revenues pledged for the payment of the Certificates; the terms and conditions under which the City may issue additional Prior Lien Obligations, Additional Subordinate Lien Obligations, and Additional Limited Pledge Obligations; the terms and conditions relating to the transfer or exchange of the Certificates; the conditions upon which the Ordinance may be amended or supplemented with or without the consent of the Owner; the rights, duties, and obligations of the City and the Paying Agent/Registrar; the terms and provisions upon which this Certificate may be redeemed or discharged at or prior to the Stated Maturity thereof, and deemed to be no longer Outstanding thereunder; and for the other terms and provisions specified in the Ordinance.

THIS CERTIFICATE, subject to certain limitations contained in the Ordinance, may be transferred at the corporate trust office of the Paying Agent/Registrar, duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Paying Agent/Registrar duly executed by the Owner hereof, or his duly authorized agent, and thereupon one or more new fully registered Certificates of the same Stated Maturity, of authorized denominations, bearing the same rate of interest, and of the same aggregate principal amount will be issued to the designated transferee or transferees.

THE CITY AND THE PAYING AGENT/REGISTRAR, and any agent of either, shall treat the Owner hereof whose name appears on the Register (i) on the Record Date as the owner hereof for purposes of receiving payment of interest hereon, (ii) on the date of surrender of this Certificate as the owner hereof for purposes of receiving payment of principal hereof at its Stated Maturity or its redemption, in whole or in part, and (iii) on any other date as the owner hereof for all other purposes, and neither the City nor the Paying Agent/Registrar, or any such agent of either, shall be affected by notice to the contrary. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date"- which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each Owner appearing on the Register at the close of business on the last business day next preceding the date of mailing of such notice.

IT IS HEREBY CERTIFIED, COVENANTED, AND REPRESENTED that all acts, conditions, and things required to be performed, exist, and be done precedent to the issuance of this Certificate in order to render the same a legal, valid, and binding obligation of the City have been performed, exist, and have been done, in regular and due time, form, and manner, as required by law, and that issuance of the Certificates does not exceed any constitutional or statutory limitation. In case any provision in this Certificate or any application thereof shall be deemed invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions and applications shall not in any way be affected or impaired thereby. The terms and provisions of this Certificate and the Ordinance shall be construed in accordance with and shall be governed by the laws of the State of Texas.

IN WITNESS WHEREOF, this Certificate has been signed with the manual or facsimile signature of the Mayor of the City and countersigned with the manual or facsimile signature of the City Secretary of the City, and the official seal of the City has been duly impressed, or placed in facsimile, on this Certificate.

CITY OF WESLACO, TEXAS

/s/City Secretary

/s/Mayor

(CITY SEAL)

III. ADJOURNMENT

Mayor Pro Tem Tafolla, seconded by Commissioner Muñoz, moved to adjourn at 6:53 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

MAYOR, David Suarez

ATTEST:

CITY SECRETARY, Elizabeth Walker

MAYOR PRO-TEM, Gerardo “Jerry” Tafolla

COMMISSIONER, Leo Muñoz

COMMISSIONER, Greg Kerr

COMMISSIONER, Jose “J.P” Rodriguez

COMMISSIONER, Letty Lopez

COMMISSIONER, Josh Pedraza



Standardized Agenda Request Form

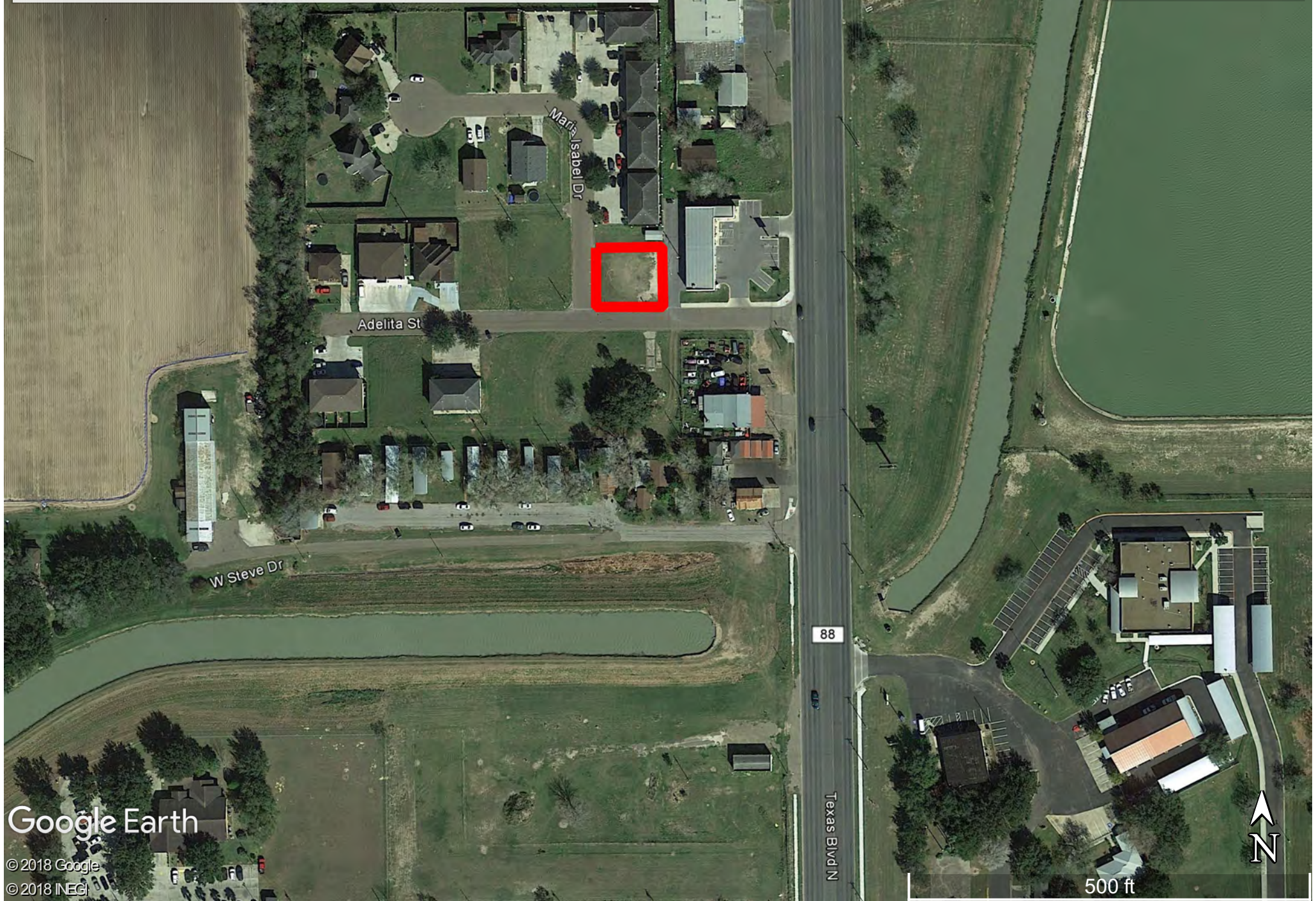
Date of Meeting: October 2, 2018		Agenda Item No. (to be assigned by CSO): 2018-1960
From: Mardoqueo Hinojosa		
Subject: Ordinance 2018-34 rezoning 1901 Maria Isabel Drive, also being Lot 24, San Francisco subdivision, Weslaco, Hidalgo County, and Texas from R-2 Duplex and Apartment District to B-1 Neighborhood Business District. Three-fourths vote required. (First reading held September 18, 2018; staffed by Planning and Code Enforcement Department.)		
Background: The applicant is requesting to rezone property from R-2 Duplex and Apartment District to B-1 Neighborhood Business District. Twenty-four (24) property owners within 200 feet of the applicant's property were notified by letter on August 24, 2018.		
Funding Source (budget code, if applicable):		
Amount:	Term of Impact:	Identified in Current Budget:
Additional Action Prompted: Mayor's Signature Ordinance - First Reading Ordinance - Final Reading		
If item previously considered, provide date and action by Commission:		
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners: Notice of the application and the Public Hearing for the Planning and Zoning Commission appeared in The Monitor on August 20, 2018.		
Advisory Review, if any (name of board/committee, date of action, recommendation): The Planning & Zoning Commission recommended denial of the rezone request on September 5, 2018.		
Aida Vega Mardoqueo Hinojosa Mike Perez		Created/Initiated Approved Final Approval
City Manager Comments: Approve.		
Staff Recommendation: Staff recommends denial based on 2040 zoning map.		
Attachments, if any: 1901 Maria Isabel Dr.- aerial red, 1901 Maria Isabel Dr. - attachments, O2018-35 rezone 1901 Maria Isabel Dr		
Responsibilities upon Approval:		

Staff will notify applicant.

Rezone Request

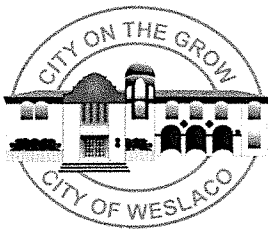
R-2 Duplex and Apartments District to B-1 Neighborhood Business District

Legend
Hidalgo County



Google Earth

© 2018 Google
© 2018 INEGI



APPLICATION FOR REZONING

The Planning & Zoning Commission meets every 1st Wednesday of each month at 5:30 pm.

The City Commission meets every 1st and 3rd Tuesday of each month at 5:30 pm

FILE NO. Re218-00013

PROPOSED PROJECT

Legal Description of Property to be rezoned:

Lot SAN FRANCISCO LT 24 Block _____

Subdivision Name SAN FRANCISCO

Street Address ~~Adelita St.~~ 1901 Maria Isabel Drive

Existing Zoning R2 Existing Land Use Empty

Proposed Zoning B1 Proposed Land Use ware house or commercial

☒ \$300.00 non-refundable filing fee.

☒ Detailed dimensioned site plan/map must be submitted with this request.

☐ Survey and metes and bounds if the legal description is a portion of a lot.

☒ City and school tax receipts attached.

☐ I have received a copy of "The Intent of Zoning Application Instructions".

APPLICANT

Name Robert Rangel Phone 956-299-5473

Address 2113 N. Texas Fax: _____

City Weslaco State TX Zip Code 78599 E-Mail: Rangel100799@gmail.com

OWNER

Name Robert Rangel Phone _____

Address 2113 N. Texas Blvd Fax: _____

City Weslaco State TX Zip Code 78599 E-Mail: Rangel100799@gmail.com

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable); or I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature [Signature] Date 7/20/18

Signature _____ Date _____
Applicant

Signature _____ Date _____
Authorized Agent

2017 TAX STATEMENT



PABLO (PAUL) VILLARREAL JR., PCC
HIDALGO COUNTY TAX ASSESSOR - COLLECTOR
PO BOX 178
EDINBURG, TEXAS 78540

Certified Owner:

RANGEL ROBERTO & MELISSA G
2303 FRESNO ST
SAN JUAN, TX 78589-4157

Legal Description:

SAN FRANCISCO LT 24

Account No: S0650-00-000-0024-00

Appr. Dist. No.: 275018

Legal Acres: .1532

Parcel Address: ADELITA ST

As of Date: 07/18/2018

Print Date: 07/18/2018

Print Date: 07/18/2018

Market Value		Appraised Value	Assessed Value	Capped Value	Homesite Value	Agricultural Market Value	Non-Qualifying Value
Land	Improvement						
\$14,018	\$0	\$14,018	\$14,018	\$0	\$0	\$0	\$14,018
Taxing Unit		Assessed Value (100%)	Exemptions		Taxable Value	Tax Rate	Tax
			Code	Amount			
HIDALGO COUNTY		\$14,018		\$0.00	\$14,018	0.5800000	\$81.30
DRAINAGE DIST #1		\$14,018		\$0.00	\$14,018	0.0951000	\$13.33
CITY OF WESLACO		\$14,018		\$0.00	\$14,018	0.6667000	\$93.46
Amount saved by additional sales tax revenue \$24.71							
WESLACO ISD		\$14,018		\$0.00	\$14,018	1.1597000	\$162.57
SOUTH TEXAS ISD		\$14,018		\$0.00	\$14,018	0.0492000	\$6.90
SOUTH TEXAS COLLEGE		\$14,018		\$0.00	\$14,018	0.1850000	\$25.93

Total Tax: \$383.49
Total Tax Paid to date: \$383.49
Total Tax Remaining: \$0.00

Exemptions:

AMOUNT DUE IF PAID BY:

07/31/2018 18 + up to 15%	08/31/2018 19 + up to 15%	10/01/2018 20 + up to 15%	10/31/2018 21 + up to 15%	11/30/2018 22 + up to 15%	12/31/2018 23 + up to 15%
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
01/31/2019 24 + up to 15%	02/28/2019 25 + up to 15%	04/01/2019 26 + up to 15%	04/30/2019 27 + up to 15%	05/31/2019 28 + up to 15%	07/01/2019 29 + up to 15%
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

School Information:

WESLACO ISD 2017 M&O 1.1397000 I&S .02000000 Total 1.1597000 2016 M&O 1.1397000 I&S .00000000 Total 1.1397000

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT.

4.1.68

Print Date: 07/18/2018

PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND MAKE CHECKS PAYABLE TO:

PABLO (PAUL) VILLARREAL JR., PCC
HIDALGO COUNTY TAX ASSESSOR - COLLECTOR
PO BOX 178
EDINBURG, TEXAS 78540
(956) 318-2157



S0650-00-000-0024-00

RANGEL ROBERTO & MELISSA G
2303 FRESNO ST
SAN JUAN, TX 78589-4157

AMOUNT PAID:

\$ _____

00002750180000000000

Wednesday, July 18, 2018

Property Tax Balance[Begin a New Search](#) [Go to Your Portfolio](#)

Shopping Cart: For your convenience you may pay several accounts at once if you pay by eCheck. Click the 'Pay by eCheck' button to add this account to the shopping cart. Additional accounts can be clicking 'Begin a New Search' or 'Find Another Account', then doing a search again and, for each account, clicking the 'Pay by eCheck Now' button. Up to 50 accounts may be paid at one time. Accounts are not saved in the shopping cart after you begin entering payment information.

Scheduling Payments: If you are paying by eCheck, you may choose to pay now or in the future. You may schedule one payment in the future or recurring payments. To do this, select 'Schedule E-Check Payment' after adding account(s) to the shopping cart.

Unless otherwise noted, all data refers to tax information for 2017. All amounts due include penalty, interest, and attorney fees when applicable.

Account Number: S065000000002400**Pending Credit Card or eCheck Payments:**
No Payment Pending**Appraisal District Number:** 275018**Pay by Credit Card****Address:**
RANGEL ROBERTO & MELISSA G
2303 FRESNO ST
SAN JUAN, TX 78589-4157

Credit/debit card payments will take 4-5 business days to post. A convenience fee will be added if you pay by credit card.

Property Site Address:
ADELITA ST**Pay by eCheck****Legal Description:**
SAN FRANCISCO LT 24

(Pay single or multiple accounts by eCheck. Pay now or schedule future payments without a convenience fee.)

Current Tax Levy: \$383.49**Print Current Statement****Current Amount Due:** \$0.00**Print Delinquent Statement****Prior Year Amount Due:** \$0.00**Register for Certified Statements by Email****Total Amount Due:** \$0.00**Gross Value:** \$14,018**Last Payment Amount for Current Year Taxes:**
\$383.49**Land Value:** \$14,018**Last Payer for Current Year Taxes:**
RANGEL ROBERTO & MELISSA G**Improvement Value:** \$0**Last Payment Date for Current Year Taxes:**
01/11/2018**Capped Value:** \$0**Active Lawsuits:** None**Agricultural Value:** \$0**Exemptions:**
None[Exemption and Tax Rate Information](#)[Taxes Due Detail by Year and Jurisdiction](#)[Payment Information](#)[Print a Current Tax Statement](#)

[Click Here](#) to see your estimated amount due for a different date. You can see this information by year and by both year and jurisdiction.

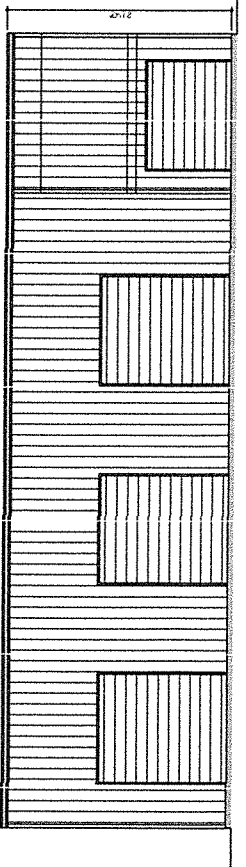
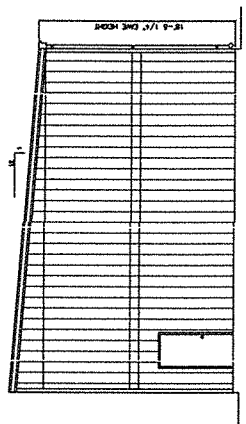
[Terms of Use](#)

The Tax Office makes no representations as to the accuracy or reliability of any information accessed from its computer data base. The Tax Office, its officers, agents, employees and representatives shall not be liable for the information posted on the Tax Office Website in connection with any actions losses, damages, claims or liability in any way related to use of, distribution of or reliance upon such

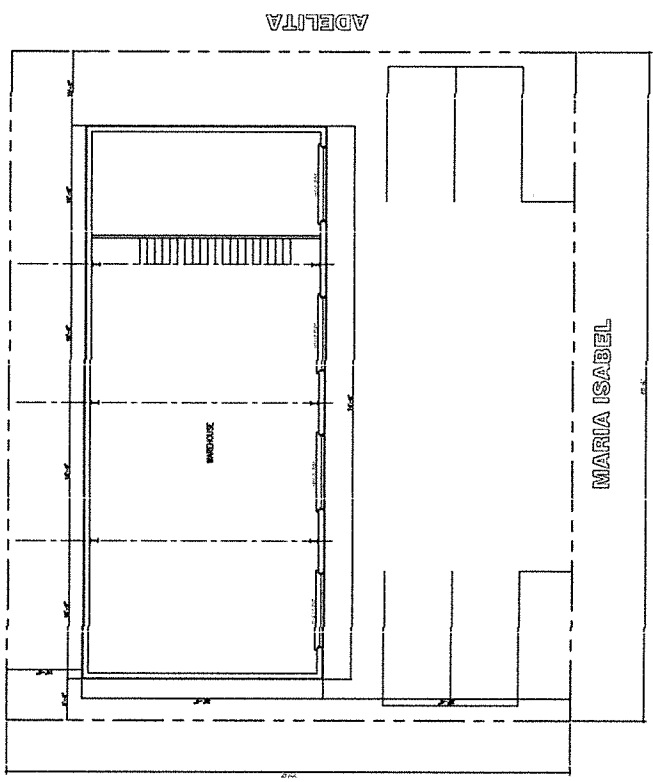
A1.1

C EAST ELEVATION
SHEET 1/14

B SOUTH ELEVATION
SHEET 1/14



ROOF PLAN
SHEET 1/14



OWNER: Warehouse
Weslaco, Texas
DATE: 10/1/14
JOB NUMBER: 1401
DRAWN BY: J. L. L.
CHECKED BY: J. L. L.



OFFICE
A
STOVALL
R

CITY OF WESLACO LEGAL NOTICE

The Weslaco Planning and Zoning Commission will hold a public hearing on Wednesday, September 5, 2018 at 5:30 p.m. and the City Commission will also hold a Public Hearing on Tuesday, September 18, 2018 at 5:30 p.m. at the City Hall Legislative Chambers located at 255 South Kansas Avenue to consider the following request:

Si desea informacion en español, llame al departamento de Planeación de la Ciudad de Weslaco, (956) 447-3403.

Robert Rangel is requesting to rezone 112 Adelita St. Also being Lot 27, San Francisco Subdivision, Weslaco, Hidalgo County, and Texas from R-2 Duplex and Apartment District to B-1 Neighborhood Business District.

Robert Rangel is requesting to rezone 114 Adelita St. Also being Lot 28, San Francisco Subdivision, Weslaco, Hidalgo County, and Texas from R-2 Duplex and Apartment District to B-1 Neighborhood Business District.

Robert Rangel is requesting to rezone 1901 Maria Isabel Drive. Also being Lot 24, San Francisco subdivision, Weslaco, Hidalgo County, and Texas from R-2 Duplex and Apartment District to B-1 Neighborhood Business District.

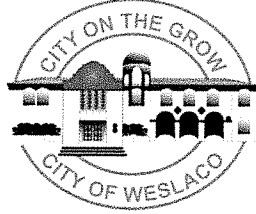
Jaime Perez is requesting to rezone 2500 E. Expressway 83. Also being a 2.59 acres out of Farm Tract 18, West Tract Subdivision, Weslaco, Hidalgo County, and Texas from R-1 One-family dwelling District to B-2 Secondary highway business District.

The public is invited to attend and express support for or opposition to these applications. You may also file written support or opposition on or before September 5, 2018, for the Planning and Zoning Commission and on or before September 18, 2018, for the City Commission. For additional information, contact the Planning Department at (956) 447-3403

/S/ MARDOQUEO HINOJOSA, P.E., CFM
Planning Director/City Engineer

City of Weslaco

"The City on the Grow"



David Suarez, Mayor
Gerardo "Jerry" Tafolla, Mayor Pro-Tem, District 4
Leo Muñoz, Commissioner, District 1
Greg Kerr, Commissioner, District 2
Jose "J.P." Rodriguez, Commissioner, District 3
Letty Lopez, Commissioner, District 5
Josh Pedraza, Commissioner, District 6

Mike R. Perez, City Manager

PLANNING DEPARTMENT

August 24, 2018

Legal Notice

Dear Occupant:

The Weslaco Planning and Zoning Commission will hold a public hearing on Wednesday, September 5, 2018 at 5:30 p.m. and the City Commission will also hold a public hearing on Tuesday, September 18, 2018 at 5:30 p.m. at the City Hall Legislative Chambers located at 255 South Kansas Avenue to consider the following request:

REZONE REQUEST:

Robert Rangel is requesting to rezone 1901 Maria Isabel Drive. Also being Lot 24, San Francisco subdivision, Weslaco, Hidalgo County, and Texas from R-2 Duplex and Apartment District to B-1 Neighborhood Business District.

The public is hereby invited to attend and express their support or opposition to the request. You may also file a written notice supporting or protesting this action. For more information please call the Planning Department at (956) 447-3403.

Si desea información en español, por favor llame al departamento de Planeación de la ciudad de Weslaco, (956) 447-3403.

Sincerely,

Mardoqueo Hinojosa, P.E., CFM
Planning Director/City Engineer

D6115

W. JEFFERSON ST.

RAQ-LIN

2

1

R122501

W3800-00-117

17

18

COLONIA

1

16

MARIA ISABEL

22

15

29

30

31

23

3

SAN FRANCISCO

14

28

27

26

25

24

4

ADELITA ST

13

12

11

10

9

8

6

S06500

7

-04

-11

200' RADIUS

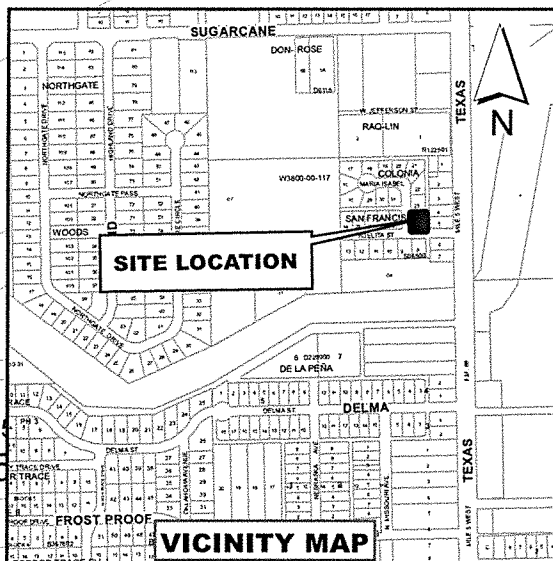
SITE LOCATION

TEXAS BLVD

F.M. 88

DELMA ST.

NORTHSIDE APTS



VICINITY MAP

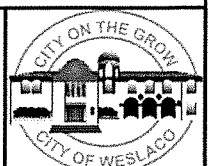
Robert Rangel
1901 Maria Isabel Drive
San Francisco Lot 24

Purpose for the rezone request

Existing zoning: R-2

Existing land use: Ware House or Communcial

Prop zone: B-1



ORDINANCE NO. 2018-34

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 1901 MARIA ISABEL DRIVE ALSO BEING LOT 24, SAN FRANCISCO SUBDIVISION, WESLACO, HIDALGO COUNTY, TEXAS, FROM R-2 DUPLEX AND APARTMENT DISTRICT TO B-1 NEIGHBORHOOD BUSINESS DISTRICT.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

SECTION I: R-2 Duplex and Apartment District to B-1 Neighborhood Business District being 1901 Maria Isabel Drive also being Lot 24, San Francisco Subdivision, Weslaco, Hidalgo County, Texas.

SECTION II: That this ordinance shall become effective upon its passage.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 18th day of September, 2018.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 2nd day of October 2018.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Elizabeth M. Walker, **CITY SECRETARY**

APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**



Standardized Agenda Request Form

Date of Meeting: October 2, 2018		Agenda Item No. (to be assigned by CSO): 2018-1961	
From: Mardoqueo Hinojosa			
Subject: Ordinance 2018-36 rezoning 2500 E. Expressway 83, also being a 2.59 acres out of Farm Tract 18, West Tract Subdivision, Weslaco, Hidalgo County, and Texas from R-1 One-family dwelling District to B-2 Secondary highway business District. (First reading held September 18, 2018; staffed by Planning and Code Enforcement Department.)			
Background: The applicant is requesting to rezone property from R-1 One-family dwelling District to B-2 Secondary highway business District. Eleven (11) property owners within 200 feet of the applicant's property were notified by letter on August 24, 2018.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted: Mayor's Signature Ordinance - First Reading Ordinance - Final Reading			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners: Notice of the application and the Public Hearing for the Planning and Zoning Commission appeared in The Monitor on August 20, 2018.			
Advisory Review, if any (name of board/committee, date of action, recommendation): The Planning & Zoning Commission recommended approval of the rezone request on September 5, 2018.			
Aida Vega Mardoqueo Hinojosa Mike Perez		Created/Initiated Approved Final Approval	
City Manager Comments: Approve.			
Staff Recommendation: Staff recommends approval.			
Attachments, if any: 2500 E Exp 83- aerial red, 2500 E EXPY 83- ATTACHMENTS, O2018-36 rezone 2500 E Exprwy 83			
Responsibilities upon Approval: Staff will notify applicant.			

Rezone Request

R-1 One-Family Dwelling District to B-2 Secondary Highway Business District

Legend

 Hidalgo County



Google Earth

© 2018 Google

© 2018 INEGI

600 ft

STAFF USE ONLY

Accepted By _____ Payment Received By _____ Date Paid _____

Notice of Public Hearing Sent to Property Owners within
200' of Proposed Site Date _____

P & Z Notice of Public Hearing Published in Newspaper Date _____

City Commission Notice of Public Hearing Published Date _____

Presented to P & Z Commission Date _____
Approved _____ Disapproved _____ Tabled _____

Presented to City Commission Date _____
Approved _____ Disapproved _____ Tabled _____

Ordinance No. _____

1 _____
2 _____
3 _____
4 _____
5 _____
REVISIONS

DRAWN BY: DM

SCALE 1"=20'
DATE 13AUG18
SHEET C1.0
OF _____
CAD _____
DRAWING NO. _____

DRAWN BY: DM

SCALE 1"=20'

DATE 13 AUG 1964

SHEET C1.0

30

CAD

DRAWING NO.

1. CONTRACTOR TO VERIFY VERTICAL AND HORIZONTAL LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.

WESTLACO AUTOMART
2500 E. EXPRESSWAY 83, WESTLACO, TX 78596
DIMENSION CONTROL PLAN

THESE PLANS FOR
INTERIM REVIEW ONLY.
NOT FOR CONSTRUCTION.
PREPARED UNDER THE
SUPERVISION OF
DUSTIN MOORE, PE
TX 119107
6/28/18

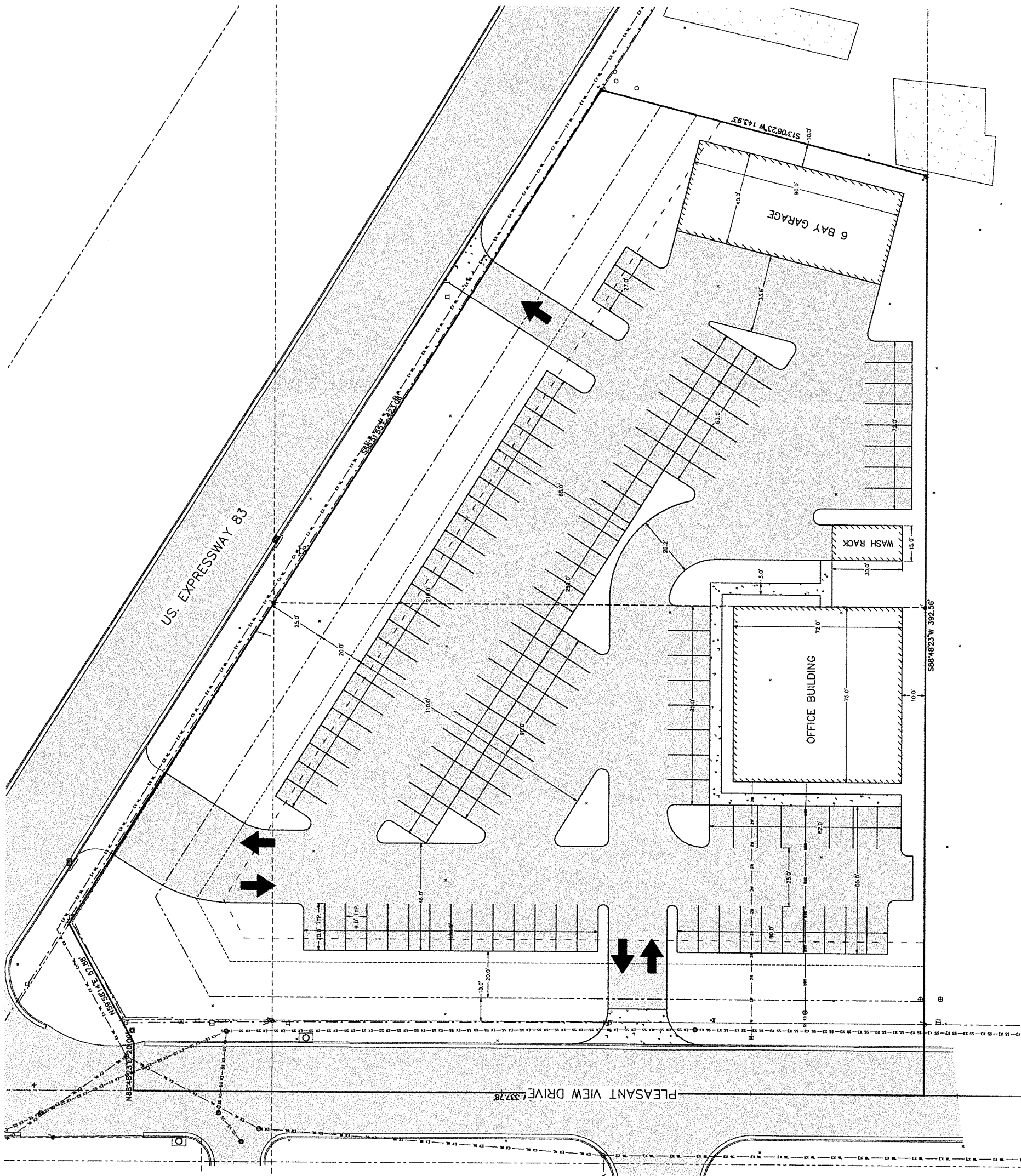
Moore Land
Surveying, LLC

2309 Lakeshore Drive Harlingen TX 78552
(956)245-0900 TBPUS firm No. 10194706
(956)245-4651 TBPE firm No. 19190

6	IRON ROD FOUND	C	QUY WIRE ANCHOR
7	"X" MARK FOUND	*	LIGHT POST
8	"X" MARK SET	Q	MAILBOX
9	IRON ROD SET WITH CAP	0	CLEANOUT
10	STAMPED	0	WATER VALVE
11	WOODENHED RUSTAL	0	MANHOLE
12	WATER METER	B	GAS METER
13	POWER POLE	B	CLEAN OUT

LEGEND

	PROP. DRAIN LINE
	PROP. 6" WATERLINE
	PROP. VALLEY GUTTER
	EXISTING O.V.H. ELEC.
	EXISTING TELEPHONE
	PROP. 1 1/2" WATERLINE
	PROP. 6" SAN. SEWER
	PROP. SILT FENCE
	PROP. CONCRETE
	PROP. CAICHE
	EXIST. HVAC



I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND FURTHER CERTIFY THAT PROPER CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

**CODY MICHAEL MOORE, R.P.L.S.
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5370**

ENGINEERS CERTIFICATE

I, DUSTIN MOORE, THE UNDERSIGNED, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING AND HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT. THE DESIGN FOR WATER AND SANITARY SEWER MEETS MINIMUM STATE STANDARDS.

DUSTIN MOORE, P.E.
TEXAS REGISTRATION NO. 119107

STATE OF TEXAS
COUNTY OF HIDALGO

I, ARTURO GUJARDO, JR., COUNTY CLERK OF HIDALGO COUNTY, CERTIFY THAT THE
PLAT BEARING THIS CERTIFICATE WAS FILED AND DULY RECORDED ON THE _____
DAY OF _____ 201_____ AT _____ O'CLOCK _____M IN THE MAP RECORDS
OF HIDALGO COUNTY, TEXAS, DOCUMENT NO. _____

• • • • •

ETES AND BOUNDS DESCRIPTION

THENCE NORTH 01°11'37" WEST A DISTANCE OF 337.78 FEET FOR A CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE NORTH 88°48'23" EAST A DISTANCE OF 20.00 FEET FOR A CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE NORTH 59°58'14" EAST A DISTANCE OF 57.88 FEET FOR A CORNER OF THE TRACT HEREIN DESCRIBED;

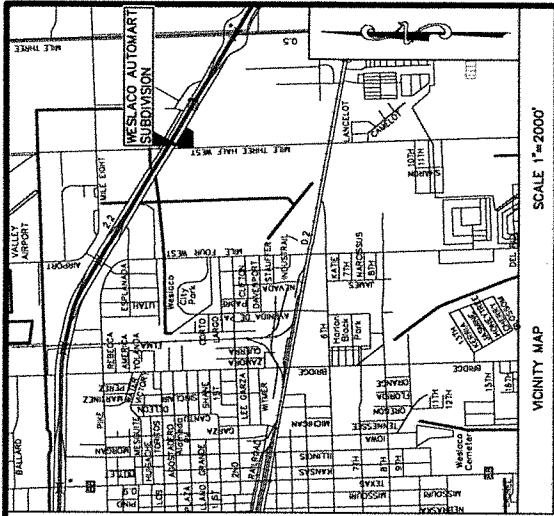
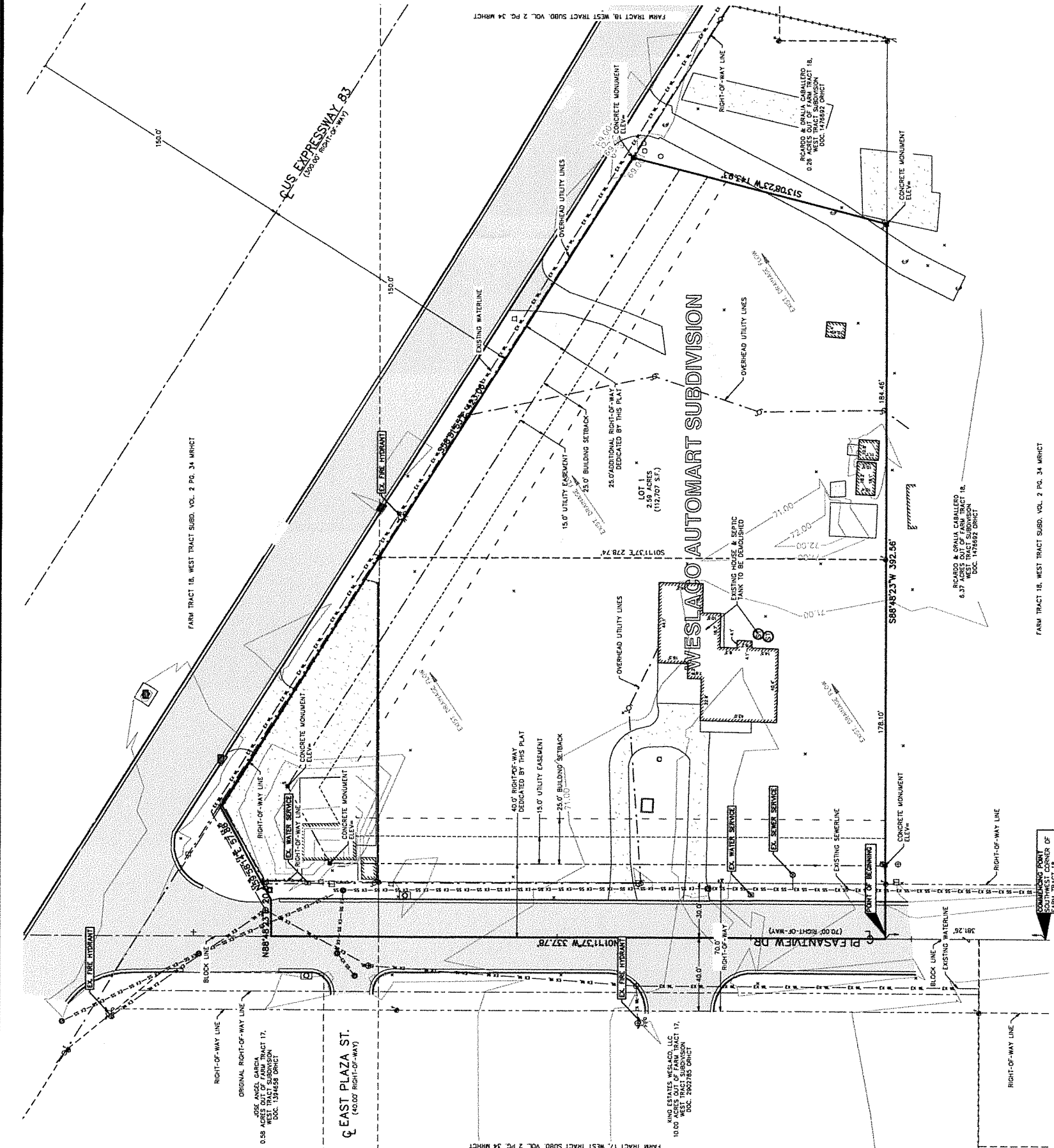
THENCE SOUTH 59°51'55" EAST A DISTANCE OF 423.06 FEET FOR A CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE SOUTH 17°02'23" WEST A DISTANCE OF 143.93 FEET FOR A CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE SOUTH 88°48'23" WEST A DISTANCE OF 392.86 FEET TO THE POINT OF BEGINNING, CONTAINING 2.59 ACRES OF LAND WITHIN THESE LOTS AND

LEGEND	
●	IRON BOLT FOUND
●	CURRENT FOUND
●	WALL FOUND
●	X MARK FOUND
●	NOO MARK WITH CAP
●	STANDARD MARCH BOX
●	TREE
●	WATER METER
●	PLANS DRIVER
●	PLANS ELECTRICAL
●	A/C UNIT
●	WALDO
●	WATER VALVE
●	SEWAGE PUMP
●	GUY WIRE ANCHOR
●	PAVE HYDRANT
●	PAVE METER
●	GAS VALVE
●	ELECTRIC MARCH BOX
●	ELECTRIC METER
●	STORM INLET
●	SOFT
●	LIGHT POST
●	REGGATION VALVE
●	REGGATION STANDOFF
●	SEWAGE TANK
●	GRATE INLET

BENCHMARK
NATIONAL GEODETIC SURVEY BENCHMARK
DESIGNATION G1422/PID AB1305
ELEV. 52.49' (DATUM IS NAVD 83)
A STAINLESS STEEL ROD LOCATED APPROXIMATELY
1.85 MILE EAST OF LA FERIA AT THE NORTHEAST
CORNER OF RESTLAWN CEMETERY, ON THE SOUTH
SIDE OF U.S. BUSINESS 83.



1. FLOOD ZONE CLASSIFICATION

THIS SUBSTANCE LIES IN ZONE A AS PER THE NATIONAL FLOOD INSURANCE RATE MAP OF COMMUNITY NO. 480334 PANEL NUMBER 0450, SUFFIX "C".
REVISED JUNE 8, 2000 (REVISED BY THE FOLLOWING LOU-RS:
02-06-715P-480334 DATED 5/30/2002; 15-06-2601P-480334 DATED 12/12/2015; AND 18-06-0700P-480334 DATED 10/05/2018)

2. MINIMUM FINISH FLOOR ELEVATION SHALL BE 73.00 FEET WSL OR 24 INCHES ABOVE NATURAL GROUND, WHICHEVER IS GREATER.

3. BASIS OF BEARINGS: AS PER STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.

4) FRONT = 25 FEET
B) SIDE = 20 FEET
C) REAR = 25 FEET
COMPLY WITH SETBACKS OR EASEMENTS WHICHEVER IS GREATER

5. THIS SUBDIVISION IS IN COMPLIANCE WITH THE REQUIREMENTS OF LOCAL GOVERNMENT CODE 232.032 AND WATER, AND ELECTRICAL CONNECTIONS TO THE LOTS WILL MEET ALL MINIMUM STATE STANDARDS.

A) WATER WILL BE PROVIDED BY: CITY OF WESLACO
B) ELECTRICAL WILL BE PROVIDED BY: AEP
C) WASTEWATER SERVICE WILL BE PROVIDED BY: CITY OF WESLACO
D) GARBAGE WASTE WILL BE DISPOSED OF BY CITY OF WESLACO.
E) ALL INTERIOR LOT CORNERS ARE MARKED BY A 1/2 INCH IRON ROD WITH PLASTIC CAP STAMPED MOORE 8370

7. A BUILDING PERMIT IS REQUIRED PRIOR TO CONSTRUCTION OF ANY IMPROVEMENT.
8. THIS TRACT LIES WITHIN THE CITY LIMITS OF THE CITY OF WESLACO.
9. A 5' WIDE SIDEWALK IS REQUIRED UPON ISSUANCE OF A BUILDING PERMIT.

10. NO PERMANENT STRUCTURES ARE PERMITTED OVER ANY EASEMENTS.

11. THIS SUBDIVISION IS REQUIRED TO PROVIDE 18,143 SF OF DETENTION AT TIME OF DEVELOPMENT DURING PERMITTING PHASE.

12. THE DEVELOPER SHALL BE RESPONSIBLE FOR DETAINING AND ACCOMMODATING MORE THAN THE DETAINED VOLUME SHOWN ON THIS PLAT IF IT IS DETERMINED, AT THE DEVELOPMENT PERMIT STAGE, THAT THE DETENTION REQUIREMENTS ARE GREATER THAN STATED ON THIS PLAT, DUE TO THE IMPERVIOUS AREA BEING GREATER THAN THE PLAT ENGINEER CONSIDERED IN THE HYDRAULIC CALCULATIONS FOR THIS SUBDIVISION. DEVELOPMENT WILL REQUIRE

3. LANDSCAPING IS REQUIRED PER CITY ORDINANCE.

14. DEVELOPER: JAMIE PEREZ
A. 956-793-9314
B. 405 REID DR, DONNA, TX 78537
ENGINEER/SURVEYOR: MOORE LAND SURVEYING, LLC
A. 956-245-4651
B. 2309 LAKESHORE DR, HARLINGEN, TX 78552

PRELIMINARY PLAT OF:

WESLACO AUTOMART
SUBDIVISION

2.59 ACRES OUT OF FARM TRACT 18
WEST TRACT SUBDIVISION
OF LLANO GRANDE GRANT HIDALGO COUNTY,
TEXAS, RECORDED IN VOLUME 2, PAGE 34, MAP
RECORDS OF HIDALGO COUNTY, TEXAS, BEING THE
TRACT OF LAND DESCRIBED IN DOCUMENT NUMBER
185473, 2153827, & 1727692, OFFICIAL RECORDS
OF HIDALGO COUNTY, TEXAS.

SUBDIVIDED FOR:
JAIME PEREZ
406 REID DRIVE
DOWNA, TX 78533
(956) 793-9314

NOTHING IS NEW

PLOT DATE: 11 JULY 2018 JOB NO: 59020

Moore Land
Surveying, LLC

2309 Lakeshore Drive, Harlingen, TX 78552
(956)245-0908 TBP'S Firm No. 10194186
(956)245-4551 TBP'S Firm No. 10100

CITY OF WESLACO LEGAL NOTICE

The Weslaco Planning and Zoning Commission will hold a public hearing on Wednesday, September 5, 2018 at 5:30 p.m. and the City Commission will also hold a Public Hearing on Tuesday, September 18, 2018 at 5:30 p.m. at the City Hall Legislative Chambers located at 255 South Kansas Avenue to consider the following request:

Si desea informacion en español, llame al departamento de Planeación de la Ciudad de Weslaco, (956) 447-3403.

Robert Rangel is requesting to rezone 112 Adelita St. Also being Lot 27, San Francisco Subdivision, Weslaco, Hidalgo County, and Texas from R-2 Duplex and Apartment District to B-1 Neighborhood Business District.

Robert Rangel is requesting to rezone 114 Adelita St. Also being Lot 28, San Francisco Subdivision, Weslaco, Hidalgo County, and Texas from R-2 Duplex and Apartment District to B-1 Neighborhood Business District.

Robert Rangel is requesting to rezone 1901 Maria Isabel Drive. Also being Lot 24, San Francisco subdivision, Weslaco, Hidalgo County, and Texas from R-2 Duplex and Apartment District to B-1 Neighborhood Business District.

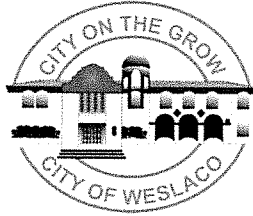
Jaime Perez is requesting to rezone 2500 E. Expressway 83. Also being a 2.59 acres out of Farm Tract 18, West Tract Subdivision, Weslaco, Hidalgo County, and Texas from R-1 One-family dwelling District to B-2 Secondary highway business District.

The public is invited to attend and express support for or opposition to these applications. You may also file written support or opposition on or before September 5, 2018, for the Planning and Zoning Commission and on or before September 18, 2018, for the City Commission. For additional information, contact the Planning Department at (956) 447-3403

/S/ MARDOQUEO HINOJOSA, P.E., CFM
Planning Director/City Engineer

City of Weslaco

"The City on the Grow"



David Suarez, Mayor
Gerardo "Jerry" Tafolla, Mayor Pro-Tem, District 4
Leo Muñoz, Commissioner, District 1
Greg Kerr, Commissioner, District 2
Jose "J.P." Rodriguez, Commissioner, District 3
Letty Lopez, Commissioner, District 5
Josh Pedraza, Commissioner, District 6

Mike R. Perez, City Manager

PLANNING DEPARTMENT

August 24, 2018

Legal Notice

Dear Occupant:

The Weslaco Planning and Zoning Commission will hold a public hearing on Wednesday, September 5, 2018 at 5:30 p.m. and the City Commission will also hold a public hearing on Tuesday, September 18, 2018 at 5:30 p.m. at the City Hall Legislative Chambers located at 255 South Kansas Avenue to consider the following request:

REZONE REQUEST:

Jaime Perez is requesting to rezone 2500 E. Expressway 83. Also being a 2.59 acres out of Farm Tract 18, West Tract Subdivision, Weslaco, Hidalgo County, and Texas from R-1 One-family dwelling District to B-2 Secondary highway business District.

The public is hereby invited to attend and express their support or opposition to the request. You may also file a written notice supporting or protesting this action. For more information please call the Planning Department at (956) 447-3403.

Si desea información en español, por favor llame al departamento de Planeación de la ciudad de Weslaco, (956) 447-3403.

Sincerely,

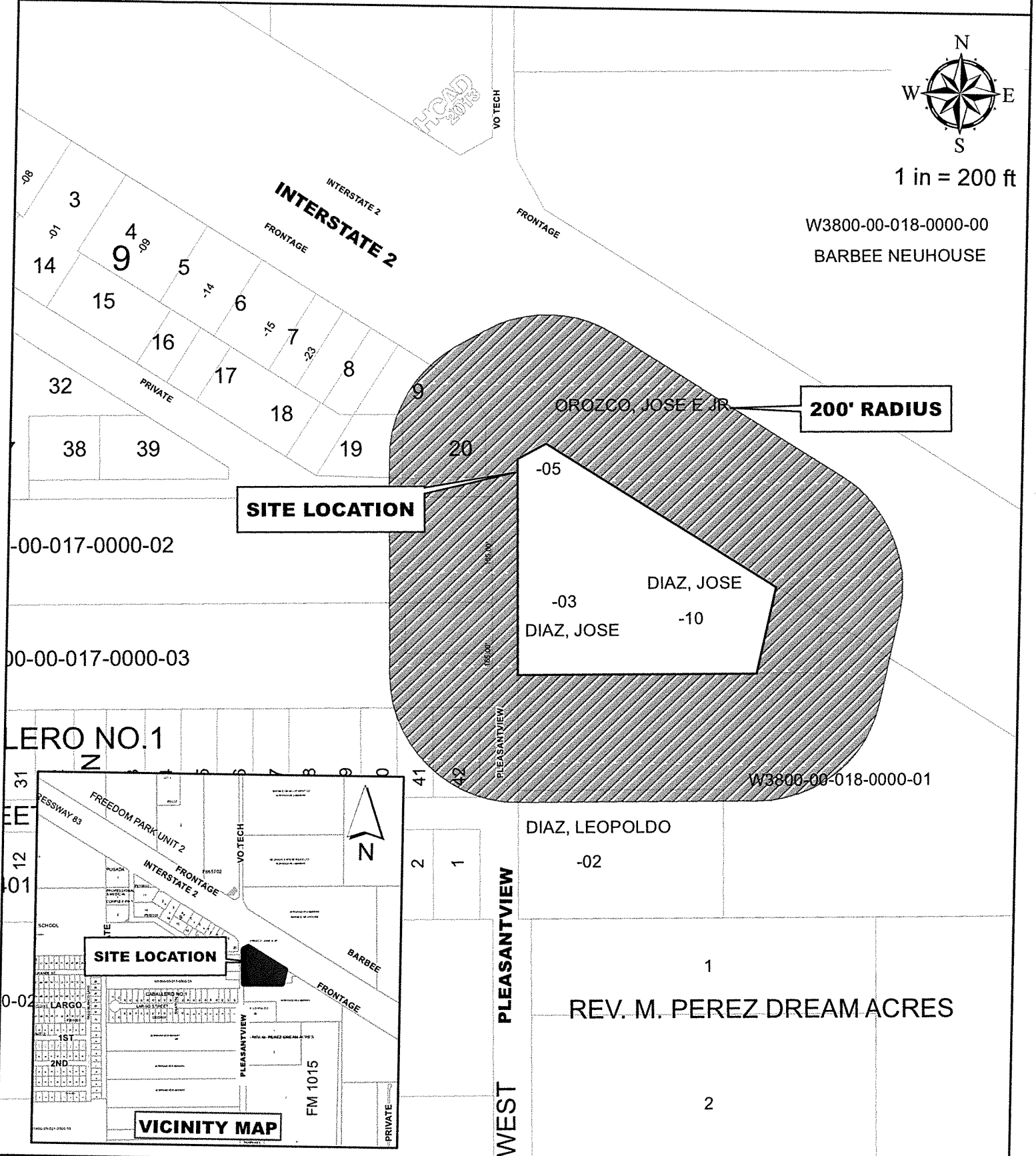
Mardoqueo Hinojosa, P.E., CFM
Planning Director/City Engineer



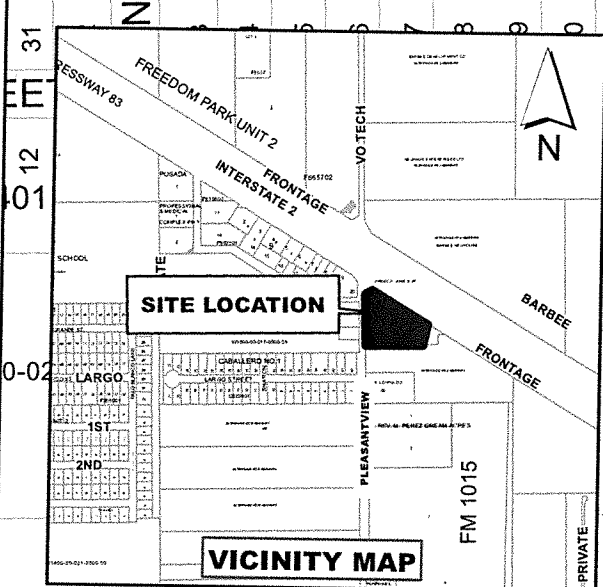
1 in = 200 ft

W3800-00-018-0000-00

BARBEE NEUHOUSE



ERO NO.1



Jaime Perez

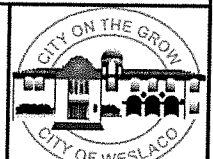
2500 E. Expressway 83
West Tract 0.25AC

Purpose for the rezone request

Existing zoning: R-2

Existing land use: Car Dealership/Residential

Prop zone: B-2



ORDINANCE NO. 2018-36

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 2500 E. EXPRESSWAY 83 ALSO BEING A 2.59 ACRES OUT OF FARM TRACT 18, WEST TRACT SUBDIVISION, WESLACO, HIDALGO COUNTY, TEXAS, FROM R-1 ONE-FAMILY DWELLING DISTRICT TO B-2 SECONDARY HIGHWAY BUSINESS DISTRICT.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

SECTION I: R-1 One-family dwelling District to B-2 Secondary highway business District being 2500 E. Expressway 83 also being a 2.59 acres out of Farm Tract 18, West Tract Subdivision, Weslaco, Hidalgo County, Texas.

SECTION II: That this ordinance shall become effective upon its passage.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 18th day of September, 2018.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 2nd day of October 2018.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Elizabeth M. Walker, **CITY SECRETARY**

APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**



Standardized Agenda Request Form

Date of Meeting: October 2, 2018		Agenda Item No. (to be assigned by CSO): 2018-1993	
From: Pete Garcia			
Subject: Ratification of Purchase Order No. 18-04444 to contract Moore Land Surveying, LLC. for the repairs and engineering services of the water line at the Water Treatment Plant, in the amount of \$82,725.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Public Works.)			
Background: Water line replacement is necessary in order to comply with TCEQ requirements.			
Funding Source (budget code, if applicable): 51-550-4010			
Amount: \$82,725.00	Term of Impact:	Identified in Current Budget: N	
Additional Action Prompted:			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Lucy Espinoza Pete Garcia Mike Perez		Created/Initiated Approved Final Approval	
City Manager Comments: Approve.			
Staff Recommendation: Staff recommends approval for the above mentioned.			
Attachments, if any: MORE LAND SURVEYING 18-04444			
Responsibilities upon Approval:			

CITY OF WESLACO

PURCHASE ORDER

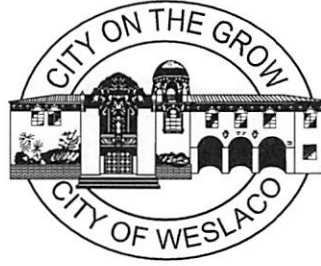
255 SOUTH KANSAS AVENUE

WESLACO, TEXAS 78596

FINANCE DEPARTMENT

956.968.3181

www.weslacotx.gov



Order Date

Delivery Date

Terms

Requisition Number

9/14/2018

9/14/2018

NET 30 days

00004740

V
E
N
D
O
R

CODY MICHAEL MOORE

MOORE LAND SURVEYING, LLC

2309 LAKESHORE DRIVE

HARLINGEN, TX 78552

S
H
I
P
T
O

CITY OF WESLACO - FINANCE DEPT

255 S KANSAS AVENUE

WESLACO TX 78596

SONIA FLORES

Account	Quantity	Description of Articles or Service	Unit Price	Account
501-550-4010	0.00	EMERGENCY REPAIR AND CONSTRUCTION OF 18" WATERLINE LOCATED AT WATER TREATMENT PLANT TO INCLUDE ENGINEERING SERVICES AS STATED ON PROPOSAL DATED: 9/11/2018 CITY WILL PROVIDE ONE 18" GATE VALVE	0.00	\$82,725.00
TOTAL				\$82,725.00

IMPORTANT INSTRUCTIONS AND CONDITIONS

1. If prices are higher than specified, do not ship. Advise us.
2. We will not in any manner be responsible for goods delivered or work done for our account without a written order, except on special contracts.
3. If these conditions are not acceptable please advise us on receipt of the order and before you make any delivery.

CITY OF WESLACO

BY Homer Rhoads

FINANCE DEPARTMENT

Mail Invoice and Bill of Lading, rendered separate for each order to City of Weslaco, Accounting Dept., 255 S. Kansas Avenue, Weslaco, Texas 78596

Delivery will be accepted at vendor's risk. Goods are subject to inspection and return if found inferior to specifications or reasonable standard quality.

The City of Weslaco is exempt from all Federal and State Tax.

Tax Exempt Number: 17460025442

Purchase Order Number
Must Appear On All
Invoices, Packing List
and Packages

Purchase Order No.: 18-04444

4740 / 18-04444

MOORE LAND SURVEYING

2309 LAKESHORE DRIVE

HARLINGEN, TX 78552

PHONE: 956-245-4651

QUOTE

Date	Invoice #
9/11/2018	1

Bill To:

CITY OF WESLACO
255 S. KANSAS AVE
WESLACO, TX 78596
956-968-3181

Customer No:	001	Project	SUGARCANE WATERLINE	
P.O. No.	Terms		Due Date	
	Due on Receipt		9/11/2018	
Qty	Description		Rate	Amount
205	INSTALL 18" C905 (DR-18, CL 235) WATERLINE		\$ 45.00	\$ 9,225.00
80	INSTALL 24" STEEL CASING (1/4" THK) W/ SUPPORTS MOUNTED TO BRIDGE ON SUGAR CANE ROAD.		\$ 450.00	\$ 36,000.00
2	CONNECT TO EXISTING 18" WATERLINE		\$ 7,500.00	\$ 15,000.00
3	INSTALL 18" 90 DEG. BENDS W/ MEGALUGS		\$ 2,500.00	\$ 7,500.00
2	INSTALL 18" 45 DEG. BENDS W/ MEGALUGS		\$ 2,500.00	\$ 5,000.00
2	INSTALL CONCRETE PEDESTALS		\$ 5,000.00	\$ 10,000.00

OK
MLP
9/11/18

Request for Taxpayer Identification Number and Certification

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

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

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. Cody Michael Moore	
2 Business name/disregarded entity name, if different from above Moore Land Surveying, LLC	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. ☒ Individual/sole proprietor or single-member LLC ☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. ☐ Other (see instructions) ► _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ (Applies to accounts maintained outside the U.S.)
5 Address (number, street, and apt. or suite no.) See instructions. 2309 Lakeshore Drive	Requester's name and address (optional)
6 City, state, and ZIP code Harlingen, TX 78552	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

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

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

Social security number								
			-			-		
or								
Employer identification number								
8	1	-	1	2	5	2	6	7 2

Part II Certification

Under penalties of perjury, I certify that:

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

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

Sign
Here

Signature of
U.S. person ►

Date ► 3/27/2018

General Instructions

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

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

Purpose of Form

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

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

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



MOORLAN-01

MFLORES1

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

09/14/2018

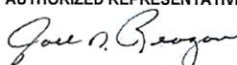
THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Smith-Reagan & Associates Inc 148 N Sam Houston San Benito, TX 78586	CONTACT NAME:	
	PHONE (A/C, No, Ext): (956) 399-1353	FAX (A/C, No): (956) 399-2185
INSURED Moore Land Surveying LLC 2309 Lakeshore Dr. Harlingen, TX 78552	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A : Tri-State Insurance Company of Minnesota	NAIC # 31003
	INSURER B : Acadia Insurance Co	31325
	INSURER C : Union Insurance Company	25844
	INSURER D : Beazley Insurance Company	
	INSURER E :	
INSURER F :		

COVERAGES		CERTIFICATE NUMBER:		REVISION NUMBER:			
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.							
INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:			ADL4755877-11	08/11/2018	08/11/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
B	☒ AUTOMOBILE LIABILITY ☐ ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY			CAA4756684-11	08/11/2018	08/11/2019	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	☐ UMBRELLA LIAB ☐ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N ☐	N / A	WCA4755878-11	08/11/2018	08/11/2019	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
D	Professional Liabili			V1FC0C180201	08/11/2018	08/11/2019	Each Claim Limit 2,000,000
D	Professional Liabili			V1FC0C180201	08/11/2018	08/11/2019	Aggregate Limit 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER City of Weslaco 225 S. Kansas Ave. Weslaco, TX 78596	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
---	--

ACORD 25 (2016/03)

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Standardized Agenda Request Form

Date of Meeting: October 2, 2018		Agenda Item No. (to be assigned by CSO): 2018-1999	
From: Pete Garcia			
Subject: Ratification of Purchase Order No. 18-04502 to contract Southern Trenchless Solutions for emergency repairs of a collapsed manhole located at 18th & 22nd St., in the amount not to exceed \$120,500.00, authorize a budget amendment as may be required and authorize the Mayor to execute any related documents. (Staffed by Public Works.)			
Background: Repairs are essential since this a health hazard to the citizens of Weslaco.			
Funding Source (budget code, if applicable): 508-551-4010			
Amount: \$120,500.00		Term of Impact:	Identified in Current Budget: N
Additional Action Prompted:			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Lucy Espinoza		Created/Initiated	
Pete Garcia		Approved	
Mike Perez		Final Approval	
City Manager Comments: Approve.			
Staff Recommendation: Staff recommends approval for the above mentioned.			
Attachments, if any: SOUTHERN TRENCHLESS 18-04502			
Responsibilities upon Approval:			

CITY OF WESLACO

PURCHASE ORDER

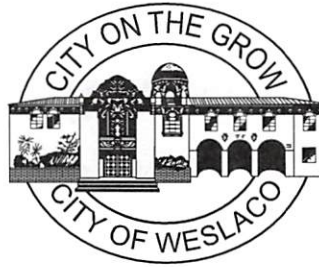
255 SOUTH KANSAS AVENUE

WESLACO, TEXAS 78596

FINANCE DEPARTMENT

956.968.3181

www.weslacotx.gov



Order Date	Delivery Date	Terms	Requisition Number
9/20/2018	9/20/2018	NET 30 days	00004798
V E N D O R	SOUTHERN TRENCHLESS SOLUTIONS, P.O. BOX 8084 WESLACO, TX 78599		S H I P T O CITY OF WESLACO - FINANCE DEPT 255 S KANSAS AVENUE WESLACO TX 78596 SONIA FLORES

Account	Quantity	Description of Articles or Service	Unit Price	Account
508-551-4010	0.00	MANHOLE EMERGENCY REPAIR LOCATED AT BETWEEN 18TH AND 22ND STREET NEXT TO DRAIN DITCH / COLLAPSED MANHOLE HAS CREATED A HEALTH HAZARD TO THE CITIZENS OF WESLACO . AS STATED ON QUOTE NO.: 9115	0.00	\$120,500.00
TOTAL				\$120,500.00

IMPORTANT INSTRUCTIONS AND CONDITIONS

1. If prices are higher than specified, do not ship. Advise us.
2. We will not in any manner be responsible for goods delivered or work done for our account without a written order, except on special contracts.
3. If these conditions are not acceptable please advise us on receipt of the order and before you make any delivery.

CITY OF WESLACO

BY Homer Rhoads

FINANCE DEPARTMENT

Mail Invoice and Bill of Lading, rendered separate for each order to City of Weslaco, Accounting Dept., 255 S. Kansas Avenue, Weslaco, Texas 78596

Delivery will be accepted at vendor's risk. Goods are subject to inspection and return if found inferior to specifications or reasonable standard quality.

The City of Weslaco is exempt from all Federal and State Tax.

Tax Exempt Number: 17460025442

Purchase Order Number
Must Appear On All
Invoices, Packing List
and Packages

Purchase Order No.: 18-04502

18-04502



BILL TO

Homer Rhodes
hrhodes@weslacotx.gov

Project: City of Weslaco - Manhole Emergency Repair	
Contract Amount	\$ 120,500.00
Prior Payments	\$0.00
Total Earned	\$ 120,500.00
Amount Due for Payment	\$120,500.00

Southern Trenchless Solutions, LLC.
P.O. Box 8084
Weslaco, Texas 78599

OK
MRP
9/20/18



Memorandum of Understanding
Between
The Texas A&M Engineering Extension Service,
The Sponsoring Agency of Texas Task Force 1,
And
The Participating Agency/Employer

This Memorandum of Understanding (MOU) is entered into this 12th day of July, 2018 between Texas Task Force 1 (TX-TF1), a division of the Texas A&M Engineering Extension Service (TEEX), and the Participating Agency/Employer (Employer) Weslaco FD, located in Weslaco, Texas.

TEEX is the Sponsoring Agency, as that term is defined in 42 USC 5165f(a)(6), for TX-TF1, a Task Force as defined in 42 USC 5165f(a)(9), as a cooperating party under a Memorandum of Agreement dated December 8, 2008, between the Federal Emergency Management Agency (FEMA) and the State of Texas. Employer desires to provide personnel to serve in TX-TF1 as determined by TEEX. The parties therefore agree as follows:

I. PURPOSE

The purpose of this MOU is to delineate responsibilities and procedures for Urban Search and Rescue (US&R) activities under the authority of the State of Texas Emergency Management Plan, the Robert T. Stafford Disaster Relief and Emergency Act, Public law 93-288, as amended 42 U.S.C. 5121, et seq., and Title 44 CFR Part 208 – National Urban Search and Rescue Response System.

II. SCOPE

The provisions of this MOU apply to:

- A. US&R activities performed at the request of the State and the Federal government and provided at the option of the Employer and the Member. These activities may be in conjunction with, or in preparation of, a State or federal declaration of disaster; and
- B. Training activities mandated by the Department of Homeland Security (DHS)/FEMA and TEEX to maintain TX-TF1 operational readiness.

III. PERIOD OF PERFORMANCE

This MOU begins as of the date of the last signature and terminates October 31, 2023, or as described in section IX of this MOU.

IV. DEFINITIONS

For purposes of this MOU, the following definitions apply:

- A. Activation: The process of TEEX mobilizing Members to deploy to a designated disaster site.
- B. Alert: The process of TEEX informing Members that an event has occurred and that TX-TF1 may be activated at some point within the next 24-48 hours.

- C. Backfill: The assignment of personnel by the Employer to meet their minimum level of staffing to replace a deployed Member.
- D. Deactivation: The process of TEEX demobilizing Members upon notification from the State or DHS/FEMA to stand down.
- E. Member: A rostered TX-TF1 member.
- F. Personnel Rehabilitation Period: The period sometimes allowed by DHS/FEMA or the State for Members' rehabilitation to normal conditions of living following activation.
- G. Reasonable Personal Costs: Approved out-of-pocket expenses incurred by a Member in performance of his/her duties as a deployed Member.
- H. Rotational Model: Model used to determine which of the three teams (Red, White, Blue) is first up for deployment or on standby for the month.
- I. State: The State of Texas.
- J. Task Force Sponsored Training: Training and/or exercises performed at the direction, control, and funding of DHS/FEMA or TX-TF1.
- K. Task Force Sanctioned Training: Training and/or exercises performed at the direction, control, and funding of an Employer or Member in order to develop and maintain the US&R capabilities of the Member and TX-TF1. Task Force Sanctioned Training must be coordinated with TEEX/US&R staff and receive written authorization to conduct such training prior to the start of the training.

V. RESPONSIBILITIES

- A. TEEX shall:
 - 1. Recruit and organize TX-TF1 according to guidelines prescribed in the National US&R Response System Operations Manual.
 - 2. Ensure that each Member meets the necessary licensing, certification, or other professional qualification requirements of his/her assigned position.
 - 3. Provide administrative, financial and personnel management to TX-TF1 and perform all financial requirements as set forth in this MOU.
 - 4. Reimburse payroll costs to the Employer for each activated Member and allowable backfill costs as stated in *Section VIII. A. Reimbursement of the Employer* and the *TX-TF1 Standard Pay Policy, Attachment A*.
 - 5. Provide training to Members consistent with the objectives of developing, upgrading, and maintaining individual skills, as identified in the position description requirements, necessary to maintain operational readiness.
 - 6. Develop, implement, and exercise a notification and call-out system for Members.
 - 7. Provide all personal protective equipment and uniforms required by TX-TF1.
 - 8. Provide tools and equipment necessary to conduct safe and effective US&R operations as listed in the current approved cache list.
 - 9. Maintain all tools and equipment in the US&R cache in a ready state.

10. Coordinate between DHS/FEMA, the State, the Employer, other relevant governmental and private entities, and the individual Members.
 11. Maintain a primary contact list for all Members.
 12. Maintain personnel files on all Members for the purposes of documenting training records, emergency notification, and other documentation as required by DHS/FEMA and the State.
 13. Provide a roster of the Employer Members upon execution of this MOU and annually, in the month of July, see *Attachment D*.
- B. The Employer shall:
1. Provide approval of its Members' participation in TX-TF1 training, meetings, and emergency response activities when fiscally reasonable to do so. Agency Chief approval is provided by signing the *Participating Agency Individual Member Letter of Endorsement, Attachment C*, at the time the Member's administrative documents are submitted.
 2. Maintain a roster of all its personnel participating as Members.
 3. Provide a primary point of contact to TEEX for the purpose of notification of TX-TF1 activities and other matters.
 4. Pay deployed Members in accordance with *Section VIII Administrative, Financial, and Personnel Management and Attachment A, the Texas Task Force 1 Standard Pay Policy*.
 5. Certify and submit personnel reimbursement claims and requested supporting documentation within 45 days of Deactivation of its Member(s).
- C. Participation Requirements for Members. Employer shall notify TEEX TX-TF1 if Employer reasonably believes that a Member does not meet any of the following:
1. Members must be in good standing with the Employer.
 2. Members must be of good moral character and may not have been convicted of any felony or any other criminal offense involving moral turpitude.
 3. Members serving in a TX-TF1 position that requires the individual to hold a license, registration, certificate or other similar authorization to lawfully engage in an activity must hold such authorization, which must be current and validly issued.
 4. Members must follow all *TX-TF1 Standard Operating Guidelines (SOG)* that are available at <https://texas taskforce1.org/home>.
 5. Members must meet medical/fitness standards, and be physically capable of performing assigned duties required in the position description requirements for the assigned position in a wide range of environments per *TX-TF1 SOG*.
 6. Members must complete and/or provide documentation of the required immunizations specified in the Individual Letter of Endorsement.
 7. Members must maintain knowledge, skills, and abilities necessary to operate safely and effectively in the assigned position.
 8. Members must advise the Employer of TX-TF1 activities that may require time off work.

9. Members must notify TEEX of any change in the notification process, i.e. address or phone number changes, and maintain current personal profile in the "Task Force Personnel Records System."
10. Members must ensure availability for immediate call-out during the period **the Member's** assigned team is first on the rotational model for call-out. Members who are not on the team that is first on the rotational model may be requested to fill the position of another team member who is not available to deploy to ensure the team is fully staffed for the mission.
11. Members must respond immediately to call-out with acceptance or refusal of current mission request and arrive within 3 hours from time of call-out to the assigned point of assembly (POA).
12. Members must maintain all equipment issued by TX-TF1 in a ready state and advise TEEX immediately of any lost, stolen or damaged items
13. Members must be prepared to operate in the disaster environment for not less than 14 consecutive days.
14. Members must follow the *TX-TF1 Policies and Procedures* as published at www.texas taskforce1.org.

VI. PROCEDURES

A. Activation

1. Upon request from DHS/FEMA for disaster assistance, and/or determination that pre-positioning TX-TF1 is prudent, TEEX shall request activation of TX-TF1 from the State.
2. Upon request or permission from the State for disaster assistance, and/or determination that pre-positioning TX-TF1 is prudent, TEEX will follow the steps in section VI.B.
3. TEEX shall communicate an Alert and/or activation notices to Members through the paging and call-out system according to the current approved mobilization plan.

B. Mobilization, Deployment and Demobilization

1. TEEX shall notify Members of activation of TX-TF1.
2. When TX-TF1 responds to such a mobilization request, the Members must arrive with all equipment and personal gear to the designated POA within 3 hours of activation notice.
3. Upon arrival at the POA, the Members will be provided initial briefings, maps, food, housing and any other items essential to the initial set-up and support of TX-TF1.
4. When TX-TF1 is activated, TEEX shall provide transportation for Members and all necessary equipment to the pre-designated point of departure (POD) for ground transportation or air transport.
5. TEEX will provide transportation from the POD to the disaster site and transportation on the return trip.
6. TEEX shall demobilize Members and equipment to the original POA upon completion of the US&R mission.

C. Management

1. TEEX maintains overall management, command and control of all TX-TF1 resources and operations.
2. Tactical deployment of TX-TF1 will be under the direction of the local Incident Commander and the Task Force Leader(s) assigned to the incident.

VII. TRAINING AND EXERCISESA. DHS/FEMA-Sponsored Training and Exercises

Periodically Members will be required to attend DHS/FEMA sponsored functional training. DHS/FEMA sponsored functional training will be performed at the direction, control and funding of DHS/FEMA in order to develop the technical skills of the Members.

B. Task Force Sponsored Training

Periodically Members will be requested or required to attend Task Force Sponsored Training. Task Force Sponsored Training will be performed at the direction, control and funding of TX-TF1 in order to develop the technical skills of Members.

C. Task Force Sanctioned Training

Periodically Members will be required and/or invited to attend Task Force Sanctioned Training. Task Force Sanctioned Training may be performed at the direction, control and funding of TEEX, the Employer, or the State in order to develop and maintain the US&R capabilities of TX-TF1.

D. Non-Sponsored and/or Non-Sanctioned Training and Exercises

Non-sponsored and/or non-sanctioned training and/or exercises may be performed at the direction, control and funding of the Employer or Member in order to develop and maintain the US&R capabilities of TX-TF1.

E. Minimum Training Requirements

Each Member must maintain the skills and abilities identified in the position description requirements. Each Member must attend one of the scheduled Full Scale exercises or Mobility Exercises and one Regional Training Event annually. Each Member must attend a minimum of 50% of the Task Force Sponsored Training and Task Force Sanctioned Training opportunities provided for his or her assigned TX-TF1 position. Failure to attend a minimum of 50% of those training opportunities will result in dismissal from TX-TF1. Exceptions may be granted at the discretion of TEEX or the Task Force Leader.

VIII. ADMINISTRATIVE, FINANCIAL, AND PERSONNEL MANAGEMENT

A. Reimbursement of the Employer

1. TEEX shall reimburse the Employer for each of its employees activated as a Member for payroll and associated costs during the Members' participation in State and/or federal disaster deployments. This reimbursement will be in accordance with the *TX-TF1 Pay Policy* and will require the Employer to submit supporting documentation to TEEX prior to reimbursement.
2. TEEX shall reimburse the Employer for the cost of Backfilling Members while activated. This will consist of expenses generated by the replacement of a deployed Member on his/her normally scheduled duty period/day. Backfill costs incurred by the Employer will be reimbursable only to the extent that the costs are in excess of the costs that would have been incurred had the Member not been deployed. TEEX cannot pay for hours Backfilled other than those that coincide with a Member's scheduled on-duty hours. Backfill reimbursement is available only for positions that are normally Backfilled by the Employer.

3. TEEX shall reimburse the Employer for salaries and Backfill expenses of any deployed Member who would be required to return to regularly scheduled duty during the Personnel Rehabilitation Period described in the demobilization order. If the deployed Member's regularly scheduled shift begins or ends within the identified Personnel Rehabilitation Period, the Employer may give the deployed Member that time off with pay and Backfill his/her position. If Members use time from a paid leave bank during the Personnel Rehabilitation Period, or if a Member is not normally scheduled to work during the identified Personnel Rehabilitation Period, then no reimbursement will be made for that Member. TEEX will determine the Personnel Rehabilitation Period that will apply to each deployment based on the demobilization order for that deployment.
- B. Other Reimbursements
1. TEEX shall reimburse Members for Reasonable Personal Costs associated with operations and maintenance of TX-TF1 during a State or federal activation. Itemized receipts are required and should not include Texas Hotel Occupancy taxes, alcohol, tips, or gratuities. All receipts must be submitted to the TEEX Business Office within 15 days of Deactivation.
 2. TEEX shall reimburse Members for reasonable travel costs associated with approved training in accordance with established *TX-TF1 travel policy*. Itemized receipts are required and should not include Texas Hotel Occupancy taxes as they are not reimbursable. Receipts should be submitted to the TEEX Business Office within 15 days from the end of the trip.
 3. TEEX shall reimburse on a replacement basis for emergency procurement of TX-TF1 materials, equipment and supplies purchased and used or consumed by Members in providing requested assistance. Advance approval by TX-TF1 leadership must be obtained and itemized receipts for such items must be submitted to TEEX. Such materials, equipment and supplies are the property of TEEX and must be returned to TEEX upon deactivation or return from training.
 4. No Member or the Employer will be reimbursed for costs incurred by activations that are outside the scope of this MOU.
 5. All financial commitments herein are made subject to availability of funds from the State and/or DHS/FEMA.
 6. TEEX shall perform all duties of an employer in relation to a Member who is injured and eligible to receive benefits under *Chapter 501 of the Texas Labor Code*.

IX. CONDITIONS, AMENDMENTS, AND TERMINATION

- A. This MOU may be modified or amended only with the written agreement of both parties, and all amendments will be attached to this MOU.
- B. Any party, upon 30 day written notice, may terminate this MOU.
- C. TEEX complies with the provisions of *Executive Order 11246 of Sept. 24, 1965, as amended* and with the rules, regulations, and relevant orders of the Secretary of Labor. To that end, TEEX will not discriminate against any employee or Member on the grounds of race, color, religion, sex, or national origin. In addition the use of state or federal facilities, services, and supplies will be in compliance with regulations prohibiting duplication of benefits and guaranteeing nondiscrimination. Distribution of supplies, provisions of technical assistance and other relief assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on a basis prohibited by Texas or federal law or on a basis of economic status.

X. LIABILITY AND WORKERS' COMPENSATION FOR FEDERAL ACTIVATION AND DHS/FEMA SANCTIONED OR SPONSORED TRAINING

- A. TEEX intends that participation under this MOU by a Member in exercises, pre-incident staging, major disaster or emergency response activities, or training events sponsored or sanctioned by DHS/FEMA constitute appointment into federal service to the extent authorized by *Sec. 327 of the Stafford Act (42 USC 5165f)*.
- B. Specifically, TEEX intends that a Member participating in an activity described above:
 - 1. Be eligible for the benefits described in *Sec. 327(h) of the Stafford Act (42 USC 5165f(h))* should the Member suffer personal injury, illness, disability, or death as a result of a personal injury sustained while acting in the scope of such federal service;
 - 2. Be considered to be an employee of the federal government for purposes of tort claim procedure as described in *Sec. 327(i) of the Stafford Act (42 USC 5165f(i))*;
 - 3. Be considered in "service in the uniformed services" for purposes of employment and reemployment rights of individuals who have performed service in the uniformed services as described in *Sec. 327(j) of the Stafford Act (42 USC 5165f(j))*;
 - 4. If he or she holds valid licenses, certificates, or permits required by TX-TF1, be deemed to be performing a federal activity when rendering aid involving such skill or assistance as described in *Sec. 327(k) of the Stafford Act (42 USC 5165f(k))*; and
 - 5. Be eligible for all other benefits and protections provided under the Stafford Act or elsewhere in federal law.

XI. LIABILITY AND WORKERS' COMPENSATION FOR STATE ACTIVATION /AND TRAINING

- A. During any period in which TX-TF1 is activated by the State, or during any Task Force Sponsored Training or Task Force Sanctioned Training, Members who are not employees of a member of The Texas A&M University System or another agency of the State will be included in the coverage provided under *Chapter 501 of the Texas Labor Code* in the same manner as an employee, as defined by *Section 501.001*. Services with TX-TF1 by an activated Member who is a state employee are considered to be in the course and scope of the employee's regular employment with the State.

XII. LIABILITY AND WORKERS' COMPENSATION FOR NON-SPONSORED/SANCTIONED TRAINING

- A. During non-TX-TF1 training and exercises, Members who are not employees of a member of The Texas A&M University System or another agency of the State will not be included in the same workers' compensation coverage afforded Members that are activated or attending DHS/FEMA or Task Force Sponsored Training or Task Force Sanctioned Training.

XIII. GENERAL PROVISIONS

- A. The substantive laws of the State (and not its conflicts of law principles) govern all matters arising out of or relating to this MOU and all of the transactions it contemplates.
- B. This MOU does not create a partnership or joint venture between TEEX and the Employer. Neither party may bind the other or otherwise act in any way as the representative of the other, unless otherwise expressly agreed to in a writing signed by authorized representatives of both parties before any such act or representation.
- C. Any provision of this MOU that conflicts with a law or regulation of the United States or the State is null and void to the extent of the conflict.

- D. Any notices required or permitted under this MOU will be deemed given (a) three business days after it is sent by certified or registered mail, return receipt requested, (b) the next business day after it is sent by overnight carrier, (c) on the date sent by facsimile or email transmission with confirmation of transmission and receipt, if sent during the recipient's normal business hours and if not, on the next business day, or (d) on the date of delivery if delivered personally, and in each case, addressed to the intended recipient at the address below or such other address as the intended recipient may specify in writing:
- a. TEEX: TEEX TX-TF1, 200 Technology Way, College Station, TX 77845-3424
 - b. Employer: _____
- E. This MOU is assignable only with the written consent of both parties.
- F. Nothing in this MOU waives or relinquishes either party's right to claim any exemptions, privileges, and immunities as may be provided by law.
- G. The failure of either party at any time to require performance by the other party of any provision of this MOU will in no way affect the right to require such performance at any time thereafter nor will the waiver by either party of a breach of any provision be taken or held to be a waiver of any succeeding breach of such provision or as a waiver of the provision itself.
- H. Each provision of this MOU is severable. If any provision is rendered invalid or unenforceable by statute or regulations or declared null and void by any court of competent jurisdiction, the remaining provisions will remain in full force and effect if the essential terms of this MOU remain valid, legal, and enforceable.
- I. If either party fails to fulfill its obligations under this MOU, when such failure is due to an act of God, or other circumstance beyond its reasonable control, including but not limited to fire, flood, civil commotion, riot, war, revolution, acts of foreign or domestic terrorism, or embargos, then the other party shall excuse the failure for the duration of the event and for such a time as is reasonable to enable the parties to resume performance under this MOU, provided however, that in no event will such time extend for more than 30 days.
- J. This MOU along with the following attachments constitutes the entire understanding between the parties as to the matters contained in this MOU, and supersedes all other written and oral agreements between the parties as to those matters:
- Attachment A, TX-TF1 Standard Pay Policy
 - Attachment B, TX-TF1 Pay Schedule by Position
 - Attachment C, Individual Member Letter of Endorsement
 - Attachment D, Employer's TX-TF1 Member Roster
- The parties may execute agreements, but those will not alter this MOU unless expressly stated in writing.
-

This MOU is entered into by and between the following parties:

TEXAS A&M ENGINEERING EXTENSION SERVICE (TEEX):

_____	Jeff Saunders	_____
Authorized Signature	Printed Name	Date
_____	_____	_____
200 Technology Way	College Station	TX, 77845-3424
Address	City	State, Zip
_____	_____	
(979) 458-0857	37167167164025	
Phone Number	TX VIN	

EMPLOYER: Weslaco FD
Employer Name

_____	_____	_____
Authorized Signature	Printed Name	Date
_____	_____	_____
Address	City	State, Zip
_____	_____	
Phone Number	Email	

Attachment A

Texas Task Force 1

Standard Pay Policy

I. Scope

The provisions of this policy apply to all TX-TF1 members and Texas A&M Engineering Extension Service (TEEX) personnel assigned to the Urban Search and Rescue program.

II. Purpose

The purpose of this document is to delineate the policy and procedures for payment and/or reimbursement of payroll expenses to include salaries/wages and associated fringe benefits incurred during all federal and state activations of a TX-TF1 member.

III. Pay Rate

- A. TX-TF1 will reimburse the Employer for the participation of each of their activated TX-TF1 members at the current hourly rate or salary at the time of deployment and identified on the payroll printout provided by the Employer requesting salary reimbursement. TX-TF1 may also reimburse the Employer for the allocable portion of fringe benefits paid to or on behalf of the TX-TF1 member during the period of activation. Member work schedules, payroll policies, payroll and benefit documentation must be retained by the Employer for a period of three years following the final payment to TEEX by TDEM or DHS/FEMA in accordance with 2 CRF 200.333 – Retention Requirements for Records. TEEX will notify Employers when payment has been made.
- B. As an affiliated member, TX-TF1 members not employed by an Employer will be paid at a rate identified with his/her TX-TF1 position on the *TX-TF1 Pay Schedule by Position, Attachment B*. The affiliated member's 40-hour workweek will begin upon activation. The affiliated member will receive the standard base rate of pay for the first 40 hours worked within each workweek of a deployment. Hours in excess of 40 hours each week will be paid at 1 ½ time the member's base rate of pay. Affiliated members are not eligible for Personnel Rehabilitation pay.
- C. TEEX employees who hold positions on TX-TF1 will be paid in accordance with Section IV below. Payroll printouts and fringe benefits documentation will be included in the reimbursement process.

IV. Deployment Work Shift

- A. Every day is considered a workday during the Deployment until the activation is over, and the Task Force returns to its original Point of Assembly (otherwise known as "portal to portal"). Therefore, Saturday, Sunday, holidays and other scheduled days off are also considered workdays during the period of activation.
- B. All individuals are assured pay for base hours of work, mobilization and demobilization, travel, or standby at the appropriate rate of pay for each workday.
- C. During the deployment period from activation through de-activation, all FLSA-exempt and non-FLSA exempt TX-TF1 members will receive the standard base rate of pay for all hours they are scheduled to be on duty during a work day. A work day is defined from midnight to midnight. Additional hours during this day not scheduled on duty will be compensated in accordance with 44 CFR 208.39 and Employer pay policies. Kelly days are considered off duty hours.
- D. 44 CFR 208.39 allows Participating Agency/Employers whose members follow the Public Safety Exemption 29 U.S.C. 207(k) have the option of converting deployed members to a standard FLSA 40 hour week during the deployment period. The conversion does not apply to backfill or rehab time.

V. Ordered Standby

Compensable standby shall be limited to those times when an individual is held, by direction or orders, in a specific location, fully outfitted and ready for assignment.

Attachment B
Texas Task Force 1 Pay Schedule by Position

TX-TF1 has adopted the following pay schedule for TX-TF1 members who are not employed by a Participation Agency/Employer:

ASSIGNMENT	HOURLY RATE		ASSIGNMENT	HOURLY RATE
LEADERS:			SPECIALISTS:	
Task Force Leader	\$ 52.00		Boat Operator & Bowman	\$ 35.00
MANAGERS:			Canine Specialist	\$ 35.00
Haz-Mat/WMD Manager	\$ 40.00			
			Communications Specialist	\$ 35.00
Logistics Manager	\$ 40.00			
			Haz-Mat/WMD Specialist	\$ 35.00
Medical Team Manager	\$ 108.00			
			Heavy Rigging Specialist	\$ 35.00
Plans Team Manager	\$ 40.00			
			Helo Search & Rescue Tech.	\$ 35.00
Rescue Team Manager	\$ 40.00			
			Logistics Specialist	\$ 35.00
Safety Officer/Manager	\$ 40.00			
			Medical Specialist	\$ 35.00
Search Team Manager	\$ 40.00			
			Rescue Specialist	\$ 35.00
Water Manager	\$ 40.00			
			Structural Specialist	\$ 54.00
SQUAD OFFICERS:				
Boat Squad Officer	\$ 37.00		Technical Info Specialist	\$ 35.00
Rescue Squad Officer	\$ 37.00		Technical Search Specialist	\$ 35.00



Standardized Agenda Request Form

Date of Meeting: October 2, 2018		Agenda Item No. (to be assigned by CSO): 2018-1883
From:		
Subject: Discussion and consideration to approve Resolution 2018-51 appointing a member to the Citizen's Drainage Committee and authorize the Mayor to execute any related documents. Possible action. (There was no action on September 18, 2018; Staffed by City Manager's Office.)		
Background: The Mayor's appointment remains pending to constitute the full Committee as originally proposed plus two more places added September 4 for nine total members.		
Funding Source (budget code, if applicable):		
Amount:	Term of Impact:	Identified in Current Budget:
Additional Action Prompted: Mayor's Signature Resolution		
If item previously considered, provide date and action by Commission:		
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:		
Advisory Review, if any (name of board/committee, date of action, recommendation):		
Aida Vega Mike Perez		Created/Initiated Final Approval
City Manager Comments: Approve.		
Staff Recommendation: Approve.		
Attachments, if any: 16 Bd Appt, Roster WCDTF 92018 mv, R2018-51 Weslaco Drainage Citizens' Task Force		
Responsibilities upon Approval: Execute, retain and notify appointees.		

City of Weslaco Boards and Committees
Prepared by Office of the City Secretary; Updated August 2016

Prepared by: Office of the City Secretary, Updated August 2019																		
Member Qualifications										Defined Duties								
	character	citizenship	residency	age	public officer	taxpayer/property owner	qualified voter	management experience	subject interest	no litigation	# members	# quorum	term length (st = staggered)	term limits	meeting schedule	designated final authority	governing statutes	appointing authority
Adjustments & Appeals to Zoning Ordinance						X					5		2yr				Sec 150-19	CC
Adjustments & Appeals to Building Codes											7	4	4yr		reg interval	X	Art IX Sec 280-283	CC
Ambulance Advisory Board											7	4	2yr		min. 3 mths		Art I, Sec 14-1	CC
Animal Shelter Advisory Committee		X									5*				3/year		Ord 2012-02	CC
Civil Service Commission	X	X	>3yr	>25	>3yr					X	3	2	st3yr	3*	72hr notice		Ch 143	appt by Chief Exec, confirm by CC
Economic Development Corporation	X	X	X					X			7	4		2*	monthly		Bylaws, Art of Inc	7 at large; confirm by CC
Hotel Occupancy Tax Advisory Committee					no						7	3	3yr		2/year		Ord 2015-09	CC
Housing Authority Board											5	5	2yr	2			LGC Sec 392.033	appt by Mayor
Library Board											5		2yr				Art II Sec 78.21-28	CC
Parks & Recreation Advisory Board											7		3yr				Art IV Sec 98	CC
Planning & Zoning Commission		X	X			X	X				7		3yr				Art III Sec 2.98-103	CC
Public Facilities & Transportation Improvements Naming Committee		X	X	X							7		st3yr				Ord 2011-16	CC
																	Art 1528j,	
Weslaco Health Facilities Development Corporation											3+		6 yrs				Vernons	CC
Weslaco Mid-Valley Airport Committee											7		st3yr				TX Civil Statue	CC
Weslaco 100		X	X								16		3yrs				R2013-52	CC



Application for Service

City of Weslaco Boards and Committees

Name of Applicant:		Telephone Number:	
E-Mail Address:		Alternate Phone Number (work/cell):	
Home Address:		☐ Inside City Limits ☐ Outside City Limits	
City:	State:	Zip Code:	
How many years have you lived at this residence?		Do you own this house? ☐ Yes or ☐ No	
Preference for consideration, naming committees on which you desire to serve:			
1.)			
2.)			
3.)			
List of Civic Involvement and Business Experience:			
Have you been bonded or eligible to obtain one? ☐ Yes or ☐ No		Are you currently suing or being sued by the City of Weslaco or any of its entities? ☐ Yes or ☐ No	
Are you related to any member of the Commission? ☐ Yes or ☐ No		If so, who and how?	
Have you previously served on a City board? ☐ Yes or ☐ No		If so, which and when?	
Have you ever been elected to public office? ☐ Yes or ☐ No		If so, which and when?	
Do you consent to release this info to the public? ☐ Yes or ☐ No		Are you age 25 or older? ☐ Yes or ☐ No	
The statements I have made on this Application for Service are truthful and I am not disqualified to serve due to nepotism, City of Weslaco Charter or Ordinances or State of Texas laws.		Timestamp of Receipt:	
Applicant's Signature:			
Optional Demographic Information: Self Identification			
Gender:			
Age:			
Race:			
Religion:			
Citizenship:			

RESOLUTION NO. 2014-62

STATE OF TEXAS § RESOLUTION ESTABLISHING A SCREENING,
 APPOINTMENT, CONFIRMATION AND
COUNTY OF § ATTENDANCE POLICY FOR SERVICE ON
HIDALGO CITY OF WESLACO BOARDS, COMMISSIONS,
 § AUTHORITIES AND COMMITTEES
CITY OF WESLACO

WHEREAS, The City of Weslaco has Standing Committees, Boards, Authorities and Commissions (hereafter called “Boards”) that assist and recommend to the Weslaco City Commission programs and projects that benefit the citizens of Weslaco; and

WHEREAS, The Weslaco City Commission (hereafter called “Commission”) also periodically creates *Ad Hoc* Boards to assist the City of Weslaco in addressing unexpected issues, projects or concerns; and

WHEREAS, The Commission desires the best qualified individuals on these Boards to represent a diverse cross section of the citizens of Weslaco.

NOW THEREFORE BE IT RESOLVED THAT The Weslaco City Commission hereby adopts the following Policy for the screening, appointment and confirmation of individuals to serve on the various Boards.

A. Screening

Interested individuals shall submit to the City Secretary a Board application which will contain: 1) contact and demographic data; and 2) educational, professional, civic and other relevant credentials. This application will be kept on file until the end of the fiscal year in which it was submitted, ending on September 30.

Individuals shall confirm receipt the City’s diversity, affirmative action, nepotism, ethics policies; the Board’s mission, duties and responsibilities as established by Ordinance or other order; and other relevant documents. Individuals must agree to abide by Weslaco City Charter and applicable Ordinances, and state and federal laws.

B. Appointment

The City Manager may recommend the best qualified individuals to the City Commission. The Commission will attempt to appoint the best qualified individuals that will fairly represent the demographic characteristics of Weslaco.

To ensure greater public participation, individuals shall not serve concurrently on more than one Board, unless the Commission makes an exemption.

The Commission shall make fair and deliberative appointments that comply with the Weslaco City Charter and applicable Ordinances, and state and federal laws.

C. Confirmation

Prior to appointment by the Commission, individuals should confirm that they remain interested in serving on a particular Board by either: 1) attending the Commission meeting which has the item on the Commission's Agenda; or 2) submitting a written statement of interest to the Mayor.

D. Attendance

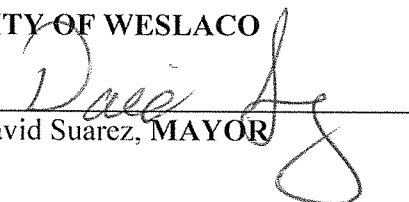
Three absences, not limited to consecutive, from any board or committee as appointed is established as just cause for removal and replacement by the Commission.

E. Qualification

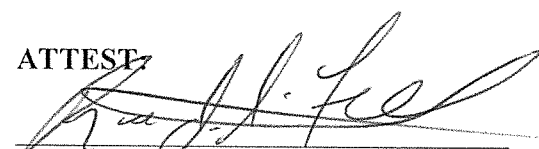
Individuals that have pending litigation against the City of Weslaco or any of its entities shall not be eligible for an appointment to City of Weslaco Committees, Boards, Authorities and Commissions.

PASSED AND APPROVED on this 2nd day of December, 2014.

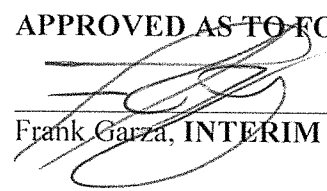
CITY OF WESLACO


David Suarez, MAYOR

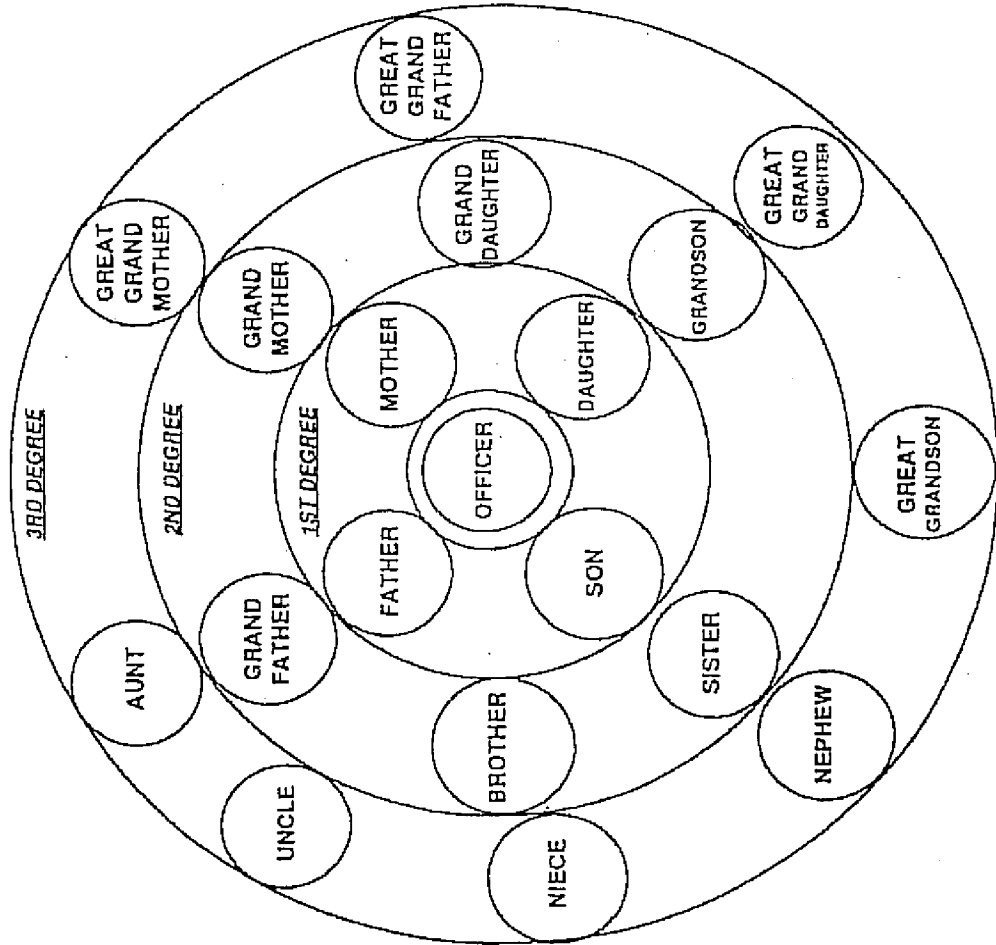
ATTEST

 wcc 12/2/14
Rebekah de la Fuente, INTERIM CITY SECRETARY

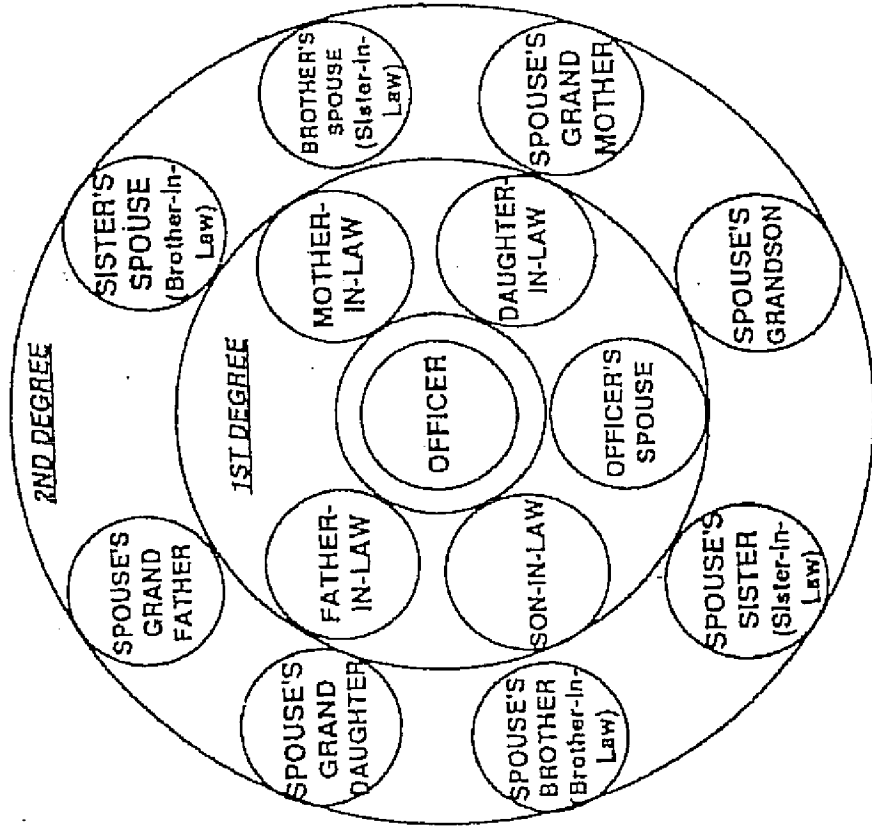
APPROVED AS TO FORM:


Frank Garza, INTERIM CITY ATTORNEY

TEXAS NEPOTISM 1992



Consanguinity Kinship Chart
(Blood)



Affinity Kinship Chart
(Marriage)

WESLACO CITIZENS DRAINAGE TASK FORCE

Date Appointed	Term	First Name	Last Name
8/7/2018	1 year	Sandra	Reyna
8/7/2018	1 year	Randy L.	Hall
8/21/2018	1 year	David	Morales
8/21/2018	1 year	Mark A.	Garza
8/21/2018	1 year	Annette	Valadez
8/21/2018	1 year	Pablo	Hererra
9/18/2018	1 year	Alex	Livas
9/18/2018	1 year	Juan P.	Flores

92018 mv

RESOLUTION NO. 2018-51

**A RESOLUTION OF THE CITY OF WESLACO ESTABLISHING AN AD
HOC CITIZENS' COMMITTEE THAT SHALL BE DESIGNATED AS THE
WESLACO DRAINAGE CITIZENS' TASK FORCE**

WHEREAS, This Commission finds merit in establishing an ad hoc citizens' committee to solicit suggestions, make recommendations, and review progress toward the planning and implementing of infrastructure improvements for City-wide detention and drainage of floodwaters; and

WHEREAS, as it is intended to serve ad hoc, the work of this Committee shall be limited to one year from establishment; and

WHEREAS, there shall be seven (7) members in the Weslaco Drainage Citizens' Task Force who shall be nominated one by each Commission member and approved by the whole Weslaco City Commission; and

WHEREAS, members shall be residents of the City of Weslaco, serve without compensation, and may be eligible for reappointment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT _____ is appointed to serve on the Weslaco Drainage Citizen's Task Force and the term will expire on _____ day of _____, 20____.

PASSED AND APPROVED on this 2nd day of October 2018.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Elizabeth M. Walker, **CITY SECRETARY**

APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**



Standardized Agenda Request Form

Date of Meeting: October 2, 2018		Agenda Item No. (to be assigned by CSO): 2018-1928	
From: Mardoqueo Hinojosa			
Subject: Discussion and consideration to select an engineering firm from short list for Civil Engineering Services from the Request for Qualifications #2017-18-21 for consulting services to prepare a Stormwater Improvements Plan and prepare any applicable grant applications for funding. Possible action. (There was no action on this item September 18, 2018; Staffed by Planning and Code Enforcement.)			
Background: At the last City Commission meeting, four (4) firms were interviewed. The firms that were interviewed included: -Halff Associates -Sigler, Winston, Greenwood & Associates -Perez Consulting Engineering -Cruz-Hogan Consultants, Inc. A selection is needed to proceed.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted:			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Aida Vega Mardoqueo Hinojosa Mike Perez		Created/Initiated Approved Final Approval	
City Manager Comments: Conduct interviews and possibly select.			
Staff Recommendation: Staff recommends selection.			
Attachments, if any:			
Responsibilities upon Approval: Staff will notify the selected firm.			



Standardized Agenda Request Form

Date of Meeting: October 2, 2018		Agenda Item No. (to be assigned by CSO): 2018-1970
From: Mardoqueo Hinojosa		
Subject: Discussion and consideration to approve payment to Republic Services in the amount of \$104,113.40 for flood debris removal for total payment to date in the amount of \$442,211.09. Possible action. (Staffed by Planning and Code Enforcement.)		
Background: Attached on this packet you will find the latest invoices for Republic Services to address debris removal for the end of July through August.		
Funding Source (budget code, if applicable):		
Amount:	Term of Impact:	Identified in Current Budget:
Additional Action Prompted: Mayor's Signature		
If item previously considered, provide date and action by Commission:		
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:		
Advisory Review, if any (name of board/committee, date of action, recommendation):		
Joe Pedraza Mardoqueo Hinojosa Mike Perez		Created/Initiated Approved Final Approval
City Manager Comments: Approve as payment in response to debris of June 20 flood incident.		
Staff Recommendation: Approval.		
Attachments, if any: Republic Services Invoice		
Responsibilities upon Approval: Staff will proceed with payment.		

RECEIVED

SEP 25 2018

Planning &
Code Enforcement Dept.



**REPUBLIC
SERVICES**

LA FERIA TRANSFER STATION - 4865
PO BOX 677839
DALLAS, TX 75267-7839
(956) 423-7316

CITY OF WESLACO/BRUSH
1912 S. KANSAS ST
WESLACO, TX 78596

INVOICE

Invoice Date 08/31/2018
Invoice No 4865-000002037
Customer No 4-4865-0333346

Page No Page 1 of 1
Due Date UPON RECEIPT

Current Charges	Total Amount Due
\$2,372.72	\$3,863.69

Please pay total amount due

Billing Questions? Call (956) 423-7316

Thank you for your business! Please be sure to remit payments to our lockbox address shown on the bottom of the invoice.

Date	Code	Description	Reference	Rate	Quantity	Amount
		Balance forward :				\$19,753.36
		Payments :				\$18,262.39
		Adjustments :				\$0.00
		Invoices :				\$0.00
8/16	AA	MSW	01-176832	42.93	1.40 TN	\$60.10
8/17	AA	MSW	01-177051	42.93	4.37 TN	\$187.60
8/20	AA	MSW	01-177184	42.93	4.01 TN	\$172.15
8/20	AA	MSW	01-177226	42.93	4.12 TN	\$176.87
8/21	AA	MSW	01-177342	42.93	2.60 TN	\$111.62
8/21	AA	MSW	01-177392	42.93	4.85 TN	\$208.21
8/22	AA	MSW	01-177532	42.93	4.30 TN	\$184.60
8/23	AA	MSW	01-177672	42.93	4.04 TN	\$173.44
8/24	AA	MSW	01-177773	42.93	3.66 TN	\$157.12
8/27	AA	MSW	01-177931	42.93	3.39 TN	\$145.53
8/27	AA	MSW	01-177975	42.93	3.09 TN	\$132.65
8/27	AA	MSW	01-178012	42.93	3.83 TN	\$164.42
8/28	AA	MSW	01-178155	42.93	3.93 TN	\$168.71
8/30	AA	MSW	01-178410	42.93	2.45 TN	\$105.18
8/30	AA	MSW	01-178493	42.93	5.23 TN	\$224.52

Material / Fee Summary

AA	MSW	55.27 TN	\$2,372.72
----	-----	----------	------------

Current	31-60 Days	61-90 Days	Over 90 Days	Total Amount Due
\$2,372.72	\$1,490.97	\$0.00	\$0.00	\$3,863.69

please return this portion below with your payment. Do not attach check stub.



**REPUBLIC
SERVICES**

Please write your account number on your check and make payable to:

Please Return Payment to: LA FERIA TRANSFER STATION - 4865
PO BOX 677839
DALLAS, TX 75267-7839

Invoice Date 08/31/2018
Invoice No 4865-000002037
Customer No 4-4865-0333346

Current Charges \$2,372.72
Total Amount Due \$3,863.69

Amount Paid: _____

CITY OF WESLACO/BRUSH
1912 S. KANSAS ST
WESLACO, TX 78596

LA FERIA TRANSFER STATION - 4865
PO BOX 677839
DALLAS, TX 75267-7839
(956) 423-7316



INVOICE

Invoice Date 08/15/2018
Invoice No 4865-000002015
Customer No 4-4865-0333346

Page No Page 1 of 1
Due Date UPON RECEIPT

CITY OF WESLACO/BRUSH
1912 S. KANSAS ST
WESLACO, TX 78596

Current Charges	Total Amount Due
\$1,490.97	\$3,863.69

Please pay total amount due

Billing Questions? Call (956) 423-7316

Thank you for your business! Please be sure to remit payments to our lockbox address shown on the bottom of the invoice.

Date	Code	Description	Reference	Rate	Quantity	Amount
		Balance forward :				\$35,013.59
		Payments :				\$35,013.59
		Adjustments :				\$0.00
		Invoices :				\$2,372.72
8/01	AA	MSW	01-175148	42.93	4.16 TN	\$178.59
8/03	AA	MSW	01-175469	42.93	8.35 TN	\$358.47
8/09	AA	MSW	01-176107	42.93	4.49 TN	\$192.76
8/10	AA	MSW	01-176212	42.93	1.99 TN	\$85.43
8/10	AA	MSW	01-176242	42.93	2.91 TN	\$124.93
8/13	AA	MSW	01-176361	42.93	2.12 TN	\$91.01
8/13	AA	MSW	01-176402	42.93	2.27 TN	\$97.45
8/13	AA	MSW	01-176424	42.93	3.29 TN	\$141.24
8/13	AA	MSW	01-176455	42.93	5.15 TN	\$221.09

Material / Fee Summary

AA	MSW	34.73 TN	\$1,490.97
----	-----	----------	------------

Current	31-60 Days	61-90 Days	Over 90 Days	Total Amount Due
\$2,372.72	\$1,490.97	\$0.00	\$0.00	\$3,863.69

please return this portion below with your payment. Do not attach check stub.



LA FERIA TRANSFER STATION - 4865
PO BOX 677839
DALLAS, TX 75267-7839
(956) 423-7316

Invoice Date 08/15/2018
Invoice No 4865-000002015
Customer No 4-4865-0333346

Current Charges \$1,490.97
Total Amount Due \$3,863.69

Amount Paid: _____

Please Return Payment to: LA FERIA TRANSFER STATION - 4865
PO BOX 677839
DALLAS, TX 75267-7839

CITY OF WESLACO/BRUSH
1912 S. KANSAS ST
WESLACO, TX 78596



REPUBLIC
SERVICES

9402 W Expressway 83
Harlingen TX 78552-669696

Customer Service (956) 423-7316
RepublicServices.com/Support

Account Number 3-0863-0039348
Invoice Number 0863-001528828
Invoice Date August 20, 2018
Previous Balance \$135,405.33
Payments/Adjustments -\$135,554.66
Current Invoice Charges \$81,026.00

Total Amount Due \$80,876.67	Payment Due Date September 09, 2018
--	---

PAYMENTS/ADJUSTMENTS

Description	Reference	Amount
Payment - Thank You 08/18	48454	-\$135,405.33
Inv# 001510205 Dated 07/20/18		-\$149.33
For Site 00001 Service Group 01		
Re: Container Delivery		

CURRENT INVOICE CHARGES

Description	Reference	Quantity	Unit Price	Amount
City Of Weslaco Brush/Flood Various Locations PO PETE GARCIA				
Weslaco, TX				
1 Waste Hand Pickup 5-10 Bags, On Call Service				
Pickup Service 07/20	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 65127				
Pickup Service 07/20	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 65128				
Pickup Service 07/20	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 65117				
Pickup Service 07/20	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 65139				
Pickup Service 07/20	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 65144				
Pickup Service 07/20	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 65145				
Pickup Service 07/23	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 65452				
Pickup Service 07/24	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 65611				
Pickup Service 07/24	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 65612				
Pickup Service 07/24	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 65609				
Pickup Service 07/25	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 65831				



REPUBLIC
SERVICES

9402 W Expressway 83
Harlingen TX 78552-669696

Please Return This
Portion With Payment

Total Enclosed

Return Service Requested

CITY OF WESLACO
255 S KANSAS AVE
WESLACO TX 78596-6158

Total Amount Due \$80,876.67
Payment Due Date September 09, 2018
Account Number 3-0863-0039348
Invoice Number 0863-001528828



For Billing Address Changes,
Check Box and Complete Reverse.

Make Checks Payable To:

REPUBLIC SERVICES #863
PO BOX 78829
PHOENIX AZ 85062-8829



UNDERSTANDING YOUR BILL

Visit RepublicServices.com/MyBill

Check Processing

When you provide a check as payment, you authorize us to use information from your check to make a one-time electronic fund transfer from your account. When we make an electronic transfer, funds may be withdrawn from your account the same day we receive your payment or check and you will not receive your check back from your financial institution.

Cancellation & Payment Policy

Unless prohibited by applicable law, regulation, or franchise or other agreement: (1) we reserve the right to require that payment for services be made only by check, credit card or money order; and (2) if service is canceled during a billing cycle, you will remain responsible for all charges, fees and taxes through the end of the billing cycle. You will not be entitled to proration of billing or a refund for the period between the notice of termination and the end of the current billing cycle.

Fuel, Environmental & Admin Fee Explanations

Visit RepublicServices.com/Fees

Electronics Recycling with BlueGuard™

Convenient recycling solutions that are safe for your business and good for our planet. To learn more, visit RepublicServices.com/Electronics



Please fill out the form below if your billing address has changed and return this portion of your statement to us using the envelope enclosed. Thank you!

BILLING ADDRESS CHANGE

Address		
City	State	Zip Code
Phone	Alternate Phone	



REPUBLIC
SERVICES

9402 W Expressway 83
Harlingen TX 78552-669696

Page 3 of 7

Account Number
Invoice Number
Invoice Date

3-0863-0039348
0863-001528828
August 20, 2018

CURRENT INVOICE CHARGES

Description	Reference	Quantity	Unit Price	Amount
Pickup Service 07/25	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 65833				
Pickup Service 07/25	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 65834				
Pickup Service 07/25	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 65835				
Pickup Service 07/27	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66124				
Pickup Service 07/27	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66125				
Pickup Service 07/27	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66126				
Pickup Service 07/30	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66465				
Pickup Service 07/30	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66466				
Pickup Service 07/30	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66467				
Pickup Service 07/31	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66609				
Pickup Service 07/31	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66610				
Pickup Service 07/31	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66611				
Pickup Service 07/31	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66612				
Pickup Service 07/31	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66599				
Pickup Service 07/31	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66606				
Pickup Service 07/31	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66607				
Pickup Service 07/31	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66608				
Pickup Service 07/31	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66613				
Pickup Service 07/31	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66614				
Pickup Service 07/31	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66615				
Pickup Service 07/31	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66616				
Pickup Service 07/31	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66617				
Pickup Service 08/01	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66935				
Pickup Service 08/01	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66936				
Pickup Service 08/01	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66843				
Pickup Service 08/01	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66844				
Pickup Service 08/01	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66845				
Pickup Service 08/01	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66846				
Pickup Service 08/01	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66923				

**REPUBLIC
SERVICES**9402 W Expressway 83
Harlingen TX 78552-669696

Page 4 of 7

Account Number
Invoice Number
Invoice Date**3-0863-0039348**
0863-001528828
August 20, 2018**CURRENT INVOICE CHARGES**

Description	Reference	Quantity	Unit Price	Amount
Pickup Service 08/01	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66924				
Pickup Service 08/01	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66925				
Pickup Service 08/01	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66926				
Pickup Service 08/01	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66931				
Pickup Service 08/01	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 66932				
Pickup Service 08/02	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 67067				
Pickup Service 08/02	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 67068				
Pickup Service 08/02	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 67081				
Pickup Service 08/02	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 67082				
Pickup Service 08/02	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 67063				
Pickup Service 08/02	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 67064				
Pickup Service 08/02	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 67065				
Pickup Service 08/02	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 67066				
Pickup Service 08/02	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 67059				
Pickup Service 08/02	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 67060				
Pickup Service 08/02	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 67061				
Pickup Service 08/02	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 67062				
Pickup Service 08/02	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 67077				
Pickup Service 08/02	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 67078				
Pickup Service 08/02	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 67079				
Pickup Service 08/02	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 67080				
Pickup Service 08/03	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 67286				
Pickup Service 08/03	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 67287				
Pickup Service 08/06	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 67604				
Pickup Service 08/06	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 67605				
Pickup Service 08/06	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 67606				
Pickup Service 08/07	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 67739				
Pickup Service 08/07	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 67740				
Pickup Service 08/07	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 67741				



REPUBLIC
SERVICES

9402 W Expressway 83
Harlingen TX 78552-669696

Page 5 of 7

Account Number
Invoice Number
Invoice Date

3-0863-0039348
0863-001528828
August 20, 2018

CURRENT INVOICE CHARGES

Description	Reference	Quantity	Unit Price	Amount
Pickup Service 08/07	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 67742				
Pickup Service 08/07	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 67743				
Pickup Service 08/08	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68134				
Pickup Service 08/08	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68135				
Pickup Service 08/08	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68136				
Pickup Service 08/08	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68137				
Pickup Service 08/08	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68138				
Pickup Service 08/08	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68139				
Pickup Service 08/08	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68140				
Pickup Service 08/08	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68141				
Pickup Service 08/09	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68322				
Pickup Service 08/09	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68318				
Pickup Service 08/09	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68319				
Pickup Service 08/09	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68320				
Pickup Service 08/09	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68321				
Pickup Service 08/09	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68324				
Pickup Service 08/09	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68325				
Pickup Service 08/09	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68326				
Pickup Service 08/10	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68435				
Pickup Service 08/10	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68454				
Pickup Service 08/10	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68455				
Pickup Service 08/10	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68499				
Pickup Service 08/10	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68500				
Pickup Service 08/13	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68665				
Pickup Service 08/13	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68666				
Pickup Service 08/13	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68667				
Pickup Service 08/13	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68668				
Pickup Service 08/13	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68715				
Pickup Service 08/13	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68716				



REPUBLIC
SERVICES

9402 W Expressway 83
Harlingen TX 78552-669696

Page 6 of 7

Account Number
Invoice Number
Invoice Date

3-0863-0039348
0863-001528828
August 20, 2018

CURRENT INVOICE CHARGES

Description	Reference	Quantity	Unit Price	Amount
Pickup Service 08/13	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68717				
Pickup Service 08/13	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68718				
Pickup Service 08/13	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68719				
Pickup Service 08/13	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68720				
Pickup Service 08/14	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68905				
Pickup Service 08/14	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68901				
Pickup Service 08/14	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68902				
Pickup Service 08/14	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68903				
Pickup Service 08/14	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68970				
Pickup Service 08/14	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 68971				
Pickup Service 08/15	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 69133				
Pickup Service 08/15	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 69134				
Pickup Service 08/15	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 69135				
Pickup Service 08/15	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 69136				
Pickup Service 08/15	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 69128				
Pickup Service 08/15	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 69129				
Pickup Service 08/15	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 69130				
Pickup Service 08/15	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 69137				
Pickup Service 08/15	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 69138				
Pickup Service 08/15	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 69139				
Pickup Service 08/16	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 69257				
Pickup Service 08/16	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 69258				
Pickup Service 08/16	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 69251				
Pickup Service 08/16	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 69256				
Pickup Service 08/16	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 69280				
Pickup Service 08/16	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 69281				
Pickup Service 08/16	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 69282				
Pickup Service 08/17	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 69641				
Pickup Service 08/17	Clean Up	1.0000	\$638.00	\$638.00
Receipt Number 69642				



REPUBLIC
SERVICES

9402 W Expressway 83
Harlingen TX 78552-669696

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Account Number
Invoice Number
Invoice Date

3-0863-0039348
0863-001528828
August 20, 2018

CURRENT INVOICE CHARGES

<u>Description</u>	<u>Reference</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Amount</u>
CURRENT INVOICE CHARGES				\$81,026.00



REPUBLIC
SERVICES

9402 W Expressway 83
Harlingen TX 78552-669696

Customer Service (956) 423-7316
RepublicServices.com/Support

Account Number 3-0863-0039379
Invoice Number 0863-001528843
Invoice Date August 20, 2018
Previous Balance \$86,147.00
Payments/Adjustments -\$86,147.00
Current Invoice Charges **\$5,540.00**

Total Amount Due \$5,540.00	Payment Due Date September 09, 2018
--	--

PAYMENTS/ADJUSTMENTS

Description	Reference	Amount
Payment - Thank You 08/18	48454	-\$86,147.00

CURRENT INVOICE CHARGES

Description	Reference	Quantity	Unit Price	Amount
City Of Weslaco/Haul Haul PO JOE PEDRAZA				
Weslaco, TX				
1 Waste Hand Pickup 5-10 Bags, On Call Service				
Pickup Service 07/20	6823589	1.0000	\$277.00	\$277.00
Receipt Number 65129				
Pickup Service 07/20	6823590	1.0000	\$277.00	\$277.00
Receipt Number 65130				
Pickup Service 07/20	6823591	1.0000	\$277.00	\$277.00
Receipt Number 65131				
Pickup Service 07/20	6823592	1.0000	\$277.00	\$277.00
Receipt Number 65132				
Pickup Service 07/20	6823593	1.0000	\$277.00	\$277.00
Receipt Number 65133				
Pickup Service 07/20	6823594	1.0000	\$277.00	\$277.00
Receipt Number 65134				
Pickup Service 07/20	6823595	1.0000	\$277.00	\$277.00
Receipt Number 65135				
Pickup Service 07/20	6823596	1.0000	\$277.00	\$277.00
Receipt Number 65136				
Pickup Service 07/20	6823597	1.0000	\$277.00	\$277.00
Receipt Number 65137				
Pickup Service 07/20	6823954	1.0000	\$277.00	\$277.00
Receipt Number 65118				
Pickup Service 07/20	6823953	1.0000	\$277.00	\$277.00
Receipt Number 65119				
Pickup Service 07/20	6823952	1.0000	\$277.00	\$277.00
Receipt Number 65120				
Pickup Service 07/20	6823951	1.0000	\$277.00	\$277.00



REPUBLIC
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9402 W Expressway 83
Harlingen TX 78552-669696

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CITY OF WESLACO
255 S KANSAS AVE
WESLACO TX 78596-6158

Total Amount Due **\$5,540.00**
Payment Due Date **September 09, 2018**
Account Number **3-0863-0039379**
Invoice Number **0863-001528843**

☐

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City	State	Zip Code
Phone	Alternate Phone	



REPUBLIC
SERVICES

9402 W Expressway 83
Harlingen TX 78552-669696

Page 3 of 3

Account Number
Invoice Number
Invoice Date

3-0863-0039379
0863-001528843
August 20, 2018

CURRENT INVOICE CHARGES

<u>Description</u>		<u>Reference</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Amount</u>
Receipt Number	65121				
Pickup Service 07/20		6823950	1.0000	\$277.00	\$277.00
Receipt Number	65122				
Pickup Service 07/20		6823949	1.0000	\$277.00	\$277.00
Receipt Number	65123				
Pickup Service 07/20		6823948	1.0000	\$277.00	\$277.00
Receipt Number	65125				
Pickup Service 07/20		6823794	1.0000	\$277.00	\$277.00
Receipt Number	65126				
Pickup Service 07/20		6825083	1.0000	\$277.00	\$277.00
Receipt Number	65141				
Pickup Service 07/20		6825080	1.0000	\$277.00	\$277.00
Receipt Number	65142				
Pickup Service 07/20		6825081	1.0000	\$277.00	\$277.00
Receipt Number	65143				
CURRENT INVOICE CHARGES					\$5,540.00



REPUBLIC
SERVICES

9402 W Expressway 83
Harlingen TX 78552-669696

Customer Service (956) 423-7316
RepublicServices.com/Support

Account Number	3-0863-0039325
Invoice Number	0863-001514946
Invoice Date	August 15, 2018
Previous Balance	\$81,531.77
Payments/Adjustments	-\$34,842.52
Current Invoice Charges	\$6,221.75

Total Amount Due \$52,911.00	Payment Due Date Past Due
---	--

PAYMENTS/ADJUSTMENTS

<u>Description</u>	<u>Reference</u>	<u>Amount</u>
Payment - Thank You 08/09	48153	-\$34,842.52

CURRENT INVOICE CHARGES

<u>Description</u>	<u>Reference</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Amount</u>
City Of Weslaco/Kansas Flood 255 S Kansas Ave PO JOE PEDRAZA				
Weslaco, TX Contract: Weslaco2 (C2)				
8 Waste Container 30 Cu Yd, On Call Service				
Disposal/Recycling 08/01	175151	4.0000 Tons		\$171.72
Receipt Number 66564				
Disposal/Recycling 08/01	175113	1.7500 Tons		\$75.13
Receipt Number 66566				
Disposal/Recycling 08/01	175120	1.2100 Tons		\$51.95
Receipt Number 66567				
Disposal/Recycling 08/01	175139	1.0000 Ton		\$42.93
Receipt Number 66944				
Pickup Service 08/01	Paisano	1.0000	\$199.88	\$199.88
Receipt Number 66564				
Pickup Service 08/01	Julio Jasso	1.0000	\$199.88	\$199.88
Receipt Number 66566				
Pickup Service 08/01	Julio Jasso	1.0000	\$199.88	\$199.88
Receipt Number 66567				
Pickup Service 08/01	Julio Jasso	1.0000	\$199.88	\$199.88
Receipt Number 66944				
Disposal/Recycling 08/02	175254	1.7800 Tons		\$76.42
Receipt Number 66818				
Disposal/Recycling 08/02	175277	2.6000 Tons		\$111.62
Receipt Number 66820				
Disposal/Recycling 08/02	175303	2.4100 Tons		\$103.46
Receipt Number 66821				
Pickup Service 08/02	Paisano	1.0000	\$199.88	\$199.88
Receipt Number 66818				
Pickup Service 08/02	Julio Jasso	1.0000	\$199.88	\$199.88

Past Due	30 Days \$46,689.25	60 Days \$0.00	90+ Days \$0.00
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REPUBLIC
SERVICES

9402 W Expressway 83
Harlingen TX 78552-669696

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Portion With Payment

Total Enclosed

Return Service Requested

CITY OF WESLACO
ELIZABETH SAUCEDA
255 S KANSAS AVE
WESLACO TX 78596-6158

Total Amount Due **\$52,911.00**

Payment Due Date **Past Due**

Account Number **3-0863-0039325**

Invoice Number **0863-001514946**

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Cancellation & Payment Policy

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Address		
City	State	Zip Code
Phone	Alternate Phone	



REPUBLIC
SERVICES

9402 W Expressway 83
Harlingen TX 78552-669696

Page 3 of 4

Account Number
Invoice Number
Invoice Date

3-0863-0039325
0863-001514946
August 15, 2018

CURRENT INVOICE CHARGES

Description	Reference	Quantity	Unit Price	Amount
Receipt Number 66820				
Pickup Service 08/02	Julio Jasso	1.0000	\$199.88	\$199.88
Receipt Number 66821				
Disposal/Recycling 08/03	175438	2.3800 Tons		\$102.17
Receipt Number 67172				
Disposal/Recycling 08/03	175390	2.4500 Tons		\$105.18
Receipt Number 67052				
Disposal/Recycling 08/03	175399	2.1100 Tons		\$90.58
Receipt Number 67053				
Pickup Service 08/03	Julio Jasso	1.0000	\$199.88	\$199.88
Receipt Number 67172				
Pickup Service 08/03	Julio Jasso	1.0000	\$199.88	\$199.88
Receipt Number 67052				
Pickup Service 08/03	Julio Jasso	1.0000	\$199.88	\$199.88
Receipt Number 67053				
Rental 08/01-08/03			\$172.80	\$17.04
5 Waste Container 30 Cu Yd, On Call Service				
Disposal/Recycling 08/01	175197	3.5700 Tons		\$153.26
Receipt Number 66565				
Pickup Service 08/01	San Joaquin	1.0000	\$199.88	\$199.88
Receipt Number 66565				
Disposal/Recycling 08/02	175260	4.4100 Tons		\$189.32
Receipt Number 66819				
Pickup Service 08/02	San Joaquin	1.0000	\$199.88	\$199.88
Receipt Number 66819				
Rental 08/01-08/03			\$172.80	\$17.04
1 Waste Container 30 Cu Yd, On Call Service				
Disposal/Recycling 08/07	175828	4.0700 Tons		\$174.73
Receipt Number 67649				
Pickup Service 08/07	Silva /Julio	1.0000	\$199.88	\$199.88
Receipt Number 67649				
Disposal/Recycling 08/08	175999	3.6000 Tons		\$154.55
Receipt Number 67578				
Disposal/Recycling 08/08	175986	3.8300 Tons		\$164.42
Receipt Number 67579				
Disposal/Recycling 08/08	175890	4.8000 Tons		\$206.06
Receipt Number 67576				
Disposal/Recycling 08/08	175902	3.8600 Tons		\$165.71
Receipt Number 67577				
Disposal/Recycling 08/08	175914	4.0900 Tons		\$175.58
Receipt Number 67580				
Pickup Service 08/08	Pete Garcia	1.0000	\$199.88	\$199.88
Receipt Number 67578				
Pickup Service 08/08	Pete Garcia	1.0000	\$199.88	\$199.88
Receipt Number 67579				
Pickup Service 08/08	Pete Garcia	1.0000	\$199.88	\$199.88
Receipt Number 67576				
Pickup Service 08/08	Pete Garcia	1.0000	\$199.88	\$199.88
Receipt Number 67577				
Pickup Service 08/08	Pete Garcia	1.0000	\$199.88	\$199.88
Receipt Number 67580				
Rental 08/01-08/31			\$172.80	\$172.80
Weslaco/Flood Las Brisas Las Brisas PO JOE PEDRAZA				
Weslaco, TX Contract: Weslaco2 (C2)				
1 Waste Container 30 Cu Yd, On Call Service				
Rental 08/01-08/03			\$172.80	\$17.04



REPUBLIC
SERVICES

9402 W Expressway 83
Harlingen TX 78552-669696

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Account Number
Invoice Number
Invoice Date

3-0863-0039325
0863-001514946
August 15, 2018

CURRENT INVOICE CHARGES

<u>Description</u>	<u>Reference</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Amount</u>
Weslaco/Flood Lili/Anaqua Lili & Anaqua PO JOE PEDRAZA				
Weslaco, TX Contract: Weslaco2 (C2)				
1 Waste Container 30 Cu Yd, On Call Service				
Rental 08/01-08/03			\$172.80	\$17.04
Weslaco-Flood Woodland Woodland PO JOE PEDRZAZ				
Weslaco, TX Contract: Weslaco2 (C2)				
2 Waste Container 30 Cu Yd, On Call Service				
Rental 08/01-08/03			\$172.80	\$17.04
City Of Weslaco/Flood Seles Seles & Del Oro Dr PO JOE PEDRZAA				
Weslaco, TX Contract: Weslaco2 (C2)				
1 Waste Container 30 Cu Yd, On Call Service				
Rental 08/01-08/03			\$172.80	\$17.04
Weslaco/Flood Gabrielas Gabrielas St PO JOE PEDRAZA				
Weslaco, TX Contract: Weslaco2 (C2)				
1 Waste Container 30 Cu Yd, On Call Service				
Rental 08/01-08/03			\$172.80	\$17.04
Weslaco/Flood Gabrielas Gabrielas Dr & Del Oro Dr PO JOE PEDRAZA				
Weslaco, TX Contract: Weslaco2 (C2)				
1 Waste Container 30 Cu Yd, On Call Service				
Rental 08/01-08/03			\$172.80	\$17.04
CURRENT INVOICE CHARGES, Due by September 04, 2018				\$6,221.75



REPUBLIC
SERVICES

9402 W Expressway 83
Harlingen TX 78552-669696

Customer Service (956) 423-7316
RepublicServices.com/Support

Account Number 3-0863-0039325
Invoice Number 0863-001532749
Invoice Date August 31, 2018
Previous Balance \$52,911.00
Payments/Adjustments -\$46,689.25
Current Invoice Charges \$7,461.96

Total Amount Due \$13,683.71	Payment Due Date Past Due
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PAYMENTS/ADJUSTMENTS

Description	Reference	Amount
Payment - Thank You 08/18	48454	-\$30,593.50
Payment - Thank You 08/18	48454	-\$16,095.75

CURRENT INVOICE CHARGES

Description	Reference	Quantity	Unit Price	Amount
City Of Weslaco/Kansas Flood 255 S Kansas Ave PO JOE PEDRAZA				
Weslaco, TX Contract: Weslaco2 (C2)				
1 Waste Container 30 Cu Yd, On Call Service				
Disposal/Recycling 08/16	176920	6.8600 Tons		\$294.50
Receipt Number 69155				
Disposal/Recycling 08/16	176929	8.8100 Tons		\$378.21
Receipt Number 69154				
Pickup Service 08/16	San Joaquin/Pik	1.0000	\$199.88	\$199.88
Receipt Number 69155				
Pickup Service 08/16	Paisano/Pete/Ta	1.0000	\$199.88	\$199.88
Receipt Number 69154				
Disposal/Recycling 08/21	177414	5.7400 Tons		\$246.42
Receipt Number 70134				
Disposal/Recycling 08/21	177416	6.6800 Tons		\$286.77
Receipt Number 70131				
Disposal/Recycling 08/21	177417	5.2500 Tons		\$225.38
Receipt Number 70132				
Pickup Service 08/21	Silva	1.0000	\$199.88	\$199.88
Receipt Number 70134				
Pickup Service 08/21	San Joaquin/Pike	1.0000	\$199.88	\$199.88
Receipt Number 70131				
Pickup Service 08/21	Paisano	1.0000	\$199.88	\$199.88
Receipt Number 70132				
Disposal/Recycling 08/22	177459	2.8400 Tons		\$121.92
Receipt Number 70135				
Disposal/Recycling 08/22	177460	1.6600 Tons		\$71.26
Receipt Number 70136				

Past Due	30 Days \$6,221.75	60 Days \$0.00	90+ Days \$0.00
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REPUBLIC
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9402 W Expressway 83
Harlingen TX 78552-669696

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Return Service Requested

CITY OF WESLACO
ELIZABETH SAUCEDA
255 S KANSAS AVE
WESLACO TX 78596-6158

Total Amount Due \$13,683.71
Payment Due Date Past Due
Account Number 3-0863-0039325
Invoice Number 0863-001532749

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City	State	Zip Code
Phone	Alternate Phone	

**REPUBLIC
SERVICES**9402 W Expressway 83
Harlingen TX 78552-669696

Page 3 of 3

Account Number
Invoice Number
Invoice Date**3-0863-0039325**
0863-001532749
August 31, 2018**CURRENT INVOICE CHARGES**

Description	Reference	Quantity	Unit Price	Amount
Pickup Service 08/22	San Joaquin/Pik	1.0000	\$199.88	\$199.88
Receipt Number 70135				
Pickup Service 08/22	Paisano	1.0000	\$199.88	\$199.88
Receipt Number 70136				
Disposal/Recycling 08/23	177697	2.1800 Tons		\$93.59
Receipt Number 70402				
Disposal/Recycling 08/23	177711	2.7400 Tons		\$117.63
Receipt Number 70403				
Disposal/Recycling 08/23	177602	9.0400 Tons		\$388.09
Receipt Number 70404				
Disposal/Recycling 08/23	177603	5.1200 Tons		\$219.80
Receipt Number 70405				
Disposal/Recycling 08/23	177682	5.6900 Tons		\$244.27
Receipt Number 70406				
Pickup Service 08/23	1912 Joe Stephe	1.0000	\$199.88	\$199.88
Receipt Number 70402				
Pickup Service 08/23	1912 Joe Stephe	1.0000	\$199.88	\$199.88
Receipt Number 70403				
Pickup Service 08/23	1912 Joe Stephe	1.0000	\$199.88	\$199.88
Receipt Number 70404				
Pickup Service 08/23	1912 Joe Stephe	1.0000	\$199.88	\$199.88
Receipt Number 70405				
Pickup Service 08/23	1912 Joe Stephe	1.0000	\$199.88	\$199.88
Receipt Number 70406				
Disposal/Recycling 08/24	177844	6.3800 Tons		\$273.89
Receipt Number 70137				
Disposal/Recycling 08/24	177822	3.7800 Tons		\$162.28
Receipt Number 70138				
Pickup Service 08/24	San Joaquin/Pik	1.0000	\$199.88	\$199.88
Receipt Number 70137				
Pickup Service 08/24	Paisano	1.0000	\$199.88	\$199.88
Receipt Number 70138				
Disposal/Recycling 08/30	178490	3.8900 Tons		\$167.00
Receipt Number 71541				
Disposal/Recycling 08/30	178484	5.8500 Tons		\$251.14
Receipt Number 71539				
Disposal/Recycling 08/30	178485	5.8000 Tons		\$248.99
Receipt Number 71540				
Pickup Service 08/30	1912 Joe Stephe	1.0000	\$199.88	\$199.88
Receipt Number 71541				
Pickup Service 08/30	San Joaquin	1.0000	\$199.88	\$199.88
Receipt Number 71539				
Pickup Service 08/30	Paisano	1.0000	\$199.88	\$199.88
Receipt Number 71540				
Disposal/Recycling 08/31	178631	1.7000 Tons		\$72.98
Receipt Number 71815				
Pickup Service 08/31	San Joaquin/Pik	1.0000	\$199.88	\$199.88
Receipt Number 71815				

CURRENT INVOICE CHARGES, Due by September 20, 2018**\$7,461.96**



Standardized Agenda Request Form

Date of Meeting: October 2, 2018		Agenda Item No. (to be assigned by CSO): 2018-2002
From:		
Subject: Discussion and consideration to authorize staff to discontinue debris pickup from flood event of June 20 effective October 12, 2018 at 5 p.m. and authorize continuance of construction debris disposal at the City Shop until November 16, 2018. Possible action. (Staffed City Manager's Office.)		
Background:		
Funding Source (budget code, if applicable):		
Amount:	Term of Impact:	Identified in Current Budget:
Additional Action Prompted:		
If item previously considered, provide date and action by Commission:		
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:		
Advisory Review, if any (name of board/committee, date of action, recommendation):		
Aida Vega Joe Pedraza Mardoqueo Hinojosa Mike Perez		Created/Initiated Approved Approved Final Approval
City Manager Comments: Approve.		
Staff Recommendation: Approve.		
Attachments, if any:		
Responsibilities upon Approval:		



Standardized Agenda Request Form

Date of Meeting: October 2, 2018		Agenda Item No. (to be assigned by CSO): 2018-1887	
From: Joel Rivera			
Subject: Discussion and consideration to approve an interlocal agreement with Weslaco Independent School District for the employment and shared expense of the First Offender Program case manager as identified in the proposed FY 2018-2019 budget and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police.)			
Background: The Weslaco Police Department, in partnership with the Weslaco Independent School District, will establish a First Offender Program designed to help defendants avoid the full effects of criminal conviction, while rehabilitating the defendant and providing an opportunity for the defendant's first time criminal offense to be permanently cleared from their criminal record. Currently pending final legal review and possible changes that are unsubstantial.			
Funding Source (budget code, if applicable): Weslaco PD Budget 101-512-1020			
Amount: \$50,000.00		Term of Impact: Indefinite	Identified in Current Budget: Yes
Additional Action Prompted: Mayor's Signature Budget Amendment			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Elizabeth Walker		Created/Initiated	
Robert Lopez		Approved	
Mike Perez		Final Approval	
City Manager Comments: Approve.			
Staff Recommendation:			
Attachments, if any: First Time Offender Program WISD Summary, WISD First Offender Program first review			
Responsibilities upon Approval: Case manager will be hired as an City of Weslaco employee assigned to the Weslaco Police Department subject to our rules, regulations, policies and procedures.			



FIRST OFFENDER PROGRAM

Weslaco Police Department

ABSTRACT

The Weslaco Police Department, in partnership with the Weslaco Independent School District, will establish a First Offender Program designed to help defendants avoid the full effects of criminal conviction, while rehabilitating the defendant and providing an opportunity for the defendant's first time criminal offense to be permanently cleared from their criminal record.

Asst. Chief Robert E. Lopez

Weslaco's First Offender Program

Goal:

The Weslaco Police Department, in partnership with the Weslaco Independent School District, will establish a First Offender Program designed to help defendants avoid the full effects of criminal conviction, while rehabilitating the defendant and providing an opportunity for the defendant's first time criminal offense to be permanently cleared from their criminal record.

Authority:

The Texas Family Code Section 52.031 allows the establishment of a First Offender Program for the referral and disposition of children taken into custody or accused prior to the filing of a criminal charge against them.

First Time Offender Program Overview/Curriculum:

If the child and/or parent meet the criteria for enrollment, the will participate in the First Offender Program with mandatory completion of WISD's Drug Awareness and Prevention Program. The participants will attend designated guidance meetings with First Offender Program staff to receive drug awareness education, vocational training, counseling, life skill training, mental health awareness and/or other rehabilitative services and education. Upon graduation of the program and a successful 90-day probationary period, the child will have their first-time criminal offense permanently cleared from their criminal history.

Criteria for Enrollment:

1. Child must be within the ages of 10-16 and have been referred by Weslaco PD.
2. First time offenders (Class A, Class B Misdemeanors, and State Jail Felonies), except offenses involving an aggravated assault or a weapons charge (Texas Family Code, Section 52.031). Eligible offenses include, but are not limited to, possession of marijuana, thefts, criminal mischief and graffiti.
3. Students must be enrolled at WISD or any school system within the City of Weslaco's jurisdiction.

Criteria during First Offender Program:

1. Child/parent cooperation and participation in the program.
2. Voluntary Restitution to the victim, if necessary, by child or parent.
3. Voluntary community service assigned by FOP staff.
4. Periodic reporting to case manager
5. Successfully complete a 90-day probationary period after graduation of program.

Criteria for Disqualification:

1. Child is not a first-time offender.
2. Child is re-arrested and/or detained (including runaway) during.
3. Failure of child and/or parent to participate or cooperate in any phase of the program.

Weslaco's First Offender Program

4. Child and/or parent miss three (3) appointments.
5. Child is moved out of the jurisdiction and/or we cannot locate child and/or parent.
6. Non-compliance by child and/or parent with FOP rules and responsibilities.

Personnel:

1. Case manager will be hired as an City of Weslaco employee assigned to the Weslaco Police Department subject to our rules, regulations, policies and procedures.
2. WISD and City of Weslaco will each contribute 50% (approximately \$25,000) toward the case manager's \$50,000 salary. City of Weslaco will cover fringe benefits and pay.

Upon Approval:

1. Upon approval, WPD and WISD will meet and finalize the First Offender Program for a final review and approval.

FIRST OFFENDER PROGRAM MEMORANDUM OF UNDERSTANDING AND INTERLOCAL AGREEMENT

This Agreement is entered into between the Weslaco Independent School District ("WISD" or the "District") and the City of Weslaco, Texas ("the City"). The parties are authorized by the Interlocal Cooperation Act, Texas Government Code Chapter 791 to enter into cooperative agreements with other local government entities of the State of Texas for the purpose of fulfilling and implementing their respective public and governmental purposes, needs, objectives, and programs.

The purpose of this agreement is to establish a partnership between the City of Weslaco Police Department and the Weslaco Independent School District for a First Offender Program designed to help defendants avoid the full effects of criminal conviction, while rehabilitating the defendant and providing an opportunity for the defendant's first time criminal offense to be permanently cleared from their criminal record pursuant to Texas Family Code Section 52.031. The services that are the subject of this agreement are a governmental function.

The parties have determined that this Agreement is in the best and public interest of the parties and their respective constituents.

I. Curriculum

Program curriculum will be developed by the case manager and agreed to by the parties (WISD and the CITY). Topics of the curriculum may include mandatory completion of WISD's Drug Awareness and Prevention Program. The participants will attend designated guidance meetings with First Offender Program staff to receive drug awareness education, vocational training, counseling, life skill training, mental health awareness and/or rehabilitative services and education as well as any requirements listed under 52.031 of the Texas Family Code. Upon graduation of the program and a successful 90-day probationary period, the child will have their first-time criminal offense permanently cleared from their history. This Program Curriculum is subject to approval by the Hidalgo County Juvenile Board.

Criteria during First Offender Program:

1. Child/parent cooperation and participation in the program.
2. Voluntary Restitution to the victim, if necessary, by child or parent.
3. Voluntary community service assigned by FOP staff.
4. Periodic reporting to case manager
5. Successfully complete a 90-day probationary period after graduation of program.

Criteria for Disqualification:

1. Child is not a first-time offender.
2. Child is re-arrested and/or detained (including runaway) during.
3. Failure of child and/or parent to participate or cooperate in any phase of the program.
4. Child and/or parent miss three (3) appointments.
5. Child is moved out of the jurisdiction and/or we cannot locate child and/or parent.
6. Non-compliance by child and/or parent with FOP rules and responsibilities.

Personnel:

1. Case manager will be hired as an City of Weslaco employee assigned to the Weslaco Police Department subject to our rules, regulations, policies and procedures.
2. WISD and WPD will each contribute 50% (approximately \$25,000) toward the case manager's \$50,000 salary (plus fringe benefits).

Upon Approval:

1. Upon approval, WPD and WISD will meet and finalize the First Offender Program for a final review and approval.

II. General Provisions

- 2.1 **Nondiscrimination.** None of the parties shall discriminate against any person on the basis of race, religion, gender, creed, or national origin.
- 2.2 **Independent Contractor/No Partnership Created.** Nothing contained in this agreement shall be deemed or construed by any party hereto or by any third party as creating the relationship of principal and agent or of partnership or joint venture between the parties hereto, it being understood and agreed that neither any provision herein nor any acts of the parties shall create any relationship between the parties other than that of independent contractors to the District.
- 2.3 **Sovereign Immunity.** It is expressly understood and agreed that, in the execution of the agreement, neither party waives, nor shall be deemed hereby to waive, any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions.
- 2.4 **Amendment.** The Parties to this agreement acknowledge that it may be necessary to amend and/or modify this agreement from time to time in order to address additional concerns or issues that arise as the program progresses. However, no amendment, modification or alteration of the terms of this agreement shall be binding unless the same is in writing, dated subsequent to the date hereof and duly executed by an authorized representative of the parties hereto.

2.5 **Governance.** This agreement will be governed by state and federal laws and in conformity with school district policies.

2.6 **Texas Law To Apply.** This agreement shall be construed under and in accordance with the laws of the State of Texas and all obligations of the parties created hereunder are performable in Hidalgo County, Texas.

2.7 **Mutual Indemnification.** To the extent allowed by law, the City will and does hereby agree to indemnify, protect, defend with counsel approved by the Weslaco ISD, and hold harmless Weslaco ISD and their respective elected officials, employees, representatives and agents (collectively "Weslaco ISD Indemnitees") from and against all damages, losses, liens, causes of action, suits, judgments, expenses, and other claims of any nature, kind, or description, including reasonable attorneys' fees incurred in investigating, defending or settling any of the foregoing (collectively "Weslaco ISD Claims") by any person or entity, arising out of, caused by, or resulting from the City's performance under or breach of this Agreement and that are caused in whole or in part by any negligent act, negligent omission or willful misconduct of the City, anyone directly employed by the City or anyone for whose acts the City may be liable. The provisions of this section will not be construed to eliminate or reduce any other indemnification or right which any Weslaco ISD Indemnatee has by law or equity. All parties will be entitled to be represented by counsel at their own expense.

To the extent allowed by law, Weslaco ISD will and does hereby agree to indemnify, protect, defend with counsel approved by the City, and hold harmless the City and their respective elected officials, officers, directors, attorneys, employees, representatives and agents (collectively "City Indemnitees") from and against all damages, losses, liens, causes of action, suits, judgments, expenses, and other claims of any nature, kind, or description, including reasonable attorneys' fees incurred in investigating, defending or settling any of the foregoing (collectively "City Claims") by any person or entity, arising out of, caused by, or resulting from Weslaco ISD's performance under or breach of this Agreement and that are caused in whole or in part by any negligent act, negligent omission or willful misconduct of Weslaco ISD employees, anyone directly employed by the Weslaco ISD or anyone for whose acts the Weslaco ISD may be liable. The provisions of this Section will not be construed to eliminate or reduce any other indemnification or right which any City Indemnatee has by law or equity. All parties will be entitled to be represented by counsel at their own expense.

AGREED:

Erasmio Lopez,
WISD Board President
319 West Fourth Street
Weslaco TX 78596

(Date)

David Suarez
Mayor of the City of Weslaco

(Date)



Standardized Agenda Request Form

Date of Meeting: October 2, 2018		Agenda Item No. (to be assigned by CSO): 2018-1991	
From: Robert Lopez			
Subject: Discussion and consideration to accept from Texas Office of the Governor - Criminal Justice Division NB-National Incident-Based Reporting System (NIBRS) Grant #3658001, in an amount not to exceed \$904,025.00 with no match required and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.)			
Background: The Office of the Governor - Criminal Justice Division solicits projects that enable local law enforcement agencies to upgrade their technology infrastructure to allow for and support the submission of data to the Uniform Crime Reporting (UCR) Incident Based System (NIBRS), particularly solutions that support the subsequent submission of incident data to the National Data Exchange.			
Funding Source (budget code, if applicable): Office of the Governor Criminal Justice Division			
Amount: \$904,025.00	Term of Impact: 12 months	Identified in Current Budget: No	
Additional Action Prompted: Mayor's Signature Budget Amendment			
If item previously considered, provide date and action by Commission: Considered and approval for application on 03/20/2018, Consent Agenda 2018-1604, Resolution 2018-27.			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Robert Lopez		Created/Initiated	
Robert Lopez		Approved	
Mike Perez		Final Approval	
City Manager Comments: Approve.			
Staff Recommendation:			
Attachments, if any: Office of the Governor Award Letter, NB-NIBRS_Announce-III-nc_PY19 (1)			
Responsibilities upon Approval: Weslaco Police Department will be responsible for grant management and compliance. Requesting assistance from Finance Department in submitting			

reimbursement requests.

Statement of Grant Award (SOGA)

The Statement of Grant Award is the official notice of award from the Office of the Governor (OOG). This Grant Agreement and all terms, conditions, provisions and obligations set forth herein shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and all other State of Texas agencies and any other agencies, departments, divisions, governmental entities, public corporations, and other entities which shall be successors to each of the Parties or which shall succeed to or become obligated to perform or become bound by any of the covenants, agreements or obligations hereunder of each of the Parties hereto.

The approved project narrative and budget for this award are reflected in eGrants on the 'Narrative' and 'Budget/Details' tabs. By accepting the Grant Award in eGrants, the Grantee agrees to strictly comply with the requirements and obligations of this Grant Agreement including any and all applicable federal and state statutes, regulations, policies, guidelines and requirements. In instances where conflicting requirements apply to a Grantee, the more restrictive requirement applies.

The Grant Agreement includes the Statement of Grant Award; the OOG Grantee Conditions and Responsibilities; the Grant Application in eGrants; and the other identified documents in the Grant Application and Grant Award, including but not limited to: 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Chapter 783 of the Texas Government Code, Title 34, Part 1, Chapter 20, Subchapter E, Division 4 of the Texas Administrative Code, and the Uniform Grant Management Standards (UGMS) developed by the Comptroller of Public Accounts; the state Funding Announcement or Solicitation under which the grant application was made, and for federal funding, the Funding Announcement or Solicitation under which the OOG was awarded funds; and any applicable documents referenced in the documents listed above. For grants awarded from the U.S. Department of Justice, the current applicable version of the Department of Justice Grants Financial Guide and any applicable provisions in Title 28 of the CFR apply. For grants awarded from the Federal Emergency Management Agency (FEMA), all Information Bulletins and Policies published by the FEMA Grants Program Directorate apply. The OOG reserves the right to add additional responsibilities and requirements, with or without advance notice to the Grantee.

By clicking on the 'Accept' button within the 'Accept Award' tab, the Grantee accepts the responsibility for the grant project, agrees and certifies compliance with the requirements outlined in the Grant Agreement, including all provisions incorporated herein, and agrees with the following conditions of grant funding. The grantee's funds will not be released until the grantee has satisfied the requirements of the following Condition(s) of Funding and Other Fund-Specific Requirement(s), if any, cited below:

Grant Number:	3658001	Award Amount:	\$904,025.00
Date Awarded:	9/12/2018	Grantee Cash Match:	\$0.00
Grant Period:	09/01/2018 - 08/31/2019	Grantee In Kind Match:	\$0.00
Liquidation Date:	11/29/2019	Total Project Cost:	\$904,025.00
Program Fund:	NB-National Incident-Based Reporting System (NIBRS)		
Grantee Name:	Weslaco, City of		
Project Title:	2018-2019 Weslaco PD NIBRS		
Grant Manager:	Lauren Rodriguez		
DUNS Number:	036562767		

CFDA: N/A

Federal Awarding Agency: N/A - State Funds

Federal Award Date: N/A - State Funds

Federal/State Award ID Number: 2019-NB-ST-0024

Total Federal Award/State Funds: \$19,500,000.00

Appropriated:

Pass Thru Entity Name: Texas Office of the Governor – Criminal Justice Division (CJD)

**Is the Award
R&D:** No

**Federal/State
Award
Description:** To enable local law enforcement agencies to upgrade their technology infrastructure to allow for and support the submission of data to the Uniform Crime Reporting (UCR) Incident Based System (NIBRS), particularly solutions that support the subsequent submission of incident data to the National Data Exchange (N-DEx). This program is a partnership between the Office of the Governor, Criminal Justice Division (CJD), and the Texas Department of Public Safety (DPS).



Office of the Governor

Criminal Justice Division

Funding Announcement:

***Texas Conversion to the National
Incident-Based Reporting System (NIBRS),
Third-Round Funding Announcement***

February 1, 2018

Opportunity Snapshot

Below is a high-level overview. Full information is in the funding announcement that follows.

Purpose

The purpose of this announcement is to solicit applications for projects that enable local law enforcement agencies to upgrade their technology infrastructure to allow for and support the submission of data to the Uniform Crime Reporting (UCR) Incident Based System (NIBRS), particularly solutions that support the subsequent submission of incident data to the National Data Exchange (N-DEx). This program is a partnership between the Office of the Governor, Criminal Justice Division (CJD), and the Texas Department of Public Safety (DPS).

New Eligible Activities and Costs

The purchase of full RMS systems is no longer limited to border-region agencies. Grantees under prior funding rounds who were not eligible for full RMS systems may apply under this announcement.

Eligible Purpose Areas

Projects under this funding announcement are classified as: General Criminal Justice System Support – General Operational Support.

Organizational Eligibility

Applications may be submitted by units of governments or other entities operating law enforcement agencies – including state law enforcement agencies – that collect crime data for submission to DPS.

Project Periods

Projects must have an end date prior to April 30, 2019.

Budget

The minimum allowed under this program is \$5,000 and there is no funding cap.

Match

There is no match requirement under this program.

Process

Applications under this funding announcement must be submitted in eGrants at: eGrants.gov.texas.gov.

Timelines

Action	Date
Funding Announcement Release	02/01/2018
Online System Opening Date	02/01/2018
Final Date to Submit an Application	04/02/2018 at 5:00PM CST
Earliest Project Start Date	06/01/2018
Latest Project Start Date	09/01/2018

Contact Information

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

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Texas Conversion to the National Incident-Based Reporting System (NIBRS), Third-Round Funding Announcement

Overview of Application Process

Applicants should carefully review the application process as outlined below. CJD will not consider applications that fail to adequately address the application requirements and prompts.

☐ **Step 1 – Review eligibility and requirements:**

- The [Eligibility](#) section outlines who may apply, which purpose areas will be considered, and the expenses and activities eligible to be included.
- The [Program-Specific Details](#) section has information on timelines, reporting, and funding.
- The [Standard CJD Requirements](#) section addresses application and project requirements.

☐ **Step 2 – Develop your project:** Special, abbreviated application procedures apply to this program. See the [Special Application Procedures](#) section for more information.

☐ **Step 3 - Apply in eGrants:** Compile and submit your grant application via eGrants, at <http://eGrants.gov.texas.gov>. For more instructions and information, see *How to Apply for a CJD Grant*, available at <https://gov.texas.gov/organization/cjd/resources>.

☐ **Step 4 - Funding Decisions and Grant Acceptance:** Await the funding decision, which is provided through a grant award or other notice from CJD. If you receive an award, complete the acceptance process to access funds.

Application Resources

CJD has published several resources to assist applicants in understanding and applying for funding, all of which can be found at <https://gov.texas.gov/organization/cjd/resources>

- *Guide to Grants:* CJD policies and guidance on common grant issues.
- *Grantee Conditions and Responsibilities:* A compendium of CJD and Homeland Security Grants Division policies for all grantees.
- *Standard Certifications and Requirements:* CJD's standard requirements that the Authorized Official must certify upon applying for a grant.

See the [Special Application Procedures](#) section for special application instructions under this funding announcement.

Eligibility

Eligible Organizations

Applications may be submitted by units of governments or other entities operating law enforcement agencies – or state law enforcement agencies – that collect crime data for submission to DPS.

Agencies that are eligible to receive, or have applied to receive, funding through the BJS NCS-x project will also receive consideration for state funding; however, applications from these agencies will be evaluated based on their overall need, response to the solicitation and availability of funding.

Organizations that received funding under the previous NIBRS announcement are eligible for grants under this announcement. However, those organizations must detail under the Problem Statement field of the Narrative tab in eGrants why additional funds are required to achieve program objectives and may receive lower priority than first-time applicants.

Organizations that perform records management or reporting services for other jurisdictions are eligible to apply for costs associated with upgrading those services to allow the reporting of NIBRS data.

Eligible Activities and Costs

Funds may be used for activities that further the reporting of NIBRS data to DPS. Such activities include, but are not limited to, technology upgrades to existing infrastructure or the purchase of new technology that would allow for the reporting of NIBRS data. The procurement of a complete Records Management System (RMS) is eligible under this announcement.

Eligible costs include purchase of technology to upgrade existing infrastructure and other reasonable directly related hardware/software costs that furthers the agency's effort to move to a NIBRS reporting agency.

Grant funds may not be used to support the services, activities, and costs designated as unallowed in the CJD *Guide to Grants* (<https://gov.texas.gov/organization/cjd/resources>) and the following:

1. General incident-based reporting training (contact should be made with the Texas Department of Public Safety for inquiries related to additional funding opportunities for NIBRS related training);
2. Equipment for government agencies that are for general agency use that is not in direct support of transmitting NIBRS (or TTIC, for border region agencies) information from an agency database to DPS;
3. Purchase of vehicles and other vehicle related equipment, i.e. computers, that could be used for the data entry of crime information;
4. Salaries;
5. Indirect costs; and
6. Any other prohibition imposed by federal, state or local law or regulation.

Eligible Purpose Areas

Projects under this funding announcement are classified under the General Criminal Justice System Support – General Operational Support purpose area.

Program-Specific Details

Timeline

Action	Date
Funding Announcement Release	02/01/2018
Online System Opening Date	02/01/2018
Final Date to Submit an Application	03/31/2018 at 5:00PM CST
Earliest Project Start Date	06/01/2018
Latest Project Start Date	09/01/2018

Funding and Reporting Details

Category	Detail
Funds Available	Up to \$11 million ¹
Budget Minimum	\$5,000
Budget Maximum	None
Match Requirement	None
Project Period	May <i>not</i> extend beyond 4/30/2019
Program Income Method	N/a
Funding Source	Funds are authorized by the Texas Legislature
Financial Reporting	At least quarterly, submitted via Financial Status Reports in eGrants
Financing Method	Reimbursement-for-costs basis
Progress Reporting	Quarterly (see below)

1) Awards are dependent on funds remaining from the original legislative appropriation for this program.

Special Application Procedures

Program-Specific Questions

The eGrants system will provide additional information about the requirements of the application. Applicants will need to answer these questions:

1. What is the agency's jurisdictional population?
2. Does your agency provide access to other agencies for a shared solution; wherein, the host agency is responsible for the submission of NIBRS data for other hosted agencies?
 - If yes, provide the total jurisdictional population of the area to be covered, including that of the applicant agency.
 - If yes, please list the hosted agencies and their individual jurisdictional populations and upload to the documents tab any inter-local agreements between agencies regarding UCR data reporting.

3. How does your agency currently submit Uniform Crime Reporting data to the State? (SRS or IBR)
4. How often does your agency submit data and what process do you use to submit?
5. Has your agency completed the NCS-X NIBRS Readiness Assessment or similar readiness self-assessment? (Available here: http://www.bjs.gov/content/pub/pdf/NCS-X_ASA_COTS_Feb2016.pdf)
 - If yes, upload a copy of the readiness assessment to eGrants.
6. Does your agency use a third party vendor for the submission of UCR data to the State?
 - If yes, please provide the following information regarding that vendor:
 - Business name;
 - Software being used, to include version;
 - If a NIBRS vendor, a listing of other states or agencies, either within or outside of the state of Texas, that use their IBR reporting product/tool; and,
 - Demonstrable experience with compilation and submission of IBR data according to FBI Technical Specification document.

Project Narrative

On the Narrative tab within eGrants, applicants should follow these instructions in filling out the Project Narrative:

Project Abstract. Provide a brief summary of the proposed project. Do not share new information here that you do not include in the questions below. This abstract is a description of your project and intended for the public and policy makers. Be sure that the summary is easy to understand by a person not familiar with your project. (Limit to 1500 characters.)

Problem Statement. Explain why your agency needs this funding. If your agency received funding under the prior NIBRS announcement, you must provide detail why additional funds are required to achieve the program objectives.

Supporting Data. Enter N/A.

Project Approach & Activities. Provide an understanding of the approach that the agency will take to implement the project including the solution(s) selected, the project management method and the people involved in it, and a timeline or project plan for project implementation. (If you would prefer to upload the project plan portion of this section, simply reference the document in this section and upload it to eGrants).

Capacity & Capabilities. Enter N/A

Performance Management. Provide an understanding of how the applicant organization will measure success for this project.

Data Management. Provide an understanding of how the applicant organization plans to track and maintain the data needed to measure success as stated above.

Target Group. Enter N/A

Evidence-Based Practices. Explain here whether the solution that the agency is procuring is in operation anywhere else in the state and any other pertinent information about why the agency selected this particular solution.

Program-Specific Requirements

Technology Requirements

Funds must be used for solutions that upgrade the agency's technology infrastructure to allow for and support incident-based reporting to the Texas Department of Public Safety (DPS) and TTIC (applicable agencies only) as well as maximize the automation of the data submission.

1. Technology purchases must employ national data standards for NIBRS data submissions. N-DEx and NIBRS data may be submitted to DPS in the N-DEx Information Exchange Packet Documentation (IEPD) format or via a flat file submission in order to participate in the NIBRS program. Submission of data via the N-DEx IEPD is preferred, as it ensures a single submission not only to the state's UCR system but also to the DPS Texas Data Exchange program, and eventually to the FBI's National Data Exchange.
2. Agencies must obtain a written certification from a vendor prior to purchase and implementation of the system that their product can and will comply with all technical and submission standards and requirements identified in this funding announcement.
3. Agencies must only utilize systems that adhere to the NIBRS and TIBRS data specification guides for proper formatting included in the following links:
 - a. National Incident-Based Reporting System (NIBRS) Technical Specification (Version 2.1) (<https://www.fbi.gov/about-us/cjis/ucr/nibrs-techspec-v2-1.pdf>)
 - b. National Incident-Based Reporting System (NIBRS) Technical Specification (Version 3.0) (deadline for implementation is 2021). (<https://www.fbi.gov/about-us/cjis/ucr/technical-specifications>)
 - c. National Incident-Based Reporting System (NIBRS) XML IEPD Technical Specification (<https://www.fbi.gov/about-us/cjis/ucr/nibrs/nibrs-xml-iepd>) (zip)
 - d. National Incident-Based Reporting System (NIBRS) XML IEPD Technical Specification version 4.0 (<http://www.txdps.state.tx.us/ucr/indexnibrs.htm>) (zip)
 - e. Cargo Theft Technical Specification (https://www.fbi.gov/about-us/cjis/ucr/cargo_theft_technical_specification_version_2.0_final_05-25-2012.pdf)
 - f. Conversion of National Incident-Based Reporting System (NIBRS) Data to Cargo Theft Data

- (<https://www.fbi.gov/about-us/cjis/ucr/conversion-of-nibrs-data-to-cargo-theft-data.pdf>)
- g. Conversion of National Incident-Based Reporting System (NIBRS) Data to Hate Crime Data (<https://www.fbi.gov/about-us/cjis/ucr/conversion-of-nibrs-data-to-hate-crime-data.pdf>)
 - h. Conversion of National Incident-Based Reporting System (NIBRS) Data to Summary Reporting System (SRS) Data
(<https://www.fbi.gov/about-us/cjis/ucr/conversion-of-nibrs-data-to-srs.pdf>)
 - i. Hate Crime Technical Specification (<https://www.fbi.gov/about-us/cjis/ucr/hate-crime-technical-specification-version-1.1-pdf>)
 - j. Texas Incident-Based Reporting Training and Reference Manual (Version 3.1)
(<http://www.txdps.state.tx.us/ucr/tibrsManual.pdf>)
 - k. Edits for Texas-centric data, as supplied in the Texas Incident-Based reporting Training and Reference Manual, must be included in the software solution. (See <http://www.txdps.state.tx.us/ucr/indexnibrs.htm> .) Data edits must be performed within the local agency application prior to the submission to DPS to ensure that data is submitted error free.
- 4. As changes, such as, but not limited to, new data elements and/or changes within the data formats are announced, agencies must perform these changes quickly, in order to, keep systems up to date.
 - 5. System implementation funded by these grants must support reporting to DPS no less than monthly, but with a goal of near real-time reporting of data.
 - 6. Systems must also have the capability to flag records that are subject to a court ordered expunction to ensure an automated removal of the record from the TDex and NDEx systems.

Financial and Progress Reports.

At the end of each quarter of the state fiscal year during the one-year grant period, grantees will be required to submit a financial status report via eGrants and a progress report to the Department of Public Safety in a format required by the Department and CJD.

CJD and DPS reserve the right to monitor the agency and their vendors to ensure completion of the project, according to the agency's submitted project plan, budget, and that all work done and money expended is in compliance with the grant solicitation and award.

TXGANG Criminal Gang Database Reporting.

All law enforcement agencies receiving an award under this announcement must agree to comply with TXGANG reporting requirements relating to criminal combinations and criminal street gang activity, as required by Sec. 61.02, Code of Criminal Procedure. Generally, these are law enforcement agencies in municipalities with populations of 50,000 or more or in counties with populations of 100,000 or more.

For more information on this requirement, contact Michelle Farris at Michelle.Farris@dps.texas.gov or (512) 424-7659 at DPS.

Background

Uniform Crime Reporting gathers crime data from law enforcement agencies for statistical analysis. Currently, there are two distinct methods for reporting data: the original model built in 1927, known as Summary Reporting System (SRS) and Incident Reporting, known as National Incident-Based Reporting System (NIBRS). In comparing the two data collection methodologies, it is readily apparent that NIBRS provides a deeper, richer data set. Summary Reporting tallies eight offenses, also known as the index crimes, homicide, rape, robbery, aggravated assault, burglary, etc., as well as arrests made and property stolen. Incident Reporting collects data on 24 offense types comprised of 52 distinct offenses and agencies report based upon the specific incident that includes data related not only to offenses and arrests, but also to location, victim and offender data, etc.

House Bill 11 of the 84th Regular Session introduced the requirement for the state to begin a transition from primarily a Summary Reporting System (SRS) state to a National Incident Based Reporting (NIBRS) state, by setting a goal for transition to NIBRS by September 1, 2019. Both NIBRS and N-DEx share the same data source and share many of the same data elements that are already being collected by the local agency's system.

House Bill 11 also established new requirements (now incorporated in Sec. 362.005(c), Local Government Code) for border region law enforcement agencies to contribute intelligence data to the Texas Transnational Intelligence Center (TTIC):

“Each law enforcement agency in a county located along the Texas-Mexico border or in a county that contains a federal checkpoint shall report to the Texas Transnational Intelligence Center intelligence regarding criminal activity in the law enforcement agency's jurisdiction, including details on kidnappings, home invasions, and incidents of impersonation of law enforcement officers.”

The TTIC is then required to share that data across the state. This statewide sharing can be accomplished by automating and updating the local agency RMS/JMS to submit local agency incident, arrest, and intelligence data to the Department through the Texas Data Exchange (TDEx), which would then forward the data to the National Data Exchange (N-DEx), making it available for view.

This expanded solicitation seeks to fund agencies for a single data submission that will meet the data submission standards and requirements for N-DEx and NIBRS.

Standard CJD Requirements

When accepting an award under this funding announcement, the grantee agrees to comply with a variety of state and federal laws and regulations, including requirements related to Uniform Crime Reports, criminal history reporting, and immigration and customs enforcement requests. For more information see the following documents, available at <https://gov.texas.gov/organization/cjd/resources>.

- Standard Certifications and Requirements
- Grantee Conditions and Responsibilities
- Guide to Grants

Selection Process

Project-Specific. DPS will screen all applications to ensure that they meet the program-specific requirements included above. Applications that meet those requirements will move forward to the merit review phase during which a panel of experts from DPS will review those applications for quality and rank by priority. Organizations applying will be subjected to various selection criteria by the Department in an effort to prioritize funding. These criteria may include, but are not limited to:

- Geographical location
- Jurisdictional population covered by and benefitting from proposed solution
- Submissions by one jurisdiction that supports NIBRS data submissions from many hosted agencies
- NCS-X NIBRS Readiness Assessment or similar readiness assessment of agency applying
- Proposed solutions that have vendors with demonstrable experience in NIBRS reporting and have deployed their solution to other similarly sized agencies
- NIBRS file submissions that can be initiated with little to no human intervention, ensuring a near real time or more frequent than monthly file submission
- XML/IEPD submissions to the state that allow for TDEx/N-DEx data contribution
- Frequency in file submissions
- Whether or not the agency is eligible for other federal or state funding sources

Overall. DPS will provide CJD with the outcomes of the merit review, which will form the core decision making factor. However, CJD will review all applications for quality, capability, and past performance and may consider other factors in determining which programs to fund such as (but not limited to) geographic distribution, fairness among different sizes of population areas, need based on crime rate or other similar factors, including economic factors. If the interest in grant funds exceeds available funding, CJD may not fund all applications or may only award part of the amount requested. Preference may be given to organizations who have not received a prior NIBRS grant from CJD.

Announcements

After CJD makes final funding decisions, each applicant will receive either an unfunded notice or a preliminary decision notification or final grant award. The award will provide all of the conditions and requirements of the grant. Release of final grant awards are always contingent on availability of the funds and CJD cannot release or guarantee funding to any applicant until a determination that adequate funding is available.

About CJD

Our mission at the Criminal Justice Division is to direct much needed resources to those who are committed to making Texas a safer place and those who help victims of crime to recover and feel safe again. In carrying out this mission, we are committed to helping our grantees by actively finding ways for them to accomplish their goals and by making sure that we always have our eye to identifying the approaches that work best. We envision positive and beneficial working relationships with our grantees where we provide as much assistance as is needed and where we are always ready with answers, not burdensome restrictions or requirements.

CJD will make over \$275 million in funding available to hundreds of organizations during state fiscal year 2018 for juvenile justice, delinquency prevention, victims services, law enforcement, prosecution, courts, specialty courts, prevention of child sex trafficking, and other types of projects to benefit Texans.

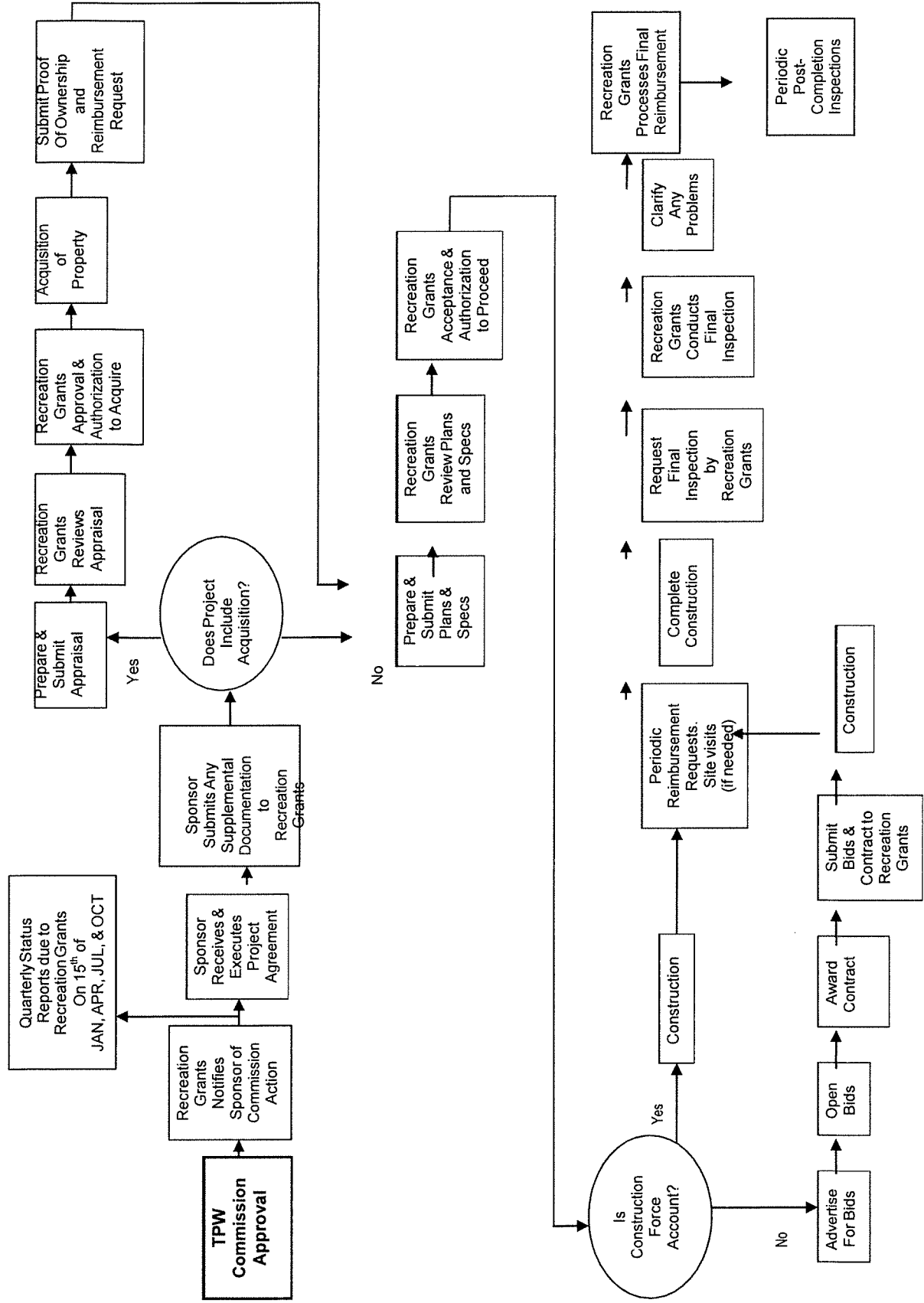


Standardized Agenda Request Form

Date of Meeting: October 2, 2018		Agenda Item No. (to be assigned by CSO): 2018-1687	
From:			
Subject: Discussion and consideration to solicit Request for Proposals to provide landscape architect and engineering design services for the North Side Sports Complex and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.)			
Background: Based on the timelines as set out by the Knapp Community Care Foundation (KCCF) and the Texas Parks and Wildlife Department (TPWD) park grant, staff is requesting authorization to solicit Requests for Proposals (RFPs) to provide architect and engineering design services for the North Side Sports Complex. The costs associated are described in the summary budget for the TPWD. These costs, under KCCF, are considered to be In-Kind contributions. After speaking with representatives from the TPWD, the city may move forward with RFPs and receive reimbursement for said costs so long as plan reviews and construction has not begun. With the upcoming holiday season and the KCCF grant has already been initiated, staff recommends moving forward with the RFP process to minimize further project delays.			
Funding Source (budget code, if applicable): 50-540-4010			
Amount: \$0.00	Term of Impact: 5-Year CIP Budget	Identified in Current Budget: Yes	
Additional Action Prompted: Mayor's Signature			
If item previously considered, provide date and action by Commission: The City Commission in previous meetings has approved the submission of the Knapp Community Care Foundation and Texas Parks and Wildlife Department grants and authorized the Mayor to execute any related documents.			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Andrew Muñoz		Created/Initiated	
Andrew Muñoz		Approved	
Mike Perez		Final Approval	
City Manager Comments: Approve.			
Staff Recommendation: Staff recommends approval.			

Attachments, if any:
TPWD Grant Process Flow Chart, KCCF Budget Summary, TPWD Budget Summary
Responsibilities upon Approval:

GRANT PROCESS FLOW CHART



PROPOSED BUDGET TO KNAPP COMMUNITY CARE FOUNDATION

Name of Organization: City of Weslaco

Project Timeline: January 2018 to December 2020

* Not all the entries below may apply to your organization. Leave those items blank that do not apply.

* For multi-year grant proposals, please add columns for each year.

Project Expenses	KCCF Foundation Request	Other Non - KCCF Funds, if any	Total
Salaries, Wages and Fringe Benefits (Direct):			
List job titles and nature of support. List Fringe Benefits separate from salaries/wages			-
			-
			-
Other salaries and wages (Cost Allocation):			
Name each principal who would receive funding and nature of support (10% of time; summer salary, etc.)			-
			-
Equipment			
Less than \$5,000 per item			-
Fitness Equipment (purchase/install)	53,000	-	53,000
Shade Canopy for Fitness Equipment	60,000	-	60,000
Tennis Courts with Lighting and Fencing	94,000	-	94,000
Basketball Courts with Lighting	79,000	-	79,000
Sand Volleybal Courts with Lighting	15,000	-	15,000
Youth Soccer Fields with Irrigation	68,000	-	68,000
Nature Trail	26,000	-	26,000
Restroom with Water Fountains	105,000	-	105,000
Labor, Materials for Trail, Parking & Roads	-	1,472,207	1,472,207
Staff Training			
Identify professional staff training (to include training topic and certification, if any)			-
			-
			-
Professional/Consultant/Contract Services:			
Identify, and provide separate breakdown of budget detail			-
			-
			-
Program Related Costs:			
Specify by line item			-
			-
			-
Other Direct Costs:			
Travel			-
Mileage			-
Supplies and materials			-
Printing, publications, copying			-
Postage, shipping			-
Computer support			-
Telecommunications			-
Computer software			-
Other (specify):			-

PROPOSED BUDGET TO KNAPP COMMUNITY CARE FOUNDATION

Name of Organization: City of Weslaco

Project Timeline: January 2018 to December 2020

			-
			-
Total Direct Expenses	\$ 500,000	\$ 1,472,207	\$ 1,972,207
Overhead/indirect (15%)	\$ -	\$ -	-
Total Expenses	\$ 500,000	\$ 1,472,207	\$ 1,972,207

Page 2

- * This page should only be filled out ONLY if there are revenues associated with the proposed project
- * For multi-year grant proposals, please add columns for each year.

Project Revenues			
Sources of Income (specify)	Year 1	Year 2	Total
			-
			-
			-
			-
			-
			-
			-
			-
			-
Total Revenues	\$ -	\$ -	\$ -



Budget Summary -- Local Park Grants Program

Project
Name:

Weslaco - Northside Park

		GRANT ELEMENTS	GRANT SUB-TOTAL	OVER MATCH	OVER MATCH SUB-TOTALS	GRANT + OVER MATCH TOTALS
I. PROFESSIONAL SERVICES						
	Pre-Agreement Costs	<i>Professional Services cannot exceed:</i>	\$ 15,000		\$ 75,000	
	Beginning Date: 08/01/2017	\$ 118,200				
A.	Engineering	\$ -		\$ 36,240		\$ 36,240
B.	Architect	\$ 15,000		\$ 38,760		\$ 53,760
C.	Testing	\$ -		\$ -		\$ -
II. LAND ACQUISITION			\$ -		\$ 657,207	
A.	Purchased Price (CAD \$826,736)	\$ -		\$ 657,207		\$ 657,207
B.		\$ -		\$ -		\$ -
III. CONSTRUCTION			\$ 985,000		\$ 739,250	
A.	Site Grading, Drainage, Parking Lot, Utilities,	\$ -		\$ 470,720		\$ 470,720
B.	Splash Pad, Shade Structures	\$ 275,000		\$ -		\$ 275,000
C.	2 Tennis Courts with LED Lights	\$ 94,000		\$ -		\$ 94,000
D.	1 Basketball Court with LED Lights	\$ 79,000		\$ -		\$ 79,000
E.	1 Ampitheater Stage	\$ 25,000		\$ -		\$ 25,000
F.	1 Sand Volleyball, with LED Lights	\$ 14,500		\$ -		\$ 14,500
G.	Youth Soccer Fields, hydromulch, irrigation	\$ 58,368		\$ -		\$ 58,368
H.	Irrigation from Irrigation District	\$ 100,000		\$ -		\$ 100,000
I.	Site Furnishing - Picnic Tables/benches, Accessible, 5/8ft, 3 Bike Racks, 10 Grills, 10 benches, 3 ADA benches	\$ 48,000		\$ -		\$ 48,000
J.	Nature Area - 5 ft. birding trails, bird blind, butterfly plants, native plants	\$ 30,000		\$ -		\$ 30,000
K.	Playground and fitness equipment	\$ 128,275		\$ -		\$ 128,275
L.	Trail - 12ft. Wide, materials city, labor county			\$ 268,530		\$ 268,530
M.	125 Native Trees	\$ 31,757		\$ -		\$ 31,757
N.	30 Solar Lights @\$3370 in parking lot, trail, splash pad, playground,	\$ 101,100		\$ -		\$ 101,100
TOTAL PROJECT COST			\$ 1,000,000		\$ 1,471,457	\$ 2,471,457
50% MATCH AMOUNT			\$ 500,000			

**50% Match amount cannot exceed: Urban Outdoor-\$1,000,000;
Non-Urban Outdoor-\$500,000; Small Community-\$75,000;
Urban Indoor-\$1,000,000; Non-Urban Indoor-\$750,000**

Verify Grant +
Over match \$ 2,471,457



Standardized Agenda Request Form

Date of Meeting: October 2, 2018		Agenda Item No. (to be assigned by CSO): 2018-1951	
From:			
Subject: Discussion and consideration to authorize the submission of a grant to the Texas Water Development Board under the FEMA Flood Mitigation Assistance Grant Program and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.)			
Background: Staff is seeking authorization to apply and submit grant applications under the following grant programs: Flood Protection Planning grant program through the State's Research and Planning Fund, provides financial assistance to political subdivisions to conduct feasibility studies for an entire watershed to evaluate both structural and nonstructural solutions to flood hazards within the watershed. The Flood Mitigation Assistance grant program, under the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Assistance Grant Program, assists states and communities by providing federal funds for cost-effective measures to reduce or eliminate the long-term risk of flood damage to buildings, manufactured homes, and other structures insurable under the National Flood Insurance Program (NFIP).			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted: Mayor's Signature			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Andrew Muñoz		Created/Initiated	
Andrew Muñoz		Approved	
Mike Perez		Final Approval	
City Manager Comments: Approve.			
Staff Recommendation: Staff recommends approval.			
Attachments, if any:			

Responsibilities upon Approval:
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Standardized Agenda Request Form

Date of Meeting: October 2, 2018		Agenda Item No. (to be assigned by CSO): 2018-1951	
From:			
Subject: Discussion and consideration to authorize the submission of a grant to the Department of Homeland Security for FY18 Flood Mitigation Assistance and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.)			
Background: On August 7, 2018, the City Commission approved the submission of a Letter of Intent to apply for grant funding under the Texas Department of Emergency Management for flood mitigation. On August 30, 2018, staff received a letter stating that our Notice of Intent had been approved and we are an eligible applicant and our proposed projects may be eligible for funding under the Hazard Mitigation Grant Program. Staff will begin working with Engineering and the Drainage Committee on completing the grant application.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted: Mayor's Signature			
If item previously considered, provide date and action by Commission: On August 7, 2018, the City Commission approved the submission of a Letter of Intent to apply for grant funding under the Texas Department of Emergency Management for flood mitigation.			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation): Non required.			
Andrew Muñoz		Created/Initiated	
Andrew Muñoz		Approved	
Mike Perez		Final Approval	
City Manager Comments: Approve.			
Staff Recommendation: Staff recommends approval.			
Attachments, if any: DR-4332 NOIs 870875877884 response Weslaco (signed), TDEM RMS HMGP Application Form_April 2018			

Responsibilities upon Approval:

Execute grant agreement and amend capital budget to reflect local match requirements.

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001

512/424-2000

www.dps.texas.gov



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DIRECTOR
DAVID G. BAKER
ROBERT J. BODISCH, SR.
SKYLOR HEARN
DEPUTY DIRECTORS



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STEVEN P. MACH, CHAIRMAN
MANNY FLORES
A. CYNTHIA LEON
JASON K. PULLIAM
RANDY WATSON

August 30, 2018

Mr. Andrew Munoz
Special Projects Coordinator
City of Weslaco
255 S. Kansas Street
Weslaco, TX 78596
amunoz@weslacotx.gov

Re: DR-4332 Notices of Intent

Dear Mr. Munoz:

This letter is in response to your Notices of Intent (NOIs) for DR-4332 Hurricane Harvey submitted in July 2018 listed below:

NOI No.	Proposed Project Description
870	Hazard Mitigation Action Plan
875	Las Brisas Detention Basin
877	South Drain Detention Pond
884	Hazard Mitigation Action Plan – DUPLICATE OF NOI 870

The Texas Division of Emergency Management (TDEM) staff reviewed your NOIs. After review of the information you provided, it appears that you are an eligible applicant and your projects may be eligible for funding under the Hazard Mitigation Grant Program (HMGP).

NOIs #875 and #877: These projects were previously denied in a prior grant program due to an insufficient Benefit Cost Ratio (BCR). Please ensure that the applications for these projects have a BCR of 1.0 or above and that the Project Useful Life (PUL) is the Standard Useful Life of 50 years or submit federal accepted documentation that explains the reasons why the PUL is what you propose in the Benefit Cost Analysis (BCA).

Currently a funding priority is to focus on projects submitted by jurisdictions located in areas directly impacted by Hurricane Harvey and within counties under the Presidential disaster declaration. However, we remain interested in

receiving applications from any Texas jurisdiction. As funds become available projects located outside of the priority areas may be considered for funding.

The *TDEM Recovery, Mitigation and Standards Hazard Mitigation Grant Program (HMGP) Application* is attached for your convenience. TDEM requests that you submit your completed HMGP application to TDEM at your earliest convenience. You may contact us by email at TDEM-Mitigation@dps.texas.gov or by telephone at 512-377-0023.

Respectfully,

A handwritten signature in cursive script that reads "David P. Jackson".

David Jackson
State Hazard Mitigation Officer
Hazard Mitigation Section Administrator
Recovery, Mitigation & Standards
Texas Division of Emergency Management

Attachment: *Section 404 Hazard Mitigation Grant Program (HMGP) Application Introduction, Instruction, and Information*



Texas Division of Emergency Management Recovery, Mitigation and Standards

Section 404 Hazard Mitigation Grant Program (HMGP) Application Introduction, Instruction, and Information

INTRODUCTION

The Hazard Mitigation Grant Program (HMGP) assists states and local communities in implementing long-term hazard mitigation measures following a major disaster. The funding for this program is based on a 75% federal and 25% local cost share. Further information concerning Texas' involvement in the HMGP can be found in the current Texas Division of Emergency Management (TDEM) Hazard Mitigation Grant Administrative Plan.

If you require technical assistance with this application, or to request a copy of the current TDEM Hazard Mitigation Grant Program Administrative Plan please contact Texas Division of Emergency Management, Recovery, Mitigation and Standards (TDEM/RMS), Mitigation Section at (512) 377-0023 or TDEM-Mitigation@dps.texas.gov.

INSTRUCTIONS

The application and attachments can be found on the following websites:

<http://www.dps.texas.gov/dem/ThreatAwareness/hurricaneHarveyInfo.htm>

<https://grants.dps.texas.gov/>

Please complete ALL sections and provide the documents requested. All questions must be answered completely and accurately. TDEM and the Federal Emergency Management Administration (FEMA) staff reviewing the application will not be familiar with your community, the specific project area, and the need for the proposed project. Therefore, it is the responsibility of the applicants to ensure the application addresses all of the questions and requirements. This is particularly important given the competitive nature of the grant program. If you are unsure as to the meaning of a particular question, contact TDEM for clarification.

ELIGIBILITY

TDEM, as the grantee, is responsible for ensuring applicants meet the eligibility requirements and projects are eligible for HMGP funding.

Applicant Eligibility:

1. HMGP projects must be from an eligible applicant. (i.e., Municipality, City, County, Special District, Tribe, Eligible Nonprofit Agency, or Organization).
2. Applicant must have an approved hazard mitigation plan. For private non-profit organizations, the community where the project is located must have an adopted plan.

Project Eligibility:

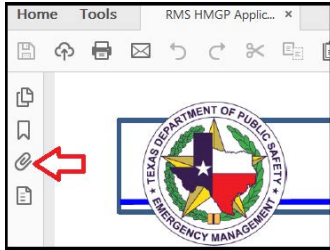
1. Projects cannot be retroactively funded through HMGP. Therefore, projects already in progress or completed will not be considered.
2. HMGP projects must comply with the FEMA approved state and applicable local hazard mitigation plan.
3. HMGP projects must meet all applicable codes and standards for the project locale (i.e., construction, public notifications, etc.).
4. HMGP projects must have a direct beneficial impact upon the designated disaster area, whether or not the project is located in the designated area.
5. HMGP projects must comply with 44 Code of Federal Regulations (CFR) part 9, Floodplain Management and Protection of Wetlands and 44 CFR, part 10, Environmental Considerations.
6. HMGP projects must solve a problem independently or constitute a functional portion of a solution where there is assurance that the project as a whole will be completed. Projects that merely identify or analyze hazards or problems are not eligible.
7. HMGP projects must be cost effective and substantially reduce the risk of future damage, hardship, loss, or suffering resulting from a major disaster.
8. HMGP projects must provide the best solution. Sub-applicants must demonstrate that after consideration of a range of options for the mitigation measure, it has been determined that the proposed project is the most practical, effective, and environmentally sound solution.

Project Eligibility - Continued

9. HMGP projects must contribute to a long-term solution that is the most practicable. Ideally, it should integrate hazard mitigation principles with existing programs and overall community planning.
10. HMGP projects must consider long-term effects. Projects should address, when applicable, long-term changes to the areas and entities it protects, and ensure manageable future maintenance and modification requirements.
11. HMGP projects must address a problem that has been repetitive or that possesses a significant risk if left unsolved.
12. HMGP projects must cost less than the anticipated value of the reduction in both direct damage and subsequent negative impacts to the area if future disasters occur.

ATTACHMENTS

Below are the attachments related to this application. You can access the attachments by clicking the paper clip symbol on the left side of the form (see image below).



Attachment List

1. Budget Worksheet
2. Budget Worksheet Instructions
3. Designation of Subrecipient Agent (DSA) Form (Note: See Grant Management System for additional information below)
4. Environmental Historical Preservation (EHP) Checklist
5. FEMA Benefit Cost Analysis (BCA) Toolkit Instructions to Install
6. Property Site Inventory Worksheet (*Required for Acquisition, Elevation, and Mitigation Reconstruction projects*)
7. Three SF424 Forms (SF424-Application for Federal Assistance, SF424B-Non-Construction Assurances and SF424D-Construction Assurances)
8. FEMA Form Certifications Regarding Lobbying
9. FEMA Form Disclosure of Lobbying Activities

REQUIRED DOCUMENTATION

Below is the minimum required documentation that must be submitted with the application.

Note: **This is not an all inclusive list** since requirements may vary depending on project type and the sub-applicant.

1. Application (with supporting documents used for additional space or to clarify answers)
2. Map(s), Photo(s), Drawing(s), etc. as required in the application
3. EHP Checklist
4. FEMA Insurance Rate Map (FIRM) per the EHP Checklist
5. Supporting Documentation per EHP Checklist
6. Budget Worksheet
7. Property Site Inventory Worksheet (*Required for Acquisition, Elevation and Mitigation Reconstruction projects*)
8. BCA zip file
9. Certification and Signature of Authorized Agent (page 10 of the application)
10. Floodplain Manager Authorization Form (page 11 of the application)
11. DSA Form
12. All three SF424 forms (SF424, SF424B and SF424D)
13. FEMA Form Certifications Regarding Lobbying (also includes Debarment, Suspension and Other Responsibility Matters; and Drug Free Workplace Requirements)
14. FEMA Form Disclosure of Lobbying Activities (Complete to disclose lobbying activities pursuant to 31U.S.C.1352)

GRANT MANAGEMENT SYSTEM (GMS)

The Division of Emergency Management uses the GMS on-line system to manage the HMGP and other FEMA grant programs. For more information and to register for access please visit <https://grants.dps.texas.gov/index.cfm>.

Note: The DSA Form provides the information needed to set up the contact information in the system.



Texas Division of Emergency Management Recovery, Mitigation and Standards

Section 404 Hazard Mitigation Grant Program (HMGP) Application Form

Disaster Declaration #: FEMA-4332-DR-TX

Declaration Date: August 25, 2017

SUB-APPLICANT INFORMATION

Name of Sub-applicant Organization/Agency: _____

Address: _____

City: _____ County: _____ State: TX Zip: _____

Primary Contact Name: _____ Title: _____

Email: _____ Office Phone: _____ Cell: _____

Secondary Contact Name: _____ Title: _____

Email: _____ Office Phone: _____ Cell: _____

Check One:

☐ State Government ☐ Local Government ☐ Federally Recognized Tribe ☐ Private Non-Profit

Tax ID #: _____ DUNS #: _____ FIPS Code: _____
(Data Universal Numbering System)

State Legislative House District(s): _____ State Legislative Senate District(s): _____

Congressional House District(s): _____

National Flood Insurance Program (NFIP) Community Identification #: _____
(This number can be obtained from the FIRM map for your area)

NFIP Community Rating System Class # (if available): _____

PROJECT INFORMATION

Project Title: _____

Application Type: (select from the following)

☐ Standard HMGP ☐ 5% Initiative ☐ Planning ☐ Phased Project

Project Type: (select from the following)

☐ Acquisition ☐ Elevation ☐ Residential Saferoom ☐ Community Saferoom
☐ Drainage ☐ Generator ☐ Wildfire ☐ Structural Retrofit
☐ Other: _____

Hazards to be Mitigated: (select from the following)

☐ Flood ☐ Wind ☐ Wildfire ☐ Subsidence ☐ Storm Surge
☐ Other: _____

Note: A Property Site Inventory Worksheet (see attached) is required for Acquisition, Elevation, and Mitigation Reconstruction projects)

SCOPE OF WORK

Project Description:

Description must include: what hazard(s) the project will address, type of project (drainage, safe room, fuel reduction, buy-out, etc., and/or infrastructure), step by step description of the major elements of the project (contracting, construction elements, close-out, etc.), and how the project will be accomplished by the end of the 36 month period of performance (PoP). Attach extra pages as necessary.

Project Objectives - Problem Solutions/Hazard Reduction:

Description must include: how the project will independently solve the problem, the level of protection provided by the project, how the project will increase the level of protection to the citizens and/or properties, the number of people and properties that will directly benefit from the project, and how the project will ultimately reduce the costs associated with recovery from future disasters. Attach extra pages as necessary.

Project Objectives - Outcome, Level of Effort and Milestones:

Description must include: major milestones for the project (contracting complete, final engineering/design complete, mobilization for construction, construction phase(s), activities associated with these steps, percentage of total project budget or dollar amounts associated with these steps. Attach extra pages as necessary.

Milestones/Timeline:

List the major milestones (e.g. designing, engineering, permitting, etc.) for the project by providing an estimated timeline for the critical activities not to exceed a 36 months. These milestones should correspond with the Project Objective description above and budget. For the Starting Month column below, please enter the month (1 through 24) you will begin this milestone once you receive your award (i.e. Month 1 would be the same month as your performance period start date, Month 36 is the last month of your performance period.) For the Mos. to Complete column, please enter the number of months it will take to complete the milestone. (See examples below)

	Milestone	Starting Month	Est. Mos. to Complete
		Month #	# Mos to Comp
1.		Month #	# Mos to Comp
2.		Month #	# Mos to Comp
3.		Month #	# Mos to Comp
4.		Month #	# Mos to Comp
5.		Month #	# Mos to Comp
6.		Month #	# Mos to Comp
7.		Month #	# Mos to Comp
8.		Month #	# Mos to Comp
9.		Month #	# Mos to Comp
10.		Month #	# Mos to Comp

Project Objectives - Project Staff and Management:

Description must include: how the sub-applicant will organize and manage the project to ensure successful completion within the project period of performance, a brief description of all staff associated with the project by position and what their role and responsibilities are for completing the project within the period of performance. Attach extra pages as necessary.

Damage History - Overview of Past Damage:

Provide a detailed past history of damages in the project area including approximate costs. Include information for Presidential or Federal level disasters as well as State or local level declarations. Attach any supporting documents. Costs should include damages to structures and infrastructure in the project area as a result of the hazard. Additional costs should include the cost to the local government to respond to victims of the hazard in the project area, any interruption to local businesses, losses of public services, and costs for temporary housing of the affected population, etc. **This section helps demonstrate the need for the project.**

Note: Acquisition, Relocation, Elevation, or Demolition Project:

Complete a listing of specific damages to each property on a separate spreadsheet and include as an attachment.

Date	Level of Event	Type or Extent of Damage	Total Cost of Damage

Project Location:

Fully describe the location of the proposed project. Describe the area and/or population affected or protected by this project. Include the location if possible (street address with numbers or neighborhood, city, county with zip codes, Lot, Block or Survey). Provide GPS reading (Lat/Long) of the project site in degrees decimal minutes to 5 places if possible (i.e.: 30.326958 / -97.724750). Attach a separate spreadsheet for multiple latitude/longitude coordinates and descriptions as needed.

Latitude: _____ Longitude: _____

Description:

--

Population and Structures Affected by Project:

Indicate the approximate number of people affected by this project to include residents, customers, commuters, or visitors, etc. Provide the number of each type of structure (listed below) in the project area. Include all structures directly affected in project area.

- Number of people affected
- Number of residential properties
- Number of businesses / commercial properties
- Number of public buildings
- Number of schools
- Number of hospitals / medical clinics
- Other (List):

MAPS

Two maps must be provided with your application. One must show the general location of the project site and the other must show the specific project site. In certain cases when there are no maps available, substitute with an overview photo, drawing or sketch. Ensure it is legible, shows magnetic north, and has major landmarks noted for orientation.

Map Depicting Project Site: (check the boxes to indicate what type of maps are attached)

- ☐ City, County, or District scale map showing the entire project area with the project site and structures marked on the map.
- ☐ USGS 1:24,000 topographical map with project site marked on the map. (Map depicting relationship to existing features – natural and otherwise)
1. Rivers, lakes, streams, wetlands, saltwater, etc.
 2. Geologic features, steep slopes, unstable areas
 3. Roads, bridges, buildings, etc.
- ☐ **For acquisition or elevation projects**, include a copy of the Parcel Map (Tax Map, Property Identification Map, etc). with each property in the project clearly marked on the map. **Use SAME ID number as in the Property Site Inventory Worksheet.**

NOTE: On one or both of the maps and depending on the type of project, you may depict multiple requirements that are listed below, instead of a separate map for each.

Photos, Sketches, Drawings, Engineer Designs, etc:

These help clarify the project setting and the potential impacts of the project on the environment (soils, vegetation, hydrology, wildlife) and they assist in understanding the written description of the project, especially if contours and elevations are provided. The photographs should be representative of the project area, including any relevant streams, creeks, rivers, drainage areas, etc; which affect the project site or will be affected by the project. If photos are provided, then FEMA may not need to conduct a site visit, thereby, reducing the review time. Include ALL engineering calculations and quantity determinations for this project. These are in addition to any map substitutions. Please check the box below for the items you are attaching to your application, if any:

- | | |
|--|--|
| ☐ Photographs | ☐ Engineering Designs (including calculation and quantity determinations) |
| ☐ Sketches/Drawings | ☐ Other |

ENVIRONMENTAL HISTORICAL PRESERVATION (EHP) COMPLIANCE

Please complete the EHP Checklist (see attachment) and include in the application submission.

As a Federal agency, the Department of Homeland Security (DHS) / Federal Emergency Management Agency (FEMA) is required to consider the effects of its actions on the environment and/or historic properties to ensure that all activities and programs funded by the agency, including grants-funded projects, comply with Federal EHP regulations, laws, and Executive Orders, as applicable. Grant recipients proposing projects that have the potential to impact the environment, including but not limited to construction of communication towers, modification or renovation of existing buildings, structures and facilities (including installation of equipment), or new construction including replacement of facilities, must participate in the DHS/FEMA EHP review process. More information about the EHP requirement can be found at the following links:

<https://www.fema.gov/environmental-planning-and-historic-preservation-compliance>

<https://www.fema.gov/media-library/assets/documents/26621>

Maps will also be required for this portion of the application. If you have photos, sketches, drawings, engineer designs, etc. that will help clarify the project location and structures, please be sure to include them with your application.

BUDGET INFORMATION

Please complete the Budget Worksheet attachment by following the attached "Budget Worksheet Instructions". You can access the attachment by clicking on the paper clip on the left side of the form.

Once the budget has been completed, provide the following information from the worksheet:

(Note: Enter numbers only (no \$ or comma's) as the fields is automatically formatted)

Total Project Costs: _____

Applicants Cost Share: _____

Federal Amount: _____

Reminder: Applicant must include the Budget Worksheet when submitting the application

BENEFIT COST ANALYSIS

Applicants must demonstrate mitigation projects are cost effective. The Benefit Cost Tool Version 5.3 is used to perform benefit cost analysis for applications submitted under FEMA's Hazard Mitigation Assistance Grant Programs. To use this tool, you must first download the file from the website (see link below). If you have any questions about the new BCA software program, please contact the BC Helpline at bchelp@dhhs.gov or at 1-855-540-6744.

<https://www.fema.gov/media-library/assets/documents/128334>

Once the BCA has been completed, provide following information from the BCA:

(Note: Enter numbers only (no \$ or comma's) as the fields is automatically formatted)

Total Project Cost: _____

Total Value of Project Benefits: _____

Benefit Cost Ratio: _____

Reminder: Applicant must include a zip file of the BCA when submitting the application

BCA Exceptions

- **Acquisition Projects** - The acquisition of structures that are declared Substantially Damaged (from any origin) and located in a riverine Special Flood Hazard Area (SFHA) on a preliminary or effective FIRM is considered cost effective.
- **Residential Safe Room Projects** - The pre-calculated benefit provides standardized Benefit-Cost Analysis (BCA) benefit values associated with residential safe rooms so that individual BCAs are not required, as long as the project costs do not exceed \$5,421.32 (in Texas).
- **Acquisition and Elevation Projects** - The national average for benefits for acquisition and elevation projects is \$276,000 for acquisition projects and \$175,000 for elevation projects. **FEMA determined the acquisition or elevation of a structure located in the 100-year floodplain for which costs are equal to or less than the amount of benefits noted above is cost effective.** For projects that contain multiple structures, the average cost of all structures in the project must meet this criterion. There is no need for recipients to conduct a separate BCA for a structure that meets this criterion.
- A wind retrofit project is considered cost effective as long as the total project costs are less than the costs listed below:

<u>Mitigation Package Type</u>	<u>Roof Replacement Project</u>	<u>Maximum Costs</u>
Intermediate Protection	No	\$13,153
Intermediate Protection	Yes	\$24,920
Advanced Protection	No	\$40,252
Advanced Protection	Yes	\$52,018

CERTIFICATION AND SIGNATURE OF AUTHORIZED AGENT FORM

The Chief Elected Official (jurisdiction) or Executive Director (non-jursidiction) must certify the following statements before the project listed below will be considered for Hazard Mitigation Grant Program (HMGP) funding.

Name of Sub-Applicant (jurisdiction/non-jurisdiction) Identified in the Application:
(auto-populated from the first page of the application)

Project Titles Identified in the Application:
(auto-populated from the first page of the application)

To certify, please check the boxes and sign below:

- ☐ The undersigned will ensure all State and Federal requirements related to the HMGP funding are fulfilled.
- ☐ The undersigned understands that the jurisdiction/non-jursdiction applying for this grant is liable for the required matching funds (local share) related to the project listed above.
- ☐ The undersigned has reviewed and approved the project and information contained in the application.

Signature of the Authorized Agent

Name: _____

Title: _____

Signature: _____ **Date:** _____

FLOODPLAIN MANAGER AUTHORIZATION FORM

Please provide the following information for the designated Floodplain Manager for the project listed below.

Date: _____

Sub-Applicant: _____

Disaster Declaration: **FEMA 4332-DR-TX**

Project Title: _____

Project Number (if known): _____

Floodplain Manager Contact Information:

Name: _____ Title: _____

Organization: _____

Address: _____

City: _____ State: _____ Zip : _____

Email: _____ Office Phone: _____ Cell: _____

Floodplain Manager Certification Information:

CFM Certification Number: _____

If not a CFM, please enter the date of attendance for:

CFM - 1 Week Course: _____

Floodplain 101 Course: _____

Certification:

By signing below, the above Floodplain Manager is authorized to represent and act on behalf of the sub-applicant in all floodplain matters related to the project and grant listed above

.

Signature of Authorized Official/Project Officer

Date

Printed Name

Title

Please submit completed form(s) with the application email as an attachment.

SUBMITTAL INSTRUCTIONS:

- Review the application and ensure all questions are answered and all documents are attached. Below is the minimum required documentation. **Note:** This is not an all inclusive list since requirements may vary depending on project type and the subgrantee.

1. Application (with supporting documents used for additional space or to clarify answers)
2. Map(s), Photo(s), Drawing(s), etc. as required in the application
3. EHP Checklist
4. FIRM Map(s) per the EHP Checklist
5. Supporting Documentation per EHP Checklist
6. Budget Worksheet
7. Property Site Inventory Worksheet (*Required for Acquisition, Elevation, and Mitigation Reconstruction projects*)
8. BCA zip file
9. Certification and Signature of Authorized Agent (page 10 of the application)
10. Floodplain Manager Authorization Form (page 11 of the application)
11. DSA Form
12. All three SF424 forms (SF424, SF424B and SF424D)

- Upon completion of the application, save your file by clicking the Save As button below and name your file with the following structure:

Disaster# Grant - Jurisdiction/Organization Name - Project Type

Example: 4332 HMGP - Test, City of - Generator

Save As

- Submit completed application via email by clicking on this link: TDEM-Mitigation@dps.texas.gov



Standardized Agenda Request Form

Date of Meeting: October 2, 2018		Agenda Item No. (to be assigned by CSO): 2018-1951	
From:			
Subject: Discussion and consideration to authorize the submission of a grant to the Department of Homeland Security for FY18 Pre - Disaster Mitigation and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.)			
Background: On August 7, 2018, the City Commission approved the submission of a Letter of Intent to apply for grant funding under the Texas Department of Emergency Management for flood mitigation. On August 30, 2018, staff received a letter stating that our Notice of Intent had been approved and we are an eligible applicant and our proposed projects may be eligible for funding under the Hazard Mitigation Grant Program. Staff will begin working with Engineering and the Drainage Committee on completing the grant application.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted: Mayor's Signature			
If item previously considered, provide date and action by Commission: On August 7, 2018, the City Commission approved the submission of a Letter of Intent to apply for grant funding under the Texas Department of Emergency Management for flood mitigation.			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation): Non required.			
Andrew Muñoz		Created/Initiated	
Andrew Muñoz		Approved	
Mike Perez		Final Approval	
City Manager Comments: Approve.			
Staff Recommendation: Staff recommends approval.			
Attachments, if any:			

DR-4332 NOIs 870875877884 response Weslaco (signed), TDEM RMS HMGP
Application Form_April 2018

Responsibilities upon Approval:

Execute grant agreement and amend capital budget to reflect local match requirements.

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001

512/424-2000

www.dps.texas.gov



STEVEN C. McCRAW
DIRECTOR
DAVID G. BAKER
ROBERT J. BODISCH, SR.
SKYLOR HEARN
DEPUTY DIRECTORS



COMMISSION
STEVEN P. MACH, CHAIRMAN
MANNY FLORES
A. CYNTHIA LEON
JASON K. PULLIAM
RANDY WATSON

August 30, 2018

Mr. Andrew Munoz
Special Projects Coordinator
City of Weslaco
255 S. Kansas Street
Weslaco, TX 78596
amunoz@weslacotx.gov

Re: DR-4332 Notices of Intent

Dear Mr. Munoz:

This letter is in response to your Notices of Intent (NOIs) for DR-4332 Hurricane Harvey submitted in July 2018 listed below:

NOI No.	Proposed Project Description
870	Hazard Mitigation Action Plan
875	Las Brisas Detention Basin
877	South Drain Detention Pond
884	Hazard Mitigation Action Plan – DUPLICATE OF NOI 870

The Texas Division of Emergency Management (TDEM) staff reviewed your NOIs. After review of the information you provided, it appears that you are an eligible applicant and your projects may be eligible for funding under the Hazard Mitigation Grant Program (HMGP).

NOIs #875 and #877: These projects were previously denied in a prior grant program due to an insufficient Benefit Cost Ratio (BCR). Please ensure that the applications for these projects have a BCR of 1.0 or above and that the Project Useful Life (PUL) is the Standard Useful Life of 50 years or submit federal accepted documentation that explains the reasons why the PUL is what you propose in the Benefit Cost Analysis (BCA).

Currently a funding priority is to focus on projects submitted by jurisdictions located in areas directly impacted by Hurricane Harvey and within counties under the Presidential disaster declaration. However, we remain interested in

receiving applications from any Texas jurisdiction. As funds become available projects located outside of the priority areas may be considered for funding.

The *TDEM Recovery, Mitigation and Standards Hazard Mitigation Grant Program (HMGP) Application* is attached for your convenience. TDEM requests that you submit your completed HMGP application to TDEM at your earliest convenience. You may contact us by email at TDEM-Mitigation@dps.texas.gov or by telephone at 512-377-0023.

Respectfully,

A handwritten signature in cursive script that reads "David P. Jackson".

David Jackson
State Hazard Mitigation Officer
Hazard Mitigation Section Administrator
Recovery, Mitigation & Standards
Texas Division of Emergency Management

Attachment: *Section 404 Hazard Mitigation Grant Program (HMGP) Application Introduction, Instruction, and Information*



Texas Division of Emergency Management Recovery, Mitigation and Standards

Section 404 Hazard Mitigation Grant Program (HMGP) Application Introduction, Instruction, and Information

INTRODUCTION

The Hazard Mitigation Grant Program (HMGP) assists states and local communities in implementing long-term hazard mitigation measures following a major disaster. The funding for this program is based on a 75/% federal and 25% local cost share. Further information concerning Texas' involvement in the HMGP can be found in the current Texas Division of Emergency Management (TDEM) Hazard Mitigation Grant Administrative Plan.

If you require technical assistance with this application, or to request a copy of the current TDEM Hazard Mitigation Grant Program Administrative Plan please contact Texas Division of Emergency Management, Recovery, Mitigation and Standards (TDEM/RMS), Mitigation Section at (512) 377-0023 or TDEM-Mitigation@dps.texas.gov.

INSTRUCTIONS

The application and attachments can be found on the following websites:

<http://www.dps.texas.gov/dem/ThreatAwareness/hurricaneHarveyInfo.htm>

<https://grants.dps.texas.gov/>

Please complete ALL sections and provide the documents requested. All questions must be answered completely and accurately. TDEM and the Federal Emergency Management Administration (FEMA) staff reviewing the application will not be familiar with your community, the specific project area, and the need for the proposed project. Therefore, it is the responsibility of the applicants to ensure the application addresses all of the questions and requirements. This is particularly important given the competitive nature of the grant program. If you are unsure as to the meaning of a particular question, contact TDEM for clarification.

ELIGIBILITY

TDEM, as the grantee, is responsible for ensuring applicants meet the eligibility requirements and projects are eligible for HMGP funding.

Applicant Eligibility:

1. HMGP projects must be from an eligible applicant. (i.e., Municipality, City, County, Special District, Tribe, Eligible Nonprofit Agency, or Organization).
2. Applicant must have an approved hazard mitigation plan. For private non-profit organizations, the community where the project is located must have an adopted plan.

Project Eligibility:

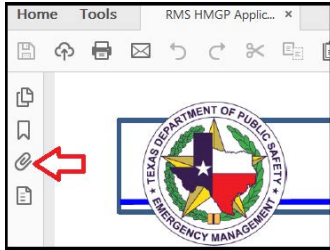
1. Projects cannot be retroactively funded through HMGP. Therefore, projects already in progress or completed will not be considered.
2. HMGP projects must comply with the FEMA approved state and applicable local hazard mitigation plan.
3. HMGP projects must meet all applicable codes and standards for the project locale (i.e., construction, public notifications, etc.).
4. HMGP projects must have a direct beneficial impact upon the designated disaster area, whether or not the project is located in the designated area.
5. HMGP projects must comply with 44 Code of Federal Regulations (CFR) part 9, Floodplain Management and Protection of Wetlands and 44 CFR, part 10, Environmental Considerations.
6. HMGP projects must solve a problem independently or constitute a functional portion of a solution where there is assurance that the project as a whole will be completed. Projects that merely identify or analyze hazards or problems are not eligible.
7. HMGP projects must be cost effective and substantially reduce the risk of future damage, hardship, loss, or suffering resulting from a major disaster.
8. HMGP projects must provide the best solution. Sub-applicants must demonstrate that after consideration of a range of options for the mitigation measure, it has been determined that the proposed project is the most practical, effective, and environmentally sound solution.

Project Eligibility - Continued

9. HMGP projects must contribute to a long-term solution that is the most practicable. Ideally, it should integrate hazard mitigation principles with existing programs and overall community planning.
10. HMGP projects must consider long-term effects. Projects should address, when applicable, long-term changes to the areas and entities it protects, and ensure manageable future maintenance and modification requirements.
11. HMGP projects must address a problem that has been repetitive or that possesses a significant risk if left unsolved.
12. HMGP projects must cost less than the anticipated value of the reduction in both direct damage and subsequent negative impacts to the area if future disasters occur.

ATTACHMENTS

Below are the attachments related to this application. You can access the attachments by clicking the paper clip symbol on the left side of the form (see image below).



Attachment List

1. Budget Worksheet
2. Budget Worksheet Instructions
3. Designation of Subrecipient Agent (DSA) Form (Note: See Grant Management System for additional information below)
4. Environmental Historical Preservation (EHP) Checklist
5. FEMA Benefit Cost Analysis (BCA) Toolkit Instructions to Install
6. Property Site Inventory Worksheet (*Required for Acquisition, Elevation, and Mitigation Reconstruction projects*)
7. Three SF424 Forms (SF424-Application for Federal Assistance, SF424B-Non-Construction Assurances and SF424D-Construction Assurances)
8. FEMA Form Certifications Regarding Lobbying
9. FEMA Form Disclosure of Lobbying Activities

REQUIRED DOCUMENTATION

Below is the minimum required documentation that must be submitted with the application.

Note: **This is not an all inclusive list** since requirements may vary depending on project type and the sub-applicant.

1. Application (with supporting documents used for additional space or to clarify answers)
2. Map(s), Photo(s), Drawing(s), etc. as required in the application
3. EHP Checklist
4. FEMA Insurance Rate Map (FIRM) per the EHP Checklist
5. Supporting Documentation per EHP Checklist
6. Budget Worksheet
7. Property Site Inventory Worksheet (*Required for Acquisition, Elevation and Mitigation Reconstruction projects*)
8. BCA zip file
9. Certification and Signature of Authorized Agent (page 10 of the application)
10. Floodplain Manager Authorization Form (page 11 of the application)
11. DSA Form
12. All three SF424 forms (SF424, SF424B and SF424D)
13. FEMA Form Certifications Regarding Lobbying (also includes Debarment, Suspension and Other Responsibility Matters; and Drug Free Workplace Requirements)
14. FEMA Form Disclosure of Lobbying Activities (Complete to disclose lobbying activities pursuant to 31U.S.C.1352)

GRANT MANAGEMENT SYSTEM (GMS)

The Division of Emergency Management uses the GMS on-line system to manage the HMGP and other FEMA grant programs. For more information and to register for access please visit <https://grants.dps.texas.gov/index.cfm>.

Note: The DSA Form provides the information needed to set up the contact information in the system.



Texas Division of Emergency Management Recovery, Mitigation and Standards

Section 404 Hazard Mitigation Grant Program (HMGP) Application Form

Disaster Declaration #: FEMA-4332-DR-TX

Declaration Date: August 25, 2017

SUB-APPLICANT INFORMATION

Name of Sub-applicant Organization/Agency: _____

Address: _____

City: _____ County: _____ State: TX Zip: _____

Primary Contact Name: _____ Title: _____

Email: _____ Office Phone: _____ Cell: _____

Secondary Contact Name: _____ Title: _____

Email: _____ Office Phone: _____ Cell: _____

Check One:

☐ State Government ☐ Local Government ☐ Federally Recognized Tribe ☐ Private Non-Profit

Tax ID #: _____ DUNS #: _____ FIPS Code: _____
(Data Universal Numbering System)

State Legislative House District(s): _____ State Legislative Senate District(s): _____

Congressional House District(s): _____

National Flood Insurance Program (NFIP) Community Identification #: _____
(This number can be obtained from the FIRM map for your area)

NFIP Community Rating System Class # (if available): _____

PROJECT INFORMATION

Project Title: _____

Application Type: (select from the following)

☐ Standard HMGP ☐ 5% Initiative ☐ Planning ☐ Phased Project

Project Type: (select from the following)

☐ Acquisition ☐ Elevation ☐ Residential Saferoom ☐ Community Saferoom
☐ Drainage ☐ Generator ☐ Wildfire ☐ Structural Retrofit
☐ Other: _____

Hazards to be Mitigated: (select from the following)

☐ Flood ☐ Wind ☐ Wildfire ☐ Subsidence ☐ Storm Surge
☐ Other: _____

Note: A Property Site Inventory Worksheet (see attached) is required for Acquisition, Elevation, and Mitigation Reconstruction projects)

SCOPE OF WORK

Project Description:

Description must include: what hazard(s) the project will address, type of project (drainage, safe room, fuel reduction, buy-out, etc., and/or infrastructure), step by step description of the major elements of the project (contracting, construction elements, close-out, etc.), and how the project will be accomplished by the end of the 36 month period of performance (PoP). Attach extra pages as necessary.

Project Objectives - Problem Solutions/Hazard Reduction:

Description must include: how the project will independently solve the problem, the level of protection provided by the project, how the project will increase the level of protection to the citizens and/or properties, the number of people and properties that will directly benefit from the project, and how the project will ultimately reduce the costs associated with recovery from future disasters. Attach extra pages as necessary.

Project Objectives - Outcome, Level of Effort and Milestones:

Description must include: major milestones for the project (contracting complete, final engineering/design complete, mobilization for construction, construction phase(s), activities associated with these steps, percentage of total project budget or dollar amounts associated with these steps. Attach extra pages as necessary.

Milestones/Timeline:

List the major milestones (e.g. designing, engineering, permitting, etc.) for the project by providing an estimated timeline for the critical activities not to exceed a 36 months. These milestones should correspond with the Project Objective description above and budget. For the Starting Month column below, please enter the month (1 through 24) you will begin this milestone once you receive your award (i.e. Month 1 would be the same month as your performance period start date, Month 36 is the last month of your performance period.) For the Mos. to Complete column, please enter the number of months it will take to complete the milestone. (See examples below)

	Milestone	Starting Month	Est. Mos. to Complete
		Month #	# Mos to Comp
1.		Month #	# Mos to Comp
2.		Month #	# Mos to Comp
3.		Month #	# Mos to Comp
4.		Month #	# Mos to Comp
5.		Month #	# Mos to Comp
6.		Month #	# Mos to Comp
7.		Month #	# Mos to Comp
8.		Month #	# Mos to Comp
9.		Month #	# Mos to Comp
10.		Month #	# Mos to Comp

Project Objectives - Project Staff and Management:

Description must include: how the sub-applicant will organize and manage the project to ensure successful completion within the project period of performance, a brief description of all staff associated with the project by position and what their role and responsibilities are for completing the project within the period of performance. Attach extra pages as necessary.

Damage History - Overview of Past Damage:

Provide a detailed past history of damages in the project area including approximate costs. Include information for Presidential or Federal level disasters as well as State or local level declarations. Attach any supporting documents. Costs should include damages to structures and infrastructure in the project area as a result of the hazard. Additional costs should include the cost to the local government to respond to victims of the hazard in the project area, any interruption to local businesses, losses of public services, and costs for temporary housing of the affected population, etc. **This section helps demonstrate the need for the project.**

Note: Acquisition, Relocation, Elevation, or Demolition Project:

Complete a listing of specific damages to each property on a separate spreadsheet and include as an attachment.

Date	Level of Event	Type or Extent of Damage	Total Cost of Damage

Project Location:

Fully describe the location of the proposed project. Describe the area and/or population affected or protected by this project. Include the location if possible (street address with numbers or neighborhood, city, county with zip codes, Lot, Block or Survey). Provide GPS reading (Lat/Long) of the project site in degrees decimal minutes to 5 places if possible (i.e.: 30.326958 / -97.724750). Attach a separate spreadsheet for multiple latitude/longitude coordinates and descriptions as needed.

Latitude: _____ Longitude: _____

Description:

--

Population and Structures Affected by Project:

Indicate the approximate number of people affected by this project to include residents, customers, commuters, or visitors, etc. Provide the number of each type of structure (listed below) in the project area. Include all structures directly affected in project area.

- Number of people affected
- Number of residential properties
- Number of businesses / commercial properties
- Number of public buildings
- Number of schools
- Number of hospitals / medical clinics
- Other (List):

MAPS

Two maps must be provided with your application. One must show the general location of the project site and the other must show the specific project site. In certain cases when there are no maps available, substitute with an overview photo, drawing or sketch. Ensure it is legible, shows magnetic north, and has major landmarks noted for orientation.

Map Depicting Project Site: (check the boxes to indicate what type of maps are attached)

- ☐ City, County, or District scale map showing the entire project area with the project site and structures marked on the map.
- ☐ USGS 1:24,000 topographical map with project site marked on the map. (Map depicting relationship to existing features – natural and otherwise)
1. Rivers, lakes, streams, wetlands, saltwater, etc.
 2. Geologic features, steep slopes, unstable areas
 3. Roads, bridges, buildings, etc.
- ☐ **For acquisition or elevation projects**, include a copy of the Parcel Map (Tax Map, Property Identification Map, etc). with each property in the project clearly marked on the map. **Use SAME ID number as in the Property Site Inventory Worksheet.**

NOTE: On one or both of the maps and depending on the type of project, you may depict multiple requirements that are listed below, instead of a separate map for each.

Photos, Sketches, Drawings, Engineer Designs, etc:

These help clarify the project setting and the potential impacts of the project on the environment (soils, vegetation, hydrology, wildlife) and they assist in understanding the written description of the project, especially if contours and elevations are provided. The photographs should be representative of the project area, including any relevant streams, creeks, rivers, drainage areas, etc; which affect the project site or will be affected by the project. If photos are provided, then FEMA may not need to conduct a site visit, thereby, reducing the review time. Include ALL engineering calculations and quantity determinations for this project. These are in addition to any map substitutions. Please check the box below for the items you are attaching to your application, if any:

- | | |
|--|--|
| ☐ Photographs | ☐ Engineering Designs (including calculation and quantity determinations) |
| ☐ Sketches/Drawings | ☐ Other |

ENVIRONMENTAL HISTORICAL PRESERVATION (EHP) COMPLIANCE

Please complete the EHP Checklist (see attachment) and include in the application submission.

As a Federal agency, the Department of Homeland Security (DHS) / Federal Emergency Management Agency (FEMA) is required to consider the effects of its actions on the environment and/or historic properties to ensure that all activities and programs funded by the agency, including grants-funded projects, comply with Federal EHP regulations, laws, and Executive Orders, as applicable. Grant recipients proposing projects that have the potential to impact the environment, including but not limited to construction of communication towers, modification or renovation of existing buildings, structures and facilities (including installation of equipment), or new construction including replacement of facilities, must participate in the DHS/FEMA EHP review process. More information about the EHP requirement can be found at the following links:

<https://www.fema.gov/environmental-planning-and-historic-preservation-compliance>

<https://www.fema.gov/media-library/assets/documents/26621>

Maps will also be required for this portion of the application. If you have photos, sketches, drawings, engineer designs, etc. that will help clarify the project location and structures, please be sure to include them with your application.

BUDGET INFORMATION

Please complete the Budget Worksheet attachment by following the attached "Budget Worksheet Instructions". You can access the attachment by clicking on the paper clip on the left side of the form.

Once the budget has been completed, provide the following information from the worksheet:

(Note: Enter numbers only (no \$ or comma's) as the fields is automatically formatted)

Total Project Costs: _____

Applicants Cost Share: _____

Federal Amount: _____

Reminder: Applicant must include the Budget Worksheet when submitting the application

BENEFIT COST ANALYSIS

Applicants must demonstrate mitigation projects are cost effective. The Benefit Cost Tool Version 5.3 is used to perform benefit cost analysis for applications submitted under FEMA's Hazard Mitigation Assistance Grant Programs. To use this tool, you must first download the file from the website (see link below). If you have any questions about the new BCA software program, please contact the BC Helpline at bchelp@dhhs.gov or at 1-855-540-6744.

<https://www.fema.gov/media-library/assets/documents/128334>

Once the BCA has been completed, provide following information from the BCA:

(Note: Enter numbers only (no \$ or comma's) as the fields is automatically formatted)

Total Project Cost: _____

Total Value of Project Benefits: _____

Benefit Cost Ratio: _____

Reminder: Applicant must include a zip file of the BCA when submitting the application

BCA Exceptions

- **Acquisition Projects** - The acquisition of structures that are declared Substantially Damaged (from any origin) and located in a riverine Special Flood Hazard Area (SFHA) on a preliminary or effective FIRM is considered cost effective.
- **Residential Safe Room Projects** - The pre-calculated benefit provides standardized Benefit-Cost Analysis (BCA) benefit values associated with residential safe rooms so that individual BCAs are not required, as long as the project costs do not exceed \$5,421.32 (in Texas).
- **Acquisition and Elevation Projects** - The national average for benefits for acquisition and elevation projects is \$276,000 for acquisition projects and \$175,000 for elevation projects. **FEMA determined the acquisition or elevation of a structure located in the 100-year floodplain for which costs are equal to or less than the amount of benefits noted above is cost effective.** For projects that contain multiple structures, the average cost of all structures in the project must meet this criterion. There is no need for recipients to conduct a separate BCA for a structure that meets this criterion.
- A wind retrofit project is considered cost effective as long as the total project costs are less than the costs listed below:

<u>Mitigation Package Type</u>	<u>Roof Replacement Project</u>	<u>Maximum Costs</u>
Intermediate Protection	No	\$13,153
Intermediate Protection	Yes	\$24,920
Advanced Protection	No	\$40,252
Advanced Protection	Yes	\$52,018

CERTIFICATION AND SIGNATURE OF AUTHORIZED AGENT FORM

The Chief Elected Official (jurisdiction) or Executive Director (non-jursidiction) must certify the following statements before the project listed below will be considered for Hazard Mitigation Grant Program (HMGP) funding.

Name of Sub-Applicant (jurisdiction/non-jurisdiction) Identified in the Application:
(auto-populated from the first page of the application)

Project Titles Identified in the Application:
(auto-populated from the first page of the application)

To certify, please check the boxes and sign below:

- ☐ The undersigned will ensure all State and Federal requirements related to the HMGP funding are fulfilled.
- ☐ The undersigned understands that the jurisdiction/non-jursdiction applying for this grant is liable for the required matching funds (local share) related to the project listed above.
- ☐ The undersigned has reviewed and approved the project and information contained in the application.

Signature of the Authorized Agent

Name: _____

Title: _____

Signature: _____ **Date:** _____

FLOODPLAIN MANAGER AUTHORIZATION FORM

Please provide the following information for the designated Floodplain Manager for the project listed below.

Date: _____

Sub-Applicant: _____

Disaster Declaration: **FEMA 4332-DR-TX**

Project Title: _____

Project Number (if known): _____

Floodplain Manager Contact Information:

Name: _____ Title: _____

Organization: _____

Address: _____

City: _____ State: _____ Zip : _____

Email: _____ Office Phone: _____ Cell: _____

Floodplain Manager Certification Information:

CFM Certification Number: _____

If not a CFM, please enter the date of attendance for:

CFM - 1 Week Course: _____

Floodplain 101 Course: _____

Certification:

By signing below, the above Floodplain Manager is authorized to represent and act on behalf of the sub-applicant in all floodplain matters related to the project and grant listed above

.

Signature of Authorized Official/Project Officer

Date

Printed Name

Title

Please submit completed form(s) with the application email as an attachment.

SUBMITTAL INSTRUCTIONS:

- Review the application and ensure all questions are answered and all documents are attached. Below is the minimum required documentation. **Note:** This is not an all inclusive list since requirements may vary depending on project type and the subgrantee.

1. Application (with supporting documents used for additional space or to clarify answers)
2. Map(s), Photo(s), Drawing(s), etc. as required in the application
3. EHP Checklist
4. FIRM Map(s) per the EHP Checklist
5. Supporting Documentation per EHP Checklist
6. Budget Worksheet
7. Property Site Inventory Worksheet (*Required for Acquisition, Elevation, and Mitigation Reconstruction projects*)
8. BCA zip file
9. Certification and Signature of Authorized Agent (page 10 of the application)
10. Floodplain Manager Authorization Form (page 11 of the application)
11. DSA Form
12. All three SF424 forms (SF424, SF424B and SF424D)

- Upon completion of the application, save your file by clicking the Save As button below and name your file with the following structure:

Disaster# Grant - Jurisdiction/Organization Name - Project Type

Example: 4332 HMGP - Test, City of - Generator

Save As

- Submit completed application via email by clicking on this link: TDEM-Mitigation@dps.texas.gov



Standardized Agenda Request Form

Date of Meeting: October 2, 2018		Agenda Item No. (to be assigned by CSO): 2018-1951	
From:			
Subject: Discussion and consideration to authorize the submission of a Letter of Intent to the US Army Corps of Engineers under the Continuing Authorities Program (CAP), Section 205 grant funding and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.)			
Background: Staff is requesting to submit a Letter of Intent to apply for grant funding with the US Army Corps of Engineers under Section 205. There is no local match requirement for planning grant funds for amounts up to \$100,000 and a 50/50 match contribution thereafter. For construction grants, each project is eligible for up to \$10 million per project with a 65/35 local contribution. In-kind contributions can be used as local match. If approved, staff will coordinate with Engineering, the Drainage Committee and consultants to prioritize eligible project areas.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted: Mayor's Signature			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation): Non required.			
Andrew Muñoz		Created/Initiated	
Andrew Muñoz		Approved	
Mike Perez		Final Approval	
City Manager Comments: Approve.			
Staff Recommendation: Staff recommends approval.			
Attachments, if any: CAP Presentation			
Responsibilities upon Approval: Execute grant agreement, if approved for funding.			

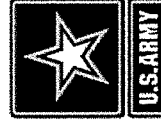
CONTINUING AUTHORITIES PROGRAM (CAP) DEFINITION AND PURPOSE

- The Continuing Authorities Program establishes a process by which the Corps of Engineers can respond to a variety of water resource problems without specific Congressional authorization for each project. These Projects:
 - Have limited scope and complexity
 - Have established Federal Costs limits
 - Are implemented quickly
 - Do not compete with GI for prioritization
- Federal funding limits range from \$500,000 to \$10 million. Funds administered at USACE HQ.
- Projects are cost shared with the Non-federal Sponsor

File Name



US Army Corps
of Engineers ®



U.S. ARMY

CAP AUTHORITIES

Program Authority	Description	Federal Limit Per Project
Section 14	Emergency stream bank and shoreline protection for public facilities, such as roads, bridges, hospitals, schools, and water & sewage treatment plants, that are in imminent danger of failing.	\$5M
Section 103	Protection of public and private properties and facilities against damages caused by storm driven waves and currents by the construction of revetments, groins, and jetties and may also include periodic sand replenishment.	\$5M
Section 107	Improvements to navigation including dredging of channels and widening of turning basins.	\$10M
Section 111	Prevention of mitigation of erosion damages to public or privately owned shores along the coastline when the damages are a result of a Federal navigation project.	\$10M
Section 204	Regional Sediment Management and beneficial uses of dredged material from new or existing Federal projects for ecosystem restoration, FRM or HSDR purpose.	\$10M
Section 205	Local protection from flooding by non-structural measures such as flood warning systems, or flood proofing; or by structural flood damage reduction features such as levees. Diversion channels, or impoundments.	\$10M
Section 206	Aquatic ecosystem restoration.	\$10M
Section 208	Local protection from flooding by channel clearing and excavation, with limited embankment construction by uses of materials from the clearing operation only.	\$500K
Section 1135	Modification of USACE constructed water resources projects to improve the quality of the environment. Also, restoration projects at locations where an existing Corps project contributed to the degradation.	\$10M



US Army Corps
of Engineers®



U.S. ARMY

CAP PROCESS

- Feasibility Phase –
 - Formulate alternatives
 - Initially federally funded up to \$100,000. Remaining feasibility phase costs shared 50/50 with non-Federal sponsor.
- Design and Implementation Phase.
 - Detailed design & construction
 - Cost Shared. Varies. (Typical: 65% Federal / 35% Non-Federal)
 - Where applicable, the NFS provides all necessary lands, easements, rights-of-way, access routes and relocation of utilities. Costs associated with these items may be creditable towards the non-Federal cash contribution for the project.
- Operations and Maintenance
 - 100% Non-federal (except section 107)



US Army Corps
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CAP PROJECT PROCESS

COORDINATION PHASE (100% FEDERAL)

- Receive Letter of Intent
- Initial Site Visits/Data Collection (5 Days)
- CAP Federal Interest Determination (6 Weeks)
- Project management Plan (SOW) (4-6 Weeks)

FEASIBILITY PHASE (FEAS > \$100K 50/50 COST SHARE)

- Feasibility Cost Share Agreement (90-120 Days)
- FEAS Scoping Meeting (FSM) (60-90 days after FCSA)
- FEAS Checkpoint Meeting
- MSC Decision Milestone/Alternative Formulation Briefing (AFB) (90 Days)
- Approval of Final CAP Decision Document (90 days after AFB)
- Project Partnership Agreement (PPA) Execution (30 - 150 Days)

DESIGN & IMPLEMENTATION PHASE (65/35 Cost Share)

- Plans & Specs Development (150 Days)
- Reviews of P&S (60 Days)
- Advertise Contract (30 Days)
- Award Contract (60 days after Advertise Contract)
- Supervision & Administration (Contract Duration)
- Project Close Out (90 Days)

Total Project Delivery:
3-5 Years



US Army Corps
of Engineers®



CAP: GETTING STARTED

- Non-Federal Sponsor:
 - Must be a public agency
 - State or local government, or division thereof, ex. port, utility district, etc.
 - For Environmental Restoration, can be non-profit organization
- Letter of Intent
 - Official request for assistance. Includes:
 - Specific Authority
 - Describes the proposed project
 - Non-binding
 - Statement of understanding of financial requirement
- Federal Actions
 - Site Visit
 - Request for funding



US Army Corps
of Engineers ®



QUESTIONS?

Lisa McCracken Mairs
Project Manager
US Army Corps of Engineers
Galveston District

Lisa.m.mairs@usace.army.mil
409-766-3913(o)



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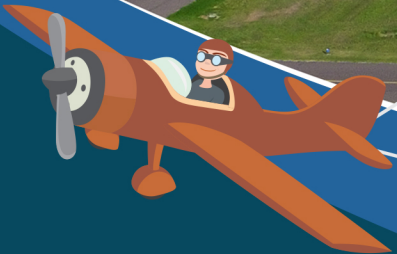


Standardized Agenda Request Form

Date of Meeting: October 2, 2018		Agenda Item No. (to be assigned by CSO): 2018-2003	
From:			
Subject: Discussion and consideration to authorize the 2nd Annual Community Fly-In event at the Mid Valley Airport on October 13, 2018 and authorize a fuel discount. Possible action. (Staffed by Airport.)			
Background: Airport staff, along with the Chamber of Commerce, will be hosting the 2nd Annual Community Fly-In event on October 13, 2018 from 8am to 2pm at the Mid Valley Airport. We will be hosting several types of aircraft from WWII, CBP, medical evac and gyro aircraft. Additionally, we will be hosting an AOPA Rusty Pilots Seminar from 9am to 12pm at the Public Works Training room for retired pilots interested in returning to flying. Last year's event, drew over 350 people and several community vendors with several pilots providing free 20 minutes flights to area residents and flight enthusiasts. This year, there will be a small fee for the flights to offset costs for the event. Confirmed attendees are from New Braunfels, Austin and New Mexico. additionally, staff requested funds from the Community Development / Promotional budget to provide for promotional items, advertising, fuel and lodging. This year, we anticipate selling fuel at a discount of \$2.50 per gallon.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted:			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation): The advisory board reviewed the request at the meeting of September 27, 2018.			
Aida Vega		Created/Initiated	
Andrew Muñoz		Approved	
Mike Perez		Final Approval	
City Manager Comments: Approve.			
Staff Recommendation: Staff recommends approval.			

Attachments, if any:
2nd Annual Fly-In
Responsibilities upon Approval:

W E S L A C O
MidVALLEY
A I R P O R T



WMVA
FLY IN

FOR THOSE INTERESTED
IN ATTENDING
FOLLOW US ON FACEBOOK.

Come and join us for a
FUN, FREE*, FAMILY
event as we celebrate the 2nd Annual
COMMUNITY FLY-IN

Saturday, October 13, 2018
8:00 am - 2:00 pm

Enter for your chance to win
great door prizes (must be present to win)

**food and beverage sales
benefit local charities*



1909 Joe Stephens Ave. (KTXW) Weslaco TX



Standardized Agenda Request Form

Date of Meeting: October 2, 2018		Agenda Item No. (to be assigned by CSO): 2018-2000	
From: Arnold Becho			
Subject: Discussion and consideration to approve the purchase of a Certificate of Deposit from Navy Army Credit Union in the amount of \$240,000.00 for a term of 30 months utilizing Booth Endowment Funds. Possible action. (Staffed by the Library Department.)			
Background: Approximately 7 years ago Marion Booth bequeathed to the Library Board approximately \$481,000. Since that time the Library Board has established a Booth Endowment. The current desire of the Board and the Commission has been to invest the principal of the funds. This action continues that philosophy. The particular investment (CD offered thru Navy Army Credit Union) was chosen from 10 investment vehicles recommended by the Finance department. There is no monetary cost to the city as a result of this action. The CD has been quoted at a rate of 3.3 APY over a set term of 30 months for an invested amount of \$240,000. The Library Board recommends this action. Their approval is a requirement of the Endowment Charter.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted:			
If item previously considered, provide date and action by Commission: NA			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners: NA			
Advisory Review, if any (name of board/committee, date of action, recommendation): Library Board recommends approval.			
Aida Vega Arnold Becho Sonia Flores Mike Perez		Created/Initiated Approved Approved Final Approval	
City Manager Comments: Approve.			
Staff Recommendation: Library staff recommends approval.			
Attachments, if any:			

memo - Request to Approve Booth Purchase of Navy Army Credit Union CD , Copy of EVALUATION OF CD RATES-LIBRARY 2018-09-24 (002),
Endowment+Charter+submitted+for+Commission+approval+11-11 (1)

Responsibilities upon Approval:

If approved the Library will work with the Finance Department to facilitate purchase of the CD from Navy Army Credit Union. From that point forward the Finance Department will provide periodic reports and facilitate any new action following maturation.

City of Weslaco

"The City on the Grow"



David Suarez, Mayor
Gerardo "Jerry" Tafolla, Mayor Pro-Tem, District 4
Leo Muñoz, Commissioner, District 1
Greg Kerr, Commissioner, District 2
Jose "J.P." Rodriguez, Commissioner, District 3
Letty Lopez, Commissioner, District 5
Josh Pedraza, Commissioner, District 6

Mike R. Perez, City Manager

September 26, 2018

To: Mike Perez, City Manager; David Suarez, Mayor; Gerardo Tafolla, Mayor Pro-Tem; Leo Muñoz, Commissioner; Gregory Kerr, Commissioner; Jose Rodriguez, Commissioner; Letty Lopez, Commissioner; Josh Pedraza, Commissioner
CC: Maria Barrera, Martin J. Mata
Fr: Arnoldo Becho, Library Director
Re: Request to Approve Purchase of Navy Army Credit Union CD Utilizing Booth Funds.

Approximately 7 years ago Marion Booth bequeathed to the Library Board approximately \$481,000. Since that time the Library Board has established a Booth Endowment. The charter associated with this endowment outlines the goals of the Library Board with respect to these funds and the means through which projects could be sponsored by these funds. The current desire of the Board and the Commission has been to invest the principal of the funds and expend the interest garnered following maturation of these investments. This action continues that philosophy.

The CD from Navy Army Credit Union was chosen from 10 investment vehicles recommended by the Finance department. The CD chosen provides the highest possible rate, at the preferred maturation time frame, among these choices. There is no monetary cost to the city as a result of this action. The CD has been quoted at a rate of 3.3% APY over a set term of 30 months for an invested amount of \$240,000.

The Library Board recommends this action. Please note that the Library Board passed a motion approving this action during their last meeting. Their approval is a requirement of the Endowment Charter. Library staff recommends approval as well.

If approved the Library will work with the Finance Department to facilitate purchase of the CD. From that point forward the Finance Department will provide periodic reports and facilitate any new action following maturation. Please feel free to contact me with any questions, I will be happy to provide additional information.

Thank you for the time.

Arnoldo Becho
Library Director, City of Weslaco
Phone: 956.973.3144
Email: abecho@weslacopl.us

**EVALUATION OF CD'S FOR LIBRARY
BOOTH FOUNDATION**

				DATE TERMS AMT
<u>BANK</u>	<u>CONTACT NAME</u>	<u>CONTACT EMAIL</u>	<u>CONTACT #</u>	<u>18 month</u>
GREATER STATE BANK	JAMES CANO	jac@gstbank.com	973-4782	1.85%
NAVY ARMY		https://www.navyarmyccu.com/products-services/rates/deposit-rates/	800-622-3631	--
RIO BANK	CONNIE CASTILLO	c.castillo@riobk.com	878-1153	1.87%
PLAINS CAPITAL	JESSE SANTANA	jesse.santana@plainscapital.com	973-3070	--
FROST BANK	DULCE ABUNDIS	dulce.abundis@frostbank.com	(210)220-6182	--
FROST - CDARS PROGRAM	DULCE ABUNDIS	dulce.abundis@frostbank.com	(210)220-6182	--
WELLS FARGO	ANDRES BRAVO	andres.bravo@wellsfargo.com	992-7392	--
TEXAS REGIONAL BANK	SUJEY DIAZ	sdiaz@texasregionalbank.com	351-4690	2.06%
*BBVA COMPASS	GINA LOBATO	gina.lobato@bbva.com	971-5901	

Interim:

BBVA Compass Library Checking acct

TexPool daily rate

TexPool Prime daily rate

8/31/2018

9/24/2018

9/24/2018

*Can't consider BBVA Compass at this time - we already have a CD with them, so another will exceed our FDIC collateral coverage.

9/24/2018	
18-24-30 month	
\$ 240,000.00	
<u>24 month</u>	<u>30 months</u>
1.25%	--
1.44%	3.30%
2.16%	--
1.10%	--
2.15%	--
--	--
--	--
2.16%	--

0.60% floating rate
1.98% floating rate
2.21% floating rate

CHARTER

**THE MARION BOOTH PERMANENT
ENDOWMENT PROGRAM**

MAYOR JOE V. SANCHEZ PUBLIC LIBRARY

WESLACO, TEXAS

THE PURPOSE

The Marion Booth Permanent Endowment Program, hereafter referred to in this document as “the Endowment Program,” is established for the purpose of providing individuals and organizations the opportunity to make charitable gifts to Weslaco’s public library that will become a permanent endowment and annual internal grant. The Endowment Program is intended for purposes that are not a part of the library’s established programs, which are funded through the annual operating budget provided by the City. Thus, the Endowment Program is not intended to substitute in any way the City’s budget for the library.

The Mayor Joe V. Sanchez Public Library dedicates itself to provide information to the community in a caring, committed and effective manner, with due and diligent stewardship of the resources placed in its trust. The library emphasizes collections which support the community’s interest, programming with cultural depth, and social enrichment.

ADMINISTRATION

The Endowment Program will be administered by the Library Board of Weslaco, hereafter referred to in this document as “the Board.”

The Board shall cooperate with the Finance Department of the City of Weslaco in assuring that an audit process is followed and a quarterly report is submitted to the City Commission.

The Library Director and the Finance Director of the City together shall be responsible for acknowledging donations to the Endowment Program and shall prepare receipts as necessary. The receipt and expenditure (if the donation is of an expendable nature) shall be recorded in the ledgers of the Endowment Program.

INVESTMENT OF ENDOWMENT FUNDS

The purpose of any endowment is to provide a stable and secure source of financial support in order to facilitate the mission of the organization. To that end, the policy that governs the management of the Endowment Program will be the total return concept. This is essential to provide current income and growth of income for future needs to carry out the mission of the Mayor Joe V. Sanchez Public Library and to ensure the preservation and growth of principal.

The Endowment Program will seek investment of assets in institutions, companies, corporations, or funds, which make a positive contribution toward the realization of the goals outlined by the Board.

All gifts received by the Endowment Program shall be invested as determined by the Board. Assets of the Endowment Program may be segregated into separate accounts, and such separate accounts may, for convenience or in order to comply with the conditions or request of the donor, be designated by separate names. Assets of the various accounts may be commingled for investment or accounting purposes.

Initially and by default, funds will be placed within a TexPool account, until the Board decides upon alternative investment.

CHANGE IN INVESTMENT POLICY

Any transfer of the Endowment Program assets for investment with another institution must be approved by a majority vote of the Library Board, at which a quorum is present.

LIMITATION ON USE OF PRINCIPAL

The objectives of the Endowment Program are to conserve principal and make use of only the distributions determined by the Board. Any withdrawal of principal will be recommended by the Board and must be approved by a two-thirds (2/3) vote of the Board and a majority vote of the City Commission.

DISTRIBUTIONS FROM THE ENDOWMENT PROGRAM

Distributions from accounts in the Endowment Program shall be made by the Board. In the case of undesignated gift accounts, the amount of all distributions shall be determined by the Board, which shall keep in mind the Endowment Program investment objectives stated in this document. The purposes and causes to which distributions are to be made shall be approved by the Board and City Commission. Quantity of distributions will be made with respect to the Endowment's goal of ensuring the preservation and growth of principal.

GIFTS TO THE FUND

The Board may accept gifts, devises, or bequests of money or property (herein called donations) to the Endowment Program. Donations to the City for the city library or for library purposes shall be deemed given to the library endowment program unless a contrary intent of the donor is evidenced. All donations to the Endowment Program shall be subject to approval by the City Commission. Donations may be accepted on such conditions as may be approved by the City Commission. Without limitation upon the generality of lawful conditions which may be approved by the City Commission, donations may be accepted on the condition that the principal amount thereof be retained and invested and only the income expended for the benefit of Weslaco's public library.

LIABILITY OF TRUSTEES

In the absence of gross negligence or fraud, no member of the Library Board shall be personally liable for any action taken or omitted with respect to the Endowment Program.

MERGER, CONSOLIDATION, OR DISSOLUTION OF THE MARION BOOTH PERMANENT ENDOWMENT PROGRAM

If at any time the Mayor Joe V. Sanchez Public Library is lawfully merged or consolidated with any other department, municipality or library, all the provisions hereof in respect to the Endowment shall be deemed to have been made on behalf of the merged or consolidated institution which shall be authorized to administer the same in all respects and in accordance with the terms thereto. If the Mayor Joe V. Sanchez Public Library should ever be dissolved without any lawful successor, the Fund, including both principal and interest to date, shall be distributed as directed by the Board.

AMENDMENTS

Technical corrections and amendments to the Endowment Program which do not alter the stated purpose of the Endowment Program may be made by a majority affirmative vote of the Board and the City Commission.

SEVERABILITY

If any provisions or any application of any provisions of the Endowment Program shall be held or deemed to be illegal, inoperative, or unenforceable, the same shall not affect any other provisions or application of any provisions herein contained or render the same invalid, inoperative or unenforceable.

This Endowment Program charter was adopted on _____

Library Board

____ For ____ Against and ____ Abstained. _____
Board President

Library Director

This Endowment Program charter was adopted on _____

City Commission

____ For ____ Against and ____ Abstained. _____
Recording Secretary

Mayor



Standardized Agenda Request Form

Date of Meeting: October 2, 2018		Agenda Item No. (to be assigned by CSO): 2018-2001	
From: Arnold Becho			
Subject: Discussion and consideration to authorize the expenditure of \$3,620 of the Marion Booth Endowment fund for the expansion of the Hotspot and Tablet checkout program within the Mayor Joe V. Sanchez Public Library. Possible action. (Staffed by the Library Department.)			
Background: Approximately 8 years ago Marion Booth bequeathed to the Library Board approximately \$481,000. Since that time the Library Board has established a Booth Endowment. Following the recent maturation of the Plains Capital Bank CD, the Library Board began looking into projects the endowment could sponsor. The proposed projects utilize approximately \$3,620 of the total \$3,620 the interest gained from the maturation of the Plains Capital Bank CD and does not touch the corpus of the funds. The Library Board decided on two projects: \$1,640 for 8 tablet computers and \$1,980 for 5 additional hotspots. Both will be available for checkout for 5 days by the public.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted:			
If item previously considered, provide date and action by Commission: NA			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners: NA			
Advisory Review, if any (name of board/committee, date of action, recommendation): The Library Board unanimously approved a motion to sponsor these projects and these fund amounts within their September 2018 meeting.			
Aida Vega		Created/Initiated	
Arnold Becho		Approved	
Martin Mata		Approved	
Sonia Flores		Approved	
Mike Perez		Final Approval	
City Manager Comments: Approve.			
Staff Recommendation: Staff recommends approval.			

Attachments, if any:

Endowment Charter submitted for Commission approval 11-11, memo - Request to Approve Expenditure of Booth Funds September 2018

Responsibilities upon Approval:

The library will attain quotes which satisfy each of the project goals. The library will need to work with Finance to move forward with those quotes. The bulk of funds used to pay for these projects will come from the Endowment. Several of these projects may need additional funding but the library has sufficient funds within its regular budget to cover these cost. No budget amendments or additional funds are needed.

CHARTER

**THE MARION BOOTH PERMANENT
ENDOWMENT PROGRAM**

MAYOR JOE V. SANCHEZ PUBLIC LIBRARY

WESLACO, TEXAS

THE PURPOSE

The Marion Booth Permanent Endowment Program, hereafter referred to in this document as “the Endowment Program,” is established for the purpose of providing individuals and organizations the opportunity to make charitable gifts to Weslaco’s public library that will become a permanent endowment and annual internal grant. The Endowment Program is intended for purposes that are not a part of the library’s established programs, which are funded through the annual operating budget provided by the City. Thus, the Endowment Program is not intended to substitute in any way the City’s budget for the library.

The Mayor Joe V. Sanchez Public Library dedicates itself to provide information to the community in a caring, committed and effective manner, with due and diligent stewardship of the resources placed in its trust. The library emphasizes collections which support the community’s interest, programming with cultural depth, and social enrichment.

ADMINISTRATION

The Endowment Program will be administered by the Library Board of Weslaco, hereafter referred to in this document as “the Board.”

The Board shall cooperate with the Finance Department of the City of Weslaco in assuring that an audit process is followed and a quarterly report is submitted to the City Commission.

The Library Director and the Finance Director of the City together shall be responsible for acknowledging donations to the Endowment Program and shall prepare receipts as necessary. The receipt and expenditure (if the donation is of an expendable nature) shall be recorded in the ledgers of the Endowment Program.

INVESTMENT OF ENDOWMENT FUNDS

The purpose of any endowment is to provide a stable and secure source of financial support in order to facilitate the mission of the organization. To that end, the policy that governs the management of the Endowment Program will be the total return concept. This is essential to provide current income and growth of income for future needs to carry out the mission of the Mayor Joe V. Sanchez Public Library and to ensure the preservation and growth of principal.

The Endowment Program will seek investment of assets in institutions, companies, corporations, or funds, which make a positive contribution toward the realization of the goals outlined by the Board.

All gifts received by the Endowment Program shall be invested as determined by the Board. Assets of the Endowment Program may be segregated into separate accounts, and such separate accounts may, for convenience or in order to comply with the conditions or request of the donor, be designated by separate names. Assets of the various accounts may be commingled for investment or accounting purposes.

Initially and by default, funds will be placed within a TexPool account, until the Board decides upon alternative investment.

CHANGE IN INVESTMENT POLICY

Any transfer of the Endowment Program assets for investment with another institution must be approved by a majority vote of the Library Board, at which a quorum is present.

LIMITATION ON USE OF PRINCIPAL

The objectives of the Endowment Program are to conserve principal and make use of only the distributions determined by the Board. Any withdrawal of principal will be recommended by the Board and must be approved by a two-thirds (2/3) vote of the Board and a majority vote of the City Commission.

DISTRIBUTIONS FROM THE ENDOWMENT PROGRAM

Distributions from accounts in the Endowment Program shall be made by the Board. In the case of undesignated gift accounts, the amount of all distributions shall be determined by the Board, which shall keep in mind the Endowment Program investment objectives stated in this document. The purposes and causes to which distributions are to be made shall be approved by the Board and City Commission. Quantity of distributions will be made with respect to the Endowment's goal of ensuring the preservation and growth of principal.

GIFTS TO THE FUND

The Board may accept gifts, devises, or bequests of money or property (herein called donations) to the Endowment Program. Donations to the City for the city library or for library purposes shall be deemed given to the library endowment program unless a contrary intent of the donor is evidenced. All donations to the Endowment Program shall be subject to approval by the City Commission. Donations may be accepted on such conditions as may be approved by the City Commission. Without limitation upon the generality of lawful conditions which may be approved by the City Commission, donations may be accepted on the condition that the principal amount thereof be retained and invested and only the income expended for the benefit of Weslaco's public library.

LIABILITY OF TRUSTEES

In the absence of gross negligence or fraud, no member of the Library Board shall be personally liable for any action taken or omitted with respect to the Endowment Program.

MERGER, CONSOLIDATION, OR DISSOLUTION OF THE MARION BOOTH PERMANENT ENDOWMENT PROGRAM

If at any time the Mayor Joe V. Sanchez Public Library is lawfully merged or consolidated with any other department, municipality or library, all the provisions hereof in respect to the Endowment shall be deemed to have been made on behalf of the merged or consolidated institution which shall be authorized to administer the same in all respects and in accordance with the terms thereto. If the Mayor Joe V. Sanchez Public Library should ever be dissolved without any lawful successor, the Fund, including both principal and interest to date, shall be distributed as directed by the Board.

AMENDMENTS

Technical corrections and amendments to the Endowment Program which do not alter the stated purpose of the Endowment Program may be made by a majority affirmative vote of the Board and the City Commission.

SEVERABILITY

If any provisions or any application of any provisions of the Endowment Program shall be held or deemed to be illegal, inoperative, or unenforceable, the same shall not affect any other provisions or application of any provisions herein contained or render the same invalid, inoperative or unenforceable.

This Endowment Program charter was adopted on _____

Library Board

____ For ____ Against and ____ Abstained. _____
Board President

Library Director

This Endowment Program charter was adopted on _____

City Commission

____ For ____ Against and ____ Abstained. _____
Recording Secretary

Mayor

City of Weslaco

"The City on the Grow"



David Suarez, Mayor
Gerardo "Jerry" Tafolla, Mayor Pro-Tem, District 4
Leo Muñoz, Commissioner, District 1
Greg Kerr, Commissioner, District 2
Jose "J.P." Rodriguez, Commissioner, District 3
Letty Lopez, Commissioner, District 5
Josh Pedraza, Commissioner, District 6

Mike R. Perez, City Manager

September 26, 2018

To: Mike Perez, City Manager; David Suarez, Mayor; Gerardo Tafolla, Mayor Pro-Tem; Leo Muñoz, Commissioner; Gregory Kerr, Commissioner; Jose Rodriguez, Commissioner; Letty Lopez, Commissioner; Josh Pedraza, Commissioner
CC: Sonia Flores, Martin J. Mata
Fr: Arnoldo Becho, Library Director
Re: Request to Approve Expenditure of Booth Funds.

Approximately 8 years ago Marion Booth bequeathed to the Library Board approximately \$481,000. Since that time the Library Board has established a Booth Endowment. The endowment outlines the goals of the Library Board with respect to these funds and the means through which projects could be sponsored. Currently the Library Board favors sponsoring projects funded only by interest garnered through investments. Following the maturation of the Plains Capital CD, the Library Board began considering projects the Endowment could sponsor.

The proposed projects utilize approximately \$3,620 of the total \$3,620 the interest gained from the maturation of the Plains Capital Bank CD and does not touch the corpus of the funds. The Library Board decided on two projects:

- \$1,640 for 8 tablet computers
- \$1,980 for 5 additional hotspots

Both will be available for checkout for 5 days by the public. Official motions approved these initiatives within the September Library Board meeting. Several of these projects may need some minimal additional funding but the library has sufficient funds within its regular budget to cover these costs. No budget amendments or additional funds are needed.

At this time the Library strongly recommends approval. Please feel free to contact me with any questions, I will be happy to provide additional information.

Thank you for the time.

Arnoldo Becho
Library Director, City of Weslaco
Phone: 956.973.3144
Email: abecho@weslacopl.us



URBAN COUNTY PROGRAM

427 E. Duranta Ave. Suite 107 • Alamo, Texas 78516 • (956) 787-8127 FAX (956) 318-2988 E-mail: ucp@co.hidalgo.tx.us

September 20, 2018

All City Managers,
Hidalgo County

Re: 2018-2019 Fiscal Year Interlocal Agreement

To All City Managers:

Attached is the Interlocal Agreement for the 2018 - 2019 fiscal year that must be approved by your city council. Please return the Interlocal Agreement to the Urban County Program office no later than *Monday, October 15, 2018*. In addition, minutes reflecting city council's approval of the Interlocal Agreement are also required. The UCP will accept signed and stamped excerpts of minutes in lieu of official minutes not being ready before the due date. Please see guidelines below:

Codes of Conduct - In addition to various Exhibits in the Agreement, the Agreement contains Exhibit A-I, the Code of Conduct Certifications. The Code of Conduct must be signed by each city council member, the city secretary, and city manager. Note that there are only five (5) copies of the Code of Conduct included in your Agreement; make additional copies for signature as needed.

Signing the Codes of Conduct - In blue ink, the Codes of Conduct must be signed by each city council member, the city secretary, and the city manager.

Signing the Interlocal Agreement - In blue ink, the Agreement must be signed by the Mayor and the city secretary.

Failure to Submit the Interlocal Agreement - The Interlocal Agreement is due every fiscal year for cities participating in the Urban County Program. *Failure to submit approved Interlocal Agreement by October 15, 2018 will result in forfeiture of funds.*

Please have the city council approve the agreement. Once the agreement has been returned to UCP with approval and signatures, the agreements will then be submitted to Commissioner's Court to complete the required approval process. Once formally approved, a copy will be forwarded to each city for your administration files. Should you have any questions or concerns, please do not hesitate to contact your program coordinator or myself at 956-787-8127.

Respectfully,

A blue ink signature of Antonio Barco, written in a cursive style.

Antonio Barco
Assistant Director

INTERLOCAL AGREEMENT

STATE OF TEXAS §
 §
COUNTY OF HIDALGO §

This Interlocal Agreement, made and entered into by and between the County of Hidalgo, a political subdivision of the State of Texas, hereafter referred to as the “County” and the [City of Weslaco](#), a municipal corporation under the laws of the State of Texas, hereafter referred to as “City”.

WITNESSETH

WHEREAS, the Department of Housing and Urban Development made a Determination of Essential Powers on November 16, 1987 which depicts Hidalgo County as having the “essential powers” to carry out community renewal and lower income housing assistance in the County, and

WHEREAS, the Department of Housing and Urban Development formally allocated [\\$7,561,596.00](#) of Fiscal Year [2018](#) Community Development Block Grant (CDBG) Funds under Grant No. [B-18-UC-48-0501](#) to County, and

WHEREAS, the City and County have entered into a Cooperation Agreement which allows the County to use the City’s population as the basis for qualification as an Urban County, and

WHEREAS, both the County and the City need to set out basic administrative understandings for the proper expenditure of CDBG funds as set out in 24 CFR.570 and other related federal rules and regulations as they apply to Subrecipients.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That the County and the City do mutually agree as follows:

SECTION I Rules and Regulations

The City agrees to cooperate with the County in respect to the implementation of CDBG activities to be carried out in the City’s jurisdiction as per 24 CFR 570 and other rules, regulations and decisions as may be made by the Department of Housing and Urban Development or any other federal or state agency that may legally exercise its jurisdiction over expenditures of CDBG funds. Both City and County agree and understand that the County is the grantee for the CDBG funds and the City is subject to all rules and regulations governing Subrecipients under 24 CFR 570.

SECTION II
Applicability of Uniform
Administrative Requirements

The County understands that it is responsible for the maintenance, retention, accessibility and public disclosure of all records, expenditures and files as may be promulgated for the administration of CDBG funds and as may be required by 24 CFR 570 and the "Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally Recognized Indian Tribal Governments." (24 CFR Part 85) or any variation as may be approved by HUD. The City agrees to work with the County to make available all data, information and records as may be necessary for the proper accounting of all CDBG expenditures and activities. A description of City and County responsibilities can be found in Exhibit B Matrix. City agrees to make all records available to the County and shall not be the custodian of any official records or information.

City agrees to comply with 24 CFR Part 200 and with the following sections of 24 CFR Part 85 "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Government":

- (1) Section 85.3, "Definitions";
- (2) Section 85.6, "Exceptions";
- (3) Section 85.12, Special grant or subgrant conditions for "high-risk grantees";
- (4) Section 85.20, "Standards for financial management systems," except paragraph (a);
- (5) Section 85.21, "Payment," except as modified by SS570.513;
- (6) Section 85.22, "Allowable costs";
- (7) Section 85.26, "Non-federal audits";
- (8) Section 85.32, "Equipment," except in all cases in which the equipment is sold, the proceeds shall be program income;
- (9) Section 85.33, "Supplies";
- (10) Section 85.34, "Copyrights";
- (11) Section 85.35, "Subawards to debarred and suspended parties";
- (12) Section 85.36, "Procurement," except paragraph (a);
- (13) Section 85.37, "Subgrants";
- (14) Section 85.40, "Monitoring and reporting program performance," except paragraphs (b)-(d) and (f);
- (15) Section 85.41, "Financial Reporting," except paragraphs (a), (b), and (e);
- (16) Section 85.42, "Retention and access requirements for records";
- (17) Section 85.43, "Enforcement";
- (18) Section 85.44, "Termination for convenience";
- (19) Section 85.51, "Later disallowances and adjustments"; and
- (20) Section 85.52, "Collection of amounts due."

the City agrees to submit a yearly Certified City Financial Audit regardless of the dollar amount expended in that fiscal year in the time and manner prescribed by the County.

SECTION III

Other Program Requirements

The City agrees to comply with “Other Program Requirements” as listed in Exhibit D (24 CFR 570.600-611) except for the environmental responsibilities outlined at 24 CFR 570.604 and the review process under Executive Order 12372.

SECTION IV

Allocation

The City understands that the Urban County allocation has been set at [\\$7,561,596](#) for [Fiscal Year 2018](#) and that City’s allotment has been set at [\\$295,584.00](#). The City agrees to cooperate with the county in the expenditure of these funds for the activities so described in Exhibit A of this Agreement and that Exhibit A is an integral part of this Agreement.

The City further agrees to inform the County on any changes in scope, funding or location of the activities listed on Exhibit A prior to executing any change. Any changes proposed by City must be approved by the County in reference to eligibility, program compliance and citizen participation requirements.

City and County mutually agree that the City shall have four (4) fiscal years to properly expend or cause to be expended, according to all applicable rules and regulations, all funds allocated to it in [Fiscal Year 2018](#). In consideration for the same, the City agrees not to have more than 1.5 times its annual allocation in its line of credit by [April 30, 2019](#). Funds in excess of the 1.5 standards shall be subject to the Recapture Policy of the Urban County Program. The County shall recapture any and all unobligated funds that a City fails to expend or obligate by [June 30, 2019](#) and shall expend such unobligated funds as it may deem appropriate.

SECTION V

Access

The City and County both agree to give the Department of Housing and Urban Development, the Inspector General, the Comptroller General of the United States, or any of its authorized representatives, access to and the right to examine, excerpt and transcribe all books, accounts, records, reports, files and other papers, things, or property belonging to or in use by the City or County for a period as such records are legally required to be maintained by the City or County.

SECTION VI

Monitoring

The County reserves the right to carry out regular and periodic field inspections to ensure compliance with the requirements of this Agreement. City shall attend a compliance seminar after the award of funds and prior to the first draw. After each monitoring visit, County shall provide City with a written report of the monitor's inspection. If the monitoring report finds deficiencies in City's performance under the terms of this Agreement, the monitoring report shall include requirements for the timely correction of such deficiencies by City. Failure by City to take action as specified in the monitoring report may be cause for suspension or termination of this Agreement, as provided in Section XIV of this Agreement.

SECTION VII

Conflict of Interest

In compliance with 24 CFR 611, the City and County both covenant that no member of their respective governing bodies nor any staff member who exercises influence on the decision making process, presently has or will have any interest, direct or indirect, with any person, corporation, company or association that is hired to carry out any of the activities so listed on Exhibit A or will receive federal assistance from any activity.

The City and County both agree that no person who is an elected official, employee, consultant, or agent of the City or County shall gain any interest in any corporation, company, or association that is hired to carry out any of the activities so listed in Exhibit A during their tenure or for a period of one year thereafter.

No City or County employee, elected official, consultant and/or agent shall solicit nor accept gratuities, favors, or anything of monetary value from any person, corporation, company, or association that has been hired or expects to be hired to perform any of the activities so described on Exhibit A.

Code of Conduct Certification attached to this agreement must be signed by elected officials, employees, consultants, or agents to the City. (See attachment A-1)

SECTION VIII

Religious Activities

The City and County both agree that none of the funds expended or activities undertaken shall be used in support of any sectarian or religious activity, nor shall any building or structure funded under this program be used for sectarian or religious activities.

SECTION IX

Real and Property Assets

The City and County agree that any property, real or personal, duly acquired with CDBG funds allocated to City shall become property of the City and shall be afforded the same maintenance and protection as other City property. City and County further agree that any real or personal property acquired shall be done in accordance with 24 CFR 570.606, 24 CFR 85 and/or any other federal rules or regulations as may apply.

City agrees not to purchase any real or personal assets unless so permitted by the County and such procurement shall be done in accordance with 24 CFR 570.606, 24 CFR 85 and/or any other federal rules or regulations as may apply.

The City agrees to maintain any real or personal asset in a prudent manner so as to ensure its useful life and to protect the federal government's interest in such real or personal asset from the perils of fire, storm, flood or theft through insurance coverage in the amount as may be deemed prudent by County. Failure to secure such protection shall be cause for termination of this agreement.

Any asset acquired or improved in part or in whole with CDBG funds must be used in an activity that is eligible and meets one of the national objectives listed in 24 CFR 570.208. Any asset acquired or improved in part or in whole with CDBG funds in excess of \$ 25,000 must be used for the CDBG activity so planned including the beneficiaries of such use. Any change in use or

beneficiaries must be subject to the citizen participation requirements and approved by the County.

Should any use of an asset not qualify as meeting one of the national objectives or is not an eligible use under 24 CFR 570.200, the City shall reimburse the County the amount of the current fair market value of the asset less any portion thereof attributable to expenditures of non-CDBG funds in the acquisition or improvement of the asset.

The above requirements attributed to assets over \$25,000 shall remain in force for a period of five years after the final closeout of the County's participation in the Urban County Program. The disposition of any asset improved or acquired in part or in whole with CDBG funds by the City must be done with prior approval of the County and the County shall be reimbursed for the asset, if sold, in the full amount of the disposed value of the asset. The County may, at its option, request that such asset be transferred to the County if the asset is no longer being used to meet one of the national objectives or in any case where the City no longer uses the asset for its intended use.

SECTION X

Jurisdiction

The City and County agree to accept the jurisdiction of the Department of Housing and Urban Development in matters relating to the proper administration of programs and the proper expenditure of CDBG funds.

The City and County agree that the County is responsible for the proper administration of programs and the proper expenditure of CDBG funds and recognize that the County will be responsible for audit or programmatic findings or exceptions made by the HUD or any other agency that may exercise jurisdiction over HUD or any other agency that may exercise jurisdiction over HUD funds or programs.

In cases of an audit finding or exception based on action or inaction, representation or misrepresentation of the City, the City agrees to resolve such audit finding or exception for and on behalf of the County. Remedial actions that may be taken for the resolution of an audit finding or exception are defined in 24 CFR 570.910 and include the withholding of funds to the City for any outstanding finding(s) or exception(s). (See Exhibit-E)

The City understands and agrees this Interlocal Agreement shall remain in full force and effect until the Department of Housing and Urban Development has closed this Program Year [\(B-18-UC-48-0501\)](#) and accepted any resolutions to any and all audit or programmatic finding(s) or concern(s).

SECTION XI

Payment Requests and Program Income

The City agrees to follow administrative directions from the County in the areas of documenting and processing payment requests. The City further agrees to allow the County to make all payments and to account for all program income from any of its CDBG activities that may generate program income as outlined in this Section.

The City and County agree that program income generated from any approved CDBG project shall be retained by the City as long as such City provides the County by the 15th of each month, an accounting as may be required by the County of program income earned, retained, and

expended by the City. The City shall be allowed to use the program income for the same or similar activities as generated the program income. Failure of the City to report program income as required shall cause the County to require all program income to be recovered by the County.

SECTION XII

Section 108 Loan Guarantee

County and City both agree that they may implement certain eligible activities as outlined in 24 CFR 570.703 with loan funds from the Section 108 Loan Guarantee Program as described in 24 CFR 570.700-709 approved and adopted November 6, 1991 (Vol. 56, No. 215 Federal Register).

The County and City will be allowed to submit an application for such funds per funding year in an amount less than three times its current allocation. Should the City or County submit more than one application during any combination of years, the cumulative amount of loan funds requested shall not exceed the total amount of five years of the current allocation. The City agrees that it will bear the full expense of obtaining Section 108 financing for the period of the repayment of Section 108 funds.

The County and City agree that they will maintain a legal binding relationship with each other under the terms of this Agreement and all previously signed Cooperation Agreement if the City wishes to participate in the Section 108 Loan Guarantee Program for the full term of the Section 108 Loan Agreement. The City agrees to pledge its current and future CDBG allocation and other security consideration as may be required, depending on the project risk, as security for the Section 108 Loan and such security pledge shall not bind or affect other cities' allocation in the Urban County Program.

Such legal binding relationship and security pledge shall remain in full force and effect for the full term of the Section 108 Loan Guarantee agreement and this agreement shall survive for the term of the Section 108 Loan. Details of any current Section 108 loan are included herein as Exhibit C, if applicable.

SECTION XIII

Legal Action

The City agrees to notify the County when a problem arises that may lead to any legal action or claim against the City and/or County. The City agrees to furnish to the County any information with respect to such action or claim. The City agrees not to take any action with respect to any legal matter or claim sought against the City and/or County without advice and consent of the County.

SECTION XIV

Suspension and Termination

City understands that this agreement may be suspended or terminated in accordance with 24 CFR 85.43 if the City materially fails to comply with the provisions of this agreement or the provisions so listed on Exhibits A through E. Termination for convenience may be implemented in accordance to the provisions listed in 24 CFR 85.44.

SECTION XV
Changes or Amendments

The City agrees to notify the County on any changes or amendments that it may desire or need to carry out the CDBG program in its area. All changes or amendments must first obtain approval from the County prior to implementation. All changes or amendments must conform to all federal rules and regulations applicable to the CDBG program.

SECTION XVI
Essential Powers

The City agrees that the County has the essential powers to implement any aspect of those activities identified in the **2018 – 2022** Five-Year Consolidated Plan & Strategy inclusive of specific projects identified in the annual One-Year Action Plan and subsequent amendments. The City further agrees to allow the County the authority to initiate, undertake and implement said projects within its jurisdictional boundaries without further notice to City by County for all projects identified in the **2018 – 2022** Five-Year Consolidated Plan & Strategy, Annual Action Plan and subsequent amendments to the Plans herein incorporated by reference.

Approved and signed this ____ Day of _____, 2018.

ATTEST:

Arturo Guajardo, Jr.
County Clerk

Ramon Garcia,
Hidalgo County Judge

ATTEST:

City Secretary

Mayor

Date

Approved as to form
Atlas, Hall & Rodriguez
By: Stephen L. Crain
Date: 9/20/2018

The following Exhibits are incorporated into the 2018 Interlocal Agreement:

Exhibit A	2018 Proposed Activities
Exhibit A-1	Code of Conduct Enforcement
Exhibit B	Urban County Program Matrix
Exhibit C	Section 108 Loan Guarantee Program
Exhibit D	CDBG Regulations and other Program Requirements
Exhibit E	Audit Finding or Exceptions

Exhibit A

2018 Proposed Activities

2018	WESLACO	\$295,584.00
21A Exempt 58.34(a)(3)	GENERAL PROGRAM ADMINISTRATION Funds shall be used for expenses related to compliance with CDBG requirements including but not limited to advertisements, postings and coordinating project activities and related eligible activities. Location: City Hall 255 S. Kansas Street, Weslaco, TX 78596	\$2,881.00
03J Cat. Excluded Not Subj. to 58.35 (b)(7)	WATER/SEWER IMPROVEMENTS Project consists of Phase 1 of a multi-year funded project for the replacement of sewer lines and related street resurfacing improvements at several alleys and streets. Project will also include but not limited to adjacent/abutting alleys/streets within the same general vicinity, all related appurtenances, professional engineering services, geotechnical and material testing fees, etc. Project environmentally cleared in FY 2015. Location: Alley between Kansas Ave. and Illinois Ave. (from 4 th St. to 8 th St.); Alley between Illinois Ave. and Iowa Ave. (from 7 th St. to 8 th St.); South Side of Central Middle School (Alley between Tennessee Ave. and Oregon Ave. to alley between Oregon Ave. and Florida Ave. Then south to 8 th St.); 8 th St. (from Texas Blvd. to the alley between Iowa Ave. and Tennessee Ave.), Weslaco, TX 78596 Census Data: 227.01 (01) National Objective: 53.89% LMA Goal Outcome Indicator: 900 Beneficiary Type: People	\$287,703.00
05A Exempt 58.34(a)(4)	SENIOR SERVICES – Amigos Del Valle Project expenditures include but are not limited to the reimbursement of expenses related to the delivery of meals to the elderly (62 years older) within the City of Weslaco. Location: Casa de Amigos V: 1201 W. 6 th St., Weslaco, TX 78596 National Objective: LMC Goal Outcome Indicator: 5 Beneficiary Type: People	\$5,000.00

Exhibit A-1

Code of Conduct Certifications

CODE OF CONDUCT

No employee, officer or agent of the ***County of Hidalgo-Urban County Program, sub-grantee or subrecipient*** shall participate in selection or in the award or administration of a contract or conduct business with a vendor if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- A. ***the employee, officer or any agent***
- B. ***any member of his immediate family***
- C. ***his or her partner***
- D. ***an organization which employs or is about to employ, any of the above, has a financial or other interest in the firm selected for award.***

The *Urban County Program's* , ***sub-grantee or subrecipient***, officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements, or vendors or potential vendors. Depending on gravity, violation of this Code of Conduct could result in dismissal, probation or suspension of officers, employees or agents involved or termination of contractual agreements with subrecipients.

Non-disclosure Policy

No disclosure of verbal or written price quotations shall be made by any *Urban County Program* employee, sub-grantee or subrecipient. Violation of the nondisclosure policy shall be subject to disciplinary action as provided by the *County of Hidalgo* or termination of contractual agreements when a subrecipient/sub-grantee employee is involved.

Personal Interest

No member of the *Hidalgo County Commissioners* or any officer or employee of the *Urban County Program*, ***sub-grantee or subrecipient*** shall have a financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract or in the sale to the *Urban County Program*, ***sub-grantee or subrecipient*** or to a contractor supplying the *Urban County Program*, ***sub-grantee or subrecipient*** of any land or rights or interest in any land, material, supplies, or services, or in any matter in which he acts for the *Urban County Program*. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the *Urban County Program*, ***sub-grantee or subrecipient*** found guilty shall thereby forfeit his or her office. Any violation of this section with the knowledge, express or implied, of the person or corporation contracting with the *Urban County Program*, ***sub-grantee or subrecipient*** shall render the contract voidable by the *Urban County Director* or the *board of Commissioners*.

Employee, Officer, or Agent Acknowledgment

Print or Type Name and Position/Title

Entity/Organization Name

Date

CODE OF CONDUCT

No employee, officer or agent of the ***County of Hidalgo-Urban County Program, sub-grantee or subrecipient*** shall participate in selection or in the award or administration of a contract or conduct business with a vendor if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- A. ***the employee, officer or any agent***
- B. ***any member of his immediate family***
- C. ***his or her partner***
- D. ***an organization which employs or is about to employ, any of the above, has a financial or other interest in the firm selected for award.***

The ***Urban County Program's , sub-grantee or subrecipient***, officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements, or vendors or potential vendors. Depending on gravity, violation of this Code of Conduct could result in dismissal, probation or suspension of officers, employees or agents involved or termination of contractual agreements with subrecipients.

Non-disclosure Policy

No disclosure of verbal or written price quotations shall be made by any ***Urban County Program*** employee, sub-grantee or subrecipient. Violation of the nondisclosure policy shall be subject to disciplinary action as provided by the ***County of Hidalgo*** or termination of contractual agreements when a subrecipient/sub-grantee employee is involved.

Personal Interest

No member of the ***Hidalgo County Commissioners*** or any officer or employee of the ***Urban County Program, sub-grantee or subrecipient*** shall have a financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract or in the sale to the ***Urban County Program, sub-grantee or subrecipient*** or to a contractor supplying the ***Urban County Program, sub-grantee or subrecipient*** of any land or rights or interest in any land, material, supplies, or services, or in any matter in which he acts for the ***Urban County Program***. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the ***Urban County Program, sub-grantee or subrecipient*** found guilty shall thereby forfeit his or her office. Any violation of this section with the knowledge, express or implied, of the person or corporation contracting with the ***Urban County Program, sub-grantee or subrecipient*** shall render the contract voidable by the ***Urban County Director or the board of Commissioners***.

Employee, Officer, or Agent Acknowledgment

Print or Type Name and Position/Title

Entity/Organization Name

Date

CODE OF CONDUCT

No employee, officer or agent of the ***County of Hidalgo-Urban County Program, sub-grantee or subrecipient*** shall participate in selection or in the award or administration of a contract or conduct business with a vendor if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- A. ***the employee, officer or any agent***
- B. ***any member of his immediate family***
- C. ***his or her partner***
- D. ***an organization which employs or is about to employ, any of the above, has a financial or other interest in the firm selected for award.***

The *Urban County Program's* , ***sub-grantee or subrecipient***, officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements, or vendors or potential vendors. Depending on gravity, violation of this Code of Conduct could result in dismissal, probation or suspension of officers, employees or agents involved or termination of contractual agreements with subrecipients.

Non-disclosure Policy

No disclosure of verbal or written price quotations shall be made by any *Urban County Program* employee, sub-grantee or subrecipient. Violation of the nondisclosure policy shall be subject to disciplinary action as provided by the *County of Hidalgo* or termination of contractual agreements when a subrecipient/sub-grantee employee is involved.

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- A. *the employee, officer or any agent*
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- C. *his or her partner*
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No member of the *Hidalgo County Commissioners* or any officer or employee of the *Urban County Program, sub-grantee or subrecipient* shall have a financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract or in the sale to the *Urban County Program, sub-grantee or subrecipient* or to a contractor supplying the *Urban County Program, sub-grantee or subrecipient* of any land or rights or interest in any land, material, supplies, or services, or in any matter in which he acts for the *Urban County Program*. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the *Urban County Program, sub-grantee or subrecipient* found guilty shall thereby forfeit his or her office. Any violation of this section with the knowledge, express or implied, of the person or corporation contracting with the *Urban County Program, sub-grantee or subrecipient* shall render the contract voidable by the *Urban County Director or the board of Commissioners*.

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- B. *any member of his immediate family*
- C. *his or her partner*
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Employee, Officer, or Agent Acknowledgment

Print or Type Name and Position/Title

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Date

Exhibit B

Urban County Matrix

Pre-Bid Activities

Development of Annual Workplan

This activity is a city responsibility with the county involvement only as is necessary to assure that the individual activities meet one of the three national objectives.

Revisions or Amendments to Annual Workplan

Same as above (only two amendments allowed per fiscal year)

Eligibility Test on Activities

This is a county responsibility working with the cities to assure all activities meet one of the three national objectives. The County will assure that the 51 percent benefit to low and moderate income persons can be verified and that the activities are eligible for funding. The county may request an eligibility determination from HUD should a difference of opinion arise between the City and the County.

Public Hearings

This responsibility will be a shared responsibility between the Cities and the County. In accordance with the adopted Citizen Participation Plan, the Cities will conduct a public hearing in their respective Cities after public notice. The County will then have a second public hearing at the County level on the county-wide workplan, after public notice.

Environmental Assessment

This is a County responsibility with concurrence and assistance by the Cities. The County will determine what level of clearance is needed and will do noise, hazard, historical, floodplain, etc. assessments as may be needed with as much city input as possible. The County Judge will consider the “do nothing” alternative after consultation with the respective Mayors. The County Judge and or UCP Staff will direct all mitigation efforts if necessary. The County Judge will sign all environmental assessment reviews and findings. (A County Signatory may be appointed: UCP Director)

Advertise for Professional Services

This is a County responsibility whereby the County will advertise once a year for all professional services through a statement of qualifications process. The County will provide all data concerning proposed activities and type of services needed. This list will be sent to all Cities so that the Cities may decide on the professional services as they see the need for the services. Should a city need services not available from the list (UC-1 List) of Professional Services, the City shall advertise for the service after consulting with the Urban County Program staff.

Selection of Professional Services Provider

This is a City and County shared responsibility, based on the Texas Local Government code and other applicable laws and regulations. County will make sure that the provider is not a contractor's debarred list by consulting with the System for Award Management (SAM) website (www.sam.gov), prior to recommendation for awarding a contractor to Hidalgo County Commissioner's Court.

Execute Professional Contracts

The City will negotiate the Professional Service Contract, and submit a Best and Final Offer (BAFO) along with Scope of Services, Project Cost Estimate, Certificate of Debarment, CIQ Form and IRS W-9 Form. The County will prepare the Professional Contract Agreement documents and submit to Hidalgo County Commissioner's Court for approval of contract. Any modifications to the County contracts require prior approval of the County Legal Department. Once approved, the County will forward the contracts to the Professional Service Provider for proper signatures, they will return to the County for the County's execution and County will issue Notice to Proceed.

Review of Preliminary Drawings

This is a city responsibility.

Solicit Davis-Bacon Wage Rates

This is a County responsibility. The County will obtain wage rates from HUD for specific projects and will forward wage rates to the respective Cities and the Professional Service Provider to include in the bid specification packages.

Review and Approval of Final Plans and Specifications

This is a City responsibility where by the Mayor's signature will be required on all plans and specifications prior to bidding. Final plans should be forwarded to Urban County Program office prior to bid advertisement for compliance check.

Advertise for Construction Bid

This is a County responsibility. The County will advertise for all construction projects and will instruct bidders as to the availability of plans and specs, (to be picked up at Professional Service Provider's choice of location), and will advise bidders as to who will accept bids. (Hidalgo County Purchasing Department – any given Wednesday at 9:30am)

Pre-Bid Conference

This is a County responsibility. County will conduct a pre-bid conference if necessary at the Urban County program Conference Room, accompanied by the Professional Service Provider and the project's respective City.

Bid Activities

Ten Day Wage Rate Check

This is a County responsibility. Ten days prior to any bid opening, the County will ascertain as to the applicability of the wage rate in the bid documents. Should the wage rate change all appropriate engineers will be notified and instructed to change wage rates.

Accept Construction Bids

This is a County Purchasing Department responsibility. The Hidalgo County Purchasing Department will accept bids as per the conditions set forth in the specification handbook.

Accept and Tabulate Bids

This is a County Purchasing Department responsibility with an Urban County, City, and Professional Service Provider representative at bid opening. The respective Professional Service Provider will review the bids received and make their recommendation to the Urban County Program.

Research Apparent Low Bidder

This is a shared responsibility. The respective Professional Service Provider will research and review apartment low bidder's past performances and their bids. The Urban County program will research the list of Debarred Contractor's and make a finding in the regard.

Bid Recommendation

This is a City responsibility. The respective Professional Service Provider will recommend the lowest and most responsible bid to the City. The city will send a recommendation to the County. County will request approval by Hidalgo County Commissioner's Court for approval of contract.

Contract Award

The County upon approval by Hidalgo County Commissioner's Court will prepare the contract documents and forward them to the approved Contractor for execution.

Pre-Construction Activities

Construction Contract and Bonds

This is a shared responsibility. The Professional Service Provider will coordinate the execution of construction contracts to include Insurance, Payment and Performance Bonds. Once they receive four (4) original set of construction contracts they will submit to the County for execution. Any modifications to the construction contracts require prior review by Legal Department and approval by Hidalgo County Commissioner's Court.

Pre-Construction Conference

The Urban County Program will conduct a Pre-construction conference to inform the contractor of the various federal regulations such as Affirmative Action, Section 3 Compliance, and Davis-Bacon Wage Compliance. The Pre-construction conference will be held at the Urban County

Program Conference Room, with the city and professional service provider representatives present. Once contracts are signed, County will prepare and issue a Notice to Proceed.

Document Posting and Construction Signs

This is a shared responsibility. The city and Professional Service Provider will ensure itself that the appropriate documents are posted at the site and that the construction sign is erected.

Construction Activities

Davis-Bacon Compliance

This is a shared responsibility. The City may be asked to conduct wage rate employee interviews. The County will conduct wage rate interviews and review wage rates on payroll reports submitted with request for payments.

Periodic Project Inspections

This is a shared responsibility. The City, County, and Professional Service Providers will conduct periodic site inspections of the project site.

Payment Request Approval

This is a shared responsibility. The Professional Service Provider will review and sign off on request for payments and forward RFP to the City for signature and approval, and forward the final RFP to the County for review and approval of payment.

Change Orders

This is a shared responsibility. Professional Service Provider will recommend any change orders after negotiating said change order with the contractor. All change orders must have City's approval prior to submission to County for review and approval.

Contract Amendment

This is a shared responsibility. The City will recommend any contract amendments to the County. County will consider and take appropriate action to approve or deny the contract amendment if necessary.

Final Payment Approval

This is a shared responsibility. The City and Professional Service Provider will conduct final project site inspections to ensure that construction has been completed as per plans and specifications prior to submitting final request for payment recommendation to the County. County will ensure that all applicable laws and regulations have been complied with. County will review wage rate compliance, release of liens, certification of construction completion, warranty certification and other pertinent documents.

Exhibit C

Section 108 Loan Guarantee Program

Introduction

Section 108 is the loan guarantee provision of the Community Development Block Grant (CDBG) program. Section 108 provides communities with a source of financing for economic development, housing rehabilitation, public facilities, and large-scale physical development projects. This makes it one of the most potent and important public investment tools that HUD offers to local governments. It allows them to transform a small portion of their CDBG funds into federally guaranteed loans large enough to pursue physical and economic revitalization projects that can renew entire neighborhoods. Such public investment is often needed to inspire private economic activity, providing the initial resources or simply the confidence that private firms and individuals may need to invest in distressed areas. Section 108 loans are not risk-free, however; local governments borrowing funds guaranteed by Section 108 must pledge their current and future CDBG allocations to cover the loan amount as security for the loan.

Regulations governing the Section 108 program may be found at [24 CFR 570](#), Subpart M, Loan Guarantees.

Eligible Applicants

Eligible applicants include the following public entities:

- metropolitan cities and urban counties (i.e. CDBG entitlement recipients);
- nonentitlement communities that are assisted in the submission of applications by States that administer the CDBG program; and
- nonentitlement communities eligible to receive CDBG funds under the HUD-Administered Small Cities CDBG program (Hawaii). The public entity may be the borrower or it may designate a public agency as the borrower.

Eligible Activities

Activities eligible for Section 108 financing include:

- economic development activities eligible under CDBG;
- acquisition of real property;
- rehabilitation of publicly owned real property;
- housing rehabilitation eligible under CDBG;
- construction, reconstruction, or installation of public facilities (including street, sidewalk, and other site improvements);
- related relocation, clearance, and site improvements;
- payment of interest on the guaranteed loan and issuance costs of public offerings;
- debt service reserves;
- public works and site improvements in colonias; and
- in limited circumstances, housing construction as part of community economic development, Housing Development Grant, or Nehemiah Housing Opportunity Grant programs.

For purposes of determining eligibility, the CDBG rules and requirements apply. As with the CDBG program, all projects and activities must either principally benefit low- and moderate-income persons, aid in the elimination or prevention of slums and blight, or meet urgent needs of the community.

Maximum Commitment Amount

Commitments are limited as follows:

1. Entitlement public entities. An entitlement public entity may apply for up to five times the public entity's latest approved CDBG entitlement amount, minus any outstanding Section 108 commitments and/or principal balances of Section 108 loans.
2. State assisted public entities. A nonentitlement public entity may apply for up to five times the latest approved CDBG amount received by its State, minus any outstanding Section 108 commitments and/or principal balances on Section 108 loans for which the State has pledged its CDBG funds as security.
3. Nonentitlement public entities eligible under the HUD administered Small Cities Program. For a public entity in Hawaii, the maximum commitment amount is five times the public entity's latest grant under 24 CFR 570, Subpart F, minus any outstanding Section 108 commitments and/or principal balances on Section 108 loans.

Loan Details

Security: The principal security for the loan guarantee is a pledge by the applicant public entity or the State (in the case of a nonentitlement public entity) of its current and future CDBG funds. Additional security will also be required to assure repayment of guaranteed obligations. The additional security requirements will be determined on a case-by-case basis, but could include assets financed by the guaranteed loan.

Repayment: The maximum repayment period for a Section 108 loan is twenty years. HUD has the ability to structure the principal amortization to match the needs of the project and borrower. Each annual principal amount will have a separate interest rate associated with it.

Financing Source: Section 108 obligations are financed through underwritten public offerings. Financing between public offerings is provided through an interim lending facility established by HUD.

Interest Rates: Interest rates on interim borrowing are priced at the 3 month London Interbank Offered (LIBO) rate plus 20 basis points (0.2%). Permanent financing is pegged to yields on U.S. Treasury obligations of similar maturity to the principal amount. A small additional basis point spread, depending on maturity, will be added to the Treasury yield to determine the actual rate.

Default: To date, there has been no default under Section 108 resulting in a repayment by HUD. In the event of default requiring a payment, HUD would continue to make payments on the loan in accordance with its terms. The source of payments by HUD pursuant to its guarantee would almost always be pledged CDBG funds. However, HUD does have borrowing authority with the U.S. Treasury if the pledged funds are insufficient.

For More Information visit www.hud.gov

Source: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs/108

Exhibit D

CDBG Regulations and Other Program Requirements

Subpart A—General Provisions

SOURCE: 53 FR 34437, Sept. 6, 1988, unless otherwise noted.

§ 570.1 Purpose and primary objective.

(a) This part describes policies and procedures applicable to the following programs authorized under title I of the Housing and Community Development Act of 1974, as amended:

- (1) Entitlement grants program (subpart D);
- (2) Nonentitlement Funds: HUD-administered Small Cities and Insular Area programs (subpart F);
- (3) State program: State-administered CDBG nonentitlement funds (subpart I);
- (4) Special Purpose Grants (subpart E);
- (5) Urban Development Action Grant program (subpart G); and
- (6) Loan Guarantees (subpart M).

(b) Subparts A, C, J, K, and O apply to all programs in paragraph (a) except as modified or limited under the provisions of these subparts or the applicable program regulations. In the application of the subparts to Special Purpose Grants or the Urban Development Action Grant program, the reference to funds in the form of grants in the term “*CDBG funds*”, as defined in § 570.3, shall mean the grant funds under those programs. The subparts do not apply to the State program (subpart I) except to the extent expressly referred to.

(c) The primary objective of the programs authorized under title I of the Housing and Community Development Act of 1974, as amended, is described in section 101(c) of the Act (42 U.S.C. 5301(c)).

[53 FR 34437, Sept. 6, 1988, as amended at 56 FR 56126, Oct. 31, 1991; 61 FR 11475, Mar. 20, 1996; 69 FR 32778, June 10, 2004]

§ 570.3 Definitions.

The terms *HUD* and *Secretary* are defined in 24 CFR part 5. All of the following definitions in this section that rely on data from the United States Bureau of the Census shall rely upon the data available from the latest decennial census.

Act means title I of the Housing and Community Development Act of 1974 as amended (42 U.S.C. 5301 *et seq.*).

Age of housing means the number of year-round housing units, as further defined in section 102(a)(11) of the Act.

Applicant means a State or unit of general local government that makes application pursuant to the provisions of subpart E, F, G or M.

Buildings for the general conduct of government shall have the meaning provided in section 102(a)(21) of the Act.

CDBG funds means Community Development Block Grant funds, including funds received in the form of grants under subpart D, F, or § 570.405 of this part, funds awarded under section 108(q) of the Housing and Community Development Act of 1974, loans guaranteed under subpart M of this part, urban renewal surplus grant funds, and program income as defined in § 570.500(a).

Chief executive officer of a State or unit of general local government means the elected official or the legally designated official, who has the primary responsibility for the conduct of that entity's governmental affairs. Examples of the "chief executive officer" of a unit of general local government are: the elected mayor of a municipality; the elected county executive of a county; the chairperson of a county commission or board in a county that has no elected county executive; and the official designated pursuant to law by the governing body of a unit of general local government.

City means the following:

(1) For purposes of Entitlement Community Development Block Grant and Urban Development Action Grant eligibility:

(i) Any unit of general local government that is classified as a municipality by the United States Bureau of the Census, or

(ii) Any other unit of general local government that is a town or township and that, in the determination of the Secretary:

(A) Possesses powers and performs functions comparable to those associated with municipalities;

(B) Is closely settled (except that the Secretary may reduce or waive this requirement on a case by case basis for the purposes of the Action Grant program); and

(C) Contains within its boundaries no incorporated places as defined by the United States Bureau of the Census that have not entered into cooperation agreements with the town or township for a period covering at least 3 years to undertake or assist in the undertaking of essential community development and housing assistance activities. The determination of eligibility of a town or township to qualify as a city will be based on information available from the United States Bureau of the Census and information provided by the town or township and its included units of general local government.

(2) For purposes of Urban Development Action Grant eligibility only, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the counties of Kauai, Maui, and Hawaii in the State of Hawaii, and Indian tribes that are eligible recipients under the State and Local Government Fiscal Assistance Act of 1972 and located on reservations in Oklahoma as determined by the Secretary of the Interior or in Alaskan Native Villages.

Community Development Financial Institution has the same meaning as used in the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4701 note).

Consolidated plan. The plan prepared in accordance with 24 CFR part 91, which describes needs, resources, priorities and proposed activities to be undertaken with respect to HUD programs, including the CDBG program. An approved consolidated plan means a consolidated plan that has been approved by HUD in accordance with 24 CFR part 91.

Discretionary grant means a grant made from the various Special Purpose Grants in accordance with subpart E of this part.

Entitlement amount means the amount of funds which a metropolitan city is entitled to receive under the Entitlement grant program, as determined by formula set forth in section 106 of the Act.

Extent of growth lag shall have the meaning provided in section 102(a)(12) of the Act.

Extent of housing overcrowding shall have the meaning provided in section 102(a)(10) of the Act.

Extent of poverty means the number of persons whose incomes are below the poverty level based on data compiled and published by the United States Bureau of the Census available from the latest census referable to the same point or period in time and the latest reports from the Office of Management and Budget. For purposes of this part, the Secretary has determined that it is neither feasible nor appropriate to make adjustments at this time in the computations of “extent of poverty” for regional or area variations in income and cost of living.

Family refers to the definition of “family” in 24 CFR 5.403.

Household means all persons occupying a housing unit. The occupants may be a family, as defined in 24 CFR 5.403; two or more families living together; or any other group of related or unrelated persons who share living arrangements, regardless of actual or perceived, sexual orientation, gender identity, or marital status.

Income. For the purpose of determining whether a family or household is low- and moderate-income under subpart C of this part, grantees may select any of the three definitions listed below for each activity, except that integrally related activities of the same type and qualifying under the same paragraph of § 570.208(a) shall use the same definition of income. The option to choose a definition does not apply to activities that qualify under § 570.208(a)(1) (Area benefit activities), except when the recipient carries out a survey under § 570.208(a)(1)(vi). Activities qualifying under § 570.208(a)(1) generally must use the area income data supplied to recipients by HUD. The three definitions are as follows:

(1)(i) “Annual income” as defined under the Section 8 Housing Assistance Payments program at 24 CFR 813.106 (except that if the CDBG assistance being provided is homeowner rehabilitation under § 570.202, the value of the homeowner's primary residence may be excluded from any calculation of Net Family Assets); or

(ii) Annual income as reported under the Census long-form for the most recent available decennial Census. This definition includes:

(A) Wages, salaries, tips, commissions, etc.;

(B) Self-employment income from own nonfarm business, including proprietorships and partnerships;

(C) Farm self-employment income;

(D) Interest, dividends, net rental income, or income from estates or trusts;

(E) Social Security or railroad retirement;

(F) Supplemental Security Income, Aid to Families with Dependent Children, or other public assistance or public welfare programs;

(G) Retirement, survivor, or disability pensions; and

(H) Any other sources of income received regularly, including Veterans' (VA) payments, unemployment compensation, and alimony; or

(iii) Adjusted gross income as defined for purposes of reporting under Internal Revenue Service (IRS) Form 1040 for individual Federal annual income tax purposes.

(2) Estimate the annual income of a family or household by projecting the prevailing rate of income of each person at the time assistance is provided for the individual, family, or household (as applicable). Estimated annual income shall include income from all family or household members, as applicable. Income or asset enhancement derived from the CDBG-assisted activity shall not be considered in calculating estimated annual income.

Insular area shall have the meaning provided in section 102(a)(24) of the Act.

Low- and moderate-income household means a household having an income equal to or less than the Section 8 low-income limit established by HUD.

Low- and moderate-income person means a member of a family having an income equal to or less than the Section 8 low-income limit established by HUD. Unrelated individuals will be considered as one-person families for this purpose.

Low-income household means a household having an income equal to or less than the Section 8 very low-income limit established by HUD.

Low-income person means a member of a family that has an income equal to or less than the Section 8 very low-income limit established by HUD. Unrelated individuals shall be considered as one-person families for this purpose.

Metropolitan area shall have the meaning provided in section 102(a)(3) of the Act.

Metropolitan city shall have the meaning provided in section 102(a)(4) of the Act except that the term "central city" is replaced by "principal city."

Microenterprise shall have the meaning provided in section 102(a)(22) of the Act.

Moderate-income household means a household having an income equal to or less than the Section 8 low-income limit and greater than the Section 8 very low-income limit, established by HUD.

Moderate-income person means a member of a family that has an income equal to or less than the Section 8 low-income limit and greater than the Section 8 very low-income limit, established by HUD. Unrelated individuals shall be considered as one-person families for this purpose.

Nonentitlement amount means the amount of funds which is allocated for use in a State's nonentitlement areas as determined by formula set forth in section 106 of the Act.

Nonentitlement area shall have the meaning provided in section 102(a)(7) of the Act.

Population means the total resident population based on data compiled and published by the United States Bureau of the Census available from the latest census or which has been upgraded by the Bureau to reflect the changes resulting from the Boundary and Annexation Survey, new incorporations and consolidations of governments pursuant to § 570.4, and which reflects, where applicable, changes resulting from the Bureau's latest population determination through its estimating technique using natural changes (birth and death) and net migration, and is referable to the same point or period in time.

Small business means a business that meets the criteria set forth in section 3(a) of the Small Business Act (15 U.S.C. 631, 636, 637).

State shall have the meaning provided in section 102(a)(2) of the Act.

Unit of general local government shall have the meaning provided in section 102(a)(1) of the Act.

Urban county shall have the meaning provided in section 102(a)(6) of the Act. For the purposes of this definition, HUD will determine whether the county's combined population contains the required percentage of low- and moderate-income persons by identifying the number of persons that resided in applicable areas and units of general local government based on data from the most recent decennial census, and using income limits that would have applied for the year in which that census was taken.

Urban Development Action Grant (UDAG) means a grant made by the Secretary pursuant to section 119 of the Act and subpart G of this part.

[53 FR 34437, Sept. 6, 1988; 53 FR 41330, Oct. 21, 1988, as amended at 56 FR 56126, Oct. 31, 1991; 60 FR 1915, 1943, Jan. 5, 1995; 60 FR 56909, Nov. 9, 1995; 61 FR 5209, Feb. 9, 1996; 61 FR 11475, Mar. 20, 1996; 61 FR 18674, Apr. 29, 1996; 68 FR 69582, Dec. 12, 2003; 69 FR 32778, June 10, 2004; 77 FR 5675, Feb. 3, 2012]

§ 570.4 Allocation of funds.

(a) The determination of eligibility of units of general local government to receive entitlement grants, the entitlement amounts, the allocation of appropriated funds to States for use in nonentitlement areas, the reallocation of funds, the allocation of appropriated funds to insular areas, and the allocation of appropriated funds for discretionary grants under the Secretary's Fund shall be governed by the policies and procedures described in sections 106 and 107 of the Act, as appropriate.

(b) The definitions in § 570.3 shall govern in applying the policies and procedures described in sections 106 and 107 of the Act.

(c) In determining eligibility for entitlement and in allocating funds under section 106 of the Act for any federal fiscal year, HUD will recognize corporate status and geographical boundaries and the status of metropolitan areas and principal cities effective as of July 1 preceding such federal fiscal year, subject to the following limitations:

(1) With respect to corporate status as certified by the applicable State and available for processing by the Census Bureau as of such date;

(2) With respect to boundary changes or annexations, as are used by the Census Bureau in preparing population estimates for all general purpose governmental units and are available for processing by the Census Bureau as of such date, except that any such boundary changes or annexations which result in the population of a unit of general local government reaching or exceeding 50,000 shall be recognized for this purpose whether or not such changes are used by the Census Bureau in preparing such population estimates; and

(3) With respect to the status of Metropolitan Statistical Areas and principal cities, as officially designated by the Office of Management and Budget as of such date.

(d) In determining whether a county qualifies as an urban county, and in computing entitlement amounts for urban counties, the demographic values of population, poverty, housing overcrowding, and age of housing of any Indian tribes located within the county shall be excluded. In allocating amounts to States for use in nonentitlement areas, the demographic values of population, poverty, housing overcrowding and age of housing of all Indian tribes located in all nonentitled areas shall be excluded. It is recognized that all

such data on Indian tribes are not generally available from the United States Bureau of the Census and that missing portions of data will have to be estimated. In accomplishing any such estimates the Secretary may use such other related information available from reputable sources as may seem appropriate, regardless of the data's point or period of time and shall use the best judgement possible in adjusting such data to reflect the same point or period of time as the overall data from which the Indian tribes are being deducted, so that such deduction shall not create an imbalance with those overall data.

(e) Amounts remaining after closeout of a grant which are required to be returned to HUD under the provisions of § 570.509, Grant closeout procedures, shall be considered as funds available for reallocation unless the appropriation under which the funds were provided to the Department has lapsed.

[53 FR 34437, Sept. 6, 1988, as amended at 68 FR 69582, Dec. 12, 2003; 69 FR 32778, June 10, 2004]

§ 570.5 Waivers.

HUD's authority for the waiver of regulations and for the suspension of requirements to address damage in a Presidentially declared disaster area is described in 24 CFR part 5 and in section 122 of the Act, respectively.

[61 FR 11476, Mar. 20, 1996]

Subpart B [Reserved]

Subpart C—Eligible Activities

SOURCE: 53 FR 34439, Sept. 6, 1988, unless otherwise noted.

§ 570.200 General policies.

(a) *Determination of eligibility.* An activity may be assisted in whole or in part with CDBG funds only if all of the following requirements are met:

(1) *Compliance with section 105 of the Act.* Each activity must meet the eligibility requirements of section 105 of the Act as further defined in this subpart.

(2) *Compliance with national objectives.* Grant recipients under the Entitlement and HUD-administered Small Cities programs and recipients of insular area funds under section 106 of the Act must certify that their projected use of funds has been developed so as to give maximum feasible priority to activities which will carry out one of the national objectives of benefit to low- and moderate-income families or aid in the prevention or elimination of slums or blight. The projected use of funds may also include activities that the recipient certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs. Consistent with the foregoing, each recipient under the Entitlement or HUD-administered Small Cities programs, and each recipient of insular area funds under section 106 of the Act must ensure and maintain evidence that each of its activities assisted with CDBG funds meets one of the three national objectives as contained in its certification. Criteria for determining whether an activity addresses one or more of these objectives are found in § 570.208.

(3) *Compliance with the primary objective.* The primary objective of the Act is described in section 101(c) of the Act. Consistent with this objective, entitlement recipients, non-entitlement CDBG grantees in Hawaii, and recipients of insular area funds under section 106 of the Act must ensure that, over a period of time specified in their certification not to exceed three years, not less than 70 percent of the aggregate of CDBG fund expenditures shall be for activities meeting the criteria under § 570.208(a) or under

§ 570.208(d)(5) or (6) for benefiting low- and moderate-income persons. For grants under section 107 of the Act, insular area recipients must meet this requirement for each separate grant. See § 570.420(d)(3) for additional discussion of the primary objective requirement for insular areas funded under section 106 of the Act. The requirements for the HUD-administered Small Cities program in New York are at § 570.420(d)(2). In determining the percentage of funds expended for such activities:

(i) Cost of administration and planning eligible under § 570.205 and § 570.206 will be assumed to benefit low and moderate income persons in the same proportion as the remainder of the CDBG funds and, accordingly shall be excluded from the calculation;

(ii) Funds deducted by HUD for repayment of urban renewal temporary loans pursuant to § 570.802(b) shall be excluded;

(iii) Funds expended for the repayment of loans guaranteed under the provisions of subpart M shall also be excluded;

(iv) Funds expended for the acquisition, new construction or rehabilitation of property for housing that qualifies under § 570.208(a)(3) shall be counted for this purpose but shall be limited to an amount determined by multiplying the total cost (including CDBG and non-CDBG costs) of the acquisition, construction or rehabilitation by the percent of units in such housing to be occupied by low and moderate income persons.

(v) Funds expended for any other activities qualifying under § 570.208(a) shall be counted for this purpose in their entirety.

(4) *Compliance with environmental review procedures.* The environmental review procedures set forth at 24 CFR part 58 must be completed for each activity (or project as defined in 24 CFR part 58), as applicable.

(5) *Cost principles.* Costs incurred, whether charged on a direct or an indirect basis, must be in conformance with 2 CFR PART 200 ¹ All items of cost listed in Attachment B of these Circulars that require prior Federal agency approval are allowable without prior approval of HUD to the extent they comply with the general policies and principles stated in Attachment A of such circulars and are otherwise eligible under this subpart C, except for the following:

¹ These circulars are available from the American Communities Center by calling the following toll-free numbers: (800) 998-9999 or (800) 483-2209 (TDD).

(i) Depreciation methods for fixed assets shall not be changed without HUD's specific approval or, if charged through a cost allocation plan, the Federal cognizant agency.

(ii) Fines and penalties (including punitive damages) are unallowable costs to the CDBG program.

(iii) Pre-award costs are limited to those authorized under paragraph (h) of this section.

(b) *Special policies governing facilities.* The following special policies apply to:

(1) *Facilities containing both eligible and ineligible uses.* A public facility otherwise eligible for assistance under the CDBG program may be provided with CDBG funds even if it is part of a multiple use building containing ineligible uses, if:

(i) The facility which is otherwise eligible and proposed for assistance will occupy a designated and discrete area within the larger facility; and

(ii) The recipient can determine the costs attributable to the facility proposed for assistance as separate and distinct from the overall costs of the multiple-use building and/or facility.

Allowable costs are limited to those attributable to the eligible portion of the building or facility.

(2) *Fees for use of facilities.* Reasonable fees may be charged for the use of the facilities assisted with CDBG funds, but charges such as excessive membership fees, which will have the effect of precluding low and moderate income persons from using the facilities, are not permitted.

(c) *Special assessments under the CDBG program.* The following policies relate to special assessments under the CDBG program:

(1) *Definition of special assessment.* The term “special assessment” means the recovery of the capital costs of a public improvement, such as streets, water or sewer lines, curbs, and gutters, through a fee or charge levied or filed as a lien against a parcel of real estate as a direct result of benefit derived from the installation of a public improvement, or a one-time charge made as a condition of access to a public improvement. This term does not relate to taxes, or the establishment of the value of real estate for the purpose of levying real estate, property, or ad valorem taxes, and does not include periodic charges based on the use of a public improvement, such as water or sewer user charges, even if such charges include the recovery of all or some portion of the capital costs of the public improvement.

(2) *Special assessments to recover capital costs.* Where CDBG funds are used to pay all or part of the cost of a public improvement, special assessments may be imposed as follows:

(i) Special assessments to recover the CDBG funds may be made only against properties owned and occupied by persons not of low and moderate income. Such assessments constitute program income.

(ii) Special assessments to recover the non-CDBG portion may be made provided that CDBG funds are used to pay the special assessment in behalf of all properties owned and occupied by low and moderate income persons; except that CDBG funds need not be used to pay the special assessments in behalf of properties owned and occupied by moderate income persons if the grant recipient certifies that it does not have sufficient CDBG funds to pay the assessments in behalf of all of the low and moderate income owner-occupant persons. Funds collected through such special assessments are not program income.

(3) *Public improvements not initially assisted with CDBG funds.* The payment of special assessments with CDBG funds constitutes CDBG assistance to the public improvement. Therefore, CDBG funds may be used to pay special assessments provided:

(i) The installation of the public improvements was carried out in compliance with requirements applicable to activities assisted under this part including environmental, citizen participation and Davis-Bacon requirements;

(ii) The installation of the public improvement meets a criterion for national objectives in § 570.208(a)(1), (b), or (c); and

(iii) The requirements of § 570.200(c)(2)(ii) are met.

(d) *Consultant activities.* Consulting services are eligible for assistance under this part for professional assistance in program planning, development of community development objectives, and other general professional guidance relating to program execution. The use of consultants is governed by the following:

(1) *Employer-employee type of relationship.* No person providing consultant services in an employer-employee type of relationship shall receive more than a reasonable rate of compensation for personal services paid with CDBG funds. In no event, however, shall such compensation exceed the equivalent of

the daily rate paid for Level IV of the Executive Schedule. Such services shall be evidenced by written agreements between the parties which detail the responsibilities, standards, and compensation.

(2) *Independent contractor relationship.* Consultant services provided under an independent contractor relationship are governed by the procurement requirements in 24 CFR 85.36, and are not subject to the compensation limitation of Level IV of the Executive Schedule.

(e) *Recipient determinations required as a condition of eligibility.* In several instances under this subpart, the eligibility of an activity depends on a special local determination. Recipients shall maintain documentation of all such determinations. A written determination is required for any activity carried out under the authority of §§ 570.201(f), 570.201(i)(2), 570.201(p), 570.201(q), 570.202(b)(3), 570.206(f), 570.209, 570.210, and 570.309.

(f) *Means of carrying out eligible activities.* (1) Activities eligible under this subpart, other than those authorized under § 570.204(a), may be undertaken, subject to local law:

(i) By the recipient through:

(A) Its employees, or

(B) Procurement contracts governed by the requirements of 24 CFR 85.36; or

(ii) Through loans or grants under agreements with subrecipients, as defined at § 570.500(c); or

(iii) By one or more public agencies, including existing local public agencies, that are designated by the chief executive officer of the recipient.

(2) Activities made eligible under § 570.204(a) may only be undertaken by entities specified in that section.

(g) *Limitation on planning and administrative costs.* No more than 20 percent of the sum of any grant, plus program income, shall be expended for planning and program administrative costs, as defined in §§ 570.205 and 570.206, respectively. Recipients of entitlement grants under subpart D of this part shall conform with this requirement by limiting the amount of CDBG funds obligated for planning plus administration during each program year to an amount no greater than 20 percent of the sum of its entitlement grant made for that program year (if any) plus the program income received by the recipient and its subrecipients (if any) during that program year.

(h) *Reimbursement for pre-award costs.* The effective date of the grant agreement is the program year start date or the date that the consolidated plan is received by HUD, whichever is later. For a Section 108 loan guarantee, the effective date of the grant agreement is the date of HUD execution of the grant agreement amendment for the particular loan guarantee commitment.

(1) Prior to the effective date of the grant agreement, a recipient may incur costs or may authorize a subrecipient to incur costs, and then after the effective date of the grant agreement pay for those costs using its CDBG funds, provided that:

(i) The activity for which the costs are being incurred is included, prior to the costs being incurred, in a consolidated plan action plan, an amended consolidated plan action plan, or an application under subpart M of this part, except that a new entitlement grantee preparing to receive its first allocation of CDBG funds may incur costs necessary to develop its consolidated plan and undertake other administrative actions necessary to receive its first grant, prior to the costs being included in its consolidated plan;

(ii) Citizens are advised of the extent to which these pre-award costs will affect future grants;

(iii) The costs and activities funded are in compliance with the requirements of this part and with the Environmental Review Procedures stated in 24 CFR part 58;

(iv) The activity for which payment is being made complies with the statutory and regulatory provisions in effect at the time the costs are paid for with CDBG funds;

(v) CDBG payment will be made during a time no longer than the next two program years following the effective date of the grant agreement or amendment in which the activity is first included; and

(vi) The total amount of pre-award costs to be paid during any program year pursuant to this provision is no more than the greater of 25 percent of the amount of the grant made for that year or \$300,000.

(2) Upon the written request of the recipient, HUD may authorize payment of pre-award costs for activities that do not meet the criteria at paragraph (h)(1)(v) or (h)(1)(vi) of this section, if HUD determines, in writing, that there is good cause for granting an exception upon consideration of the following factors, as applicable:

(i) Whether granting the authority would result in a significant contribution to the goals and purposes of the CDBG program;

(ii) Whether failure to grant the authority would result in undue hardship to the recipient or beneficiaries of the activity;

(iii) Whether granting the authority would not result in a violation of a statutory provision or any other regulatory provision;

(iv) Whether circumstances are clearly beyond the recipient's control; or

(v) Any other relevant considerations.

(i) *Urban Development Action Grant.* Grant assistance may be provided with Urban Development Action Grant funds, subject to the provisions of subpart G, for:

(1) Activities eligible for assistance under this subpart; and

(2) Notwithstanding the provisions of § 570.207, such other activities as the Secretary may determine to be consistent with the purposes of the Urban Development Action Grant program.

(j) *Faith-based activities.* (1) Organizations that are religious or faith-based are eligible, on the same basis as any other organization, to participate in the CDBG program. Neither the Federal government nor a State or local government receiving funds under CDBG programs shall discriminate against an organization on the basis of the organization's religious character or affiliation.

(2) Organizations that are directly funded under the CDBG program may not engage in inherently religious activities, such as worship, religious instruction, or proselytization, as part of the programs or services funded under this part. If an organization conducts such activities, the activities must be offered separately, in time or location, from the programs or services funded under this part, and participation must be voluntary for the beneficiaries of the HUD-funded programs or services.

(3) A religious organization that participates in the CDBG program will retain its independence from Federal, State, and local governments, and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs, provided that it does not use direct CDBG funds to support any inherently religious activities, such as worship, religious instruction, or proselytization. Among other things, faith-based organizations may use space in their facilities to provide CDBG-funded services, without removing religious art, icons, scriptures, or other religious symbols. In addition, a CDBG-funded

religious organization retains its authority over its internal governance, and it may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other governing documents.

(4) An organization that participates in the CDBG program shall not, in providing program assistance, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion or religious belief.

(5) CDBG funds may not be used for the acquisition, construction, or rehabilitation of structures to the extent that those structures are used for inherently religious activities. CDBG funds may be used for the acquisition, construction, or rehabilitation of structures only to the extent that those structures are used for conducting eligible activities under this part. Where a structure is used for both eligible and inherently religious activities, CDBG funds may not exceed the cost of those portions of the acquisition, construction, or rehabilitation that are attributable to eligible activities in accordance with the cost accounting requirements applicable to CDBG funds in this part. Sanctuaries, chapels, or other rooms that a CDBG-funded religious congregation uses as its principal place of worship, however, are ineligible for CDBG-funded improvements. Disposition of real property after the term of the grant, or any change in use of the property during the term of the grant, is subject to government-wide regulations governing real property disposition (see 24 CFR parts 84 and 85).

(6) If a State or local government voluntarily contributes its own funds to supplement federally funded activities, the State or local government has the option to segregate the Federal funds or commingle them. However, if the funds are commingled, this section applies to all of the commingled funds.

[53 FR 34439, Sept. 6, 1988, as amended at 54 FR 47031, Nov. 8, 1989; 57 FR 27119, June 17, 1992; 60 FR 1943, Jan. 5, 1995; 60 FR 17445, Apr. 6, 1995; 60 FR 56910, Nov. 9, 1995; 61 FR 11476, Mar. 20, 1996; 61 FR 18674, Apr. 29, 1996; 65 FR 70215, Nov. 21, 2000; 68 FR 56404, Sept. 30, 2003; 69 FR 32778, June 10, 2004; 70 FR 76369, Dec. 23, 2005; 72 FR 46370, Aug. 17, 2007]

§ 570.201 Basic eligible activities.

CDBG funds may be used for the following activities:

(a) *Acquisition.* Acquisition in whole or in part by the recipient, or other public or private nonprofit entity, by purchase, long-term lease, donation, or otherwise, of real property (including air rights, water rights, rights-of-way, easements, and other interests therein) for any public purpose, subject to the limitations of § 570.207.

(b) *Disposition.* Disposition, through sale, lease, donation, or otherwise, of any real property acquired with CDBG funds or its retention for public purposes, including reasonable costs of temporarily managing such property or property acquired under urban renewal, provided that the proceeds from any such disposition shall be program income subject to the requirements set forth in § 570.504.

(c) *Public facilities and improvements.* Acquisition, construction, reconstruction, rehabilitation or installation of public facilities and improvements, except as provided in § 570.207(a), carried out by the recipient or other public or private nonprofit entities. (However, activities under this paragraph may be directed to the removal of material and architectural barriers that restrict the mobility and accessibility of elderly or severely disabled persons to public facilities and improvements, including those provided for in § 570.207(a)(1).) In undertaking such activities, design features and improvements which promote energy efficiency may be included. Such activities may also include the execution of architectural design features, and similar treatments intended to enhance the aesthetic quality of facilities and improvements receiving CDBG assistance, such as decorative pavements, railings, sculptures, pools of water and fountains, and other works of art. Facilities designed for use in providing shelter for persons having special needs are considered public facilities and not subject to the prohibition of new housing construction described in § 570.207(b)(3). Such facilities include shelters for the homeless; convalescent homes; hospitals, nursing homes; battered spouse shelters; halfway houses for run-away children, drug offenders or parolees; group

homes for mentally retarded persons and temporary housing for disaster victims. In certain cases, nonprofit entities and subrecipients including those specified in § 570.204 may acquire title to public facilities. When such facilities are owned by nonprofit entities or subrecipients, they shall be operated so as to be open for use by the general public during all normal hours of operation. Public facilities and improvements eligible for assistance under this paragraph are subject to the policies in § 570.200(b).

(d) *Clearance and remediation activities.* Clearance, demolition, and removal of buildings and improvements, including movement of structures to other sites and remediation of known or suspected environmental contamination. Demolition of HUD-assisted or HUD-owned housing units may be undertaken only with the prior approval of HUD. Remediation may include project-specific environmental assessment costs not otherwise eligible under § 570.205.

(e) *Public services.* Provision of public services (including labor, supplies, and materials) including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing counseling, energy conservation, welfare (but excluding the provision of income payments identified under § 570.207(b)(4)), homebuyer downpayment assistance, or recreational needs. To be eligible for CDBG assistance, a public service must be either a new service or a quantifiable increase in the level of an existing service above that which has been provided by or on behalf of the unit of general local government (through funds raised by the unit or received by the unit from the State in which it is located) in the 12 calendar months before the submission of the action plan. (An exception to this requirement may be made if HUD determines that any decrease in the level of a service was the result of events not within the control of the unit of general local government.) The amount of CDBG funds used for public services shall not exceed paragraphs (e) (1) or (2) of this section, as applicable:

(1) The amount of CDBG funds used for public services shall not exceed 15 percent of each grant, except that for entitlement grants made under subpart D of this part, the amount shall not exceed 15 percent of the grant plus 15 percent of program income, as defined in § 570.500(a). For entitlement grants under subpart D of this part, compliance is based on limiting the amount of CDBG funds obligated for public service activities in each program year to an amount no greater than 15 percent of the entitlement grant made for that program year plus 15 percent of the program income received during the grantee's immediately preceding program year.

(2) A recipient which obligated more CDBG funds for public services than 15 percent of its grant funded from Federal fiscal year 1982 or 1983 appropriations (excluding program income and any assistance received under Public Law 98-8), may obligate more CDBG funds than allowable under paragraph (e)(1) of this section, so long as the total amount obligated in any program year does not exceed:

(i) For an entitlement grantee, 15% of the program income it received during the preceding program year; plus

(ii) A portion of the grant received for the program year which is the highest of the following amounts:

(A) The amount determined by applying the percentage of the grant it obligated for public services in the 1982 program year against the grant for its current program year;

(B) The amount determined by applying the percentage of the grant it obligated for public services in the 1983 program year against the grant for its current program year;

(C) The amount of funds it obligated for public services in the 1982 program year; or,

(D) The amount of funds it obligated for public services in the 1983 program year.

(f) *Interim assistance.* (1) The following activities may be undertaken on an interim basis in areas exhibiting objectively determinable signs of physical deterioration where the recipient has determined that immediate action is necessary to arrest the deterioration and that permanent improvements will be carried out as soon as practicable:

(i) The repairing of streets, sidewalks, parks, playgrounds, publicly owned utilities, and public buildings; and

(ii) The execution of special garbage, trash, and debris removal, including neighborhood cleanup campaigns, but not the regular curbside collection of garbage or trash in an area.

(2) In order to alleviate emergency conditions threatening the public health and safety in areas where the chief executive officer of the recipient determines that such an emergency condition exists and requires immediate resolution, CDBG funds may be used for:

(i) The activities specified in paragraph (f)(1) of this section, except for the repair of parks and playgrounds;

(ii) The clearance of streets, including snow removal and similar activities, and

(iii) The improvement of private properties.

(3) All activities authorized under paragraph (f)(2) of this section are limited to the extent necessary to alleviate emergency conditions.

(g) *Payment of non-Federal share.* Payment of the non-Federal share required in connection with a Federal grant-in-aid program undertaken as part of CDBG activities, provided, that such payment shall be limited to activities otherwise eligible and in compliance with applicable requirements under this subpart.

(h) *Urban renewal completion.* Payment of the cost of completing an urban renewal project funded under title I of the Housing Act of 1949 as amended. Further information regarding the eligibility of such costs is set forth in § 570.801.

(i) *Relocation.* Relocation payments and other assistance for permanently and temporarily relocated individuals families, businesses, nonprofit organizations, and farm operations where the assistance is (1) required under the provisions of § 570.606 (b) or (c); or (2) determined by the grantee to be appropriate under the provisions of § 570.606(d).

(j) *Loss of rental income.* Payments to housing owners for losses of rental income incurred in holding, for temporary periods, housing units to be used for the relocation of individuals and families displaced by program activities assisted under this part.

(k) *Housing services.* Housing services, as provided in section 105(a)(21) of the Act (42 U.S.C. 5305(a)(21)).

(l) *Privately owned utilities.* CDBG funds may be used to acquire, construct, reconstruct, rehabilitate, or install the distribution lines and facilities of privately owned utilities, including the placing underground of new or existing distribution facilities and lines.

(m) *Construction of housing.* CDBG funds may be used for the construction of housing assisted under section 17 of the United States Housing Act of 1937.

(n) *Homeownership assistance.* CDBG funds may be used to provide direct homeownership assistance to low- or moderate-income households in accordance with section 105(a) of the Act.

(o)(1) The provision of assistance either through the recipient directly or through public and private organizations, agencies, and other subrecipients (including nonprofit and for-profit subrecipients) to facilitate economic development by:

(i) Providing credit, including, but not limited to, grants, loans, loan guarantees, and other forms of financial support, for the establishment, stabilization, and expansion of microenterprises;

(ii) Providing technical assistance, advice, and business support services to owners of microenterprises and persons developing microenterprises; and

(iii) Providing general support, including, but not limited to, peer support programs, counseling, child care, transportation, and other similar services, to owners of microenterprises and persons developing microenterprises.

(2) Services provided this paragraph (o) shall not be subject to the restrictions on public services contained in paragraph (e) of this section.

(3) For purposes of this paragraph (o), “persons developing microenterprises” means such persons who have expressed interest and who are, or after an initial screening process are expected to be, actively working toward developing businesses, each of which is expected to be a microenterprise at the time it is formed.

(4) Assistance under this paragraph (o) may also include training, technical assistance, or other support services to increase the capacity of the recipient or subrecipient to carry out the activities under this paragraph (o).

(p) *Technical assistance.* Provision of technical assistance to public or nonprofit entities to increase the capacity of such entities to carry out eligible neighborhood revitalization or economic development activities. (The recipient must determine, prior to the provision of the assistance, that the activity for which it is attempting to build capacity would be eligible for assistance under this subpart C, and that the national objective claimed by the grantee for this assistance can reasonably be expected to be met once the entity has received the technical assistance and undertakes the activity.) Capacity building for private or public entities (including grantees) for other purposes may be eligible under § 570.205.

(q) *Assistance to institutions of higher education.* Provision of assistance by the recipient to institutions of higher education when the grantee determines that such an institution has demonstrated a capacity to carry out eligible activities under this subpart C.

[53 FR 34439, Sept. 6, 1988, as amended at 53 FR 31239, Aug. 17, 1988; 55 FR 29308, July 18, 1990; 57 FR 27119, June 17, 1992; 60 FR 1943, Jan. 5, 1995; 60 FR 56911, Nov. 9, 1995; 61 FR 18674, Apr. 29, 1996; 65 FR 70215, Nov. 21, 2000; 67 FR 47213, July 17, 2002; 71 FR 30034, May 24, 2006]

§ 570.202 *Eligible rehabilitation and preservation activities.*

(a) *Types of buildings and improvements eligible for rehabilitation assistance.* CDBG funds may be used to finance the rehabilitation of:

(1) Privately owned buildings and improvements for residential purposes; improvements to a single-family residential property which is also used as a place of business, which are required in order to operate the business, need not be considered to be rehabilitation of a commercial or industrial building, if the improvements also provide general benefit to the residential occupants of the building;

(2) Low-income public housing and other publicly owned residential buildings and improvements;

(3) Publicly or privately owned commercial or industrial buildings, except that the rehabilitation of such buildings owned by a private for-profit business is limited to improvement to the exterior of the building, abatement of asbestos hazards, lead-based paint hazard evaluation and reduction, and the correction of code violations;

(4) Nonprofit-owned nonresidential buildings and improvements not eligible under § 570.201(c); and

(5) Manufactured housing when such housing constitutes part of the community's permanent housing stock.

(b) *Types of assistance.* CDBG funds may be used to finance the following types of rehabilitation activities, and related costs, either singly, or in combination, through the use of grants, loans, loan guarantees, interest supplements, or other means for buildings and improvements described in paragraph (a) of this section, except that rehabilitation of commercial or industrial buildings is limited as described in paragraph (a)(3) of this section.

(1) Assistance to private individuals and entities, including profit making and nonprofit organizations, to acquire for the purpose of rehabilitation, and to rehabilitate properties, for use or resale for residential purposes;

(2) Labor, materials, and other costs of rehabilitation of properties, including repair directed toward an accumulation of deferred maintenance, replacement of principal fixtures and components of existing structures, installation of security devices, including smoke detectors and dead bolt locks, and renovation through alterations, additions to, or enhancement of existing structures and improvements, abatement of asbestos hazards (and other contaminants) in buildings and improvements that may be undertaken singly, or in combination;

(3) Loans for refinancing existing indebtedness secured by a property being rehabilitated with CDBG funds if such financing is determined by the recipient to be necessary or appropriate to achieve the locality's community development objectives;

(4) Improvements to increase the efficient use of energy in structures through such means as installation of storm windows and doors, siding, wall and attic insulation, and conversion, modification, or replacement of heating and cooling equipment, including the use of solar energy equipment;

(5) Improvements to increase the efficient use of water through such means as water savings faucets and shower heads and repair of water leaks;

(6) Connection of residential structures to water distribution lines or local sewer collection lines;

(7) For rehabilitation carried out with CDBG funds, costs of:

(i) Initial homeowner warranty premiums;

(ii) Hazard insurance premiums, except where assistance is provided in the form of a grant; and

(iii) Flood insurance premiums for properties covered by the Flood Disaster Protection Act of 1973, pursuant to § 570.605.

(8) Costs of acquiring tools to be lent to owners, tenants, and others who will use such tools to carry out rehabilitation;

(9) Rehabilitation services, such as rehabilitation counseling, energy auditing, preparation of work specifications, loan processing, inspections, and other services related to assisting owners, tenants, contractors, and other entities, participating or seeking to participate in rehabilitation activities authorized under this section, under section 312 of the Housing Act of 1964, as amended, under section 810 of the Act, or under section 17 of the United States Housing Act of 1937;

(10) Assistance for the rehabilitation of housing under section 17 of the United States Housing Act of 1937; and

(11) Improvements designed to remove material and architectural barriers that restrict the mobility and accessibility of elderly or severely disabled persons to buildings and improvements eligible for assistance under paragraph (a) of this section.

(c) *Code enforcement.* Costs incurred for inspection for code violations and enforcement of codes (e.g., salaries and related expenses of code enforcement inspectors and legal proceedings, but not including the cost of correcting the violations) in deteriorating or deteriorated areas when such enforcement together with public or private improvements, rehabilitation, or services to be provided may be expected to arrest the decline of the area.

(d) *Historic preservation.* CDBG funds may be used for the rehabilitation, preservation or restoration of historic properties, whether publicly or privately owned. Historic properties are those sites or structures that are either listed in or eligible to be listed in the National Register of Historic Places, listed in a State or local inventory of historic places, or designated as a State or local landmark or historic district by appropriate law or ordinance. Historic preservation, however, is not authorized for buildings for the general conduct of government.

(e) *Renovation of closed buildings.* CDBG funds may be used to renovate closed buildings, such as closed school buildings, for use as an eligible public facility or to rehabilitate such buildings for housing.

(f) *Lead-based paint activities.* Lead-based paint activities pursuant to § 570.608.

[53 FR 34439, Sept. 6, 1988; 53 FR 41330, Oct. 21, 1988, as amended at 60 FR 1944, Jan. 5, 1995; 60 FR 56911, Nov. 9, 1995; 64 FR 50225, Sept. 15, 1999; 71 FR 30035, May 24, 2006]

§ 570.203 *Special economic development activities.*

A recipient may use CDBG funds for special economic development activities in addition to other activities authorized in this subpart that may be carried out as part of an economic development project. Guidelines for selecting activities to assist under this paragraph are provided at § 570.209. The recipient must ensure that the appropriate level of public benefit will be derived pursuant to those guidelines before obligating funds under this authority. Special activities authorized under this section do not include assistance for the construction of new housing. Activities eligible under this section may include costs associated with project-specific assessment or remediation of known or suspected environmental contamination. Special economic development activities include:

(a) The acquisition, construction, reconstruction, rehabilitation or installation of commercial or industrial buildings, structures, and other real property equipment and improvements, including railroad spurs or similar extensions. Such activities may be carried out by the recipient or public or private nonprofit subrecipients.

(b) The provision of assistance to a private for-profit business, including, but not limited to, grants, loans, loan guarantees, interest supplements, technical assistance, and other forms of support, for any activity where the assistance is appropriate to carry out an economic development project, excluding those described as ineligible in § 570.207(a). In selecting businesses to assist under this authority, the recipient shall minimize, to the extent practicable, displacement of existing businesses and jobs in neighborhoods.

(c) Economic development services in connection with activities eligible under this section, including, but not limited to, outreach efforts to market available forms of assistance; screening of applicants; reviewing and underwriting applications for assistance; preparation of all necessary agreements; management of assisted activities; and the screening, referral, and placement of applicants for employment opportunities generated by CDBG-eligible economic development activities, including the costs of providing necessary training for persons filling those positions.

[53 FR 34439, Sept. 6, 1988, as amended at 60 FR 1944, Jan. 5, 1995; 71 FR 30035, May 24, 2006]

§ 570.204 Special activities by Community-Based Development Organizations (CBDOs).

(a) *Eligible activities.* The recipient may provide CDBG funds as grants or loans to any CBDO qualified under this section to carry out a neighborhood revitalization, community economic development, or energy conservation project. The funded project activities may include those listed as eligible under this subpart, and, except as described in paragraph (b) of this section, activities not otherwise listed as eligible under this subpart. For purposes of qualifying as a project under paragraphs (a)(1), (a)(2), and (a)(3) of this section, the funded activity or activities may be considered either alone or in concert with other project activities either being carried out or for which funding has been committed. For purposes of this section:

(1) Neighborhood revitalization project includes activities of sufficient size and scope to have an impact on the decline of a geographic location within the jurisdiction of a unit of general local government (but not the entire jurisdiction) designated in comprehensive plans, ordinances, or other local documents as a neighborhood, village, or similar geographical designation; or the entire jurisdiction of a unit of general local government which is under 25,000 population;

(2) Community economic development project includes activities that increase economic opportunity, principally for persons of low- and moderate-income, or that stimulate or retain businesses or permanent jobs, including projects that include one or more such activities that are clearly needed to address a lack of affordable housing accessible to existing or planned jobs and those activities specified at 24 CFR 91.1(a)(1)(iii); activities under this paragraph may include costs associated with project-specific assessment or remediation of known or suspected environmental contamination;

(3) Energy conservation project includes activities that address energy conservation, principally for the benefit of the residents of the recipient's jurisdiction; and

(4) To carry out a project means that the CBDO undertakes the funded activities directly or through contract with an entity other than the grantee, or through the provision of financial assistance for activities in which it retains a direct and controlling involvement and responsibilities.

(b) *Ineligible activities.* Notwithstanding that CBDOs may carry out activities that are not otherwise eligible under this subpart, this section does not authorize:

(1) Carrying out an activity described as ineligible in § 570.207(a);

(2) Carrying out public services that do not meet the requirements of § 570.201(e), except that:

(i) Services carried out under this section that are specifically designed to increase economic opportunities through job training and placement and other employment support services, including, but not limited to, peer support programs, counseling, child care, transportation, and other similar services; and

(ii) Services of any type carried out under this section pursuant to a strategy approved by HUD under the provisions of 24 CFR 91.215(e) shall not be subject to the limitations in § 570.201(e)(1) or (2), as applicable;

(3) Providing assistance to activities that would otherwise be eligible under § 570.203 that do not meet the requirements of § 570.209; or

(4) Carrying out an activity that would otherwise be eligible under § 570.205 or § 570.206, but that would result in the recipient's exceeding the spending limitation in § 570.200(g).

(c) *Eligible CBDOs.* (1) A CBDO qualifying under this section is an organization which has the following characteristics:

(i) Is an association or corporation organized under State or local law to engage in community development activities (which may include housing and economic development activities) primarily within an identified geographic area of operation within the jurisdiction of the recipient, or in the case of an urban county, the jurisdiction of the county; and

(ii) Has as its primary purpose the improvement of the physical, economic or social environment of its geographic area of operation by addressing one or more critical problems of the area, with particular attention to the needs of persons of low and moderate income; and

(iii) May be either non-profit or for-profit, provided any monetary profits to its shareholders or members must be only incidental to its operations; and

(iv) Maintains at least 51 percent of its governing body's membership for low- and moderate-income residents of its geographic area of operation, owners or senior officers of private establishments and other institutions located in and serving its geographic area of operation, or representatives of low- and moderate-income neighborhood organizations located in its geographic area of operation; and

(v) Is not an agency or instrumentality of the recipient and does not permit more than one-third of the membership of its governing body to be appointed by, or to consist of, elected or other public officials or employees or officials of an ineligible entity (even though such persons may be otherwise qualified under paragraph (c)(1)(iv) of this section); and

(vi) Except as otherwise authorized in paragraph (c)(1)(v) of this section, requires the members of its governing body to be nominated and approved by the general membership of the organization, or by its permanent governing body; and

(vii) Is not subject to requirements under which its assets revert to the recipient upon dissolution; and

(viii) Is free to contract for goods and services from vendors of its own choosing.

(2) A CBDO that does not meet the criteria in paragraph (c)(1) of this section may also qualify as an eligible entity under this section if it meets one of the following requirements:

(i) Is an entity organized pursuant to section 301(d) of the Small Business Investment Act of 1958 (15 U.S.C. 681(d)), including those which are profit making; or

(ii) Is an SBA approved Section 501 State Development Company or Section 502 Local Development Company, or an SBA Certified Section 503 Company under the Small Business Investment Act of 1958, as amended; or

(iii) Is a Community Housing Development Organization (CHDO) under 24 CFR 92.2, designated as a CHDO by the HOME Investment Partnerships program participating jurisdiction, with a geographic area of operation of no more than one neighborhood, and has received HOME funds under 24 CFR 92.300 or is expected to receive HOME funds as described in and documented in accordance with 24 CFR 92.300(e).

(3) A CBDO that does not qualify under paragraph (c)(1) or (2) of this section may also be determined to qualify as an eligible entity under this section if the recipient demonstrates to the satisfaction of HUD, through the provision of information regarding the organization's charter and by-laws, that the organization is sufficiently similar in purpose, function, and scope to those entities qualifying under paragraph (c)(1) or (2) of this section.

[60 FR 1944, Jan. 5, 1995, as amended at 71 FR 30035, May 24, 2006]

§ 570.205 Eligible planning, urban environmental design and policy-planning-management-capacity building activities.

(a) Planning activities which consist of all costs of data gathering, studies, analysis, and preparation of plans and the identification of actions that will implement such plans, including, but not limited to:

(1) Comprehensive plans;

(2) Community development plans;

(3) Functional plans, in areas such as:

(i) Housing, including the development of a consolidated plan;

(ii) Land use and urban environmental design;

(iii) Economic development;

(iv) Open space and recreation;

(v) Energy use and conservation;

(vi) Floodplain and wetlands management in accordance with the requirements of Executive Orders 11988 and 11990;

(vii) Transportation;

(viii) Utilities; and

(ix) Historic preservation.

(4) Other plans and studies such as:

(i) Small area and neighborhood plans;

(ii) Capital improvements programs;

(iii) Individual project plans (but excluding engineering and design costs related to a specific activity which are eligible as part of the cost of such activity under §§ 570.201-570.204);

(iv) The reasonable costs of general environmental, urban environmental design and historic preservation studies; and general environmental assessment- and remediation-oriented planning related to properties with known or suspected environmental contamination. However, costs necessary to comply with 24 CFR part 58, including project specific environmental assessments and clearances for activities eligible for assistance under this part, are eligible as part of the cost of such activities under §§ 570.201-570.204. Costs for such specific assessments and clearances may also be incurred under this paragraph but would then be considered planning costs for the purposes of § 570.200(g);

(v) Strategies and action programs to implement plans, including the development of codes, ordinances and regulations;

- (vi) Support of clearinghouse functions, such as those specified in Executive Order 12372; and
- (vii) Analysis of impediments to fair housing choice.
- (viii) Developing an inventory of properties with known or suspected environmental contamination.
- (5) [Reserved]
- (6) Policy—planning—management—capacity building activities which will enable the recipient to:
 - (1) Determine its needs;
 - (2) Set long-term goals and short-term objectives, including those related to urban environmental design;
 - (3) Devise programs and activities to meet these goals and objectives;
 - (4) Evaluate the progress of such programs and activities in accomplishing these goals and objectives; and
 - (5) Carry out management, coordination and monitoring of activities necessary for effective planning implementation, but excluding the costs necessary to implement such plans.

[53 FR 34439, Sept. 6, 1988, as amended at 56 FR 56127, Oct. 31, 1991; 60 FR 1915, Jan. 5, 1995; 71 FR 30035, May 24, 2006]

§ 570.206 *Program administrative costs.*

Payment of reasonable administrative costs and carrying charges related to the planning and execution of community development activities assisted in whole or in part with funds provided under this part and, where applicable, housing activities (described in paragraph (g) of this section) covered in the recipient's housing assistance plan. This does not include staff and overhead costs directly related to carrying out activities eligible under § 570.201 through § 570.204, since those costs are eligible as part of such activities.

(a) *General management, oversight and coordination.* Reasonable costs of overall program management, coordination, monitoring, and evaluation. Such costs include, but are not necessarily limited to, necessary expenditures for the following:

(1) Salaries, wages, and related costs of the recipient's staff, the staff of local public agencies, or other staff engaged in program administration. In charging costs to this category the recipient may either include the entire salary, wages, and related costs allocable to the program of each person whose *primary* responsibilities with regard to the program involve program administration assignments, or the pro rata share of the salary, wages, and related costs of each person whose job includes *any* program administration assignments. The recipient may use only one of these methods during the program year (or the grant period for grants under subpart F). Program administration includes the following types of assignments:

- (i) Providing local officials and citizens with information about the program;
- (ii) Preparing program budgets and schedules, and amendments thereto;
- (iii) Developing systems for assuring compliance with program requirements;
- (iv) Developing interagency agreements and agreements with subrecipients and contractors to carry out program activities;

- (v) Monitoring program activities for progress and compliance with program requirements;
 - (vi) Preparing reports and other documents related to the program for submission to HUD;
 - (vii) Coordinating the resolution of audit and monitoring findings;
 - (viii) Evaluating program results against stated objectives; and
 - (ix) Managing or supervising persons whose primary responsibilities with regard to the program include such assignments as those described in paragraph (a)(1)(i) through (viii) of this section.
- (2) Travel costs incurred for official business in carrying out the program;
 - (3) Administrative services performed under third party contracts or agreements, including such services as general legal services, accounting services, and audit services; and
 - (4) Other costs for goods and services required for administration of the program, including such goods and services as rental or purchase of equipment, insurance, utilities, office supplies, and rental and maintenance (but not purchase) of office space.
- (b) *Public information.* The provisions of information and other resources to residents and citizen organizations participating in the planning, implementation, or assessment of activities being assisted with CDBG funds.
- (c) *Fair housing activities.* Provision of fair housing services designed to further the fair housing objectives of the Fair Housing Act (42 U.S.C. 3601-20) by making all persons, without regard to race, color, religion, sex, national origin, familial status or handicap, aware of the range of housing opportunities available to them; other fair housing enforcement, education, and outreach activities; and other activities designed to further the housing objective of avoiding undue concentrations of assisted persons in areas containing a high proportion of low and moderate income persons.
- (d) [Reserved]
- (e) *Indirect costs.* Indirect costs may be charged to the CDBG program under a cost allocation plan prepared in accordance with 2 CFR PART 200 as applicable.
- (f) *Submission of applications for federal programs.* Preparation of documents required for submission to HUD to receive funds under the CDBG and UDAG programs. In addition, CDBG funds may be used to prepare applications for other Federal programs where the recipient determines that such activities are necessary or appropriate to achieve its community development objectives.
- (g) *Administrative expenses to facilitate housing.* CDBG funds may be used for necessary administrative expenses in planning or obtaining financing for housing as follows: for entitlement recipients, assistance authorized by this paragraph is limited to units which are identified in the recipient's HUD approved housing assistance plan; for HUD-administered small cities recipients, assistance authorized by the paragraph is limited to facilitating the purchase or occupancy of existing units which are to be occupied by low and moderate income households, or the construction of rental or owner units where at least 20 percent of the units in each project will be occupied at affordable rents/costs by low and moderate income persons. Examples of eligible actions are as follows:
- (1) The cost of conducting preliminary surveys and analysis of market needs;
 - (2) Site and utility plans, narrative descriptions of the proposed construction, preliminary cost estimates, urban design documentation, and "sketch drawings," but excluding architectural, engineering, and other

details ordinarily required for construction purposes, such as structural, electrical, plumbing, and mechanical details;

(3) Reasonable costs associated with development of applications for mortgage and insured loan commitments, including commitment fees, and of applications and proposals under the Section 8 Housing Assistance Payments Program pursuant to 24 CFR parts 880-883;

(4) Fees associated with processing of applications for mortgage or insured loan commitments under programs including those administered by HUD, Farmers Home Administration (FmHA), Federal National Mortgage Association (FNMA), and the Government National Mortgage Association (GNMA);

(5) The cost of issuance and administration of mortgage revenue bonds used to finance the acquisition, rehabilitation or construction of housing, but excluding costs associated with the payment or guarantee of the principal or interest on such bonds; and

(6) Special outreach activities which result in greater landlord participation in Section 8 Housing Assistance Payments Program-Existing Housing or similar programs for low and moderate income persons.

(h) *Section 17 of the United States Housing Act of 1937.* Reasonable costs equivalent to those described in paragraphs (a), (b), (e) and (f) of this section for overall program management of the Rental Rehabilitation and Housing Development programs authorized under section 17 of the United States Housing Act of 1937, whether or not such activities are otherwise assisted with funds provided under this part.

(i) Whether or not such activities are otherwise assisted by funds provided under this part, reasonable costs equivalent to those described in paragraphs (a), (b), (e), and (f) of this section for overall program management of:

(1) A Federally designated Empowerment Zone or Enterprise Community; and

(2) The HOME program under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 note).

[53 FR 34439, Sept. 6, 1988; 53 FR 41330, Oct. 21, 1988, as amended at 54 FR 37411, Sept. 8, 1989; 60 FR 56912, Nov. 9, 1995; 69 FR 32778, June 10, 2004]

§ 570.207 *Ineligible activities.*

The general rule is that any activity that is not authorized under the provisions of §§ 570.201-570.206 is ineligible to be assisted with CDBG funds. This section identifies specific activities that are ineligible and provides guidance in determining the eligibility of other activities frequently associated with housing and community development.

(a) The following activities may not be assisted with CDBG funds:

(1) *Buildings or portions thereof, used for the general conduct of government* as defined at § 570.3(d) cannot be assisted with CDBG funds. This does not include, however, the removal of architectural barriers under § 570.201(c) involving any such building. Also, where acquisition of real property includes an existing improvement which is to be used in the provision of a building for the general conduct of government, the portion of the acquisition cost attributable to the land is eligible, provided such acquisition meets a national objective described in § 570.208.

(2) *General government expenses.* Except as otherwise specifically authorized in this subpart or under 2 CFR PART 200—expenses required to carry out the regular responsibilities of the unit of general local government are not eligible for assistance under this part.

(3) *Political activities.* CDBG funds shall not be used to finance the use of facilities or equipment for political purposes or to engage in other partisan political activities, such as candidate forums, voter transportation, or voter registration. However, a facility originally assisted with CDBG funds may be used on an incidental basis to hold political meetings, candidate forums, or voter registration campaigns, provided that all parties and organizations have access to the facility on an equal basis, and are assessed equal rent or use charges, if any.

(b) The following activities may not be assisted with CDBG funds unless authorized under provisions of § 570.203 or as otherwise specifically noted herein or when carried out by an entity under the provisions of § 570.204.

(1) *Purchase of equipment.* The purchase of equipment with CDBG funds is generally ineligible.

(i) *Construction equipment.* The purchase of construction equipment is ineligible, but compensation for the use of such equipment through leasing, depreciation, or use allowances pursuant to 2 CFR PART 200 as applicable for an otherwise eligible activity is an eligible use of CDBG funds. However, the purchase of construction equipment for use as part of a solid waste disposal facility is eligible under § 570.201(c).

(ii) *Fire protection equipment.* Fire protection equipment is considered for this purpose to be an integral part of a public facility and thus, purchase of such equipment would be eligible under § 570.201(c).

(iii) *Furnishings and personal property.* The purchase of equipment, fixtures, motor vehicles, furnishings, or other personal property not an integral structural fixture is generally ineligible. CDBG funds may be used, however, to purchase or to pay depreciation or use allowances (in accordance with 2 CFR PART 200 as applicable) for such items when necessary for use by a recipient or its subrecipients in the administration of activities assisted with CDBG funds, or when eligible as fire fighting equipment, or when such items constitute all or part of a public service pursuant to § 570.201(e).

(2) *Operating and maintenance expenses.* The general rule is that any expense associated with repairing, operating or maintaining public facilities, improvements and services is ineligible. Specific exceptions to this general rule are operating and maintenance expenses associated with public service activities, interim assistance, and office space for program staff employed in carrying out the CDBG program. For example, the use of CDBG funds to pay the allocable costs of operating and maintaining a facility used in providing a public service would be eligible under § 570.201(e), even if no other costs of providing such a service are assisted with such funds. Examples of ineligible operating and maintenance expenses are:

(i) Maintenance and repair of publicly owned streets, parks, playgrounds, water and sewer facilities, neighborhood facilities, senior centers, centers for persons with a disabilities, parking and other public facilities and improvements. Examples of maintenance and repair activities for which CDBG funds may not be used include the filling of pot holes in streets, repairing of cracks in sidewalks, the mowing of recreational areas, and the replacement of expended street light bulbs; and

(ii) Payment of salaries for staff, utility costs and similar expenses necessary for the operation of public works and facilities.

(3) *New housing construction.* For the purpose of this paragraph, activities in support of the development of low or moderate income housing including clearance, site assemblage, provision of site improvements and provision of public improvements and certain housing pre-construction costs set forth in § 570.206(g), are not considered as activities to subsidize or assist new residential construction. CDBG funds may not be used for the construction of new permanent residential structures or for any program to subsidize or assist such new construction, except:

(i) As provided under the last resort housing provisions set forth in 24 CFR part 42;

(ii) As authorized under § 570.201(m) or (n);

(iii) When carried out by an entity pursuant to § 570.204(a);

(4) *Income payments.* The general rule is that CDBG funds may not be used for income payments. For purposes of the CDBG program, “income payments” means a series of subsistence-type grant payments made to an individual or family for items such as food, clothing, housing (rent or mortgage), or utilities, but excludes emergency grant payments made over a period of up to three consecutive months to the provider of such items or services on behalf of an individual or family.

[53 FR 34439, Sept. 6, 1988; 53 FR 41330, Oct. 21, 1988, as amended at 60 FR 1945, Jan. 5, 1995; 60 FR 56912, Nov. 9, 1995; 65 FR 70215, Nov. 21, 2000]

§ 570.208 *Criteria for national objectives.*

The following criteria shall be used to determine whether a CDBG-assisted activity complies with one or more of the national objectives as required under § 570.200(a)(2):

(a) *Activities benefiting low- and moderate-income persons.* Activities meeting the criteria in paragraph (a) (1), (2), (3), or (4) of this section as applicable, will be considered to benefit low and moderate income persons unless there is substantial evidence to the contrary. In assessing any such evidence, the full range of direct effects of the assisted activity will be considered. (The recipient shall appropriately ensure that activities that meet these criteria do not benefit moderate income persons to the exclusion of low income persons.)

(1) *Area benefit activities.* (i) An activity, the benefits of which are available to all the residents in a particular area, where at least 51 percent of the residents are low and moderate income persons. Such an area need not be coterminous with census tracts or other officially recognized boundaries but must be the entire area served by the activity. An activity that serves an area that is not primarily residential in character shall not qualify under this criterion.

(ii) For metropolitan cities and urban counties, an activity that would otherwise qualify under § 570.208(a)(1)(i), except that the area served contains less than 51 percent low- and moderate-income residents, will also be considered to meet the objective of benefiting low- and moderate-income persons where the proportion of such persons in the area is within the highest quartile of all areas in the recipient's jurisdiction in terms of the degree of concentration of such persons. This exception is inapplicable to non-entitlement CDBG grants in Hawaii. In applying this exception, HUD will determine the lowest proportion a recipient may use to qualify an area for this purpose, as follows:

(A) All census block groups in the recipient's jurisdiction shall be rank ordered from the block group of highest proportion of low and moderate income persons to the block group with the lowest. For urban counties, the rank ordering shall cover the entire area constituting the urban county and shall not be done separately for each participating unit of general local government.

(B) In any case where the total number of a recipient's block groups does not divide evenly by four, the block group which would be fractionally divided between the highest and second quartiles shall be considered to be part of the highest quartile.

(C) The proportion of low and moderate income persons in the last census block group in the highest quartile shall be identified. Any service area located within the recipient's jurisdiction and having a proportion of low and moderate income persons at or above this level shall be considered to be within the highest quartile.

(D) If block group data are not available for the entire jurisdiction, other data acceptable to the Secretary may be used in the above calculations.

(iii) An activity to develop, establish, and operate for up to two years after the establishment of, a uniform emergency telephone number system serving an area having less than the percentage of low- and moderate-income residents required under paragraph (a)(1)(i) of this section or (as applicable) paragraph (a)(1)(ii) of this section, provided the recipient obtains prior HUD approval. To obtain such approval, the recipient must:

(A) Demonstrate that the system will contribute significantly to the safety of the residents of the area. The request for approval must include a list of the emergency services that will participate in the emergency telephone number system;

(B) Submit information that serves as a basis for HUD to determine whether at least 51 percent of the use of the system will be by low- and moderate-income persons. As available, the recipient must provide information that identifies the total number of calls actually received over the preceding 12-month period for each of the emergency services to be covered by the emergency telephone number system and relates those calls to the geographic segment (expressed as nearly as possible in terms of census tracts, block numbering areas, block groups, or combinations thereof that are contained within the segment) of the service area from which the calls were generated. In analyzing this data to meet the requirements of this section, HUD will assume that the distribution of income among the callers generally reflects the income characteristics of the general population residing in the same geographic area where the callers reside. If HUD can conclude that the users have primarily consisted of low- and moderate-income persons, no further submission is needed by the recipient. If a recipient plans to make other submissions for this purpose, it may request that HUD review its planned methodology before expending the effort to acquire the information it expects to use to make its case;

(C) Demonstrate that other Federal funds received by the recipient are insufficient or unavailable for a uniform emergency telephone number system. For this purpose, the recipient must submit a statement explaining whether the lack of funds is due to the insufficiency of the amount of the available funds, restrictions on the use of such funds, or the prior commitment of funds by the recipient for other purposes; and

(D) Demonstrate that the percentage of the total costs of the system paid for by CDBG funds does not exceed the percentage of low- and moderate-income persons in the service area of the system. For this purpose, the recipient must include a description of the boundaries of the service area of the emergency telephone number system, the census divisions that fall within the boundaries of the service area (census tracts or block numbering areas), the total number of persons and the total number of low- and moderate-income persons within each census division, the percentage of low- and moderate-income persons within the service area, and the total cost of the system.

(iv) An activity for which the assistance to a public improvement that provides benefits to all the residents of an area is limited to paying special assessments (as defined in § 570.200(c)) levied against residential properties owned and occupied by persons of low and moderate income.

(v) For purposes of determining qualification under this criterion, activities of the same type that serve different areas will be considered separately on the basis of their individual service area.

(vi) In determining whether there is a sufficiently large percentage of low- and moderate-income persons residing in the area served by an activity to qualify under paragraph (a)(1) (i), (ii), or (vii) of this section, the most recently available decennial census information must be used to the fullest extent feasible, together with the section 8 income limits that would have applied at the time the income information was collected by the Census Bureau. Recipients that believe that the census data does not reflect current relative income levels in an area, or where census boundaries do not coincide sufficiently well with the service area of an activity, may conduct (or have conducted) a current survey of the residents of the area to determine the percent of such persons that are low and moderate income. HUD will accept information obtained through such surveys, to be used in lieu of the decennial census data, where it determines that the survey was conducted in such a manner that the results meet standards of statistical reliability that are comparable to that of the decennial census data for areas of similar size. Where there is substantial evidence that provides a clear basis to believe that the use of the decennial census data would substantially overstate the

proportion of persons residing there that are low and moderate income, HUD may require that the recipient rebut such evidence in order to demonstrate compliance with section 105(c)(2) of the Act.

(vii) Activities meeting the requirements of paragraph (d)(5)(i) of this section may be considered to qualify under this paragraph, provided that the area covered by the strategy is either a Federally-designated Empowerment Zone or Enterprise Community or primarily residential and contains a percentage of low- and moderate-income residents that is no less than the percentage computed by HUD pursuant to paragraph (a)(1)(ii) of this section or 70 percent, whichever is less, but in no event less than 51 percent. Activities meeting the requirements of paragraph (d)(6)(i) of this section may also be considered to qualify under paragraph (a)(1) of this section.

(2) *Limited clientele activities.* (i) An activity which benefits a limited clientele, at least 51 percent of whom are low- or moderate-income persons. (The following kinds of activities may not qualify under paragraph (a)(2) of this section: activities, the benefits of which are available to all the residents of an area; activities involving the acquisition, construction or rehabilitation of property for housing; or activities where the benefit to low- and moderate-income persons to be considered is the creation or retention of jobs, except as provided in paragraph (a)(2)(iv) of this section.) To qualify under paragraph (a)(2) of this section, the activity must meet one of the following tests:

(A) Benefit a clientele who are generally presumed to be principally low and moderate income persons. Activities that exclusively serve a group of persons in any one or a combination of the following categories may be presumed to benefit persons, 51 percent of whom are low- and moderate-income: abused children, battered spouses, elderly persons, adults meeting the Bureau of the Census' Current Population Reports definition of "severely disabled," homeless persons, illiterate adults, persons living with AIDS, and migrant farm workers; or

(B) Require information on family size and income so that it is evident that at least 51 percent of the clientele are persons whose family income does not exceed the low and moderate income limit; or

(C) Have income eligibility requirements which limit the activity exclusively to low and moderate income persons; or

(D) Be of such nature and be in such location that it may be concluded that the activity's clientele will primarily be low and moderate income persons.

(ii) An activity that serves to remove material or architectural barriers to the mobility or accessibility of elderly persons or of adults meeting the Bureau of the Census' Current Population Reports definition of "severely disabled" will be presumed to qualify under this criterion if it is restricted, to the extent practicable, to the removal of such barriers by assisting:

(A) The reconstruction of a public facility or improvement, or portion thereof, that does not qualify under paragraph (a)(1) of this section;

(B) The rehabilitation of a privately owned nonresidential building or improvement that does not qualify under paragraph (a)(1) or (4) of this section; or

(C) The rehabilitation of the common areas of a residential structure that contains more than one dwelling unit and that does not qualify under paragraph (a)(3) of this section.

(iii) A microenterprise assistance activity carried out in accordance with the provisions of § 570.201(o) with respect to those owners of microenterprises and persons developing microenterprises assisted under the activity during each program year who are low- and moderate-income persons. For purposes of this paragraph, persons determined to be low and moderate income may be presumed to continue to qualify as such for up to a three-year period.

(iv) An activity designed to provide job training and placement and/or other employment support services, including, but not limited to, peer support programs, counseling, child care, transportation, and other similar services, in which the percentage of low- and moderate-income persons assisted is less than 51 percent may qualify under this paragraph in the following limited circumstance:

(A) In such cases where such training or provision of supportive services assists business(es), the only use of CDBG assistance for the project is to provide the job training and/or supportive services; and

(B) The proportion of the total cost of the project borne by CDBG funds is no greater than the proportion of the total number of persons assisted who are low or moderate income.

(3) *Housing activities.* An eligible activity carried out for the purpose of providing or improving permanent residential structures which, upon completion, will be occupied by low- and moderate-income households. This would include, but not necessarily be limited to, the acquisition or rehabilitation of property by the recipient, a subrecipient, a developer, an individual homebuyer, or an individual homeowner; conversion of nonresidential structures; and new housing construction. If the structure contains two dwelling units, at least one must be so occupied, and if the structure contains more than two dwelling units, at least 51 percent of the units must be so occupied. Where two or more rental buildings being assisted are or will be located on the same or contiguous properties, and the buildings will be under common ownership and management, the grouped buildings may be considered for this purpose as a single structure. Where housing activities being assisted meet the requirements of paragraph § 570.208 (d)(5)(ii) or (d)(6)(ii) of this section, all such housing may also be considered for this purpose as a single structure. For rental housing, occupancy by low and moderate income households must be at affordable rents to qualify under this criterion. The recipient shall adopt and make public its standards for determining “affordable rents” for this purpose. The following shall also qualify under this criterion:

(i) When less than 51 percent of the units in a structure will be occupied by low and moderate income households, CDBG assistance may be provided in the following limited circumstances:

(A) The assistance is for an eligible activity to reduce the development cost of the new construction of a multifamily, non-elderly rental housing project;

(B) Not less than 20 percent of the units will be occupied by low and moderate income households at affordable rents; and

(C) The proportion of the total cost of developing the project to be borne by CDBG funds is no greater than the proportion of units in the project that will be occupied by low and moderate income households.

(ii) When CDBG funds are used to assist rehabilitation eligible under § 570.202(b)(9) or (10) in direct support of the recipient's Rental Rehabilitation program authorized under 24 CFR part 511, such funds shall be considered to benefit low and moderate income persons where not less than 51 percent of the units assisted, or to be assisted, by the recipient's Rental Rehabilitation program overall are for low and moderate income persons.

(iii) When CDBG funds are used for housing services eligible under § 570.201(k), such funds shall be considered to benefit low- and moderate-income persons if the housing units for which the services are provided are HOME-assisted and the requirements at 24 CFR 92.252 or 92.254 are met.

(4) *Job creation or retention activities.* An activity designed to create or retain permanent jobs where at least 51 percent of the jobs, computed on a full time equivalent basis, involve the employment of low- and moderate-income persons. To qualify under this paragraph, the activity must meet the following criteria:

(i) For an activity that creates jobs, the recipient must document that at least 51 percent of the jobs will be held by, or will be available to, low- and moderate-income persons.

(ii) For an activity that retains jobs, the recipient must document that the jobs would actually be lost without the CDBG assistance and that either or both of the following conditions apply with respect to at least 51 percent of the jobs at the time the CDBG assistance is provided:

(A) The job is known to be held by a low- or moderate-income person; or

(B) The job can reasonably be expected to turn over within the following two years and that steps will be taken to ensure that it will be filled by, or made available to, a low- or moderate-income person upon turnover.

(iii) Jobs that are not held or filled by a low- or moderate-income person may be considered to be available to low- and moderate-income persons for these purposes only if:

(A) Special skills that can only be acquired with substantial training or work experience or education beyond high school are not a prerequisite to fill such jobs, or the business agrees to hire unqualified persons and provide training; and

(B) The recipient and the assisted business take actions to ensure that low- and moderate-income persons receive first consideration for filling such jobs.

(iv) For purposes of determining whether a job is held by or made available to a low- or moderate-income person, the person may be presumed to be a low- or moderate-income person if:

(A) He/she resides within a census tract (or block numbering area) that either:

(1) Meets the requirements of paragraph (a)(4)(v) of this section; or

(2) Has at least 70 percent of its residents who are low- and moderate-income persons; or

(B) The assisted business is located within a census tract (or block numbering area) that meets the requirements of paragraph (a)(4)(v) of this section and the job under consideration is to be located within that census tract.

(v) A census tract (or block numbering area) qualifies for the presumptions permitted under paragraphs (a)(4)(iv)(A)(1) and (B) of this section if it is either part of a Federally-designated Empowerment Zone or Enterprise Community or meets the following criteria:

(A) It has a poverty rate of at least 20 percent as determined by the most recently available decennial census information;

(B) It does not include any portion of a central business district, as this term is used in the most recent Census of Retail Trade, unless the tract has a poverty rate of at least 30 percent as determined by the most recently available decennial census information; and

(C) It evidences pervasive poverty and general distress by meeting at least one of the following standards:

(1) All block groups in the census tract have poverty rates of at least 20 percent;

(2) The specific activity being undertaken is located in a block group that has a poverty rate of at least 20 percent; or

(3) Upon the written request of the recipient, HUD determines that the census tract exhibits other objectively determinable signs of general distress such as high incidence of crime, narcotics use, homelessness, abandoned housing, and deteriorated infrastructure or substantial population decline.

(vi) As a general rule, each assisted business shall be considered to be a separate activity for purposes of determining whether the activity qualifies under this paragraph, except:

(A) In certain cases such as where CDBG funds are used to acquire, develop or improve a real property (e.g., a business incubator or an industrial park) the requirement may be met by measuring jobs in the aggregate for all the businesses which locate on the property, provided such businesses are not otherwise assisted by CDBG funds.

(B) Where CDBG funds are used to pay for the staff and overhead costs of an entity making loans to businesses exclusively from non-CDBG funds, this requirement may be met by aggregating the jobs created by all of the businesses receiving loans during each program year.

(C) Where CDBG funds are used by a recipient or subrecipient to provide technical assistance to businesses, this requirement may be met by aggregating the jobs created or retained by all of the businesses receiving technical assistance during each program year.

(D) Where CDBG funds are used for activities meeting the criteria listed at § 570.209(b)(2)(v), this requirement may be met by aggregating the jobs created or retained by all businesses for which CDBG assistance is obligated for such activities during the program year, except as provided at paragraph (d)(7) of this section.

(E) Where CDBG funds are used by a Community Development Financial Institution to carry out activities for the purpose of creating or retaining jobs, this requirement may be met by aggregating the jobs created or retained by all businesses for which CDBG assistance is obligated for such activities during the program year, except as provided at paragraph (d)(7) of this section.

(F) Where CDBG funds are used for public facilities or improvements which will result in the creation or retention of jobs by more than one business, this requirement may be met by aggregating the jobs created or retained by all such businesses as a result of the public facility or improvement.

(1) Where the public facility or improvement is undertaken principally for the benefit of one or more particular businesses, but where other businesses might also benefit from the assisted activity, the requirement may be met by aggregating only the jobs created or retained by those businesses for which the facility/improvement is principally undertaken, provided that the cost (in CDBG funds) for the facility/improvement is less than \$10,000 per permanent full-time equivalent job to be created or retained by those businesses.

(2) In any case where the cost per job to be created or retained (as determined under paragraph (a)(4)(vi)(F)(1) of this section) is \$10,000 or more, the requirement must be met by aggregating the jobs created or retained as a result of the public facility or improvement by all businesses in the service area of the facility/improvement. This aggregation must include businesses which, as a result of the public facility/improvement, locate or expand in the service area of the facility/improvement between the date the recipient identifies the activity in its action plan under part 91 of this title and the date one year after the physical completion of the facility/improvement. In addition, the assisted activity must comply with the public benefit standards at § 570.209(b).

(b) *Activities which aid in the prevention or elimination of slums or blight.* Activities meeting one or more of the following criteria, in the absence of substantial evidence to the contrary, will be considered to aid in the prevention or elimination of slums or blight:

(1) *Activities to address slums or blight on an area basis.* An activity will be considered to address prevention or elimination of slums or blight in an area if:

(i) The area, delineated by the recipient, meets a definition of a slum, blighted, deteriorated or deteriorating area under State or local law;

(ii) The area also meets the conditions in either paragraph (A) or (B):

(A) At least 25 percent of properties throughout the area experience one or more of the following conditions:

(1) Physical deterioration of buildings or improvements;

(2) Abandonment of properties;

(3) Chronic high occupancy turnover rates or chronic high vacancy rates in commercial or industrial buildings;

(4) Significant declines in property values or abnormally low property values relative to other areas in the community; or

(5) Known or suspected environmental contamination.

(B) The public improvements throughout the area are in a general state of deterioration.

(iii) Documentation is to be maintained by the recipient on the boundaries of the area and the conditions and standards used that qualified the area at the time of its designation. The recipient shall establish definitions of the conditions listed at § 570.208(b)(1)(ii)(A), and maintain records to substantiate how the area met the slums or blighted criteria. The designation of an area as slum or blighted under this section is required to be redetermined every 10 years for continued qualification. Documentation must be retained pursuant to the recordkeeping requirements contained at § 570.506 (b)(8)(ii).

(iv) The assisted activity addresses one or more of the conditions which contributed to the deterioration of the area. Rehabilitation of residential buildings carried out in an area meeting the above requirements will be considered to address the area's deterioration only where each such building rehabilitated is considered substandard under local definition before rehabilitation, and all deficiencies making a building substandard have been eliminated if less critical work on the building is undertaken. At a minimum, the local definition for this purpose must be such that buildings that it would render substandard would also fail to meet the housing quality standards for the Section 8 Housing Assistance Payments Program-Existing Housing (24 CFR 882.109).

(2) *Activities to address slums or blight on a spot basis.* The following activities may be undertaken on a spot basis to eliminate specific conditions of blight, physical decay, or environmental contamination that are not located in a slum or blighted area: acquisition; clearance; relocation; historic preservation; remediation of environmentally contaminated properties; or rehabilitation of buildings or improvements. However, rehabilitation must be limited to eliminating those conditions that are detrimental to public health and safety. If acquisition or relocation is undertaken, it must be a precursor to another eligible activity (funded with CDBG or other resources) that directly eliminates the specific conditions of blight or physical decay, or environmental contamination.

(3) *Activities to address slums or blight in an urban renewal area.* An activity will be considered to address prevention or elimination of slums or blight in an urban renewal area if the activity is:

(i) Located within an urban renewal project area or Neighborhood Development Program (NDP) action area; i.e., an area in which funded activities were authorized under an urban renewal Loan and Grant Agreement or an annual NDP Funding Agreement, pursuant to title I of the Housing Act of 1949; and

(ii) Necessary to complete the urban renewal plan, as then in effect, including *initial* land redevelopment permitted by the plan.

NOTE: Despite the restrictions in (b) (1) and (2) of this section, any rehabilitation activity which benefits low and moderate income persons pursuant to paragraph (a)(3) of this section can be undertaken without regard to the area in which it is located or the extent or nature of rehabilitation assisted.

(c) *Activities designed to meet community development needs having a particular urgency.* In the absence of substantial evidence to the contrary, an activity will be considered to address this objective if the recipient certifies that the activity is designed to alleviate existing conditions which pose a serious and immediate threat to the health or welfare of the community which are of recent origin or which recently became urgent, that the recipient is unable to finance the activity on its own, and that other sources of funding are not available. A condition will generally be considered to be of recent origin if it developed or became critical within 18 months preceding the certification by the recipient.

(d) *Additional criteria.* (1) Where the assisted activity is acquisition of real property, a preliminary determination of whether the activity addresses a national objective may be based on the planned use of the property after acquisition. A final determination shall be based on the actual use of the property, excluding any short-term, temporary use. Where the acquisition is for the purpose of clearance which will eliminate specific conditions of blight or physical decay, the clearance activity shall be considered the actual use of the property. However, any subsequent use or disposition of the cleared property shall be treated as a “change of use” under § 570.505.

(2) Where the assisted activity is relocation assistance that the recipient is required to provide, such relocation assistance shall be considered to address the same national objective as is addressed by the displacing activity. Where the relocation assistance is voluntary on the part of the grantee the recipient may qualify the assistance either on the basis of the national objective addressed by the displacing activity or on the basis that the recipients of the relocation assistance are low and moderate income persons.

(3) In any case where the activity undertaken for the purpose of creating or retaining jobs is a public improvement and the area served is primarily residential, the activity must meet the requirements of paragraph (a)(1) of this section as well as those of paragraph (a)(4) of this section in order to qualify as benefiting low and moderate income persons.

(4) CDBG funds expended for planning and administrative costs under § 570.205 and § 570.206 will be considered to address the national objectives.

(5) Where the grantee has elected to prepare an area revitalization strategy pursuant to the authority of § 91.215(e) of this title and HUD has approved the strategy, the grantee may also elect the following options:

(i) Activities undertaken pursuant to the strategy for the purpose of creating or retaining jobs may, at the option of the grantee, be considered to meet the requirements of this paragraph under the criteria at paragraph (a)(1)(vii) of this section in lieu of the criteria at paragraph (a)(4) of this section; and

(ii) All housing activities in the area for which, pursuant to the strategy, CDBG assistance is obligated during the program year may be considered to be a single structure for purposes of applying the criteria at paragraph (a)(3) of this section.

(6) Where CDBG-assisted activities are carried out by a Community Development Financial Institution whose charter limits its investment area to a primarily residential area consisting of at least 51 percent low- and moderate-income persons, the grantee may also elect the following options:

(i) Activities carried out by the Community Development Financial Institution for the purpose of creating or retaining jobs may, at the option of the grantee, be considered to meet the requirements of this paragraph under the criteria at paragraph (a)(1)(vii) of this section in lieu of the criteria at paragraph (a)(4) of this section; and

(ii) All housing activities for which the Community Development Financial Institution obligates CDBG assistance during the program year may be considered to be a single structure for purposes of applying the criteria at paragraph (a)(3) of this section.

(7) Where an activity meeting the criteria at § 570.209(b)(2)(v) may also meet the requirements of either paragraph (d)(5)(i) or (d)(6)(i) of this section, the grantee may elect to qualify the activity under either the area benefit criteria at paragraph (a)(1)(vii) of this section or the job aggregation criteria at paragraph (a)(4)(vi)(D) of this section, but not both. Where an activity may meet the job aggregation criteria at both paragraphs (a)(4)(vi)(D) and (E) of this section, the grantee may elect to qualify the activity under either criterion, but not both.

[53 FR 34439, Sept. 6, 1988; 53 FR 41330, Oct. 21, 1988, as amended at 60 FR 1945, Jan. 5, 1995; 60 FR 17445, Apr. 6, 1995; 60 FR 56912, Nov. 9, 1995; 61 FR 18674, Apr. 29, 1996; 71 FR 30035, May 24, 2006; 72 FR 46370, Aug. 17, 2007]

§ 570.209 Guidelines for evaluating and selecting economic development projects.

The following guidelines are provided to assist the recipient to evaluate and select activities to be carried out for economic development purposes. Specifically, these guidelines are applicable to activities that are eligible for CDBG assistance under § 570.203. These guidelines also apply to activities carried out under the authority of § 570.204 that would otherwise be eligible under § 570.203, were it not for the involvement of a Community-Based Development Organization (CBDO). (This would include activities where a CBDO makes loans to for-profit businesses.) These guidelines are composed of two components: guidelines for evaluating project costs and financial requirements; and standards for evaluating public benefit. The standards for evaluating public benefit are *mandatory*, but the guidelines for evaluating projects costs and financial requirements are not.

(a) *Guidelines and objectives for evaluating project costs and financial requirements.* HUD has developed guidelines that are designed to provide the recipient with a framework for financially underwriting and selecting CDBG-assisted economic development projects which are financially viable and will make the most effective use of the CDBG funds. These guidelines, also referred to as the underwriting guidelines, are published as appendix A to this part. The use of the underwriting guidelines published by HUD is not mandatory. However, grantees electing not to use these guidelines would be expected to conduct basic financial underwriting prior to the provision of CDBG financial assistance to a for-profit business. Where appropriate, HUD's underwriting guidelines recognize that different levels of review are appropriate to take into account differences in the size and scope of a proposed project, and in the case of a microenterprise or other small business to take into account the differences in the capacity and level of sophistication among businesses of differing sizes. Recipients are encouraged, when they develop their own programs and underwriting criteria, to also take these factors into account. The objectives of the underwriting guidelines are to ensure:

- (1) That project costs are reasonable;
- (2) That all sources of project financing are committed;
- (3) That to the extent practicable, CDBG funds are not substituted for non-Federal financial support;
- (4) That the project is financially feasible;
- (5) That to the extent practicable, the return on the owner's equity investment will not be unreasonably high; and
- (6) That to the extent practicable, CDBG funds are disbursed on a pro rata basis with other finances provided to the project.

(b) *Standards for evaluating public benefit.* The grantee is responsible for making sure that at least a minimum level of public benefit is obtained from the expenditure of CDBG funds under the categories of eligibility governed by these guidelines. The standards set forth below identify the types of public benefit that will be recognized for this purpose and the minimum level of each that must be obtained for the amount of CDBG funds used. Unlike the guidelines for project costs and financial requirements covered under paragraph (a) of this section, the use of the standards for public benefit is mandatory. Certain public facilities and improvements eligible under § 570.201(c) of the regulations, which are undertaken for economic development purposes, are also subject to these standards, as specified in § 570.208(a)(4)(vi)(F)(2).

(1) *Standards for activities in the aggregate.* Activities covered by these guidelines must, in the aggregate, either:

(i) Create or retain at least one full-time equivalent, permanent job per \$35,000 of CDBG funds used; or

(ii) Provide goods or services to residents of an area, such that the number of low- and moderate-income persons residing in the areas served by the assisted businesses amounts to at least one low- and moderate-income person per \$350 of CDBG funds used.

(2) *Applying the aggregate standards.* (i) A metropolitan city, an urban county, a non-entitlement CDBG grantee in Hawaii, or an Insular Area shall apply the aggregate standards under paragraph (b)(1) of this section to all applicable activities for which CDBG funds are first obligated within each single CDBG program year, without regard to the source year of the funds used for the activities. For Insular Areas, the preceding sentence applies to grants received in program years after Fiscal Year 2004. A grantee under the HUD-administered Small Cities Program, or Insular Areas CDBG grants prior to Fiscal Year 2005, shall apply the aggregate standards under paragraph (b)(1) of this section to all funds obligated for applicable activities from a given grant; program income obligated for applicable activities will, for these purposes, be aggregated with the most recent open grant. For any time period in which a community has no open HUD-administered or Insular Areas grants, the aggregate standards shall be applied to all applicable activities for which program income is obligated during that period.

(ii) The grantee shall apply the aggregate standards to the number of jobs to be created/retained, or to the number of persons residing in the area served (as applicable), as determined at the time funds are obligated to activities.

(iii) Where an activity is expected both to create or retain jobs and to provide goods or services to residents of an area, the grantee may elect to count the activity under either the jobs standard or the area residents standard, but not both.

(iv) Where CDBG assistance for an activity is limited to job training and placement and/or other employment support services, the jobs assisted with CDBG funds shall be considered to be created or retained jobs for the purposes of applying the aggregate standards.

(v) Any activity subject to these guidelines which meets one or more of the following criteria may, at the grantee's option, be excluded from the aggregate standards described in paragraph (b)(1) of this section:

(A) Provides jobs exclusively for unemployed persons or participants in one or more of the following programs:

(1) Jobs Training Partnership Act (JTPA);

(2) Jobs Opportunities for Basic Skills (JOBS); or

(3) Aid to Families with Dependent Children (AFDC);

- (B) Provides jobs predominantly for residents of Public and Indian Housing units;
- (C) Provides jobs predominantly for homeless persons;
- (D) Provides jobs predominantly for low-skilled, low- and moderate-income persons, where the business agrees to provide clear opportunities for promotion and economic advancement, such as through the provision of training;
- (E) Provides jobs predominantly for persons residing within a census tract (or block numbering area) that has at least 20 percent of its residents who are in poverty;
- (F) Provides assistance to business(es) that operate(s) within a census tract (or block numbering area) that has at least 20 percent of its residents who are in poverty;
- (G) Stabilizes or revitalizes a neighborhood that has at least 70 percent of its residents who are low- and moderate-income;
- (H) Provides assistance to a Community Development Financial Institution that serve an area that is predominantly low- and moderate-income persons;
- (I) Provides assistance to a Community-Based Development Organization serving a neighborhood that has at least 70 percent of its residents who are low- and moderate-income;
- (J) Provides employment opportunities that are an integral component of a project designed to promote spatial deconcentration of low- and moderate-income and minority persons;
- (K) With prior HUD approval, provides substantial benefit to low-income persons through other innovative approaches;
- (L) Provides services to the residents of an area pursuant to a strategy approved by HUD under the provisions of § 91.215(e) of this title;
- (M) Creates or retains jobs through businesses assisted in an area pursuant to a strategy approved by HUD under the provisions of § 91.215(e) of this title.
- (N) Directly involves the economic development or redevelopment of environmentally contaminated properties.

(3) *Standards for individual activities.* Any activity subject to these guidelines which falls into one or more of the following categories will be considered by HUD to provide insufficient public benefit, and therefore may under no circumstances be assisted with CDBG funds:

(i) The amount of CDBG assistance exceeds either of the following, as applicable:

- (A) \$50,000 per full-time equivalent, permanent job created or retained; or
- (B) \$1,000 per low- and moderate-income person to which goods or services are provided by the activity.

(ii) The activity consists of or includes any of the following:

- (A) General promotion of the community as a whole (as opposed to the promotion of specific areas and programs);
- (B) Assistance to professional sports teams;

(C) Assistance to privately-owned recreational facilities that serve a predominantly higher-income clientele, where the recreational benefit to users or members clearly outweighs employment or other benefits to low- and moderate-income persons;

(D) Acquisition of land for which the specific proposed use has not yet been identified; and

(E) Assistance to a for-profit business while that business or any other business owned by the same person(s) or entity(ies) is the subject of unresolved findings of noncompliance relating to previous CDBG assistance provided by the recipient.

(4) *Applying the individual activity standards.* (i) Where an activity is expected both to create or retain jobs and to provide goods or services to residents of an area, it will be disqualified only if the amount of CDBG assistance exceeds both of the amounts in paragraph (b)(3)(i) of this section.

(ii) The individual activity standards in paragraph (b)(3)(i) of this section shall be applied to the number of jobs to be created or retained, or to the number of persons residing in the area served (as applicable), as determined at the time funds are obligated to activities.

(iii) Where CDBG assistance for an activity is limited to job training and placement and/or other employment support services, the jobs assisted with CDBG funds shall be considered to be created or retained jobs for the purposes of applying the individual activity standards in paragraph (b)(3)(i) of this section.

(c) *Amendments to economic development projects after review determinations.* If, after the grantee enters into a contract to provide assistance to a project, the scope or financial elements of the project change to the extent that a significant contract amendment is appropriate, the project should be reevaluated under these and the recipient's guidelines. (This would include, for example, situations where the business requests a change in the amount or terms of assistance being provided, or an extension to the loan payment period required in the contract.) If a reevaluation of the project indicates that the financial elements and public benefit to be derived have also substantially changed, then the recipient should make appropriate adjustments in the amount, type, terms or conditions of CDBG assistance which has been offered, to reflect the impact of the substantial change. (For example, if a change in the project elements results in a substantial reduction of the total project costs, it may be appropriate for the recipient to reduce the amount of total CDBG assistance.) If the amount of CDBG assistance provided to the project is increased, the amended project must still comply with the public benefit standards under paragraph (b) of this section.

(d) *Documentation.* The grantee must maintain sufficient records to demonstrate the level of public benefit, based on the above standards, that is actually achieved upon completion of the CDBG-assisted economic development activity(ies) and how that compares to the level of such benefit anticipated when the CDBG assistance was obligated. If the grantee's actual results show a pattern of substantial variation from anticipated results, the grantee is expected to take all actions reasonably within its control to improve the accuracy of its projections. If the actual results demonstrate that the recipient has failed the public benefit standards, HUD may require the recipient to meet more stringent standards in future years as appropriate.

[60 FR 1947, Jan. 5, 1995, as amended at 60 FR 17445, Apr. 6, 1995; 71 FR 30035, May 24, 2006; 72 FR 12535, Mar. 15, 2007; 72 FR 46370, Aug. 17, 2007]

§ 570.210 Prohibition on use of assistance for employment relocation activities.

(a) *Prohibition.* CDBG funds may not be used to directly assist a business, including a business expansion, in the relocation of a plant, facility, or operation from one LMA to another LMA if the relocation is likely to result in a significant loss of jobs in the LMA from which the relocation occurs.

(b) *Definitions.* The following definitions apply to this section:

(1) *Directly assist.* Directly assist means the provision of CDBG funds for activities pursuant to:

(i) § 570.203(b); or

(ii) §§ 570.201(a)-(d), 570.201(l), 570.203(a), or § 570.204 when the grantee, subrecipient, or, in the case of an activity carried out pursuant to § 570.204, a Community Based Development Organization (CDBO) enters into an agreement with a business to undertake one or more of these activities as a condition of the business relocating a facility, plant, or operation to the grantee's LMA. Provision of public facilities and indirect assistance that will provide benefit to multiple businesses does not fall under the definition of "directly assist," unless it includes the provision of infrastructure to aid a specific business that is the subject of an agreement with the specific assisted business.

(2) *Labor market area (LMA).* For metropolitan areas, an LMA is an area defined as such by the BLS. An LMA is an economically integrated geographic area within which individuals can live and find employment within a reasonable distance or can readily change employment without changing their place of residence. In addition, LMAs are nonoverlapping and geographically exhaustive. For metropolitan areas, grantees must use employment data, as defined by the BLS, for the LMA in which the affected business is currently located and from which current jobs may be lost. For non-metropolitan areas, an LMA is either an area defined by the BLS as an LMA, or a state may choose to combine non-metropolitan LMAs. States are required to define or reaffirm prior definitions of their LMAs on an annual basis and retain records to substantiate such areas prior to any business relocation that would be impacted by this rule. Metropolitan LMAs cannot be combined, nor can a non-metropolitan LMA be combined with a metropolitan LMA. For the HUD-administered Small Cities Program, each of the three participating counties in Hawaii will be considered to be its own LMA. Recipients of Fiscal Year 1999 Small Cities Program funding in New York will follow the requirements for State CDBG recipients.

(3) *Operation.* A business operation includes, but is not limited to, any equipment, employment opportunity, production capacity or product line of the business.

(4) *Significant loss of jobs.* (i) A loss of jobs is significant if: The number of jobs to be lost in the LMA in which the affected business is currently located is equal to or greater than one-tenth of one percent of the total number of persons in the labor force of that LMA; or in all cases, a loss of 500 or more jobs. Notwithstanding the aforementioned, a loss of 25 jobs or fewer does not constitute a significant loss of jobs.

(ii) A job is considered to be lost due to the provision of CDBG assistance if the job is relocated within three years of the provision of assistance to the business; or the time period within which jobs are to be created as specified by the agreement between the business and the recipient if it is longer than three years.

(c) *Written agreement.* Before directly assisting a business with CDBG funds, the recipient, subrecipient, or a CDBO (in the case of an activity carried out pursuant to § 570.204) shall sign a written agreement with the assisted business. The written agreement shall include:

(1) *Statement.* A statement from the assisted business as to whether the assisted activity will result in the relocation of any industrial or commercial plant, facility, or operation from one LMA to another, and, if so, the number of jobs that will be relocated from each LMA;

(2) *Required information.* If the assistance will not result in a relocation covered by this section, a certification from the assisted business that neither it, nor any of its subsidiaries, has plans to relocate jobs at the time the agreement is signed that would result in a significant job loss as defined in this rule; and

(3) *Reimbursement of assistance.* The agreement shall provide for reimbursement of any assistance provided to, or expended on behalf of, the business in the event that assistance results in a relocation prohibited under this section.

(d) *Assistance not covered by this section.* This section does not apply to:

(1) *Relocation assistance.* Relocation assistance required by the Uniform Assistance and Real Property Acquisition Policies Act of 1970, (URA) (42 U.S.C. 4601-4655);

(2) *Microenterprises.* Assistance to microenterprises as defined by Section 102(a)(22) of the Housing and Community Development Act of 1974; and

(3) *Arms-length transactions.* Assistance to a business that purchases business equipment, inventory, or other physical assets in an arms-length transaction, including the assets of an existing business, provided that the purchase does not result in the relocation of the sellers' business operation (including customer base or list, goodwill, product lines, or trade names) from one LMA to another LMA and does not produce a significant loss of jobs in the LMA from which the relocation occurs.

[70 FR 76369, Dec. 23, 2005]

Subpart K—Other Program Requirements

SOURCE: 53 FR 34456, Sept. 6, 1988, unless otherwise noted.

§ 570.600 General.

(a) This subpart K enumerates laws that the Secretary will treat as applicable to grants made under section 106 of the Act, other than grants to states made pursuant to section 106(d) of the Act, for purposes of the Secretary's determinations under section 104(e)(1) of the Act, including statutes expressly made applicable by the Act and certain other statutes and Executive Orders for which the Secretary has enforcement responsibility. This subpart K applies to grants made under the Insular Areas Program in § 570.405 and § 570.440 with the exception of § 570.612. The absence of mention herein of any other statute for which the Secretary does not have direct enforcement responsibility is not intended to be taken as an indication that, in the Secretary's opinion, such statute or Executive Order is not applicable to activities assisted under the Act. For laws that the Secretary will treat as applicable to grants made to states under section 106(d) of the Act for purposes of the determination required to be made by the Secretary pursuant to section 104(e)(2) of the Act, see § 570.487.

(b) This subpart also sets forth certain additional program requirements which the Secretary has determined to be applicable to grants provided under the Act as a matter of administrative discretion.

(c) In addition to grants made pursuant to section 106(b) and 106(d)(2)(B) of the Act (subparts D and F, respectively), the requirements of this subpart K are applicable to grants made pursuant to sections 107 and 119 of the Act (subparts E and G, respectively), and to loans guaranteed pursuant to subpart M.

[53 FR 34456, Sept. 6, 1988, as amended at 61 FR 11477, Mar. 20, 1996; 72 FR 12536, Mar. 15, 2007]

§ 570.601 Public Law 88-352 and Public Law 90-284; affirmatively furthering fair housing; Executive Order 11063.

(a) The following requirements apply according to sections 104(b) and 107 of the Act:

(1) Public Law 88-352, which is title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), and implementing regulations in 24 CFR part 1.

(2) Public Law 90-284, which is the Fair Housing Act (42 U.S.C. 3601-3620). In accordance with the Fair Housing Act, the Secretary requires that grantees administer all programs and activities related to housing and community development in a manner to affirmatively further the policies of the Fair Housing Act. Furthermore, in accordance with section 104(b)(2) of the Act, for each community receiving a grant under subpart D of this part, the certification that the grantee will affirmatively further fair housing shall specifically require the grantee to assume the responsibility of fair housing planning by conducting an

analysis to identify impediments to fair housing choice within its jurisdiction, taking appropriate actions to overcome the effects of any impediments identified through that analysis, and maintaining records reflecting the analysis and actions in this regard.

(b) Executive Order 11063, as amended by Executive Order 12259 (3 CFR, 1959-1963 Comp., p. 652; 3 CFR, 1980 Comp., p. 307) (Equal Opportunity in Housing), and implementing regulations in 24 CFR part 107, also apply.

[61 FR 11477, Mar. 20, 1996]

§ 570.602 Section 109 of the Act.

Section 109 of the Act requires that no person in the United States shall on the grounds of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance made available pursuant to the Act. Section 109 also directs that the prohibitions against discrimination on the basis of age under the Age Discrimination Act and the prohibitions against discrimination on the basis of disability under Section 504 shall apply to programs or activities receiving Federal financial assistance under Title I programs. The policies and procedures necessary to ensure enforcement of section 109 are codified in 24 CFR part 6.

[64 FR 3802, Jan. 25, 1999]

§ 570.603 Labor standards.

(a) Section 110(a) of the Act contains labor standards that apply to nonvolunteer labor financed in whole or in part with assistance received under the Act. In accordance with section 110(a) of the Act, the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 *et seq.*) also applies. However, these requirements apply to the rehabilitation of residential property only if such property contains not less than 8 units.

(b) The regulations in 24 CFR part 70 apply to the use of volunteers.

[61 FR 11477, Mar. 20, 1996]

§ 570.604 Environmental standards.

For purposes of section 104(g) of the Act, the regulations in 24 CFR part 58 specify the other provisions of law which further the purposes of the National Environmental Policy Act of 1969, and the procedures by which grantees must fulfill their environmental responsibilities. In certain cases, grantees assume these environmental review, decision making, and action responsibilities by execution of grant agreements with the Secretary.

[61 FR 11477, Mar. 20, 1996]

§ 570.605 National Flood Insurance Program.

Notwithstanding the date of HUD approval of the recipient's application (or, in the case of grants made under subpart D of this part or HUD-administered small cities recipients in Hawaii, the date of submission of the grantee's consolidated plan, in accordance with 24 CFR part 91), section 202(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106) and the regulations in 44 CFR parts 59 through 79 apply to funds provided under this part 570.

[61 FR 11477, Mar. 20, 1996]

§ 570.606 Displacement, relocation, acquisition, and replacement of housing.

(a) *General policy for minimizing displacement.* Consistent with the other goals and objectives of this part, grantees (or States or state recipients, as applicable) shall assure that they have taken all reasonable steps to minimize the displacement of persons (families, individuals, businesses, nonprofit organizations, and farms) as a result of activities assisted under this part.

(b) *Relocation assistance for displaced persons at URA levels.* (1) A displaced person shall be provided with relocation assistance at the levels described in, and in accordance with the requirements of 49 CFR part 24, which contains the government-wide regulations implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (42 U.S.C. 4601-4655).

(2) *Displaced person.* (i) For purposes of paragraph (b) of this section, the term “ *displaced person* ” means any person (family, individual, business, nonprofit organization, or farm) that moves from real property, or moves his or her personal property from real property, permanently and involuntarily, as a direct result of rehabilitation, demolition, or acquisition for an activity assisted under this part. A permanent, involuntary move for an assisted activity includes a permanent move from real property that is made:

(A) After notice by the grantee (or the state recipient, if applicable) to move permanently from the property, if the move occurs after the initial official submission to HUD (or the State, as applicable) for grant, loan, or loan guarantee funds under this part that are later provided or granted.

(B) After notice by the property owner to move permanently from the property, if the move occurs after the date of the submission of a request for financial assistance by the property owner (or person in control of the site) that is later approved for the requested activity.

(C) Before the date described in paragraph (b)(2)(i)(A) or (B) of this section, if either HUD or the grantee (or State, as applicable) determines that the displacement directly resulted from acquisition, rehabilitation, or demolition for the requested activity.

(D) After the “initiation of negotiations” if the person is the tenant-occupant of a dwelling unit and any one of the following three situations occurs:

(1) The tenant has not been provided with a reasonable opportunity to lease and occupy a suitable decent, safe, and sanitary dwelling in the same building/complex upon the completion of the project, including a monthly rent that does not exceed the greater of the tenant's monthly rent and estimated average utility costs before the initiation of negotiations or 30 percent of the household's average monthly gross income; or

(2) The tenant is required to relocate temporarily for the activity but the tenant is not offered payment for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including the cost of moving to and from the temporary location and any increased housing costs, or other conditions of the temporary relocation are not reasonable; and the tenant does not return to the building/complex; or

(3) The tenant is required to move to another unit in the building/complex, but is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move.

(ii) Notwithstanding the provisions of paragraph (b)(2)(i) of this section, the term “ *displaced person* -” does not include:

(A) A person who is evicted for cause based upon serious or repeated violations of material terms of the lease or occupancy agreement. To exclude a person on this basis, the grantee (or State or state recipient, as applicable) must determine that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance under this section;

(B) A person who moves into the property after the date of the notice described in paragraph (b)(2)(i)(A) or (B) of this section, but who received a written notice of the expected displacement before occupancy.

(C) A person who is not displaced as described in 49 CFR 24.2(g)(2).

(D) A person who the grantee (or State, as applicable) determines is not displaced as a direct result of the acquisition, rehabilitation, or demolition for an assisted activity. To exclude a person on this basis, HUD must concur in that determination.

(iii) A grantee (or State or state recipient, as applicable) may, at any time, request HUD to determine whether a person is a displaced person under this section.

(3) *Initiation of negotiations.* For purposes of determining the type of replacement housing assistance to be provided under paragraph (b) of this section, if the displacement is the direct result of privately undertaken rehabilitation, demolition, or acquisition of real property, the term “ *initiation of negotiations* ” means the execution of the grant or loan agreement between the grantee (or State or state recipient, as applicable) and the person owning or controlling the real property.

(c) *Residential antidisplacement and relocation assistance plan.* The grantee shall comply with the requirements of 24 CFR part 42, subpart B.

(d) *Optional relocation assistance.* Under section 105(a)(11) of the Act, the grantee may provide (or the State may permit the state recipient to provide, as applicable) relocation payments and other relocation assistance to persons displaced by activities that are not subject to paragraph (b) or (c) of this section. The grantee may also provide (or the State may also permit the state recipient to provide, as applicable) relocation assistance to persons receiving assistance under paragraphs (b) or (c) of this section at levels in excess of those required by these paragraphs. Unless such assistance is provided under State or local law, the grantee (or state recipient, as applicable) shall provide such assistance only upon the basis of a written determination that the assistance is appropriate (see, e.g., 24 CFR 570.201(i), as applicable). The grantee (or state recipient, as applicable) must adopt a written policy available to the public that describes the relocation assistance that the grantee (or state recipient, as applicable) has elected to provide and that provides for equal relocation assistance within each class of displaced persons.

(e) *Acquisition of real property.* The acquisition of real property for an assisted activity is subject to 49 CFR part 24, subpart B.

(f) *Appeals.* If a person disagrees with the determination of the grantee (or the state recipient, as applicable) concerning the person's eligibility for, or the amount of, a relocation payment under this section, the person may file a written appeal of that determination with the grantee (or state recipient, as applicable). The appeal procedures to be followed are described in 49 CFR 24.10. In addition, a low- or moderate-income household that has been displaced from a dwelling may file a written request for review of the grantee's decision to the HUD Field Office. For purposes of the State CDBG program, a low- or moderate-income household may file a written request for review of the state recipient's decision with the State.

(g) *Responsibility of grantee or State.* (1) The grantee (or State, if applicable) is responsible for ensuring compliance with the requirements of this section, notwithstanding any third party's contractual obligation to the grantee to comply with the provisions of this section. For purposes of the State CDBG program, the State shall require state recipients to certify that they will comply with the requirements of this section.

(2) The cost of assistance required under this section may be paid from local public funds, funds provided under this part, or funds available from other sources.

(3) The grantee (or State and state recipient, as applicable) must maintain records in sufficient detail to demonstrate compliance with the provisions of this section.

(Approved by the Office of Management and Budget under OMB control number 2506-0102)

[61 FR 11477, Mar. 20, 1996, as amended at 61 FR 51760, Oct. 3, 1996]

§ 570.607 Employment and contracting opportunities.

To the extent that they are otherwise applicable, grantees shall comply with:

(a) Executive Order 11246, as amended by Executive Orders 11375, 11478, 12086, and 12107 (3 CFR 1964-1965 Comp. p. 339; 3 CFR, 1966-1970 Comp., p. 684; 3 CFR, 1966-1970., p. 803; 3 CFR, 1978 Comp., p. 230; 3 CFR, 1978 Comp., p. 264 (Equal Employment Opportunity), and Executive Order 13279 (Equal Protection of the Laws for Faith-Based and Community Organizations), 67 FR 77141, 3 CFR, 2002 Comp., p. 258; and the implementing regulations at 41 CFR chapter 60; and

(b) Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 135.

[68 FR 56405, Sept. 30, 2003]

§ 570.608 Lead-based paint.

The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations at part 35, subparts A, B, J, K, and R of this part apply to activities under this program.

[64 FR 50226, Sept. 15, 1999]

§ 570.609 Use of debarred, suspended or ineligible contractors or subrecipients.

The requirements set forth in 24 CFR part 5 apply to this program.

[61 FR 5209, Feb. 9, 1996]

§ 570.610 Uniform administrative requirements and cost principles.

The recipient, its agencies or instrumentalities, and subrecipients shall comply with the policies, guidelines, and requirements of 24 CFR part 85 and 2 CFR PART 200 as applicable, as they relate to the acceptance and use of Federal funds under this part. The applicable sections of 24 CFR parts 84 and 85 are set forth at § 570.502.

² See footnote 1 at § 570.200(a)(5).

[60 FR 56916, Nov. 9, 1995]

§ 570.611 Conflict of interest.

(a) *Applicability.* (1) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 24 CFR 85.36 and 24 CFR 84.42, respectively, shall apply.

(2) In all cases not governed by 24 CFR 85.36 and 84.42, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient or by its subrecipients to individuals, businesses, and other private entities under eligible activities

that authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties or facilities pursuant to § 570.202; or grants, loans, and other assistance to businesses, individuals, and other private entities pursuant to § 570.203, 570.204, 570.455, or 570.703(i)).

(b) *Conflicts prohibited.* The general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. For the UDAG program, the above restrictions shall apply to all activities that are a part of the UDAG project, and shall cover any such financial interest or benefit during, or at any time after, such person's tenure.

(c) *Persons covered.* The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds under this part.

(d) *Exceptions.* Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it has satisfactorily met the threshold requirements of (d)(1) of this section, taking into account the cumulative effects of paragraph (d)(2) of this section.

(1) *Threshold requirements.* HUD will consider an exception only after the recipient has provided the following documentation:

(i) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and

(ii) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.

(2) *Factors to be considered for exceptions.* In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (d)(1) of this section, HUD shall conclude that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the recipient's program or project, taking into account the cumulative effect of the following factors, as applicable:

(i) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;

(ii) Whether an opportunity was provided for open competitive bidding or negotiation;

(iii) Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;

(iv) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision making process with respect to the specific assisted activity in question;

(v) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section;

(vi) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

(vii) Any other relevant considerations.

[60 FR 56916, Nov. 9, 1995]

§ 570.612 Executive Order 12372.

(a) *General.* Executive Order 12372, Intergovernmental Review of Federal Programs, and the Department's implementing regulations at 24 CFR part 52, allow each State to establish its own process for review and comment on proposed Federal financial assistance programs.

(b) *Applicability.* Executive Order 12372 applies to the CDBG Entitlement program and the UDAG program. The Executive Order applies to all activities proposed to be assisted under UDAG, but it applies to the Entitlement program only where a grantee proposes to use funds for the planning or construction (reconstruction or installation) of water or sewer facilities. Such facilities include storm sewers as well as all sanitary sewers, but do not include water and sewer lines connecting a structure to the lines in the public right-of-way or easement. It is the responsibility of the grantee to initiate the Executive Order review process if it proposes to use its CDBG or UDAG funds for activities subject to review.

§ 570.613 Eligibility restrictions for certain resident aliens.

(a) *Restriction.* Certain newly legalized aliens, as described in 24 CFR part 49, are not eligible to apply for benefits under covered activities funded by the programs listed in paragraph (e) of this section. "Benefits" under this section means financial assistance, public services, jobs and access to new or rehabilitated housing and other facilities made available under covered activities funded by programs listed in paragraph (e) of this section. "Benefits" do not include relocation services and payments to which displacees are entitled by law.

(b) *Covered activities.* "Covered activities" under this section means activities meeting the requirements of § 570.208(a) that either:

(1) Have income eligibility requirements limiting the benefits exclusively to low and moderate income persons; or

(2) Are targeted geographically or otherwise to primarily benefit low and moderate income persons (excluding activities serving the public at large, such as sewers, roads, sidewalks, and parks), and that provide benefits to persons on the basis of an application.

(c) *Limitation on coverage.* The restrictions under this section apply only to applicants for new benefits not being received by covered resident aliens as of the effective date of this section.

(d) *Compliance.* Compliance can be accomplished by obtaining certification as provided in 24 CFR 49.20.

(e) *Programs affected.* (1) The Community Development Block Grant program for small cities, administered under subpart F of part 570 of this title until closeout of the recipient's grant.

(2) The Community Development Block Grant program for entitlement grants, administered under subpart D of part 570 of this title.

(3) The Community Development Block Grant program for States, administered under subpart I of part 570 of this title until closeout of the unit of general local government's grant by the State.

(4) The Urban Development Action Grants program, administered under subpart G of part 570 of this title until closeout of the recipient's grant.

[55 FR 18494, May 2, 1990]

§ 570.614 Architectural Barriers Act and the Americans with Disabilities Act.

(a) The Architectural Barriers Act of 1968 (42 U.S.C. 4151-4157) requires certain Federal and Federally funded buildings and other facilities to be designed, constructed, or altered in accordance with standards that insure accessibility to, and use by, physically handicapped people. A building or facility designed, constructed, or altered with funds allocated or reallocated under this part after December 11, 1995, and that meets the definition of “residential structure” as defined in 24 CFR 40.2 or the definition of “building” as defined in 41 CFR 101-19.602(a) is subject to the requirements of the Architectural Barriers Act of 1968 (42 U.S.C. 4151-4157) and shall comply with the Uniform Federal Accessibility Standards (appendix A to 24 CFR part 40 for residential structures, and appendix A to 41 CFR part 101-19, subpart 101-19.6, for general type buildings).

(b) The Americans with Disabilities Act (42 U.S.C. 12131; 47 U.S.C. 155, 201, 218 and 225) (ADA) provides comprehensive civil rights to individuals with disabilities in the areas of employment, public accommodations, State and local government services, and telecommunications. It further provides that discrimination includes a failure to design and construct facilities for first occupancy no later than January 26, 1993, that are readily accessible to and usable by individuals with disabilities. Further, the ADA requires the removal of architectural barriers and communication barriers that are structural in nature in existing facilities, where such removal is readily achievable—that is, easily accomplishable and able to be carried out without much difficulty or expense.

[60 FR 56917, Nov. 9, 1995]

UPDATE: Effective March 2015

2 CFR Part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Final Guidance supersedes, consolidates and streamlines requirements from 8 OMB Circulars referenced in Exhibit D - CDBG Regulations and Other Program Requirements:

A - 21	A - 110
A - 87	A - 122
A - 89	A - 133
A - 102	A - 50

To view Notice SD-2015-01 Issued by the U.S. Department of Housing and Urban Development, please visit the following link:

www.hudexchange.info/resources/documents/Notice-DC-2015-01-Transition-to-2-CFR-Part-200-Guidance.pdf

Exhibit E

Audit Findings or Exceptions

(N/A - No audit findings or exceptions)



Standardized Agenda Request Form

Date of Meeting: October 2, 2018		Agenda Item No. (to be assigned by CSO): 2018-2019	
From:			
Subject: Discussion and consideration to approve the Economic Development Corporation of Weslaco annual budget and work plan for fiscal year 2018-2019. Possible action. (Requested by Weslaco Economic Development Corporation.)			
Background:			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted:			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Aida Vega		Created/Initiated	
Mike Perez		Final Approval	
City Manager Comments: Approve.			
Staff Recommendation:			
Attachments, if any: EDC of Weslaco 2018-2019 EDC Annual Work Plan, Economic Development Corporation 2018-2019 Budget			
Responsibilities upon Approval:			



THE ECONOMIC DEVELOPMENT CORPORATION
OF WESLACO

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(956) 969-0838 • (956) 969-8611 Fax

CITY OF WESLACO
SEP 26 2018
CITY SECRETARY'S OFFICE

DATE: 9/26/2018 **TIME:** 3:30 pm

Details:

EDC of Weslaco's 2018/2019 EDC Annual Work Plan

Recipient:

Name: Edna Silva

Address: 255 S. Kansas
Weslaco TX 78594

Signature: Edna Silva

2018 -2019 EDC Annual Work Plan

The Economic Development Corporation of Weslaco budget for 2018 – 2019 is entering its third year gaining momentum with the current team. With the UTRGV CIC and PhD Program getting started in August 2018, the environment should change. From the University Apartments for student within walking distant to the school, classes on Entrepreneurship in Weslaco and distinguish speaker series, university campus life should be an experience in Weslaco.

Weslaco is growing steady. At the end of the fiscal year, EDC has created 283 jobs and an investment of \$24 million. The deals that the EDC concluded were in warehouse, manufacturing firms, a hangar for business at the airport, hotel and sports plex, among others.

This fiscal year we are going to increase a **marketing and recruitment** from outside Weslaco. The EDC will have marketing presence Rio South Texas Economic Council, South Texas Manufacturing Association, RGV Partnership, Weslaco Chamber, Texas Economic Development Council, European American Investment Council and Texas International Produce.

Three organizations will provide **an opportunity for tradeshow or the meet with Site Consultants:** International Council of Shopping Center, the Rio South Texas Economic Council, the European American Investment Council and the Texas International Produce each would be lots of exposure. Each organization provides an opportunity to meet business and develop leads and staff is diligently following up the prospects regularly.

Another organization is **the South Texas Manufacturers Association**. A membership in this organization will be used to marketing and recruit to other manufacturing or supply companies. This organization also does a **Wage & Benefit Survey** once a year and the EDC are able to use this information with prospects.

Business Retention & Expansion Visits: Visits to develop a relationship and share information. The BRE visits offer a chance to market workforce training and get the skills where they are needed.

Workforce Training: The EDC wants to target the workforce and provide High Demand Job Training working with South Texas College. The EDC will work with STC and Texas Workforce Commission to enhance our training dollars and provide training for our community.

Summary of Leads: Follow up on any leads to the point where they land in Weslaco.

Industrial Parks: Purchase an industrial parcel for development to provide a site for the future companies.

Liaison with the **Office of Governor Economic Development & Tourism** and respond to the leads.

Revitalize Downtown: Incentives (Weslaco 100 & Façade Improvements): focus on owners and infrastructure.

Retail Trade: Attend the ICSC tradeshow, recruit high demand retail and work with the developers.

Quality of Life: Alfresco Music & Art Festival – Bring the community together and people traveling to Weslaco to enjoy the events. The 4th of July event is a big event for Weslaco.

Marketing efforts: Weslaco will advertise in the following:

Locally: Mid Valley Crier/ The Monitor; Texas Border Business; Snapshot Economic Development Progress; & Rio Grande Guardian; the Digital Billboards; KTEX; Channel 5; & Social Media; South Texas App distributed in RGV/ Mexico.

State & Nationally: Site Selection;

Internationally: Mexico Industrial Magazine.

Economic Development Corporation 2018-2019 Budget Approved 08/15/2018	
CARRYOVER FUNDS FROM FY2018 - (GENERAL ACCT)	2,639,616.00
Income	
Sales Tax Income	
Sales Tax Income	3,119,750.00
Interest Income	
CD Interest - Compass (Qtly)	1,000.00
Other Interest Revenue- Ckg. Int.	35,000.00
Rental Income	
Valley Striping - Mid-Valley Dr (\$840 x 12)	10,080.00
Weslaco Area Chamber of Commerce (1,677x12)	20,124.00
Davis Net Lease Hangar (\$1,000 x 12)	12,000.00
UTRGV Sub-Lease thru August 15, 2028	219,000.00
BVEC Reservation Rental Fees	7,000.00
Property Sales	
LRGVDC-Interest & Principal (10,312 x 12)	123,744.00
LF Trinity (Project Fire)	40,000.00
Cil (Colimar) - Joaquin Spamer (5 yr. note/balloon 1,763 x 12)	100,000.00
Alfresco & 4th of July / Sponsorship & Vendor Income Fees	
Alfresco Downtown Vendor Fees	10,310.00
Alfresco Downtown Sponsorship Fees	2,500.00
4th of July Vendor Income	4,375.00
4th of July Sponsorship Income	2,500.00
Other Sponsorships Received	
Other Income	
Late Fee Income	1,000.00
Reimbursements	1,000.00
Weslaco Merchants - Digital Billboard Income	2,800.00
City of Weslaco (SDI) - 380 Assignment (Annual) \$2,300,000. 3/1/2030	235,476.00
Miscellaneous/Other Income	1,000.00
Total Income	3,948,659.00
Expenses	
Operating Expenses	
Gross Wages	309,251.00
Payroll Taxes & Employee Benefits	68,035.00
Dues/Subscriptions/Membership	21,087.00
EDC Sponsorships	18,100.00
Internships (Stipened)	1,200.00
Office Supplies	4,000.00
Office Expenses (Computer & Laptop)	10,000.00
Website Hosting & Mgmt	1,800.00
Contractual Fees	43,289.00
Professional Fees - Other	5,000.00
Legal	35,000.00
CPA Fees	18,000.00
Audit Fees	14,500.00
Telephone , Wireless Tablets & Cell Phones	10,800.00
Utilities - Electricity	15,300.00
Repairs & Maintenance	25,000.00
Property Taxes	15,000.00
Insurance Policies	6,000.00
Automobile Expense	3,500.00
Travel Expense	12,000.00
Staff Expense	6,000.00
Board Expense	14,000.00
Alfresco Marketing Expenses	
Promotion - Alfresco Weslaco	18,000.00
Annual Event Expense	
4th of July	23,000.00
General Marketing Advertising	
Marketing/Advertising	35,000.00
Mid Valley Airport Promotion	5,000.00
Trade Shows	
Texas International Produce	7,000.00
Debt Service	
Debt Services - Bonds	
\$1,155,000 Sales Tax Rev Bds Taxable Ser 2012-(BVEC Phase II)	129,495.00
\$1,290,000 Sale Tax Rev Bds, Tax-Exempt, Series 2011 B	341,296.00

Economic Development Corporation
2018-2019 Budget
Approved 08/15/2018

CARRYOVER FUNDS FROM FY2018 - (GENERAL ACCT)	2,639,616.00
\$2,870,000 Bond Series 2012 (New) 12/20/12	308,775.00
Texas National - P&I (\$283,000 - Purchase of Dominguez Property)	36,140.00
Private / Public Incentive Grants	
Weslaco 100	50,000.00
Promotion Façade Grant	50,000.00
Landscape Activities	
TLC Maintenance - BVEC - City Hall Grounds	13,913.00
Downtown Heart of Weslaco	20,000.00
Expressway - Maintenance & Beautification (Guerra Const)	43,333.00
Grant Funding Projects	
VIDA	70,000.00
LRGVDC/South Texas Transportation Project-JAG	39,000.00
Frontera Audubon	20,000.00
Airport Runway	140,345.00
Business Incentives	
Payne Dealer Group (\$825,000/\$13,750) 3-Qtrs x @13,750	41,250.00
Wal-Mart Neighborhood Store on 18th & Texas (\$900,000)	125,000.00
Smile, Inc. (\$75,000)	15,000.00
Tower Theater - Project Rise	20,000.00
R5 Eateries (Bar B-Cuties) \$160,000	13,333.00
Kapal (\$255,192)	87,064.00
KAM Inc	68,778.00
CiLogistics	130,000.00
Project Airport/Motorcycle II (Airport Hangar)	129,000.00
Capital Outlay	
Other Expenses	
City of Weslaco from UTRGV-CIC Rent	103,812.00
MV Airport / EDC Land Lease Rent	576.00
Miscellaneous - Other	4,000.00
* Weslaco Softball Baseball	50.00
* Weslaco FFA Booster Club	50.00
Meals - Promotion/Prospects	2,000.00
Future Projects	
Industrial Park (Project Park)	500,000.00
City's Sports Complex \$500,000	100,000.00
BVEC Operation Expenses	
BVEC Operations Costs	5,000.00
Contract Labor -BVEC	2,500.00
Opportunity Fund *	450,000.00
Total Expense	3,804,572.00
Net Revenues (Expenditures)	144,087.00
AVAILABLE OPPORTUNITY FUNDS - END OF YEAR	2,783,703.00



September
2018 Destination Marketing Report
Presented to City of Weslaco

August Advertising

- General Advertising:
 - ✓ Literature Printing - \$3,000
 - ✓ New advertising at Valley International Airport (VIA) - \$5,016
 - ✓ New Adventures Magazine - \$3,498
 - ✓ Website - \$2,000
- Winter Texan Advertising
 - ✓ Park Directory - \$1,670
- Promotional Items
 - ✓ “Think Weslaco” tote bags & calendars - \$2,386
- Mexico Marketing
 - ✓ Targeted Display Ads in Rio Bravo & Reynosa - \$2,500
- City Promotions
 - ✓ Targeted Digital Display ads promoting Mid-Valley Airport - \$1,100

Total: \$21,170

VISITATION Registrations

Visitors	In-State/Out of State
June & July	7/4

Business Visitor Events Center & Meetings	Attendance
12 events/meetings	121
FEMA/SBA	8,800

FEMA and SBA remain operating at a highly reduced staff; however, they remain in one conference room.

Our recent visit with RV Park Directors was insightful. We found room for improved marketing by distributing information directly to Winter Texans using park welcome packets. In preparation for the season, we distributed the first packets of information last week.

While the following items are not destination marketing related, I will add some additional Chamber information.

- A Morning Meet-up featured an update from Police Chief Joel Rivera
- We conducted a Cyber Security workshop and presented two local beautification awards
- Three ribbon-cutting events were held in September. Three are scheduled for October; plus the return of speed networking.
- The Chamber Board will hold three Strategic Planning events in October. The first “strategic plan” in a decade
- The Chamber’s Annual Meeting Luncheon is Friday, November 2



THE ECONOMIC DEVELOPMENT CORPORATION
OF WESLACO

Whether you are launching, expanding or relocation a business, it makes sense to choose Weslaco – it is the Business Center of the Rio Grande Valley!

October 1, 2018

UTRGV CIC / Business School PhD Program

The building does not have Final Completion yet. The City of Weslaco will do the landscaping and parking lot on October 6th. It is exciting to see students and professors riding the UTRGV bus to the facility.

The University Apartments have 17 units leased.

Alfresco Weslaco

Alfresco was held September 20th. There were 60 vendors; food, art and crafts. WISD had a stage and well as the main stage were the community was entertained by Tejano music.

The EDC staff meet with the Downtown merchants after the Alfresco to get their opinions and develop a close relationship with people that work downtown on a monthly basis.

Texas A&M University at Kingsville

Members of the Board and staff traveled to Kingsville to talk with the Provost and Dean of Engineering to devise a plan to get the engineering program revisited in the Mid Valley of the RGV.

Summary of Leads List

Staff is working a total of 50 leads. The EDC staff will travel to Indiana to talk to site consultants and company leaders to get leads.

WINS included: Drainage Projects; North side park; LF Trinity Development; Kapal Hangar; Airport Hangar Infrastructure; University Apartments and land; KAM Inc.; Wells of Weslaco; Aldana Engineering; RGV Solar Power Systems; Valley Vet; HEB expansion; Project Bob; Mid Valley Industrial Park Subdivision; ColiMex; Hampton Inn; CIL Cold Shipping, Alegros Flower; Dr. Rios; Frost Bank; Weslaco Micro- Hospital and Weslaco's Daily Grind. There were 23 projects, 266 jobs and \$31 mm dollars invested in Weslaco in the last 12 months.

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