

City of Kingsville, Texas

AMENDED AGENDA CITY COMMISSION

**MONDAY, AUGUST 24, 2015
REGULAR MEETING**

**HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS
CITY HALL/200 EAST KLEBERG AVENUE
4:00 P.M.**

I. Preliminary Proceedings.

OPEN MEETING

CONVENE INTO BUDGET WORKSHOP:

Review and discuss proposed fiscal year 2015-2016 budget for departments of the City of Kingsville. (Interim City Manager).

REGULAR MEETING RESUMES AT 6:00P.M.

APPROVED BY:


Courtney Alvarez
Interim City Manager

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S) – Required by Law Regular Meeting – August 17, 2015

II. Public Hearing - (Required by Law).^{1*}

1. Public Hearing on a proposed tax rate increase from \$.84220 to \$.89610 for Fiscal Year 2015-2016. (Finance Director).

III. Reports from Commission & Staff.² (City Manager's Staff Report Attached).

"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Monthly Financial Reports; Police & Fire Department – Grant Update, Police & Fire Reports; Street Updates; Public Works- Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment

Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor. No formal action can be taken on these items at this time."

IV. Public Comment on Agenda Items.³

1. Comments on all agenda and non-agenda items.

V.

Consent Agenda

Notice to the Public

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

CONSENT MOTIONS, RESOLUTIONS, ORDINANCES AND ORDINANCES FROM PREVIOUS MEETINGS:

(At this point the Commission will vote on all motions, resolutions and ordinances not removed for individual consideration)

NONE.

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

1. Consider resolution nominating certain person(s) as candidate(s) for election to the Board of Directors for the Kleberg County Appraisal District. (Interim City Manager).
2. Consider resolution requesting the Texas Department of Transportation support a change in the speed limit on US 77 By-Pass at the FM 1717 intersection to 55 miles per hour within the city limits of the City of Kingsville. (Mayor Fugate).
3. Consider acceptance of a \$200 donation for the Volunteer Fire Department. (Director of Finance).
4. Consider introduction of an ordinance amending the Fiscal Year 2014-2015 General Fund Budget to accept a donation for the Volunteer Fire Department. (Director of Finance).
5. Consider introduction of an ordinance amending the Fiscal Year 2014-2015 General Fund Budget to transfer City Commission training & travel funds to the L.E. Ramey Golf Course and to Corral Park. (Director of Finance).
6. Consider resolution authorizing the Kingsville Chief of Police to enter into an Interagency Cooperation Agreement between the City of Kingsville-Police Department and the Texas A&M University-Kingsville Police Department for the loan of a surplus or seized vehicle. (Chief of Police).

7. Consider a resolution accepting a donation/dedication of storm sewer pipe and manhole in the state right-of-way from Kingsville Legends, Ltd. (Director of Planning & Development Services).

8. Consider resolution authorizing the City Manager to enter into a Multiple Use Agreement with the Texas Department of Transportation for maintenance and operation of storm sewer pipe and a manhole in the State Highway 141 (West King Avenue) right-of-way near the Kingsville Legends Apartments. (Director of Planning & Development Services).

9. Consider a resolution authorizing the submission of an application to the Flood Mitigation Assistance Program for the purpose of requesting grant funding for mitigating flooding issues at 314 S. 20th, with no cash match or in-kind service requirement. (Director of Planning & Development Services).

10. Presentation and discussion of the City of Kingsville Street Improvement & Maintenance Program and financing options. (City Engineer/Public Works Director).

VII. Adjournment.

1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative Commission votes. The speaker must identify himself by name and address.
4. Items being considered by the Commission for action except citizens comments to the Mayor and Commission, no comment at this point without 5 affirmative votes of the Commission.

NOTICE

This City of Kingsville and Commission Chambers is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/595-8002 or FAX 361/595-8024 or E-Mail mvalenzuela@cityofkingsville.com for further information. Braille Is Not Available. The City Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Section 551-071 (Consultation with Attorney), 551-072 (Deliberations about Real Property), 551-073 Deliberations about Gifts and Donations), 551-074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551-086 (Certain Public Power Utilities: Competitive Matters), and 551-087 (Economic Development).

I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board in the City Hall, 200 East Kleberg, of the City of Kingsville, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: *Item added in order to conform with law for unforeseeable situation.

August 24, 2015 at 11:00 A.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.

Mary Valenzuela by J.S.
Mary Valenzuela, TRMC, City Secretary
City of Kingsville, Texas

This public notice was removed from the official posting board at the Kingsville City Hall on the following date and time:_____

By: _____
City Secretary's Office
City of Kingsville, Texas

MINUTES OF PREVIOUS MEETING(S)

AUGUST 17, 2015

A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, AUGUST 17, 2015 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 5:00 P.M.

CITY COMMISSION PRESENT:

Sam Fugate, Mayor
Dianne Leubert, Commissioner
Noel Pena, Commissioner
Al Garcia, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Courtney Alvarez, Interim City Manager/City Attorney
Mary Valenzuela, City Secretary
Tom Ginter, Director of Planning & Development Services
Deborah Balli, Finance Director
Diana Gonzales, Human Resources Director
Charlie Cardenas, Public Works Director/Engineer
Tony Verdin, IT Specialist
Jimmy Saenz, Golf Course Manager

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 5:00 p.m. and announced quorum with all five Commission members present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

Mayor Fugate waived these proceedings.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Regular Meeting - August 10, 2015

Mayor Fugate called for a motion to approve the minutes of August 10, 2015 as presented.

Motion made by Commissioner Pena to approve the August 10th minutes as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting "FOR".

II. Public Hearing - (Required by Law).¹

None.

III. Reports from Commission & Staff.² (City Manager's Staff Report Attached).

"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Monthly Financial Reports; Police & Fire Department – Grant

Update, Police & Fire Reports; Street Updates; Public Works- Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor. No formal action can be taken on these items at this time.”

Mrs. Courtney Alvarez, Interim City Manager/City Attorney reported that the first budget workshop is scheduled for Thursday, August 20th at 4:00 p.m. Budget notebooks have been provided to the City Commission and staff for their review. Alvarez further reported that the Health & Supplemental Insurance Open Enrollment is taking place this week. The next regular City Commission meeting will be held on Monday, August 24th; during this meeting a budget workshop will be held from 4:00 p.m. to 6:00 p.m. with regular meeting to begin at 6:00 p.m. with a Street Workshop presentation. There will also be special City Commission meetings held on Tuesday, August 25th and Wednesday, August 26th; both meetings to begin at 4:00 p.m.

IV. Public Comment on Agenda Items.³

1. Comments on all agenda and non-agenda items.

V.

Consent Agenda

Notice to the Public

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

CONSENT MOTIONS, RESOLUTIONS, ORDINANCES AND ORDINANCES FROM PREVIOUS MEETINGS:

(At this point the Commission will vote on all motions, resolutions and ordinances not removed for individual consideration)

None.

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

1. Consider accepting funds from Kleberg County to purchase golf course irrigation equipment. (Director of Purchasing and Technology).

Commissioner Pena asked for the total of funds being accepted.

Mr. Jimmy Saenz, Golf Course Manager responded that the total dollar amount is \$29,177.05. Saenz further stated that this is the total amount of the bid received.

Motion made by Commissioner Leubert to accept the funds from Kleberg County, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting “FOR”.

2. Consider introduction of an ordinance amending the Fiscal Year 2014-2015 General Fund Budget to accept funds from Kleberg County for Golf Course irrigation equipment. (Director of Finance).

Introduction item.

3. Executive Session: Pursuant to Section 551.074, Texas Open Meetings Act, the City Commission shall convene in Executive Session to deliberate the appointment, employment, and duties of the City Manager. (Mayor Fugate).

Mayor Fugate announced this executive session and convened into closed session at 5:06 p.m.

Mayor Fugate reconvened the meeting into open session at 5:37 p.m.

4. Consider acting on information from executive search consultant for the City Manager position. (Mayor Fugate).

Motion made by Mayor Fugate to direct Mr. Rohr to move forward with the top three candidates as discussed, seconded by Commissioner Pena. The motion was passed by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting "FOR".

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:38 p.m.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, City Secretary

PUBLIC HEARING(S)

REGULAR AGENDA

CONSENT AGENDA

AGENDA ITEM #1

RESOLUTION NO. 2015- _____

A RESOLUTION NOMINATING CERTAIN PERSON(S) AS CANDIDATE(S) FOR ELECTION TO THE BOARD OF DIRECTORS FOR THE KLEBERG COUNTY APPRAISAL DISTRICT; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is time to select the Kleberg County Appraisal District Board of Directors for the 2016-2017 term and the City (as a taxing unit) has voting units that need to be allocated;

BE IT RESOLVED by the City Commission of the City of Kingsville, Texas:

I.

THAT the City of Kingsville herewith nominates the following person(s) as candidate(s) for election to the Board of Directors for the Kleberg County Appraisal District:

AL GARCIA
1125 W. HENRIETTA AVE.
KINGSVILLE, TEXAS 78363

II.

THAT all Resolutions or parts of Resolutions in conflict with this Resolution are repealed to the extent of such conflict only.

III.

THAT this Resolution shall be and become effective on and after adoption.

PASSED AND APPROVED by a majority vote of the City Commission on the 24 th day of August, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

KLEBERG COUNTY APPRAISAL DISTRICT
502 E. KLEBERG * P.O. BOX 1027 * KINGSVILLE, TX 78364
BUS. (361) 595-5775 * FAX (361) 595- 7984

received
8-12-15

August 11, 2015

City of Kingsville
Sam Fugate, Mayor
P.O. Box 1458
Kingsville, TX 78364

Dear Mayor Fugate:

It is time for the selection of the Kleberg County Appraisal District Board of Directors for the 2016-2017 term. The board consists of 5 members. Every odd year, Board of Director elections for the Kleberg County Appraisal District take place. Please take the time to consider who your district would like to nominate to serve on the Kleberg County Appraisal District's board of directors. The quality of the property tax system depends on the appraisal district board of directors. Individuals nominated should bring the board knowledge, judgment and expertise in establishing policies and procedures for the district's organization and operation.

I am enclosing information on what is involved in the Board of Director elections process. This process requires interaction between each taxing entity and the appraisal district. The number of votes allocated to a voting unit is based on the ratio of its tax levy on the preceding year to the total tax levy of all voting units. The Chief Appraiser is required to use the most recent official tabulation of each voting unit's prior year levy. This is the amount levied not the amount allocated by the voting unit. The votes for each jurisdiction are as shown in the enclosed document titled Calculation of Votes.

The information I have enclosed is taken out of the state comptroller's Board of Directors Manual and Texas Property Tax Code. I have also enclosed an outline of required dates for your records. Please be sure to review the eligibility guidelines for appointed members located in your Governance enclosure on pages 4 and 5.

I have enclosed a copy of the Texas Property Tax Code section 6.03 Board of Directors, which discusses the Board of Directors election and your roll in the process.

If you have any questions, please feel free to contact me at 595- 5775.

Sincerely,



Ernestina "Tina" Flores, R.P.A.
Chief Appraiser

Cc: Courtney Alvarez, Interim City Manager
Mary Valenzuela, City Secretary



Governance

Composition of Board of Directors

The board of directors is composed of five members.⁴ The number of directors can be increased up to 13 by action of the board of directors.⁵ However, in most cases, the board of directors may not make this change if a voting taxing unit adopts a resolution opposing the change.⁶

Taxing units participating in the CAD may increase the number of directors up to 13 members if three-fourths of voting taxing units adopt resolutions.⁷ A change is not valid if it reduces the voting entitlement of one or more taxing units (unless the taxing unit adopts one of two specified resolutions) or if it expands the types of taxing units that are entitled to vote on the appointment of directors.⁸

The county TAC is a nonvoting director, if not appointed as a voting director.⁹ If a commissioner's court of the county enters into a contract for assessment and collections under Tax Code Section 6.24(b) or if the CAD board of directors enters into a contract for appraisal under Tax Code Section 6.05(b), then the county TAC is ineligible to serve on the board of directors.¹⁰

Appointment, Eligibility and Terms

Appointment: Taxing units—counties, cities/towns, school districts, junior colleges and certain conservation and reclamation districts—select directors in the fall of odd-numbered years.¹¹ Conservation and reclamation districts may participate in this process if at least one conservation and reclamation district in



the CAD delivers to the chief appraiser a written request to nominate and vote on the board of directors by June 1 of each odd-numbered year.¹² On request, the chief appraiser must certify all eligible conservation and reclamation districts that are imposing taxes and that participate in the CAD by June 15.¹³

The board of directors is selected by appointment; it is not an election governed by the Texas Election Code.¹⁴ The method or procedure for appointing members can be changed by the board of directors or by three-fourths of the voting taxing units acting through resolutions.¹⁵

The voting entitlement of a taxing unit is determined by a calculation that takes into account a taxing unit's share of the total dollar amount of property taxes imposed in the CAD.¹⁶ The chief appraiser makes this calculation for each taxing unit (other than conservation and reclamation districts) and delivers written notice before Oct. 1 of each odd-numbered year of the number of votes to which each taxing unit is entitled.¹⁷ Each taxing unit (other than a conservation and reclamation district) that is entitled to vote may submit to the chief appraiser one nominee for each position to be filled before Oct. 15.¹⁸

The chief appraiser also must calculate the number of votes that an eligible conservation and reclamation district is entitled to and must deliver before July 1 of each odd-numbered year, a written notice to the district of its voting entitlement

⁴ Tex. Tax Code §6.03(a).

⁵ Tex. Tax Code §6.031(a).

⁶ Tex. Tax Code §6.031(a).

⁷ Tex. Tax Code §6.031(b).

⁸ Tex. Tax Code §6.031(b).

⁹ Tex. Tax Code §§6.03(a).

¹⁰ Tex. Tax Code §6.03(a).

¹¹ Tex. Tax Code §6.03.

¹² Tex. Tax Code §6.03(c).

¹³ Tex. Tax Code §6.03(c).

¹⁴ Tex. Att'y Gen. Op. JM-166 (1984).

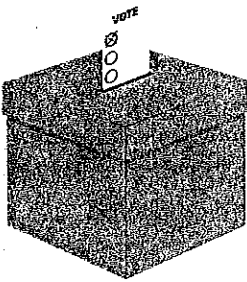
¹⁵ Tex. Tax Code §6.031(a) and (b).

¹⁶ Tex. Tax Code §6.03(d).

¹⁷ Tex. Tax Code §6.03(e).

¹⁸ Tex. Tax Code §6.03(g).

and right to nominate one candidate for director.¹⁹ All eligible conservation and reclamation districts must submit the name of the district's nominee to the chief appraiser before July 15 of each odd-numbered year.²⁰ Before Aug. 1, the chief appraiser must prepare a nominating ballot listing all the nominees of conservation and reclamation districts and deliver a ballot to the presiding officer of the board of directors of each district.²¹ The board of directors of each district must submit its vote for the nominee of conservation and reclamation districts before Aug. 15.²² The winning nominee of the conservation and reclamation districts in the CAD becomes a nominee for CAD director.²³



The chief appraiser must prepare a ballot before Oct. 30 with candidates whose names were timely submitted, including the nominee of conservation and reclamation districts if applicable.²⁴ Each taxing unit entitled to vote must determine its vote by resolution and submit it to the chief appraiser before Dec.

15.²⁵ The five candidates who receive the largest cumulative vote totals become the board of directors.²⁶ The chief appraiser announces the new directors before Dec. 31.²⁷ Ties must be resolved by the chief appraiser by any method of chance.²⁸

Both the board of directors and taxing units may propose to change the method or procedure for appointing directors.²⁹ If the board of directors makes the proposal, then a voting taxing unit may veto the proposal by filing a resolution before Sept. 1.³⁰ If a participating taxing unit proposes a change, the change is adopted if three-fourths of the voting taxing units adopt resolutions providing for the change.³¹ A resolution to change the method or procedure for appointing directors must be filed with the chief appraiser after June 30 and before

Oct. 1 of a year in which members are appointed, or the resolution is ineffective.³²

Throughout the selection process, the Tax Code specifies dates for action by the chief appraiser and the taxing units. The dates provided in Tax Code Section 6.03(f) and (g) are directory and not mandatory.³³ However, the advice of legal counsel should be obtained in such situations.

Eligibility: To be eligible to serve on a board of directors, an individual must be a resident of the CAD and must have resided in the CAD for at least two years immediately preceding the date of taking office.³⁴ This residency requirement does not apply to a county TAC serving as a nonvoting director.³⁵

An employee of a taxing unit that participates in the CAD is not eligible to serve on the board of directors, unless that individual also is a member of the governing body of the taxing unit or an elected official of a taxing unit.³⁶ Membership on the governing body of a taxing unit does not make an otherwise eligible individual ineligible to serve on the board of directors.³⁷

Owing delinquent property taxes disqualifies a person from serving on the CAD board of directors.³⁸ The person is ineligible if he or she owns property on which delinquent property taxes have been owed for more than 60 days after the date the person knew or should have known of the delinquency.³⁹ This disqualification does not apply if the person is paying the delinquent taxes and any penalties and interest under an installment payment agreement or has deferred or abated a suit to collect the delinquent taxes.⁴⁰

A person who has appraised property for compensation for use in proceedings or represented property owners for compensation in proceedings in the CAD at any time within the preceding five years is ineligible to serve on the board of directors.⁴¹

¹⁹ Tex. Tax Code §6.03(f) and (h).

²⁰ Tex. Tax Code §6.03(h).

²¹ Tex. Tax Code §6.03(h).

²² Tex. Tax Code §6.03(h).

²³ Tex. Tax Code §6.03(h).

²⁴ Tex. Tax Code §6.03(j).

²⁵ Tex. Tax Code §6.03(k).

²⁶ Tex. Tax Code §6.03(k).

²⁷ Tex. Tax Code §6.03(k).

²⁸ Tex. Tax Code §6.03(l).

²⁹ Tex. Tax Code §6.031(a) and (b).

³⁰ Tex. Tax Code §6.031(a).

³¹ Tex. Tax Code §6.031(b).

³² Tex. Tax Code §6.031(c).

³³ Tex. Att'y Gen. Op. JM-166 (1984).

³⁴ Tex. Tax Code §6.03(a).

³⁵ Tex. Tax Code §6.03(a).

³⁶ Tex. Tax Code §6.03(a).

³⁷ Tex. Tax Code §6.03(a).

³⁸ Tex. Tax Code §6.035(a)(2).

³⁹ Tex. Tax Code §6.035(a)(2).

⁴⁰ Tex. Tax Code §6.035(a)(2).

⁴¹ Tex. Tax Code §6.035(a-1).

Degrees of Consanguinity and Affinity

1 st DEGREE	2 nd DEGREE	3 rd DEGREE
By Consanguinity <ul style="list-style-type: none"> • Parents • Children By Affinity <ul style="list-style-type: none"> • Spouses of relatives listed under consanguinity • Spouse • Spouse's parents • Spouse's children • Stepparents • Stepchildren 	By Consanguinity <ul style="list-style-type: none"> • Grandparents • Grandchildren • Brothers & sisters By Affinity <ul style="list-style-type: none"> • Spouses of relatives listed by consanguinity • Spouse's grandparents • Spouse's grandchildren • Spouse's brothers & sisters 	By Consanguinity <ul style="list-style-type: none"> • Great grandparents • Great grandchildren • Nieces & nephews • Aunts & uncles

A person is ineligible to serve on the board of directors if the individual is related within the second degree of consanguinity (blood) or affinity (marriage) to the following:

- an appraiser who appraises property for use in a proceeding under the Tax Code; or
- a person who represents property owners for compensation in proceedings under the Tax Code in the CAD.⁴²

A director who continues to hold office knowing he or she is related in this manner to the above named persons commits a Class B misdemeanor offense.⁴³

An individual is not eligible to be appointed to or to serve on the board of directors if an individual has a substantial interest in a business entity that is party to a contract or the individual is a party to a contract with the CAD.⁴⁴ This prohibition also applies to contracts with a taxing unit that participates in the CAD if the contract relates to the performance of an activity governed by the Tax Code.⁴⁵ A CAD may not enter into a contract with a board member or with a business entity in which a board member has a substantial interest.⁴⁶ A taxing unit may not enter into a contract relating to the performance of an activity governed by the Tax Code with a board member in which

the taxing unit participates or with a business entity in which a board member has a substantial interest.⁴⁷

An individual has substantial interest in a business entity if:

- the combined ownership of the director and the director's spouse is at least 10 percent of the voting stock or shares of the business entity; or
- the director or director's spouse is a partner, limited partner or officer of the business entity.⁴⁸



Term of Office and Vacancy: CAD directors serve two-year terms.⁴⁹ Each term begins on Jan. 1 of an even-numbered year.⁵⁰ The two-year term of office does not apply to the county TAC who serves as a nonvoting director.⁵¹

Voting taxing units may adopt staggered one and two-year terms.⁵² To adopt staggered terms, taxing units must take two actions.⁵³ First, at least three-fourths of the voting taxing units

⁴² Tex. Tax Code §6.035(a)(1).

⁴³ Tex. Tax Code §6.035(b).

⁴⁴ Tex. Tax Code §6.036(a).

⁴⁵ Tex. Tax Code §6.036(a).

⁴⁶ Tex. Tax Code §6.036(b).

⁴⁷ Tex. Tax Code §6.036(c).

⁴⁸ Tex. Tax Code §6.036(d).

⁴⁹ Tex. Tax Code §6.03(b).

⁵⁰ Tex. Tax Code §6.03(b).

⁵¹ Tex. Tax Code §6.03(b).

⁵² Tex. Tax Code §6.034(a).

⁵³ Tex. Tax Code §6.034(a).

are required to adopt resolutions for staggered terms.⁵⁴ Second, the voting taxing units must have changed the method for appointing members to end cumulative voting (casting all or part of the votes to which the taxing unit is entitled). These two actions may be proposed concurrently.⁵⁵

A resolution proposing staggered terms must be filed with the chief appraiser after June 30 and before Oct. 1.⁵⁶ If the chief appraiser determines that enough taxing units filed valid resolutions, he or she must notify all taxing units of the change before Oct. 10.⁵⁷ Staggered terms take effect on Jan. 1 of the next even-numbered year.⁵⁸ To start staggering terms, all members are appointed for that year without regard to staggered terms.⁵⁹ At the earliest practical date after Jan. 1, the board determines by lot which of its members will serve one- and two-year terms.⁶⁰

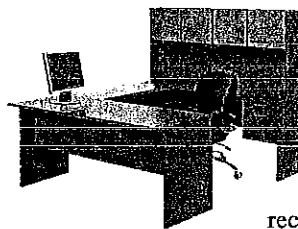
Boards with an even number of members divide the one- and two-year terms in half. Boards with an odd number of members must have one more member with a two-year term than members with one-year terms.⁶¹ For example, a six-member board would choose three members to serve one-year terms. A five-member board would choose two.

For each director's term that expires on Jan. 1, the CAD must annually appoint directors for a term that begins on that Jan. 1.⁶²

Staggered terms may be rescinded by resolution of a majority of voting taxing units.⁶³ The resolution must be adopted and filed with the chief appraiser after June 30 and before Oct. 1 of odd-numbered years.⁶⁴ After a valid rescission, the terms of all current members expire on the next Jan. 1, even if a member will have only served one year of a two-year term.⁶⁵ The entire board will be appointed for two-year terms on that date.⁶⁶ Staggered terms are automatically rescinded

if the CAD makes a change in the method of appointing board members that results in a method of using cumulative voting.⁶⁷

Board members may not receive compensation for service on the board but are entitled to reimbursement for actual and necessary expenses incurred in the performance of their duties.⁶⁸ This reimbursement is as provided by the budget adopted the board of directors.⁶⁹



If a vacancy occurs on the board, each voting taxing unit nominates by resolution a candidate to fill the vacancy.⁷⁰ Within 45 days after receiving notice from the board of

directors that a vacancy exists, a taxing unit must submit the nomination to the chief appraiser.⁷¹ The chief appraiser delivers a list of the nominees to the directors within the next five days.⁷² Directors select by majority vote one of the nominees to fill the vacancy.⁷³ If a vacancy occurs for a board with staggered terms, the vacancy is filled by appointment of the voting taxing unit that nominated the person whose departure caused the vacancy.⁷⁴

Conflicts of Interest

Board members are subject to conflict of interest provisions in law, including Tax Code Section 6.036 which excludes certain individuals from serving on the board of directors. Local Government Code Chapter 171 applies to all local officials, including boards of directors of CADs. Local Government Code Chapter 176 applies to officers of political subdivisions of the state.⁷⁵

For more information, see the Texas Attorney General's publication *2012 Texas Conflict of Interest Laws Made Easy* at www.texasattorneygeneral.gov/AG_Publications/pdfs/conflict_easy.pdf.

⁵⁴ Tex. Tax Code §6.034(a).

⁵⁵ Tex. Tax Code §6.034(a).

⁵⁶ Tex. Tax Code §6.034(b).

⁵⁷ Tex. Tax Code §6.034(c).

⁵⁸ Tex. Tax Code §6.034(d).

⁵⁹ Tex. Tax Code §6.034(d).

⁶⁰ Tex. Tax Code §6.034(d).

⁶¹ Tex. Tax Code §6.034(d).

⁶² Tex. Tax Code §6.034(e).

⁶³ Tex. Tax Code §6.034(g).

⁶⁴ Tex. Tax Code §6.034(g).

⁶⁵ Tex. Tax Code §6.034(g).

⁶⁶ Tex. Tax Code §6.034(g).

⁶⁷ Tex. Tax Code §6.034(h).

⁶⁸ Tex. Tax Code §6.04(c).

⁶⁹ Tex. Tax Code §6.04(c).

⁷⁰ Tex. Tax Code §6.03(i).

⁷¹ Tex. Tax Code §6.03(i).

⁷² Tex. Tax Code §6.03(i).

⁷³ Tex. Tax Code §6.03(i).

⁷⁴ Tex. Tax Code §6.034(i).

⁷⁵ Tex. Local Government Code §171.001(1) and §176.001(3) and (4).

Also, see the Texas Ethics Commission's conflict of interest forms at www.ethics.state.tx.us/whatsnew/conflict_forms.htm.

Ex Parte Communications

A board member commits a Class C misdemeanor offense if the member directly or indirectly communicates with the chief appraiser on any matter relating to the appraisal of property by the CAD.⁷⁶ However, this type of communication is allowed in:

- an open meeting of the CAD board of directors or another public forum; or
- a closed meeting of the board of directors held to consult with its attorney about pending litigation, at which the chief appraiser's presence is necessary for full communication between the board and its attorney.⁷⁷

These ex parte communication provisions do not apply to a routine communication between the chief appraiser and the county TAC relating to the administration of an appraisal roll, including a communication made in connection with the certification, correction or collection of an account.⁷⁸ This exception applies regardless of whether the county TAC was appointed to the board of directors or serves as a nonvoting director.⁷⁹

Oath of Office



The Texas Constitution requires all elected and appointed officers to sign an anti-bribery statement and take an oath of office before beginning the duties of the office.⁸⁰

The constitutionally prescribed anti-bribery statement is located on the Secretary of State's website as Form 2201 at www.sos.state.tx.us/statdoc/forms/2201.pdf. The director signs this statement before the oath of office is administered.⁸¹ Directors should retain the statement in the official records of the appraisal district.⁸²

⁷⁶ Tex. Tax Code §6.15(a) and (d).

⁷⁷ Tex. Tax Code §6.15(a).

⁷⁸ Tex. Tax Code §6.15(c).

⁷⁹ Tex. Tax Code §6.15(c).

⁸⁰ Tex. Const. XVI, §1(a) and (b).

⁸¹ Tex. Const. XVI, §1.

⁸² Tex. Const. XVI, §1(c).

The official oath of office is found on the Secretary of State's website as Form 2204 at www.sos.state.tx.us/statdoc/forms/2204.pdf.

Recalling a Director

A taxing unit may ask for the recall of any director the taxing unit voted for in the appointment process.⁸³ A recall starts when a taxing unit files a resolution with the chief appraiser stating that the taxing unit is calling for the recall of a named member.⁸⁴ Within 10 days after a taxing unit files a recall resolution, the chief appraiser must give written notice of the filing of the resolution to the presiding officer of each voting taxing unit.⁸⁵

Only the taxing units that voted for the member may vote.⁸⁶ A recall-voting taxing unit has the same number of votes in the recall that it cast in appointing the board member.⁸⁷ A taxing unit votes by submitting a resolution to the chief appraiser on or before the 30th day after the recall resolution is filed.⁸⁸

Not later than the 10th day after the last day for voting in favor of the recall, the chief appraiser must count the casted votes.⁸⁹ A director is recalled if the number of votes cast in favor of recall equals or exceeds a majority of the votes cast appointing the board member.⁹⁰ The chief appraiser must immediately notify in writing the presiding officer of the board of directors and the governing body of each recall-voting taxing unit of the results.⁹¹ If the chair is the subject of the recall, the board secretary shall also be notified.⁹²

After a recall, the director's vacancy is filled by the recall-voting taxing units appointing a new board member.⁹³ Each recall-voting taxing unit may nominate by resolution one candidate and is entitled to the same number of votes it originally cast to appoint the recalled member.⁹⁴

⁸³ Tex. Tax Code §6.033(a).

⁸⁴ Tex. Tax Code §6.033(a).

⁸⁵ Tex. Tax Code §6.033(a).

⁸⁶ Tex. Tax Code §6.033(b).

⁸⁷ Tex. Tax Code §6.033(b).

⁸⁸ Tex. Tax Code §6.033(b).

⁸⁹ Tex. Tax Code §6.033(c).

⁹⁰ Tex. Tax Code §6.033(c).

⁹¹ Tex. Tax Code §6.033(c).

⁹² Tex. Tax Code §6.033(c).

⁹³ Tex. Tax Code §6.033(d).

⁹⁴ Tex. Tax Code §6.033(d).

On or before the 15th day after the last day nominations must be submitted, the chief appraiser must prepare a ballot and deliver a copy of the ballot to the presiding officer of the governing body of each taxing unit that is entitled to vote to fill the vacancy.⁹⁵ A taxing unit determines its vote by resolution and submits it to the chief appraiser.⁹⁶ The chief appraiser counts the votes on or before the 15th day after the last day on which a taxing unit may vote, declares the winner who received the largest vote total and notifies the chair of the board of directors, each taxing unit and the candidates.⁹⁷ The chief appraiser must resolve a tie vote by any method of chance.⁹⁸

If the board of directors is appointed by another method or procedure adopted under Tax Code Section 6.031, the taxing units that voted for or participated in the appointment of the director may recall him or her and appoint a new director by any method adopted by resolution of a majority of recalling voting taxing units.⁹⁹ If the appointment was by election, the method of recall and appointing a new director to the vacancy is not valid unless it provides that each taxing unit is entitled to the same number of votes it cast for the member being recalled.¹⁰⁰

⁹⁵ Tex. Tax Code §6.033(d).

⁹⁶ Tex. Tax Code §6.033(d).

⁹⁷ Tex. Tax Code §6.033(d).

⁹⁸ Tex. Tax Code §6.033(d).

⁹⁹ Tex. Tax Code §6.033(e).

¹⁰⁰ Tex. Tax Code §6.033(e).

(b) This section does not preclude the board of directors of two or more adjoining appraisal districts from providing for the operation of a consolidated appraisal district by interlocal contract.

(c) to (g) [Repealed by Acts 2007, 80th Leg., ch. 648 (H.B. 1010), § 5(2), effective January 1, 2008.]
(Enacted by Acts 1979, 66th Leg., ch. 841 (S.B. 621), § 1, effective January 1, 1980; am. Acts 1981, 67th Leg., 1st C.S., ch. 13 (H.B. 30), §§ 14, 167(a), effective January 1, 1982; am. Acts 1983, 68th Leg., ch. 117 (S.B. 433), § 1, effective May 17, 1983; am. Acts 1991, 72nd Leg., ch. 20 (S.B. 351), § 14, effective August 26, 1991; am. Acts 1991, 72nd Leg., ch. 391 (H.B. 2885), § 13, effective August 26, 1991; am. Acts 1993, 73rd Leg., ch. 347 (S.B. 7), § 4.05, effective May 31, 1993; am. Acts 1997, 75th Leg., ch. 165 (S.B. 898), § 6.72, effective September 1, 1997; am. Acts 2007, 80th Leg., ch. 648 (H.B. 1010), §§ 1, 5(2), effective January 1, 2008.)

Sec. 6.025. Overlapping Appraisal Districts; Joint Procedures [Repealed].

Repealed by Acts 2007, 80th Leg., ch. 648 (H.B. 1010), § 5(3), effective January 1, 2008.
(Enacted by Acts 1995, 74th Leg., ch. 186 (H.B. 623), § 1, effective January 1, 1996; am. Acts 1997, 75th Leg., ch. 1357 (H.B. 670), § 1, effective January 1, 1998; am. Acts 1999, 76th Leg., ch. 250 (H.B. 1037), § 1, effective January 1, 2000; am. Acts 1999, 76th Leg., ch. 250 (H.B. 1037), § 2, effective January 1, 2000; am. Acts 2003, 78th Leg., ch. 455 (H.B. 703), § 1, effective January 1, 2004; am. Acts 2003, 78th Leg., ch. 1041 (H.B. 1082), § 1, effective January 1, 2004.)

Sec. 6.03. Board of Directors.

(a) The appraisal district is governed by a board of directors. Five directors are appointed by the taxing units that participate in the district as provided by this section. If the county assessor-collector is not appointed to the board, the county assessor-collector serves as a nonvoting director. The county assessor-collector is ineligible to serve if the board enters into a contract under Section 6.05(b) or if the commissioners court of the county enters into a contract under Section 6.24(b). To be eligible to serve on the board of directors, an individual other than a county assessor-collector serving as a nonvoting director must be a resident of the district and must have resided in the district for at least two years immediately preceding the date the individual takes office. An individual who is otherwise eligible to serve on the board is not ineligible because of membership on the governing body of a taxing unit. An employee of a taxing unit that participates in the district is not eligible to serve on the board unless the individual is also a member of the governing body or an elected official of a taxing unit that participates in the district.

(b) Members of the board of directors other than a county assessor-collector serving as a nonvoting director serve two-year terms beginning on January 1 of even-numbered years.

(c) Members of the board of directors other than a county assessor-collector serving as a nonvoting director are appointed by vote of the governing bodies of the incorporated cities and towns, the school districts, the junior college districts, and, if entitled to vote, the conservation and reclamation districts that participate in the district and of the county. A governing body may cast all its votes for one candidate or distribute them among candidates for any number of directorships. Conservation and reclamation districts are not entitled to vote unless at least one conservation and reclamation district in the district delivers to the chief appraiser a written request to nominate and vote on the board of directors by June 1 of each odd-numbered year. On receipt of a request, the chief appraiser shall certify a list by June 15 of all eligible conservation and reclamation districts that are imposing taxes and that participate in the district.

(d) The voting entitlement of a taxing unit that is entitled to vote for directors is determined by dividing the total dollar amount of property taxes imposed in the district by the taxing unit for the preceding tax year by the sum of the total dollar amount of property taxes imposed in the district for that year by each taxing unit that is entitled to vote, by multiplying the quotient by 1,000, and by rounding the product to the nearest whole number. That number is multiplied by the number of directorships to be filled. A taxing unit participating in two or more districts is entitled to vote in each district in which it participates, but only the taxes imposed in a district are used to calculate voting entitlement in that district.

(e) The chief appraiser shall calculate the number of votes to which each taxing unit other than a conservation and reclamation district is entitled and shall deliver written notice to each of those units of its voting entitlement before October 1 of each odd-numbered year. The chief appraiser shall deliver the notice:

- (1) to the county judge and each commissioner of the county served by the appraisal district;
- (2) to the presiding officer of the governing body of each city or town participating in the appraisal district, to the city manager of each city or town having a city manager, and to the city secretary or clerk, if there is one, of each city or town that does not have a city manager;
- (3) to the presiding officer of the governing body of each school district participating in the district and to the superintendent of those school districts; and
- (4) to the presiding officer of the governing body of each junior college district participating in the district and to the president, chancellor, or other chief executive officer of those junior college districts.

(f) The chief appraiser shall calculate the number of votes to which each conservation and reclamation district entitled to vote; for district directors is entitled and shall deliver written notice to the presiding officer of each conservation and reclamation district of its voting entitlement and right to nominate a person to serve as a director of the district before July 1 of each odd-numbered year.

(g) Each taxing unit other than a conservation and reclamation district that is entitled to vote may nominate by resolution adopted by its governing body one candidate for each position to be filled on the board of directors. The

presiding officer of the governing body of the unit shall submit the names of the unit's nominees to the chief appraiser before October 15.

(h) Each conservation and reclamation district entitled to vote may nominate by resolution adopted by its governing body one candidate for the district's board of directors. The presiding officer of the conservation and reclamation district's governing body shall submit the name of the district's nominee to the chief appraiser before July 15 of each odd-numbered year. Before August 1, the chief appraiser shall prepare a nominating ballot, listing all the nominees of conservation and reclamation districts alphabetically by surname, and shall deliver a copy of the nominating ballot to the presiding officer of the board of directors of each district. The board of directors of each district shall determine its vote by resolution and submit it to the chief appraiser before August 15. The nominee on the ballot with the most votes is the nominee of the conservation and reclamation districts in the appraisal district if the nominee received more than 10 percent of the votes entitled to be cast by all of the conservation and reclamation districts in the appraisal district, and shall be named on the ballot with the candidates nominated by the other taxing units. The chief appraiser shall resolve a tie vote by any method of chance.

(i) If no nominee of the conservation and reclamation districts receives more than 10 percent of the votes entitled to be cast under Subsection (h), the chief appraiser, before September 1, shall notify the presiding officer of the board of directors of each conservation and reclamation district of the failure to select a nominee. Each conservation and reclamation district may submit a nominee by September 15 to the chief appraiser as provided by Subsection (h). The chief appraiser shall submit a second nominating ballot by October 1 to the conservation and reclamation districts as provided by Subsection (h). The conservation and reclamation districts shall submit their votes for nomination before October 15 as provided by Subsection (h). The nominee on the second nominating ballot with the most votes is the nominee of the conservation and reclamation districts in the appraisal district and shall be named on the ballot with the candidates nominated by the other taxing units. The chief appraiser shall resolve a tie vote by any method of chance.

(j) Before October 30, the chief appraiser shall prepare a ballot, listing the candidates whose names were timely submitted under Subsections (g) and, if applicable, (h) or (i) alphabetically according to the first letter in each candidate's surname, and shall deliver a copy of the ballot to the presiding officer of the governing body of each taxing unit that is entitled to vote.

(k) The governing body of each taxing unit entitled to vote shall determine its vote by resolution and submit it to the chief appraiser before December 15. The chief appraiser shall count the votes, declare the five candidates who receive the largest cumulative vote totals elected, and submit the results before December 31 to the governing body of each taxing unit in the district and to the candidates. For purposes of determining the number of votes received by the candidates, the candidate receiving the most votes of the conservation and reclamation districts is considered to have received all of the votes cast by conservation and reclamation districts and the other candidates are considered not to have received any votes of the conservation and reclamation districts. The chief appraiser shall resolve a tie vote by any method of chance.

(l) If a vacancy occurs on the board of directors other than a vacancy in the position held by a county assessor-collector serving as a nonvoting director, each taxing unit that is entitled to vote by this section may nominate by resolution adopted by its governing body a candidate to fill the vacancy. The unit shall submit the name of its nominee to the chief appraiser within 45 days after notification from the board of directors of the existence of the vacancy, and the chief appraiser shall prepare and deliver to the board of directors within the next five days a list of the nominees. The board of directors shall elect by majority vote of its members one of the nominees to fill the vacancy.

(m) [Repealed by Acts 2007, 80th Leg., ch. 648 (H.B. 1010), § 5(4), effective January 1, 2008.]
(Enacted by Acts 1979, 66th Leg., ch. 841 (S.B. 621), § 1; am. Acts 1981, 67th Leg., 1st C.S., ch. 13 (H.B. 30), §§ 15, 167(a), effective January 1, 1982; am. Acts 1987, 70th Leg., ch. 59 (S.B. 469), § 1, effective September 1, 1987; am. Acts 1987, 70th Leg., ch. 270 (H.B. 268), § 1, effective August 31, 1987; am. Acts 1989, 71st Leg., ch. 1123 (H.B. 2301), § 2, effective January 1, 1990; am. Acts 1991, 72nd Leg., ch. 20 (S.B. 351), § 15, effective August 26, 1991; am. Acts 1991, 72nd Leg., ch. 371 (H.B. 864), § 1, effective September 1, 1991; am. Acts 1993, 73rd Leg., ch. 347 (S.B. 7), § 4.06, effective May 31, 1993; am. Acts 1997, 75th Leg., ch. 165 (S.B. 898), § 6.73, effective September 1, 1997; am. Acts 1997, 75th Leg., ch. 1039, § 2, effective January 1, 1998; am. Acts 1999, 76th Leg., ch. 705 (H.B. 834), § 1, effective January 1, 2000; am. Acts 2003, 78th Leg., ch. 629 (H.B. 2043), effective June 20, 2003; am. Acts 2007, 80th Leg., ch. 648 (H.B. 1010), § 5(4), effective January 1, 2008; am. Acts 2013, 83rd Leg., ch. 1161 (S.B. 359), § 1, effective June 14, 2013.)

Sec. 6.031. Changes in Board Membership or Selection.

(a) The board of directors of an appraisal district, by resolution adopted and delivered to each taxing unit participating in the district before August 15, may increase the number of members on the board of directors of the district to not more than 13, change the method or procedure for appointing the members, or both, unless the governing body of a taxing unit that is entitled to vote on the appointment of board members adopts a resolution opposing the change, and files it with the board of directors before September 1. If a change is rejected, the board shall notify, in writing, each taxing unit participating in the district before September 15.

(b) The taxing units participating in an appraisal district may increase the number of members on the board of directors of the district to not more than 13, change the method or procedure for appointing the members, or both, if the governing bodies of three-fourths of the taxing units that are entitled to vote on the appointment of board members adopt resolutions providing for the change. However, a change under this subsection is not valid if it reduces the voting

KLEBERG COUNTY APPRAISAL DISTRICT 2015 BOARD OF DIRECTORS VOTE DISBURSEMENT

TAXING JURISDICTIONS	2014 LEVIES	PERCENT	TOTAL VOTES	DISTRICT VOTES
KLEBERG COUNTY	\$10,284,455.67	29.98%	5000	1500
CITY OF KINGSVILLE	\$6,146,920.48	17.92%	5000	895
KINGSVILLE I.S.D.	\$11,357,889.25	33.11%	5000	1655
RICARDO I.S.D.	\$1,599,774.92	4.66%	5000	235
RIVIERA I.S.D.	\$2,250,036.31	6.56%	5000	325
SANTA GERTRUDIS I.S.D.	<u>\$2,663,609.72</u>	<u>7.77%</u>	5000	<u>390</u>
TOTAL	\$34,302,686.35	100.00%		5000

DATE: September 26, 2014

TO: Jackie Odom / Danny Cantu

FROM: Melissa T. De La Garza, PCC

SUBJECT: 2014 Tax Rates/ 2014 Tax Levies

The 2014 tax rates and levies are as follows:

KLEBERG COUNTY	\$0.71172 Maintenance & Operations <u>\$0.03309</u> Interest & Sinking \$0.74481 Total 2014 Tax Rate 2014 TAX LEVY \$10,284,455.67
CITY OF KINGSVILLE	\$0.65558 Maintenance & Operations <u>\$0.18662</u> Interest & Sinking \$0.84220 Total 2014 Tax Rate 2014 TAX LEVY \$6,146,920.48
SOUTH TEXAS WATER AUTHORITY	\$0.061890 Maintenance & Operations <u>\$0.023519</u> Interest & Sinking \$0.085409 Total 2014 Tax Rate 2014 TAX LEVY \$ 823,954.40
KINGSVILLE ISD	\$1.17000 Maintenance & Operations <u>\$0.34890</u> Interest & Sinking \$1.51890 Total 2014 Tax Rate 2014 TAX LEVY \$11,357,889.25
RICARDO ISD	<u>\$1.17000</u> Maintenance & Operations \$1.17000 Total 2014 Rate 2014 TAX LEVY \$1,599,774.92
RIVIERA ISD	\$1.04000 Maintenance & Operations \$1.04000 Total 2014 Tax Rate 2014 TAX LEVY \$2,250,036.31 (Does not include Kenedy Co Levy)
SANTA GERTRUDIS ISD	\$1.04000 Maintenance & Operations <u>\$0.32540</u> Interest & Sinking \$1.36540 Total 2014 Tax Rate 2014 TAX LEVY \$2,663,609.72

w/out 34,302.686.55
STWA

KLEBERG COUNTY APPRAISAL DISTRICT
2015 BOARD OF DIRECTORS
VOTE CALCULATIONS

KLEBERG COUNTY

10,284,455.67 / 34,302,686.35
.299815 X 1000 = 299.81
300 X 5 = 1500

CITY OF KINGSVILLE

6,146,920.48 / 34,302,686.35
.179196 X 1000 = 179.20
179 X 5 = 895

KINGSVILLE I.S.D.

11,357,889.25 / 34,302,686.35
.331108 X 1000 = 331.11
331 X 5 = 1655

RICARDO I.S.D.

1,599,774.92 / 34,302,686.35
.046637 X 1000 = 46.64
47 X 5 = 235

RIVIERA I.S.D.

2,250,036.31 / 34,302,686.35
.065594 X 1000 = 65.59
65 X 5 = 325

SANTA GERTRUDIS I.S.D.

2,663,609.72 / 34,302,686.35
.07765 X 1000 = 77.65
78 X 5 = 390

OUTLINE OF REQUIRED DATES

1. *Before October 1* of an odd-numbered year, the chief appraiser must notify each voting taxing unit of the number of votes it may cast.
2. *Before October 15* each voting unit may nominate **by resolution** adopted by its governing body, one candidate for each position on the board of directors and must submit the names and addresses of the nominees to the chief appraiser.
3. *Before October 30* the chief appraiser must prepare a ballot listing all nominees alphabetically by each candidate's last name. The chief appraiser must deliver a copy of this ballot to the presiding officer of the governing body of each voting unit.
4. *Before December 15* the governing body of each taxing unit entitled to vote may cast votes for one candidate or may distribute the votes among a number of candidates on the ballot and shall determine its vote **by resolution** and submit it to the chief appraiser.
5. *Before December 31* the chief appraiser must count the votes and declare the candidates who received the largest vote totals elected and submit the results to the governing body of each taxing unit in the district and to the candidates.

AGENDA ITEM #2

RESOLUTION #2015-_____

A RESOLUTION OF THE CITY OF KINGSVILLE CITY COMMISSION REQUESTING THE TEXAS DEPARTMENT OF TRANSPORTATION SUPPORT A CHANGE IN THE SPEED LIMIT ON THE US 77 BY-PASS AT THE FM 1717 INTERSECTION TO 55 MILES PER HOUR WITHIN THE CITY LIMIT OF THE CITY OF KINGSVILLE.

WHEREAS, the Texas Department of Transportation ("TXDOT") maintains the US 77 By-Pass that is located on the east side of the City of Kingsville, Texas ("City"); and

WHEREAS, the City can act and make requests for public health and safety issues; and

WHEREAS, the City desires to: (1) reduce the number or frequency of crashes and (2) minimize the risk of fatalities and injuries and/or reduce the severity of any injury to persons or property; and

WHEREAS, the City recommends to have the speed limit changed from 65 miles per hour so that the speed limit is 55 miles per hour on the US 77 By-Pass at the FM 1717 intersection in the city limits of Kingsville for the safety of its citizens and all travelers on this busy highway; and

WHEREAS, the authorization of the TXDOT is required before any ordinance enacting such a change can be approved by the City and enforced by law enforcement; and

WHEREAS, the City further requests TXDOT provide and install the appropriate signage changes upon approval of this requested speed limit change.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS:

1. That the Texas Department of Transportation change the speed limit on the US 77 By-Pass at the FM 1717 intersection to 55 miles per hour within the city limit of Kingsville and install the appropriate signage upon approval of said change until the appropriate controlled access (overpass) is in place.

PASSED AND APPROVED by the City Commission of the City of Kingsville this the _____ day of August, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney

AGENDA ITEM #3



MEMORANDUM

To: COURTNEY ALVAREZ, INTERIM CITY MANAGER
From: DEBORAH BALLI, FINANCE DEPARTMENT DIRECTOR
Date: 08/18/15
Subject: Volunteer Fire Department Donation

On August 18, 2015 we received an anonymous donation made to the Volunteer Fire Department in the amount of \$200. We are requesting a budget amendment to increase donation revenues and increase Minor Equipment/Furniture in the Volunteer Fire Department. The Volunteer Fire Department will be able to transfer the funds to the appropriate accounts.

This budget amendment, given your approval, would be on the Commission Meeting agenda August 24, 2015 for first reading.

Sincerely,
Deborah Balli

AGENDA ITEM #4

ORDINANCE NO. 2015-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2014-2015 GENERAL FUND BUDGET TO ACCEPT A DONATION FOR THE VOLUNTEER FIRE DEPARTMENT.

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2014-2015 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
Fund 001 General Fund					
<u>Revenues</u>					
4-0000	Non-Departmental	Donations	72030	\$200.00	
<u>Expenses</u>					
5-2250	Volunteer Fire	Minor Eq/Furniture	21700	\$200.00	

[To amend the FY15 General Fund Budget to accept an anonymous donation made to the Volunteer Fire Department as per the attached memo from the Finance Director.]

II.

THAT all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

THAT this Ordinance shall not be codified and become effective on and after adoption and publication as required by law.

INTRODUCED on this the 24th day of August, 2015.

PASSED AND APPROVED on this the __ day of _____, 2015.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

MEMORANDUM

To: COURTNEY ALVAREZ, INTERIM CITY MANAGER
From: DEBORAH BALLI, FINANCE DEPARTMENT DIRECTOR
Date: 08/18/15
Subject: Volunteer Fire Department Donation

On August 18, 2015 we received an anonymous donation made to the Volunteer Fire Department in the amount of \$200. We are requesting a budget amendment to increase donation revenues and increase Minor Equipment/Furniture in the Volunteer Fire Department. The Volunteer Fire Department will be able to transfer the funds to the appropriate accounts.

This budget amendment, given your approval, would be on the Commission Meeting agenda August 24, 2015 for first reading.

Sincerely,
Deborah Balli

AGENDA ITEM #5

ORDINANCE NO. 2015- _____

AN ORDINANCE AMENDING THE FISCAL YEAR 2014-2015 GENERAL FUND BUDGET TO TRANSFER CITY COMMISSION TRAINING & TRAVEL FUNDS TO THE L.E. RAMEY GOLF COURSE AND TO CORRAL PARK.

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2014-2015 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
Fund 001 General Fund					
<u>Expenses</u>					
5-1000	City Commission	Training & Travel- Commissioner Leubert	31603		\$1,000.00
5-1000	City Commission	Training & Travel- Commissioner Pena	31605		\$1,000.00
<u>Expenses</u>					
5-4502	L.E. Ramey Golf Course	Minor Eq/Furniture	21700	\$1,000.00	
5-4502	Parks & Rec	Grounds & Perm Fixtures	59100	\$1,000.00	

[To amend the FY15 General Fund Budget to transfer funds from City Commission Training & Travel-Commissioner Leubert to the L.E. Ramey Golf Course for Minor Equipment/Furniture and from City Commission Training & Travel-Commissioner Pena to Parks for Corral Park improvements as per the attached memo from the Finance Director.]

II.

THAT all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

THAT this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

INTRODUCED on this the 24th day of August, 2015.

PASSED AND APPROVED on this the _____ day of _____, 2015.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

MEMORANDUM

To: COURTNEY ALVAREZ, INTERIM CITY MANAGER
From: DEBORAH BALLI, FINANCE DEPARTMENT DIRECTOR
Date: 08/14/15
Subject: L.E. Ramey Golf Course

Commissioner Leubert has requested \$1,000 of excess City Commission Training & Travel funds be transferred to the L.E. Ramey Golf Course. The Finance Department is requesting a budget amendment to transfer the \$1,000 from City Commission Training & Travel-Commissioner Leubert to L.E. Ramey Golf Course Minor Equipment/Furniture. Once these funds are transferred to the L.E. Ramey Golf Course budget the Golf Course Manager will be able to transfer them to the appropriate accounts.

This budget amendment, given your approval, would be on the Commission Meeting agenda August 24, 2015 for first reading.

Sincerely,
Deborah Balli

AGENDA ITEM #6

RESOLUTION # 2015-_____

A RESOLUTION AUTHORIZING THE KINGSVILLE CHIEF OF POLICE TO ENTER INTO AN INTERAGENCY COOPERATION AGREEMENT BETWEEN THE CITY OF KINGSVILLE- POLICE DEPARTMENT AND THE TEXAS A&M UNIVERSITY-KINGSVILLE POLICE DEPARTMENT FOR THE LOAN OF A SURPLUS OR SEIZED VEHICLE; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to the provisions of the Texas Government Code Chapter 791 (Interlocal Cooperation Act), a local governmental body may contract or agree with one or more local government bodies or state agencies for the performance of governmental functions in which the contracting parties are mutually interested; and

WHEREAS, the parties to this agreement can better utilize the law enforcement resources of the City and the University Police Departments by the coordination of crime interdiction efforts between the Kingsville Police Department Chief Ricardo Torres and the Texas A&M-Kingsville University Police Department Chief Felipe Garza; and

WHEREAS, the City and University Police Departments desire to use the vehicle to improve the health, safety, and quality of life of the residents of their jurisdictions.

NOW THEREFORE, BE IT RESOLVED by the City Commission of the City of Kingsville, Texas:

I.

THAT the Kingsville Chief of Police is authorized and directed as an act of the City of Kingsville, Texas to enter into an Interagency Agreement Between the City of Kingsville Police Department and Felipe Garza, Chief of Police for the Texas A&M University-Kingsville Police Department for the loan of a law enforcement vehicle in accordance with Exhibit A hereto attached and made a part hereof.

II.

THAT all resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of such conflict only.

III.

THAT this Resolution shall be and become effective on and after adoption.

PASSED AND APPROVED by a majority vote of the City Commission on the
_____th day of _____, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



Ricardo Torres
Chief of Police
1700 E King Ave
P O Box 1458
Kingsville TX 78364

INTERAGENCY AGREEMENT

BETWEEN

**CITY OF KINGSVILLE POLICE DEPARTMENT
AND
TEXAS A&M UNIVERSITY- KINGSVILLE
POLICE DEPARTMENT**

This is an **Interagency Agreement** entered by the **City of Kingsville Police Department**, hereinafter, "Kingsville P.D.", and the **Texas A&M University – Kingsville Police Department**, hereinafter, "University P.D.", certified by the signatures of the respective authorities of the parties of this Agreement. The terms and conditions of this Interagency Agreement are set out in full for the purpose of loaning a vehicle described as:

2003 FORD EXPEDITION, VIN # 1FMRU15W83LB84066

Whereas the City of Kingsville Police Department owns the vehicle and it will be transferred to the Texas A&M University – Kingsville Police Department and be under the care, control, insurance, and maintenance of their Director of Public Safety / Chief of Police Felipe Garza and shall be used solely for law enforcement related purposes.

University P.D. accepts all responsibility to care, insure, and maintain the 2003 Ford Expedition until Kingsville P.D., namely, Chief of Police Ricardo Torres, requests the return of the vehicle:

2003 FORD EXPEDITION, VIN # 1FMRU15W83LB84066

This Interagency Agreement and the authorization for the use of the vehicle are valid during the tenures of Kingsville Chief of Police Ricardo Torres and University P.D. Director of Public Safety / Chief of Police Felipe Garza. This Interagency Agreement automatically terminates at the end of the present tenure of either Chief of Police Ricardo Torres or the present tenure of Felipe Garza, Director of Public Safety / Chief of Police, unless terminated otherwise by either party.

Signed and agreed to on the effective dates of signature.

Ricardo Torres, Chief of Police
City of Kingsville Police Department

Felipe Garza, Chief of Police
Texas A&M University – Kingsville
Police Department

Date: _____

Date: _____

ACKNOWLEDGEMENT

On this day Chief of Police Ricardo Torres, appeared before me and acknowledged that he executed the foregoing document for the purpose stated therein.

Acknowledged this ____ day of _____, 2015

SEAL

Notary Public In and For the
State of Texas

On this day Chief of Police Felipe Garza, appeared before me and acknowledged that he executed the foregoing instrument for the purpose stated therein.

Acknowledged this ____ day of _____, 2015

SEAL

Notary Public In and For the
State of Texas

AGENDA ITEM #7

RESOLUTION #2015-_____

A RESOLUTION OF THE CITY OF KINGSVILLE ACCEPTING A DONATION/DEDICATION OF STORM SEWER PIPE AND MANHOLE IN THE STATE RIGHT-OF-WAY FROM KINGSVILLE LEGENDS, LTD.

WHEREAS, the approximately 15 feet of 24" storm sewer pipe and a manhole owned by Kingsville Legends, Ltd. are located within the State Highway 141 (West King Avenue) right-of-way;

WHEREAS, the TXDOT cannot enter into Multiple Use Agreements with private entities, but can with governmental entities;

WHEREAS, Kingsville Legends, Ltd. desires to donate/dedicate to the City of Kingsville the approximately 15 feet of 24" storm sewer pipe and manhole located within the State Highway 141 (West King Avenue) right-of-way, so that the City can then enter into a Multiple Use Agreement with TXDOT for that infrastructure;

NOW, THEREFORE BE IT RESOLVED by the City Commission of the City of Kingsville, Texas:

I.

THAT the City Commission accepts the donation/dedication of the approximately 15 feet of 24" storm sewer pipe and manhole located within the State Highway 141 (West King Avenue) right-of-way from Kingsville Legends, Ltd., in accordance with Exhibit A attached hereto and made a part hereof.

PASSED AND APPROVED by a majority vote of the Kingsville City Commission on the 24th day of August, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

To: Courtney Alvarez, Interim City Manager

From: Tom Ginter, Director of Planning and Development Services

TJ

Date: August 19, 2015

Subject: Dedication of storm sewer pipe and manhole from Legends Apartments to the City of Kingsville

Attached is a letter from Matt Cain, of Cain Consulting and Engineering Services dedicating a portion of storm sewer pipe and manhole which are in the state right of way to the City of Kingsville. Evidently when construction was finished installing the storm sewer pipe and manhole, TXDOT determined that a private entity could not enter into a Multiple Use Agreement with TXDOT. Consequently, for the pipe and manhole to be maintained it has to belong to the City of Kingsville. The dedication gives the City of Kingsville the storm sewer pipe and manhole so then we can enter into a Multiple Use Agreement with TXDOT. Attached is a construction plan for reference.



August 17, 2015

Mr. Tom Ginter
Planning & Development Services Director
City of Kingsville
200 E. Kleberg
Kingsville, TX 78363

Re Legends Kingsville Apartments
Storm Sewer Dedication Letter

Dear Mr. Ginter;

On behalf of Kingsville Legends, LTD., and as the project civil engineer of record, we have prepared this letter to act as a dedication to the City of Kingsville of a storm sewer manhole and approximately 15 feet of 24" storm sewer pipe located within the State Highway 141 (West King Street) right-of-way. The storm manhole and pipe are more specifically described as the manhole at station 0+00.00 SD Line C, and the 24" reinforced concrete pipe located between Station 0+00.00 SD Line C and station 0+15.22 SD Line C, of the Legends Kingsville apartments. Refer to the attached civil site construction set plan sheet for reference. This letter is also being provided as quality assurance of construction as, to the best of my knowledge, the proposed improvements were constructed in accordance with the construction standards and specifications of both TXDOT and the City of Kingsville.

The purpose of this dedication is so that the City of Kingsville can enter into a Multiple Use Agreement (MUA) with the Texas Department of Transportation, as the owner of the improvements.

Please feel free to contact me, or Eric Jakimier with Legends Kingsville, LTD. if you have any questions, comments, or need additional information.

Very truly yours,

CAIN CONSULTING AND ENGINEERING SERVICES

Matthew A. Cain, P.E.

Cc Eric Jakimier (Legends Kingsville, LTD.)

20150817, city of kingsville

LEGENDS | KINGSVILLE

BONDUS DEVELOPMENT

KINGSVILLE, TEXAS



STORM SEWER PLAN

CAIN CONSULTING AND ENGINEERS SERVICES

10000 W. 10TH ST. SUITE 100
KINGSVILLE, TX 78640
TEL: 361.575.1234

THE DRAWING IS PREPARED BY CONSULTATION BY
REGISTERED PROFESSIONAL ENGINEER
DATE: 10/15/2024

DATE: 10/15/2024

PROJECT NO.: 24-001

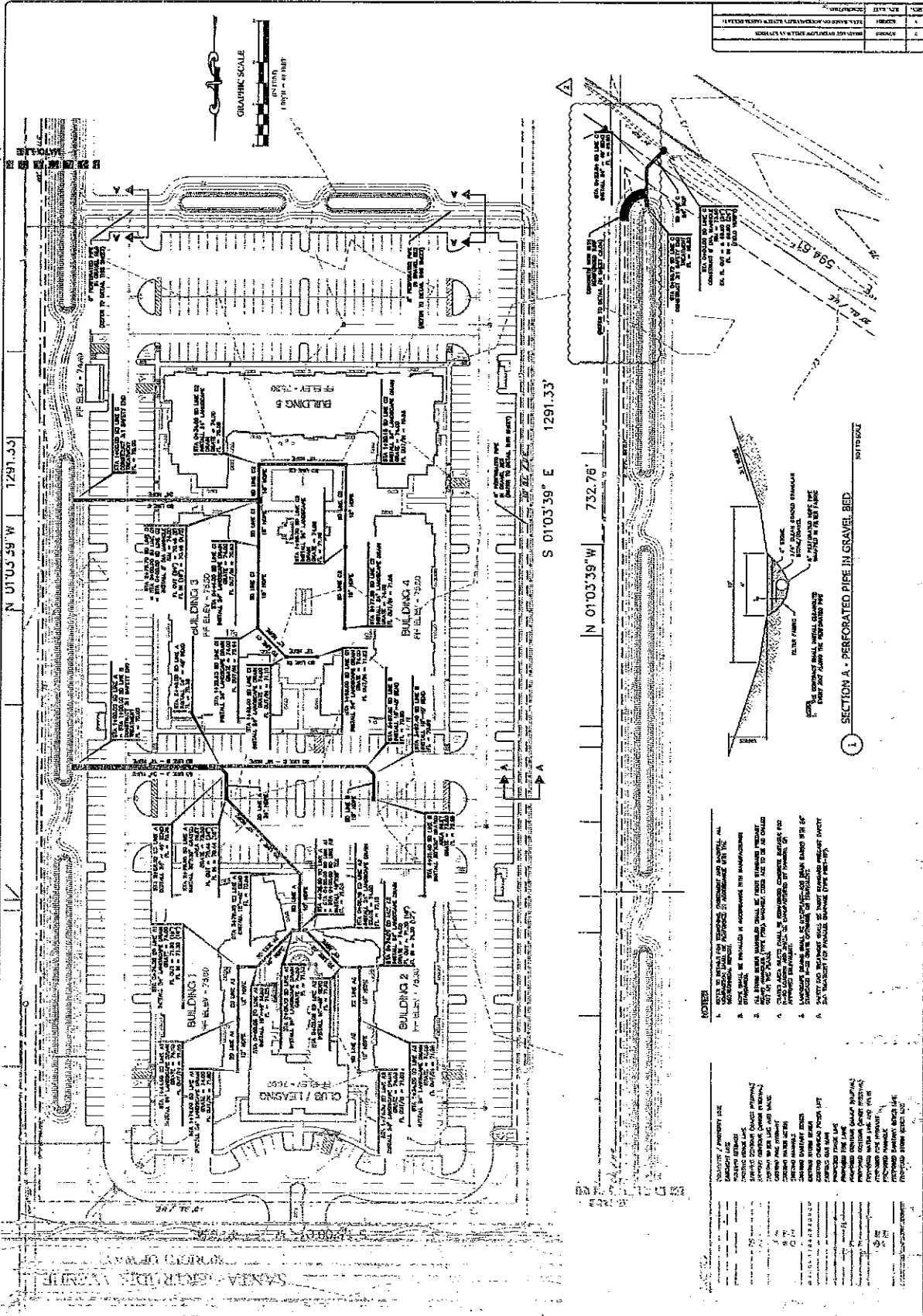
PROJECT NAME: BONDUS DEVELOPMENT

PROJECT LOCATION: KINGSVILLE, TEXAS

PROJECT OWNER: BONDUS DEVELOPMENT

PROJECT DESCRIPTION: STORM SEWER PLAN

STORM SEWER PLAN

[illegible]

AGENDA ITEM #8

RESOLUTION NO. 2015-_____

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE AND OPERATION OF STORM SEWER PIPE AND A MANHOLE IN STATE HIGHWAY 141 (WEST KING AVENUE) RIGHT-OF-WAY NEAR THE KINGSVILLE LEGENDS APARTMENTS.

WHEREAS, the City of Kingsville has accepted a donation/dedication of the approximately 15 feet of 24" storm sewer pipe and a manhole previously owned by Kingsville Legends, Ltd. that is located within the State Highway 141 (West King Avenue) right-of-way;

WHEREAS, the City desires to enter into a Multiple Use Agreement with TXDOT for the future maintenance and operation of the approximately 15 feet of 24" storm sewer pipe and manhole located within the State Highway 141 (West King Avenue) right-of-way, so that the City can then enter into a Multiple Use Agreement with TXDOT for that infrastructure;

WHEREAS, TXDOT has prepared a draft agreement for such a purpose, where the City will be responsible for maintenance and operation of the stated infrastructure.

NOW, THEREFORE BE IT RESOLVED by the City Commission of the City of Kingsville, Texas:

I.

THAT the City Commission authorizes the City Manager to execute the Multiple Use Agreement for Maintenance and Operation of approximately 15 feet of 24" storm sewer pipe and a manhole located within the State Highway 141 (West King Avenue) right-of-way, as per the agreement attached hereto.

II.

THAT the City Manager, or his designee, is hereby authorized and directed to act on the City's behalf in all matters pertaining to this contract.

III.

THAT this Resolution shall become effective upon adoption.

PASSED AND APPROVED by a majority vote of the City Commission on the 24th day of August, 2015.

Sam R. Fugate
Mayor


ATTEST:

Mary Valenzuela
City Secretary

APPROVED AS TO FORM:

Courtney Alvarez
City Attorney

To: Courtney Alvarez, Interim City Manager

From: Tom Ginter, Director of Planning and Development Services 

Date: August 14, 2015

Subject: Consideration of a Multiple Use Agreement with the Texas Department of Transportation

To complete the storm drainage system associated with the Legends Apartments it was determined that the storm pipe would have to go into the state right of way and connect into a manhole located in Highway 141 (King Street). Private companies are not authorized to enter into a Multiple Use Agreement with the Texas Department of Transportation (TXDOT). Consequently the City of Kingsville which now is responsible for the pipe and manhole have to enter into a Multiple Use Agreement with TXDOT to maintain the pipe and manhole. This agreement essentially allows the City of Kingsville to go onto state right of way and make any repairs to the storm pipe and manhole when necessary.

Attached is a Multiple Use Agreement from TXDOT. Along with the agreement are the following: Exhibit A. General Layout (site plan), Exhibit B. Metes and Bounds Description and Exhibit C. Approved Construction Plans. Since the pipe and manhole have already been installed the Form 1050-CS does not need to be filled out.

If you have any questions, please feel free to ask.

MULTIPLE USE AGREEMENT

DRAFT

STATE OF TEXAS §

COUNTY OF TRAVIS §

THIS AGREEMENT made by the State of Texas by and between the Texas Department of Transportation, hereinafter referred to as "State", party of the first part, and the City of Kingsville, Texas hereinafter called the City party of the second part, is to become effective when fully executed by both parties.

WITNESSETH

WHEREAS, on the 24th day of August, 20 15, the governing body for the City, entered into Resolution/Ordinance No. 2015 - hereinafter identified by reference, authorizing the City's participation in this agreement with the State; and

WHEREAS, the City has requested the State to permit the construction, maintenance and operation of a public storm sewer pipe & manhole on the highway right of way, (ROADWAY St. Hwy 141 CONTROL SECTION NO.).
(General description of area) (west King Ave.)

shown graphically by the preliminary conceptual site plan in Exhibit "A" and being more specifically described by metes and bounds of Exhibit "B", which are attached and made a part hereof; and

WHEREAS, the State has indicated its willingness to approve the establishment of such facilities and other uses conditioned that the City will enter into agreements with the State for the purpose of determining the respective responsibilities of the City and the State with reference thereto, and conditioned that such uses are in the public interest and will not damage the highway facilities, impair safety, impede maintenance or in any way restrict the operation of the highway facility, all as determined from engineering and traffic investigations conducted by the State.

AGREEMENT

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

1. DESIGN AND CONSTRUCTION

The City will prepare or provide for the construction plans for the facility, and will provide for the construction work as required by said plans at no cost to the State. Said plans shall include the design of the access control, necessary horizontal and vertical clearances for highway structures, adequate landscape treatment, adequate detail to ensure compliance with applicable structural design standards, sufficient traffic control provisions, and general layout. They shall also delineate and define the construction responsibilities of both parties hereto. Completed plans will be submitted to State for review and approval and when approved shall be attached to the agreement and made a part thereof in all respects. Construction shall not commence until plans have been approved by the State. Any future revisions or additions shall be made after prior written approval of the State. Any sidewalks, curb ramps and other pedestrian elements to be constructed, either on site or off site, by the City shall be in accordance with the requirements of Title II of the Americans With Disabilities Act (ADA) and with the Texas Accessibility Standards (TAS). Elements constructed by the City and found not to comply with ADA or TAS shall be corrected at the entire expense of the City.

2. INSPECTION

Ingress and egress shall be allowed at all times to such facility for Federal Highway Administration personnel and State Forces and equipment when highway maintenance operations are necessary, and for inspection purposes; and upon request, all parking or other activities for periods required for such operations will be prohibited.

3. PARKING REGULATIONS

Parking regulations shall be established limiting parking to single unit motor vehicles of size and capacity no greater than prescribed for 1½ ton trucks, such vehicles to conform in size and use to governing laws. Parking shall be permitted only in marked spaces.

Parking shall be prohibited when a security threat, as determined by TxDOT, exists.

4. PROHIBITION/SIGNS

Regulations shall be established prohibiting the parking of vehicles transporting flammable or explosive loads and prohibiting use of the area in any manner for peddling, advertising or other purposes not in keeping with the objective of a public facility. The erection of signs other than those required for proper use of the area will be prohibited. All signs shall be approved by the State prior to the actual erection.

5. RESPONSIBILITIES

Maintenance and operation of the facility shall be entirely the responsibility of the City. Such responsibility shall not be transferred, assigned or conveyed to a third party without the advanced written approval of the State. Further, such responsibility shall include picking up trash, mowing and otherwise keeping the facility in a clean and sanitary condition, and surveillance by police patrol to eliminate the possible creation of a nuisance or hazard to the public. Hazardous or unreasonably objectionable smoke, fumes, vapor or odors shall not be permitted to rise above the grade line of the highway, nor shall the facility subject the highway to hazardous or unreasonably objectionable dripping, droppings or discharge of any kind, including rain or snow.

6. FEES

Any fees levied for use of the facilities in the area shall be nominal and no more than are sufficient to defray the cost of construction, maintenance and operations thereof, and shall be subject to State approval.

A. Retention Period. The City shall maintain all books, documents, papers, accounting records and other evidence pertaining to fees collected and costs (hereinafter called the Records). The City shall make the records available during the term of the Agreement and for four years from the date the Agreement is terminated, until completion of all audits, or until pending litigation has been completely and fully resolved, whichever occurs last.

B. Availability. The State or any of its duly authorized representatives, the Federal Highway Administration, the United States Department of Transportation, Office of Inspector General, and the Comptroller General shall have access to the City's records that are directly pertinent to this Agreement for the purpose of making audits and examinations.

7. TERMINATION UPON NOTICE

This provision is expressly made subject to the rights herein granted to both parties to terminate this agreement upon notice, and upon the exercise of any such right by either party, all obligations herein to make improvements to said facility shall immediately cease and terminate.

8. MODIFICATION/TERMINATION OF AGREEMENT

If in the sole judgment of the State it is found at any future time that traffic conditions have so changed that the existence or use of the facility is impeding maintenance, damaging the highway facility, impairing safety or that the facility is not being properly operated, that it constitutes a nuisance, is abandoned, or if for any other reason it is the State's judgment that such facility is not in the public interest, this agreement under which the facility was constructed may be: (1) modified if corrective measures acceptable to both parties can be applied to eliminate the objectionable features of the facility; or (2) terminated and the use of the area as proposed herein discontinued.

9. PROHIBITION OF STORAGE OF FLAMMABLE MATERIALS

All structures located or constructed within the area covered by the agreement shall be fire resistant. The storage of flammable, explosive or hazardous materials is prohibited. Operations deemed to be a potential fire hazard shall be subject to regulation by the State.

10. RESTORATION OF AREA

The City shall provide written notification to the State that such facility will be discontinued for the purpose defined herein. The City shall, within thirty (30) days from the date of said notification, clear the area of all facilities that were its construction responsibility under this agreement and restore the area to a condition satisfactory to the State.

11. PREVIOUS AGREEMENTS

It is understood that this agreement in no way modifies or supersedes the terms and provisions of any existing agreements between the parties hereto.

12. INDEMNIFICATION

Each party acknowledges that it is not an agent, servant, or employee of the other party. Each party is responsible for its own acts and deeds and for those of its agents, servants, or employees.

Neither party hereto intends to waive, relinquish, limit or condition its right to avoid any such liability by claiming its governmental immunity.

When notified by the State to do so, the other party hereto shall within thirty (30) days from receipt of the State's written notification pay the State for the full cost of repairing any damages to the highway facility which may result from its construction, maintenance or operation of the facility, and shall promptly reimburse the State for costs of construction and/or repair work made necessary by reason of such damages.

Nothing in this agreement shall be construed as creating any liability in favor of any third party against the State and the City. Additionally, this agreement shall not ever be construed as relieving any third party from any liability against the State and the City shall become fully subrogated to the State and shall be entitled to maintain any action over and against the third party which may be liable for having caused the City to pay or disburse any sum of money hereunder.

13. HOLD HARMLESS

The City shall indemnify and save harmless the State and its officers and employees from all claims and liability due to its materials or activities of itself, its agents, or employees, performed under this agreement and that are caused by or result from error, omission, or negligent act of the party or of any person employed by the party. The City shall also indemnify and save harmless the State from any and all expense, including but not limited to attorney fees that may be incurred by the State in litigation or otherwise resisting the claim or liabilities that may be imposed on the State as a result of such activities by the City, its agents, or employees authorized under this agreement. The City further agrees to indemnify and save harmless the State from and against all claims, demands, and causes of action of every kind and character brought by any employee of the party against the State due to personal injuries and/or death to such employee resulting from any alleged negligent act by either commission or omission on the part of the City. The indemnification of the State shall extend for a period of three (3) years beyond the date of termination of this agreement.

14. INSURANCE

The City shall provide necessary safeguards to protect the public on State maintained highways including adequate insurance for payment of any damages which might result during the construction, maintenance and operation of the facility occupying such airspace or thereafter, and to save the State harmless from damages, to the extent of said insurance coverage and insofar as it can legally do so. Prior to beginning work on the State's right of way, the City's construction contractor shall submit to the State a completed insurance form (TxDOT Form No. 1560) and shall maintain the required coverage during the construction of the facility.

15. USE OF RIGHT OF WAY

It is understood that the State by execution of this agreement does not impair or relinquish the State's right to use such land for highway purposes when it is required for the construction or re-construction of the traffic facility for which it was acquired, nor shall use of the land under such agreement ever be construed as abandonment by the State of such land acquired for highway purposes, and the State does not purport to grant any interest in the land described herein but merely consents to such use to the extent its authority and title permits.

16. ADDITIONAL CONSENT REQUIRED

The State asserts only that it has sufficient title for highway purposes. The City shall be responsible for obtaining such additional consent, permits or agreement as may be necessary due to this agreement. This includes, but is not limited to, appropriate permits and clearances for environmental, ADA and public utilities.

17. FHWA ADDITIONAL REQUIREMENTS

If the Facility is located on the Federal-Aid Highway System, "ATTACHMENT A", which states additional requirements as set forth in the Federal Highway Administration's Title 23, Code of Federal Regulations, § 710, shall be attached to and become a part of this agreement.

18. CIVIL RIGHTS ASSURANCES

The City, for itself, its personal representatives, successors and interests and assigns, as part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that: (1) no persons, on the grounds of race, color, sex, age, national origin, religion or disabling condition, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facility; (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of race, color, sex, age, national origin, religion or disabling condition, shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination; (3) that the

City shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That if in the event of any breach of the above non-discrimination covenants, the State shall have the right to terminate the agreement and reenter and repossess said land and the facilities thereon, and hold the same as if said agreement had never been made or issued.

19. AMENDMENTS

Any changes in the time frame, character or responsibilities of the parties hereto shall be enacted by a written amendment executed by both parties hereto.

20. LEGAL CONSTRUCTION

In case one or more of the provisions contained in this agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any provision hereof and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in this agreement.

21. AUDIT

The State may conduct an audit or investigation of any aspect of this agreement. The City must provide the State with access to any information the State considers relevant to the investigation or audit. The audit can include, but is not limited to, any contract for construction or maintenance of any facility or structure authorized by this agreement or any contract to provide a service to the City if that service is authorized by this agreement.

22. AUTHORITY OF STATE AUDITOR

The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

23. COMPLIANCE OF THE LAW

The City shall comply with all federal, state, and local law, statutes, ordinances, rules and regulations and with the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this agreement.

24. NOTICES

All notices required under this agreement shall be mailed or hand delivered to the following respective addresses:

STATE
(Mailing Address)

Texas Department of Transportation
Maintenance Division
125 East 11th Street
Austin Texas 78701-2483

(Name of other party)
(Mailing Address)

City Manager
City of Kingsville
P.O. Box 1458
Kingsville, TX 78364

25. WARRANTS

The signatories to this agreement warrant that each has the authority to enter into this agreement on behalf of the party represented.

List of Attached Exhibits:

- Exhibit A - General Layout
- Exhibit B - Metes and Bounds Description
- Exhibit C - Approved Construction Plans
- Exhibit D - Certificate of Insurance (TxDOT Form 1560)
- Exhibit E - Attachment A (FHWA Additional Requirements)

IN WITNESS WHEREOF, the parties have hereunto affixed their signature, the

_____ on the _____ day of _____, 20____, and the
State on the _____ day of _____, 20____.

STATE OF TEXAS

Executed and approved for the Texas
Transportation Commission for the purpose and
effect of activating and/or carrying out the orders,
and established policies or work programs
heretofore approved and authorized by the Texas
Transportation Commission.

By: _____

(Name of other party)

Signature

Printed Name

By: _____

Director, Maintenance Division

F. Howard Holland, P.E.

Printed Name

Title

Date

Agency

APPROVAL RECOMMENDED:

Contact Office and Telephone No. _____

District Engineer

Lonnie J. Gregorcyk, P.E.

Printed Name

Date

ATTACHMENT A

Inasmuch as this project is on the Federal-Aid highway system, the following additional requirements as applicable with the Federal Highway Administration's Title 23, Code of Federal Regulations, § 710.

1. Any significant revision in the design or construction of the facility shall receive prior approval by the Texas Department of Transportation subject to concurrency by the FHWA.
2. Any change in the authorized use of airspace shall receive prior approval by the Texas Department of Transportation subject to concurrence by the FHWA.
3. The airspace shall not be transferred, assigned or conveyed to another party without prior Texas Department of Transportation approval subject to concurrence by the FHWA.
4. This agreement will be revocable in the event that the airspace facility ceases to be used or is abandoned.

EXHIBIT E

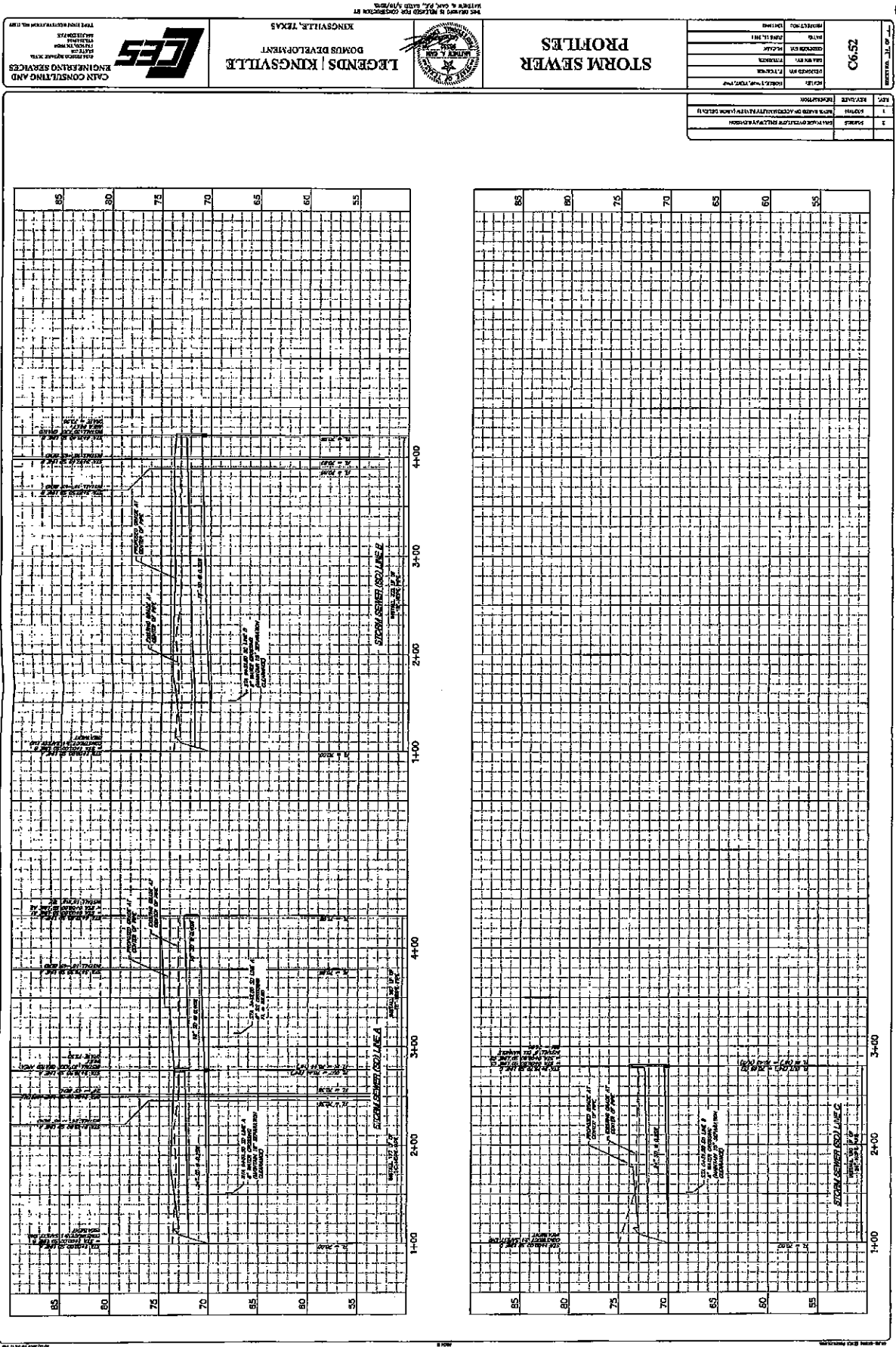
EXHIBIT B

METES AND BOUNDS DESCRIPTION

An area of 500 square feet more or less being described as follows:

Commencing at a point at the southeast property corner of Tract 2 of Replat of Legends of Texas Subdivision Tract 1 & Tract 2, in Kleberg County, Texas. Thence following the State of Texas Highway 141 (West King Avenue) northern right-of-way line a distance of 50.25 feet at a bearing of N 57°33'43" W, to the point of beginning. Thence along the State of Texas Highway 141 (West King Avenue) northern right-of-way line a distance of 20.00 feet at a bearing of N 57°33'43" W. Thence a distance of 25.00 feet at a bearing of S 32°26'17" W. Thence a distance of 20 feet at a bearing of S 57°33'43" E. Thence a distance of 25.00 feet at a bearing of N 32°26'17" E, to the point of beginning.

Appendix C - Approved Construction Plans



AGENDA ITEM #9

RESOLUTION #2015-_____

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE FLOOD MITIGATION ASSISTANCE PROGRAM FOR THE PURPOSE OF REQUESTING GRANT FUNDING FOR MITIGATING FLOODING ISSUES AT 314 S. 20TH, WITH NO CASH MATCH OR IN-KIND SERVICE REQUIREMENT.

WHEREAS, the federal government has a Flood Mitigation Assistance Program whereby it awards funds to requesting entities that can establish a structure is in a flood potential/prone area and needs to be purchased and demolished to eliminate flooding exposure;

WHEREAS, this grant program has no cash match or in-kind service match requirement;

WHEREAS, a property located at 314 S. 20th has been identified as having been flooded a number of times in the past, making it a good candidate for the program.

BE IT RESOLVED by the City Commission of the City of Kingsville, Texas:

I.

THAT a grant application be submitted to the Flood Mitigation Assistance Program, requesting funding for mitigating a flood prone property at 314 S. 20th Street, Kingsville, Texas, which would allow for the purchase of the property and razing of the structure thereon.

II.

THAT all proceeds from said grant shall be administered in conformity with the grant application, the grant award, and any other rules or regulations governing disbursement.

III.

THAT the City Manager is hereby designated as the Authorized Official to accept, alter, or reject the grant, and that the Director of Planning and Development Services will administer the program and execute and submit all certifications, reports, or contracts necessary for the administration and expenditure of such grant.

IV.

THAT this Resolution shall be and become effective on or after adoption.

PASSED AND APPROVED by a majority vote of the City Commission on the 24 th day of August, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

To: Courtney Alvarez, Interim City Manager

From: Tom Ginter, Director of Planning and Development Services



Date: August 14, 2015

Subject: Flood Mitigation Assistance Program – Grant Application

Due to the residence at 314 S. 20th street having been flooded a number of times in the past; it makes that property a good candidate for this program. Essentially if awarded, the fund from the grant will be used to purchase the house and the ground, demolish the structure and in perpetuity the City of Kingsville will own the ground and a house will not be allowed to be built on it.

The details of the money amounts on the grant application are:

1. \$91,870 for the payment to purchase the house and the ground
2. \$7,500 for demolition. We can do it ourselves so we can be reimbursed or we can contract it out.
3. \$4,800 for internal administrative expense.

Other points:

1. There are no city funds involved in this grant application.
2. We may know something by the end of the calendar year.
3. Due to the deadline of the grant applications, it was necessary to submit prior to a commission meeting.

Attached is a copy of the grant application. If you have any questions, please feel free to ask.



Flood Mitigation Assistance (FMA) PROGRAM GRANT APPLICATION

1. Name of Applicant (legal nature of entity) and vendor identification number (federal tax number). *City of Kingsville, EIN: 74-6083231*

2. Address (Street, City, Zip): *200 E. Kleberg, Kingsville, TX 78363*

3. Is the applicant a current (not on probation) NFIP participating community? (Yes or No), and what is the CRS rating of the applicant? *No*

4. Point-of-Contact or Official Representative (Name and Title): *Charles Cardenas, Public Works Director/City Engineer*

5. Phone Number: *361-595-8004*

6. Fax Number:

7. Demonstrate that the applicant has the legal authority to plan for and control flooding, and has zoning and building code jurisdiction over the project area: *The City of Kingsville is responsible for planning for and controlling flooding. The City is responsible for code enforcement and zoning issues for the city. The project locations for this grant are within the City of Kingsville's jurisdiction and therefore subject to the City's Flood Damage Prevention Ordinance and zoning and building codes.*

8. Project Narrative (provide the project narrative on separate pages as an attachment): *The home on this application are on FEMA's Severe Repetitive Loss list with \$276,000.00 in avoided damages. Acquiring and demolishing this home will remove the home and residents from harm's way, resulting in the elimination of future flood claims. If awarded, the City will follow the HMA guidelines for property acquisitions in the implementation of this mitigation project. See the e-grant application and SF20-22 for more specific details related to this question.*

9. Notification:

A copy to the letter to the COG is attached in e-grants

FEDERAL EMERGENCY MANAGEMENT AGENCY
SUMMARY SHEET FOR ASSURANCES AND CERTIFICATIONS

O.M.B. No. 3067-0206
Expires February 28, 2007

FOR
FY 2015

CA FOR (Name of Applicant)
City of ~~XXXXXXXXXX~~ Kingsville, TX

This summary sheet includes Assurances and Certifications that must be read, signed, and submitted as a part of the Application for Federal Assistance.

An applicant must check each item that they are certifying to:

- Part I ☐ FEMA Form 20-16A, Assurances-Nonconstruction Programs
- Part II ☒ FEMA Form 20-16B, Assurances-Construction Programs
- Part III ☒ FEMA Form 20-16C, Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements
- Part IV ☐ SF LLL, Disclosure of Lobbying Activities (If applicable)

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the identified attached assurances and certifications.

Tom Ginter
Typed Name of Authorized Representative

Director of Planning
Title


Signature of Authorized Representative

7-30-15
Date Signed

NOTE: By signing the certification regarding debarment, suspension, and other responsibility matters for primary covered transaction, the applicant agrees that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by FEMA entering into this transaction.

The applicant further agrees by submitting this application that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the FEMA Regional Office entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (Refer to 44 CFR Part 17.)

Paperwork Burden Disclosure Notice

"Public reporting burden for this form is estimated to average 1.7 hours per response. Burden means the time, effort and financial resources expended by persons to generate, maintain, retain, disclose, or to provide information to us. You may send comments regarding the burden estimate or any aspect of the form, including suggestions for reducing the burden to: Information Collections Management, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, Paperwork Reduction Project (3067-0206). You are not required to respond to this collection of information unless a valid OMB control number appears in the upper right corner of this form. Please do not send your completed form to the above address.

FEDERAL EMERGENCY MANAGEMENT AGENCY
ASSURANCES-CONSTRUCTION PROGRAMS

NOTE: Certain of these assurances may not be applicable to your project or program. If you have any questions, please contact the awarding agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or state.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. Sections 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. Sections 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. Sections 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Section 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. Sections 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to non-discrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to non-discrimination on the basis of alcohol abuse or alcoholism; (g) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Acts of 1968 (42 U.S.C. Section 3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other non-discrimination provision in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other non-discrimination statute(s) which may apply to the application.
11. Will comply, or has already complied, with the requirements of Title II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or Federally assisted programs. These requirements apply to all interest in real property acquired for project purposes regardless of Federal participation in purchase.
12. Will comply with provisions of the Hatch Act (5 U.S.C. Sections 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. Sections 276a to 276a-7), the Copeland Act (40 U.S.C. Section 276c and 18 U.S.C. Section 874), the Contract Work Hours and Safety Standards Act (40 U.S.C. Sections 327-333) regarding labor standards for federally assisted construction subagreements.

14. Will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. Section 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. Section 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. Section 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

19. Will comply with all applicable requirements of all other Federal laws, Executive Orders, regulations and policies governing this program.

20. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201), as they apply to employees of institutions of higher education, hospitals, and other non-profit organizations.

21. It will obtain approval by the appropriate Federal agency of the final working drawings and specifications before the project is advertised or placed on the market for bidding; that it will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved plans and specifications; that it will submit to the appropriate Federal agency for prior approval changes that alter the cost of the project, use of space, or functional layout, that it will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the construction grant program(s) have been met.

22. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State, and local agencies for the maintenance and operation of such facilities.

23. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A117. - 1961, as modified (41 CFR 101-17.703). The applicant will be responsible for conducting inspections to ensure compliance with these specifications by the contractor.

24. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer of such property, any transfer, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

25. In making subgrants with nonprofit institutions under this Comprehensive Cooperative Agreement, it agrees that such grants will be subject to OMB Circular A-122, "Cost Principles for Non-profit Organizations" included in Vol. 49, Federal Register, pages 18260 through 18277 (April 27, 1984).

FEDERAL EMERGENCY MANAGEMENT AGENCY
**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND
OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature on this form provides for compliance with certification requirements under 44 CFR Part 18, "New Restrictions on Lobbying; and 28 CFR Part 17, "Government-wide Debarment and suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Federal Emergency Management Agency (FEMA) determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

A. As required by section 1352, Title 31 of the U.S. Code, and implemented at 44 CFR Part 18, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 44 CFR Part 18, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any other funds than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or an employee of Congress, or employee of a member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontract(s) and that all subrecipients shall certify and disclose accordingly.

☐ Standard Form LLL, "Disclosure of Lobbying Activities" attached.
(This form must be attached to certification if nonappropriated funds are to be used to influence activities.)

**2. DEBARMENT, SUSPENSION, AND OTHER
RESPONSIBILITY MATTERS
(DIRECT RECIPIENT)**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 44 CFR Part 67, for prospective participants in primary covered transactions, as defined at 44 CFR Part 17, Section 17.510-A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civilian judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or perform a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or shall shall attached an explanation to this application.

**3. DRUG-FREE WORKPLACE
(GRANTEES OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 44 CFR Part 17, Subpart F, for grantees, as defined at 44 CFR Part 17, Sections 17.615 and 17.620:

A. The applicant certifies that it will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug free awareness program to inform employees about:

- (1) The dangers of drug abuse in the workplace;
- (2) The grantee's policy of maintaining a drug-free workplace;
- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant to be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employee in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to the applicable FEMA awarding office, i.e., regional office or FEMA office.

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

(g) Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

8. the grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

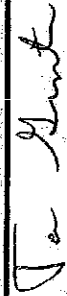
Place of Performance (Street address, City, County, State, Zip code)

200 E. Kleberg

Kingsville, TX 78363

Check ☐ if there are workplaces on file that are not identified here.

Section 17.630 of the regulations provide that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for FEMA funding. States and State agencies may elect to use a Statewide certification.

Federal Emergency Management Agency BUDGET INFORMATION-CONSTRUCTION PROGRAMS		See reverse for instructions and Paperwork Burden	O.M.B. No. 3067-0206 Expires December 31, 1999
1. Name of Applicant City of Kingsville		2. Federal Identification Number 74-6001513	
3. CFDA Number 97.029	4. Budget (Check One) <input checked="" type="checkbox"/> New <input type="checkbox"/> Revised	Budget Period (Month, Day, Year) 1/1/2016 Ending Date: 12/31/16	Grant Program, Functions, Activity FMA
COST CLASSIFICATION		a. Total Cost	b. Cost Not Allowable
6. Administrative expense		\$ 4,800	\$ -
7. Preliminary expense (pre-award Fees - application)		\$ -	\$ -
8. Land, structures, right-of-way		\$ 91,870	\$ -
9. Architectural engineering basic fees		\$ -	\$ -
10. Other architectural engineering fees		\$ -	\$ -
11. Project inspection fees		\$ -	\$ -
12. Land development		\$ -	\$ -
13. Relocation expenses		\$ -	\$ -
14. Relocation payments to businesses individuals		\$ -	\$ -
15. Demolition and removal		\$ 7,500	\$ -
16. Construction and project improvement		\$ -	\$ -
17. Equipment		\$ -	\$ -
18. Miscellaneous - spoil site/Compacting		\$ -	\$ -
19. SUBTOTAL (Sum of lines 6-18)		\$ 104,170	\$ -
20. Contingencies		\$ -	\$ -
21. SUBTOTAL (Line 19 minus line 20)		\$ 104,170	\$ -
22. Project (program) income		\$ -	\$ -
23. TOTAL PROJECT (Subtract line 22 from line 21)		\$ 104,170	\$ 104,170
24. Federal assistance requested, calculations as follows: Multiply allowable costs from line 23c, by the (Federal Participation Percentage Approved by FEMA). Enter resulting Federal share in Block 25. Enter eligible costs from line 23c X 100%			
25. Federal share		\$ 104,170	\$ 104,170
26. Signature 		Date 7-30-2015	

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION <i>Application</i> <input checked="" type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		2. DATE SUBMITTED 		Applicant Identifier	
<i>Pre-application</i> <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		3. DATE RECEIVED BY STATE 		State Application Identifier	
		4. DATE RECEIVED BY FEDERAL AGENCY 		Federal Identifier	

5. APPLICANT INFORMATION																			
Legal Name: City of Kingsville			Organizational Unit: Department: Public Works Department																
Organizational DUNS: 080259450			Division:																
Address: Street: 200 E. Kleberg			Name and telephone number of the person to be contacted on matters involving this application (give area code): Prefix: First Name: Charles																
City: Kingsville			e																
County: Kleberg			Last Name: Cardenas																
State: TX		Zip Code: 78363		Suffix:															
Country: USA			Email: ccardenas@cityofkingsville.com																
6. EMPLOYER IDENTIFICATION NUMBER (EIN): <div style="border: 1px solid black; padding: 2px; display: inline-block;"> 7 4 — 6 0 0 1 5 1 3 </div>			Phone Number (give area code):		Fax Number (give area code):														
			361-595-8004																
8. TYPE OF APPLICATION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) (See instructions for description of letters.) <input type="checkbox"/> <input type="checkbox"/> Other (specify)			7. TYPE OF APPLICANT: (See instructions for Application Types) C Other (specify)																
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: <div style="border: 1px solid black; padding: 2px; display: inline-block;"> 9 7 • 0 2 9 </div>			9. NAME OF FEDERAL AGENCY: FEMA/DHS																
TITLE (Name of Program): Flood Mitigation Assistance Program			11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: Acquisition/Demolition of a Home on FEMA's Severe Repetitive Loss List																
12. AREAS AFFECTED BY PROJECT (Cities, Counties, State, etc.): Kingsville, TX																			
13. PROPOSED PROJECT Start Date: Grant Award (GA) Ending Date: GA + 1 year			14. CONGRESSIONAL DISTRICTS OF: a. Applicant 15th b. Project 15th																
15. ESTIMATED FUNDING: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">a. Federal</td> <td style="text-align: right;">\$104,170.00</td> </tr> <tr> <td>b. Applicant</td> <td></td> </tr> <tr> <td>c. State</td> <td></td> </tr> <tr> <td>d. Local</td> <td style="text-align: right;">0.00</td> </tr> <tr> <td>e. Other</td> <td></td> </tr> <tr> <td>f. Program Income</td> <td></td> </tr> <tr> <td>g. TOTAL</td> <td style="text-align: right;">\$104,170.00</td> </tr> </table>			a. Federal	\$104,170.00	b. Applicant		c. State		d. Local	0.00	e. Other		f. Program Income		g. TOTAL	\$104,170.00	16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? a. Yes. <input type="checkbox"/> THIS PREAPPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE: b. No. <input checked="" type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW		
a. Federal	\$104,170.00																		
b. Applicant																			
c. State																			
d. Local	0.00																		
e. Other																			
f. Program Income																			
g. TOTAL	\$104,170.00																		
			17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? <input type="checkbox"/> Yes If "Yes", attach an explanation. <input checked="" type="checkbox"/> No																
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE GOVERNING BODY OF THE APPLICANT HAS DULY AUTHORIZED THE DOCUMENT, AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.																			
a. Authorized Representative																			
Prefix:		First Name: Courtney		Middle Name:															
Last Name: Alvarez		Suffix:																	
b. Title: Interim City Manager		c. Telephone Number (give area code): 361-585-8002																	
d. Signature of Authorized Representative		e. Date Signed: 7/30/15																	

10. Please provide documentation that the "consultation process" has been conducted.

Signed Voluntary Interest Notice for the home is attached in e-grants.

11. Please provide the following as attachments to the application: (or refer to e-grant submittal)

<u>Attachments</u> <u>Provided (yes or no?)</u>	
Multi-Hazard Mitigation Plan	Y (in e-grants)
Federal form 424*	Y (in e-grants)
Evidence of Local Financial Participation Federal Share	N/A – 100%
Federal Form 20-22 and attached narrative statement*	Y (in e-grants)
Federal Form 20-15*	Y (in e-grants)

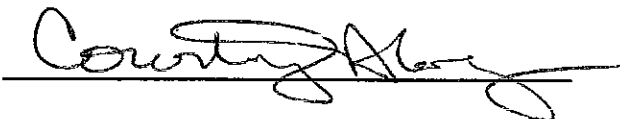
*Federal Forms are all found in this spreadsheet [form20-22]. Use the tabs at the bottom to access the form needed.

12. Estimated Cost of Proposed Project: \$104,170.00

13. FEMA Funding Requested (federal share is maximum 100%): \$104,170.00

14. How Does Applicant Propose to Finance Non-Federal Share of Project?
(Local share, 10%, 3rd party in-kind service can be no more than 5%): N/A – 100%
Federal Share

15. Has applicant ever received an FMA or SRL project grant before? No
If so, when? Amount?

16. Signature: 

17. Title: Interim City Manager

18. Date: 7/30/15

AGENDA ITEM #10