

City of Kingsville, Texas

AGENDA CITY COMMISSION MONDAY, AUGUST 21, 2023 SPECIAL MEETING

**CITY HALL
HELEN KLEBERG GROVES COMMUNITY ROOM
400 WEST KING AVENUE
4:30 P.M. - Workshop
5:00 P.M. - Special Meeting**

Live Videostream: <https://www.facebook.com/cityofkingsvilletx>

I. Preliminary Proceedings.

OPEN MEETING

CONVENE INTO BUDGET WORKSHOP At 4:30 P.M.:

Review and discuss proposed fiscal year 2023-2024 budget for departments of the City of Kingsville. (City Manager).

REGULAR MEETING RESUMES AT 5:00 P.M.:

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S)

None.

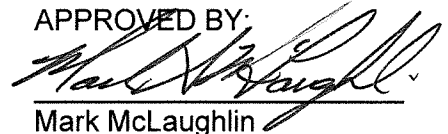
II. Public Hearing - (Required by Law).¹

None.

III. Reports from Commission & Staff.²

"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, Investment Report, Quarterly Budget Report, 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,

APPROVED BY:



Mark McLaughlin
City Manager

Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Water And Wastewater Rate Study Presentation. 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)

1. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 8, Section 3-Traffic Control Devices, providing for the authority to place a yield sign on Shirley Drive at Virginia Avenue for Eastbound traffic and on Parker Drive at Shirley Drive for Northbound traffic, and to update other language. (City Engineer).
2. Motion to approve final passage of an ordinance vacating, abandoning, and closing a 60-footwide right-of-way on E. Johnston Avenue between Union Pacific Railroad and South Sixth street in the First and Fourth Addition, while retaining a utility easement. (City Engineer).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for the CO Series 2023 for the water meter replacement project. (Purchasing Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. Consider an ordinance calling a special election for a charter amendment election in accordance with Chapter 9, Local Government Code, to be held in the City of Kingsville, Texas and other matters related thereto. (term and election sections). (City Attorney). Considere ordenanza que convoca a elecciones especiales para elecciones a fin de enmendar la carta municipal, de conformidad con el capítulo 9, código de gobierno local, que se llevará a cabo en la ciudad de Kingsville, Texas y otros asuntos relacionados con la misma.

5. Consider a resolution authorizing application to, administration of, and acceptance of Office of the Governor, Public Safety Office, Homeland Security Grants Division's FY2024 Operation Lone Star Program (OLS); authorizing the Chief of Police, or Interim Chief, to act on the City's behalf with such program. (Interim Police Chief).

6. Review and discuss proposed fiscal year 2023-2024 budget for departments of the City of Kingsville. (City Manager).

VII. Adjournment.

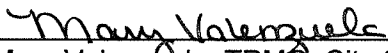
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative Commission votes. The speaker must identify himself by name and address.
4. Items being considered by the Commission for action except citizen's 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 are 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 at City Hall, City of Kingsville, 400 West King Avenue, 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:

August 18, 2023, at 4:15 P.M. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.


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

CONSENT AGENDA

AGENDA ITEM #1

**City of Kingsville
Engineering Dept.**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Rutilio P. Mora Jr, P.E., City Engineer

DATE: August 14, 2023

SUBJECT: Consider Approving Ordinance Revisions and Installation of Traffic Control Signs within Traffic Control Area O.

Summary:

On July 18, 2023, Public Work Department received a request to install a traffic control sign at the intersections of Shirley Drive/ Virginia Avenue. Engineering Department visited the site and discovered the 3-way intersection Shirley Drive/ Virginia Avenue does not have a traffic control sign. Using guidelines established in the Texas Manual on Uniform Traffic Control Devices Section 2B.04 Right-of-Way at intersections.

Yield or Stop signs should be used at an intersection if one of more of the following conditions exists:

- A. An intersection of a less important road with a main road where application of the normal right-of-way rule would not be expected to provide reasonable compliance with the law;
- B. A street entering a designated through highway or street; and/or
- C. An unsignalized intersection in a signalized area.

All three items would apply in justifying the installation of traffic control signs at the intersections of Shirley Drive/ Virginia Avenue and Parker Drive/ Shirley Drive. A yield would be installed on Shirley Drive eastbound at the intersection with Virginia Avenue. Also, a yield sign would be installed on Parker Drive northbound at the intersection with Shirley Drive.



**City of Kingsville
Engineering Dept.**

Also, Section 7-8-3 Traffic Control Areas will be revised with the items listed below.

(A) The City of Kingsville shall be sectioned into the following traffic control areas:

(1) Area A is bounded on the north by the city limits; on the east by the east side of Armstrong Street; on the south by the south side of Santa Gertrudis Avenue; on the west by the city limits.

(2) Area B is bounded on the north by the city limits; on the east by the west side of Sixth Street; on the south by the south side of Santa Gertrudis Avenue; on the west by east side of Armstrong Street.

(3) Area C is bounded on the north by the city limits; on the east by the east side of Fourteenth Street; on the south by the south side of Santa Gertrudis Avenue; on the west by the west side of Sixth Street.

(4) Area D is bounded on the north by the city limits; on the east by the city limits; on the south by the south side of Santa Gertrudis Avenue; on the west by the east side of Fourteenth Street.

(5) Area E is bounded on the north by the south side of Santa Gertrudis Avenue; on the east by the east side of Armstrong Street; ~~Avenue~~; on the south by the south side of King Avenue; on the west by the southwest side of King Avenue.

(6) Area F is bounded on the north by the south side of Santa Gertrudis Avenue; on the east by the west side of Sixth Street; on the south by south side of King Avenue; on the west by the east side of Armstrong Street. ~~Avenue.~~

(7) Area G is bounded on the north by the south side of Santa Gertrudis Avenue; on the east by the east side of Fourteenth Street; on the south by the south side of King Avenue; on the west by the west side of Sixth Street.

(8) Area H is bounded on the north by the south side of Santa Gertrudis Avenue; on the east by the city limits; on the south by the south side of King Avenue; on the west by the east side of Fourteenth Street.



**City of Kingsville
Engineering Dept.**

(9) Area I is bounded on the north by the south and southwest side of King Avenue; on the east by the east side of Armstrong Street; ~~Avenue~~; on the south by the city limits; on the west by the city limits.

(10) Area J is bounded on the north by the south side of King Avenue; on the east by the west side of Sixth Street; on the south by the south side of Caesar Avenue; on the west by the east side of Armstrong Street. ~~Avenue~~.

(11) Area K is bounded on the north by the south side of King Avenue; on the east by the east side of Fourteenth Street; on the south by the south side of Caesar Avenue; on the west by the west side of Sixth Street.

(12) Area L is bounded on the north by the south side of King Avenue; on the east by the city limits; on the south by the south side of Caesar Avenue; on the west by the east side of Fourteenth Street.

(13) Area M is bounded on the north by the south side of Caesar Avenue; on the east by the west side of Sixth Street; on the south by the city limits; on the west by the city limits and east side of Armstrong Street. ~~Avenue~~.

(14) Area N is bounded on the north by the south side of Caesar Avenue; on the east by the east side of Fourteenth Street; on the south by the south side of General Cavazos Boulevard ~~Military Highway~~; on the west by the west side of Sixth Street. ~~Armstrong Avenue~~.

(15) Area O is bounded on the north by the south side of Caesar Avenue; on the east by the city limits; on the south by the south side of General Cavazos Boulevard ~~Military Highway~~; on the west by the east side of Fourteenth Street.

(16) Area P is bounded on the north by the south side of General Cavazos Boulevard ~~Military Highway~~; on the east by the city limits; on the south by the city limits; and on the west by the city limits.

(B) Furthermore, recognizing the importance and need for safe and effective traffic control, and implementing traffic safety by utilizing the Texas Manual on Uniform Traffic Control Devices (TxMUTCD), the recommendation of the April 1976 Traffic Engineering Study for the City of Kingsville, prepared by Traffic Engineers, Inc., the Commission of the City of Kingsville does hereby enact the following ordinance for the safe and effective management of automobile traffic within the City of Kingsville



**City of Kingsville
Engineering Dept.**

Financial Impact:

No Financial impact yield signs are available at Public Works.

Recommendation:

Staff recommends approval of the following:

1. installing traffic control signs at the intersection of Shirley Drive/Virginia Avenue, and Parker Drive/Shirley Drive.
2. Revising City Ordinance Sec 7-8-3 Traffic Control Areas paragraph (A) (1), (2), (5), (6), (9), (10), (13), (14), (15), (16) and (B).

Attachments:

Ordinance 23- ____


Traffic Control Area Map

Proposed yield sign locations

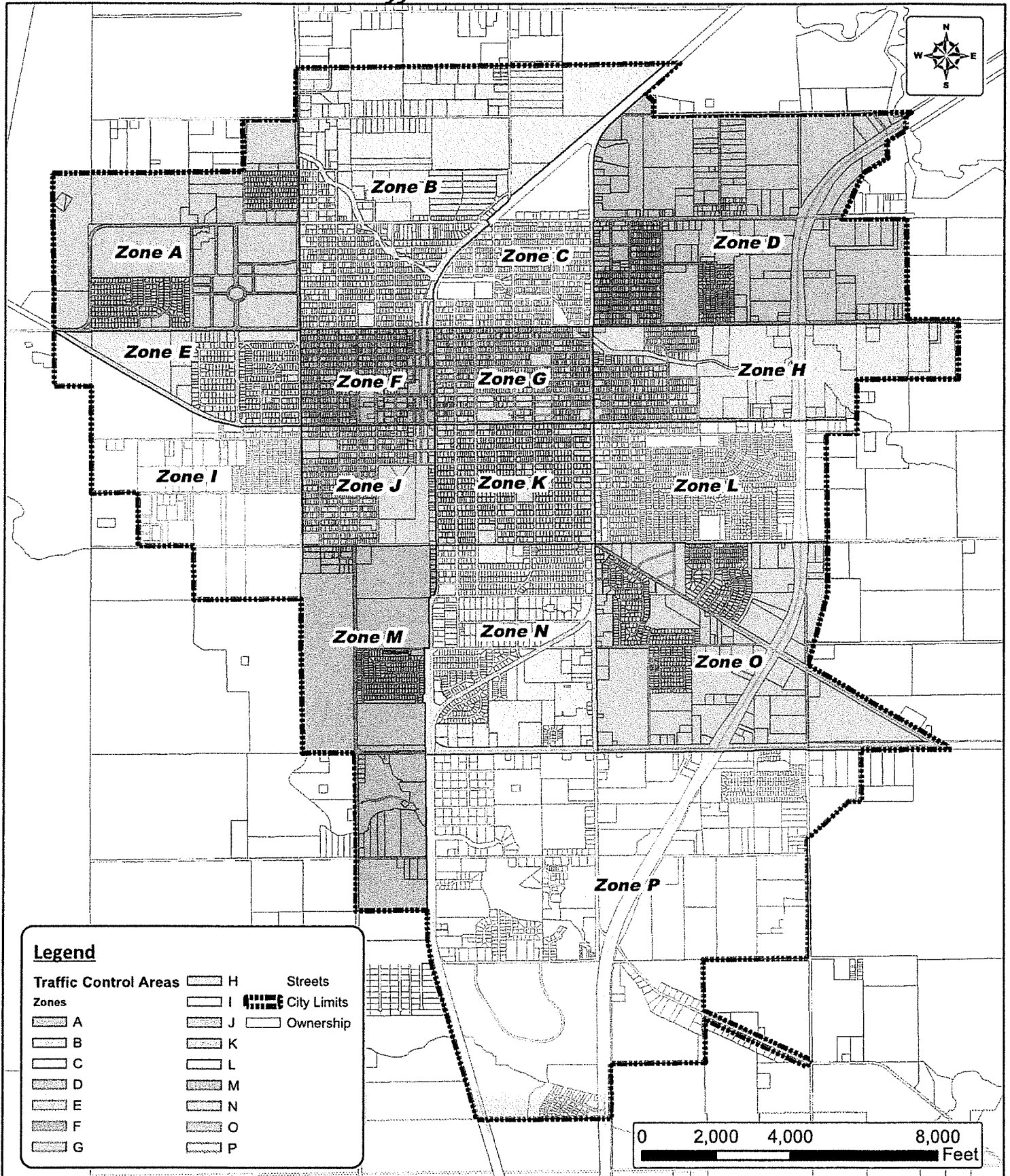


Proposed Yield Signs near Shirley Dr



Page: 1 / 1	Drawn By: G. AMAYA	DISCLAIMER: THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.	 <p>CITY OF KINGSVILLE ENGINEERING DEPARTMENT 400 W King Ave; Kingsville, TX 78363 Office: (361) 595-8007 Fax: (361) 595-8064</p>
	Last Update: 7/25/2023		
	Note: Coordinates are approximations.		

Traffic Control Areas



PLANNING & ZONING COMMISSION AGENDA

Wednesday, August 2, 2023, 6:00 p.m.

Regular Meeting

Helen Kleberg Groves Community Room,
1st Floor – City Hall, 400 W. King Ave., Kingsville, Texas

PLANNING & ZONING COMMISSION SEATING ARRANGEMENT

COMMISSION MEMBERS

Mike Klepac

Brian Coufal

Idotha Battle

Steve Zamora,

Chairman

COMMISSION MEMBERS

Debbie Tiffiee

Larry Garcia

CITY STAFF

Herlinda Solis
Administrative Assistant II

Kwabena Agyekum
Interim Director of Planning
& Development Services

The following rules of conduct have been adopted by this Commission:

1. Give your name and complete address.
2. No one may speak more than twice on the same item.
3. No one may speak more than 5 minutes at a time without permission from the Chairman.
4. No one may speak a second time on a question until every person who wants to speak has done so.
5. All submissions of evidence, i.e., photos, drawings, will be retained by the Planning & Zoning Commission and will become a part of the permanent file.

A COPY OF CHAPTER 15 "LAND USAGE", FROM THE CITY OF KINGSVILLE CODE OF ORDINANCES, IS AVAILABLE.

AGENDA

- CALL TO ORDER
- ROLL CALL
- APPROVAL OF MINUTES OF PREVIOUS MEETING(S) – July 13, 2023
- PUBLIC COMMENTS FOR ALL AGENDA & NON-AGENDA ITEMS
- POSTPONEMENTS/ADJUSTMENTS TO THE AGENDA
- OLD BUSINESS – *None.*

- **NEW BUSINESS –**

ITEM #1 - Public Hearing on the request from Applicant, Roberto Cardenas; Owner, Neessen Real Estate Holdings, Ltd.; requesting the replat of Neessen Subdivision, Block 1, Lots 1-8 (Chevrolet Dealership), about 9.5499 acres, also known as 2007 S. US HWY 77 Bypass, Kingsville, TX 78363.

ITEM #2 - Discuss and Consider Action on the request from Applicant, Roberto Cardenas; Owner, Neessen Real Estate Holdings, Ltd.; requesting the replat of Neessen Subdivision, Block 1, Lots 1-8 (Chevrolet Dealership), about 9.5499 acres, also known as 2007 S. US HWY 77 Bypass, Kingsville, TX 78363.

ITEM #3- : Public Hearing on the request from Owners/Applicant, Cassandra Canela & Jacob Castillo; requesting to replat of The Estates at Wildwood Trail Phase 2, Lot 40, also known as 1404 Lewis Street and The Estates at Wildwood Trail Phase 2, Lot 39, also known as 1426 Lewis Street, Kingsville TX 78363.

ITEM #4- : Discuss and Consider Action on the request from Owners/Applicant, Cassandra Canela & Jacob Castillo; requesting to replat of The Estates at Wildwood Trail Phase 2, Lot 40, also known as 1404 Lewis Street and The Estates at Wildwood Trail Phase 2, Lot 39, also known as 1426 Lewis Street, Kingsville TX 78363.

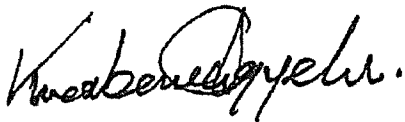
MISCELLANEOUS: Any topic may be discussed but no action may be taken at this time.

- **ADJOURNMENT**

Please call the **CITY SECRETARY** at 595-8002 to obtain definitive and final City Commission Hearing Date.

It is the intention of the City of Kingsville to comply in all aspects with the Americans with Disabilities Act (ADA). If you plan on attending a meeting to participate or to observe and need special assistance beyond what is routinely provided, the city will attempt to accommodate you in every reasonable manner. Please contact the Planning Secretary, 361-595-8055, at least two business days prior to the meeting to inform the City of your specific needs and to determine if accommodation is feasible.

I certify that this agenda was posted at least seventy-two (72) hours before the commencement of the Planning and Zoning Commission Meeting scheduled for Wednesday, August 2, 2023.



Kwabena Agyekum
Interim Director of Planning & Development Services

Posted
@ _____
On _____
By _____

ORDINANCE #2023-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER VII, ARTICLE 8, SECTION 3-TRAFFIC CONTROL DEVICES; PROVIDING FOR THE AUTHORITY TO PLACE A YIELD SIGN ON SHIRLEY DRIVE AT VIRGINIA AVENUE FOR EASTBOUND TRAFFIC AND ON PARKER DRIVE AT SHIRLEY DRIVE FOR NORTHBOUND TRAFFIC, AND TO UPDATE OTHER LANGUAGE; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City of Kingsville received a request for a traffic control sign at the intersections of Shirley Drive and Virginia Avenue;

WHEREAS, after visiting the area staff determined traffic control signs are warranted at the intersection of Parker Drive and Shirley Drive to improve traffic safety in the area;

WHEREAS, staff is also proposing some other minor changes to update certain road references in the traffic control ordinance so they reflect current names;

WHEREAS, this Ordinance is necessary to protect the public safety, health, and welfare of the City of Kingsville.

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

I.

THAT Section 7-8-3 of Article 7: Traffic Control Devices of Chapter VII, Traffic Code, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§7-8-3 TRAFFIC CONTROL AREAS.

(A) The City of Kingsville shall be sectioned into the following traffic control areas:

(1) Area A is bounded on the north by the city limits; on the east by the east side of Armstrong Street; on the south by the south side of Santa Gertrudis Avenue; on the west by the city limits.

(2) Area B is bounded on the north by the city limits; on the east by the west side of Sixth Street; on the south by the south side of Santa Gertrudis Avenue; on the west by east side of Armstrong Street.

(3) Area C is bounded on the north by the city limits; on the east by the east side of Fourteenth Street; on the south by the south side of Santa Gertrudis Avenue; on the west by the west side of Sixth Street.

(4) Area D is bounded on the north by the city limits; on the east by the city limits; on the south by the south side of Santa Gertrudis Avenue; on the west by the east side of Fourteenth Street.

(5) Area E is bounded on the north by the south side of Santa Gertrudis Avenue; on the east by the east side of Armstrong ~~Street~~ Avenue; on the south by the south side of King Avenue; on the west by the southwest side of King Avenue.

(6) Area F is bounded on the north by the south side of Santa Gertrudis Avenue; on the east by the west side of Sixth Street; on the south by south side of King Avenue; on the west by the east side of Armstrong ~~Street~~ Avenue.

(7) Area G is bounded on the north by the south side of Santa Gertrudis Avenue; on the east by the east side of Fourteenth Street; on the south by the south side of King Avenue; on the west by the west side of Sixth Street.

(8) Area H is bounded on the north by the south side of Santa Gertrudis Avenue; on the east by the city limits; on the south by the south side of King Avenue; on the west by the east side of Fourteenth Street.

(9) Area I is bounded on the north by the south and southwest side of King Avenue; on the east by the east side of Armstrong ~~Street~~ Avenue; on the south by the city limits; on the west by the city limits.

(10) Area J is bounded on the north by the south side of King Avenue; on the east by the west side of Sixth Street; on the south by the south side of Caesar Avenue; on the west by the east side of Armstrong ~~Street~~ Avenue.

(11) Area K is bounded on the north by the south side of King Avenue; on the east by the east side of Fourteenth Street; on the south by the south side of Caesar Avenue; on the west by the west side of Sixth Street.

(12) Area L is bounded on the north by the south side of King Avenue; on the east by the city limits; on the south by the south side of Caesar Avenue; on the west by the east side of Fourteenth Street.

(13) Area M is bounded on the north by the south side of Caesar Avenue; on the east by the west side of Sixth Street; on the south by the city limits; on the west by the city limits and east side of Armstrong ~~Street~~ Avenue.

(14) Area N is bounded on the north by the south side of Caesar Avenue; on the east by the east side of Fourteenth Street; on the south by the south side of ~~General Cavazos Boulevard~~ Military Highway; on the west by the west side of ~~Sixth Street~~ Armstrong Avenue.

(15) Area O is bounded on the north by the south side of Caesar Avenue; on the east by the city limits; on the south by the south side of ~~General Cavazos Boulevard~~ Military Highway; on the west by the east side of Fourteenth Street.

(16) Area P is bounded on the north by the south side of General Cavazos Boulevard Military Highway; on the east by the city limits; on the south by the city limits; and on the west by the city limits.

(B) Furthermore, recognizing the importance and need for safe and effective traffic control, and implementing traffic safety by utilizing the Texas Manual on Uniform Traffic Control Devices (TxMUTCD), ~~the recommendation of the April 1976 Traffic Engineering Study for the City of Kingsville, prepared by Traffic Engineers, Inc.,~~ the Commission of the City of Kingsville does hereby enact the following ordinance for the safe and effective management of automobile traffic within the City of Kingsville.

...

AREA O		
Intersection	Direction	Device
...		
33. Virginia Circle at Virginia Street	Eastbound	Install stop sign
34. Virginia Street at Grand Drive	Northbound	Install stop signs
<u>35. Shirley Drive at Virginia Avenue</u>	<u>Eastbound</u>	<u>Install yield sign</u>
<u>36. Parker Drive at Shirley Drive</u>	<u>Northbound</u>	<u>Install yield sign</u>

....

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 be codified and become effective on and after adoption and publication as required by law.

INTRODUCED on this the 14th day of August, 2023.

PASSED AND APPROVED on this the 21st day of August, 2023.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #2

**City of Kingsville
Engineering Dept.**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Rutilio P. Mora Jr, P.E., City Engineer

DATE: August 14, 2023

SUBJECT: Consider Approving an Ordinance Vacating, Abandoning, and Closing a 60-Foot Right-of-Way in 100 Block of E. Johnston Avenue between the Union Pacific Railroad and S. Sixth, but Retaining a Utility Easement.

Summary:

The City Manager requested the City of Kingsville vacate, abandon, and close an unopen 60-foot right-of-way (ROW) for the 100 Block of E. Johnston Avenue. The ROW is located west of the intersection of E. Johnston Avenue and S. 6th Street and east of the Union Pacific Railroad. The area is currently paved with asphalt and utilized by the adjoining owners as parking and access to their businesses. All utility companies were contacted, and American Electric Power (AEP) has an overhead electrical crossing in the ROW. We shall vacate, abandon, and close the ROW and retain a utility easement. The existing ROW is 60-foot wide by 150-foot long and approximately 0.2066 acres. Once vacated, abandoned, and closed as a ROW, the land will be split equally between the adjoining property owners. The adjoining property owner are Jack's Auto and S&C Parts who will receive additional property of 30 feet wide by 150 feet long and approximately 0.10 acres.

Background:

The City ROW for the 100 Block of E. Johnston Avenue was acquired approximately in 1910 in the First Addition and Fourth Addition Final Plat and has been an unopen ROW for several years. The ROW will most likely never be utilized by the City because it would require a railroad crossing and additional ROW to the west of the existing railroad to be developed as a roadway. The building (Jack's Auto) at 701 S. 6th Street was built in 1970. The building (S&C Parts) at 629 S. 6th Street was built in 1975. The asphalt covering the ROW was installed in 2000.

Financial Impact:



**City of Kingsville
Engineering Dept.**

There is no financial impact in ROW abandonment.

Recommendation:

Staff recommends approving the vacating, abandoning, and closing of a 60-foot ROW 100 Block E. Johnston Avenue, while retaining a utility easement, and splitting equally the property (an additional 0.10 acres) to each adjoining north and south property owner.

Attachments:

ROW abandonment exhibit
Utility Easement
Ordinance 2023 - _____.





A
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EXHIBIT - 60' R.O.W. ABANDONMENT
SCALE: N.T.S.

SHEET

CITY OF KINGSVILLE

EXHIBIT - 60' R.O.W. ABANDONMENT

Drawn by: A. REYES

Date: 08/08/2023

Checked by: R. MORA

Job:

Scale: AS NOTED

CITY OF KINGSVILLE
ENGINEERING DEPARTMENT

400 East King
Kingsville, Texas 78363
Office 361.595.8007
Fax 361.595.8035

ORDINANCE NO. #2023- _____

AN ORDINANCE VACATING, ABANDONING, AND CLOSING A 60-FOOT WIDE RIGHT-OF-WAY ON E. JOHNSTON AVENUE BETWEEN UNION PACIFIC RAILROAD AND SOUTH SIXTH STREET IN THE FIRST AND FOURTH ADDITION, WHILE RETAINING A UTILITY EASEMENT; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, a street Right-of-Way (ROW) that is undeveloped as a thoroughfare exists on E. Johnston Avenue that East and West from S. Sixth Street to the Union Pacific Railroad;

WHEREAS, the City Manager has advised staff the desire to have the E. Johnston Avenue ROW there vacated, abandoned, and closed as it is not planned to be developed as a thoroughfare given the railroad abuts the west side of the property;

WHEREAS, pursuant to Section 311.007 of the Texas Transportation Code, a home-rule municipality, such as the City of Kingsville, may vacate, abandon, or close a street or alley;

WHEREAS, American Electric Power (AEP) has verified there are existing utilities running through the ROW for which they would need continued access;

WHEREAS, staff recommends the ROW be vacated, but a utility easement be retained, with the vacated ROW being equally split among the adjoining property owners;

WHEREAS, the City finds that the ROW is not necessary as a public thoroughfare and has no other public use;

WHEREAS, the City finds that vacating, abandoning, and closing this ROW would have no adverse effect on adjacent properties;

WHEREAS, the City desires to donate (split equally) the vacated, abandoned, and closed ROW to the adjacent property owners- S&C Parts (629 South 6th Street) and Jack's Auto (701 South 6th Street); which are currently utilizing the ROW as parking and access to their businesses.

WHEREAS, pursuant to Section 272.001 of the Texas Local Government Code, the City may sale or exchange land streets or alleys, owned in fee or used by easement to abutting property owners in proportion to their abutting ownership in an equitable manner;

WHEREAS, this Ordinance is necessary to protect the public safety, health, and welfare of the City of Kingsville.

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

I.

THAT it is in the best interest of the City of Kingsville, Texas, that E. Johnston Avenue described below be closed, vacated, and abandoned as a thoroughfare, but the City shall retain a utility easement; and, the foregoing recitals are incorporated into this ordinance by reference as findings of fact as if set forth herein at length.

II.

THAT the City of Kingsville abandons and relinquishes any and all interest in the following described property as a street, while retaining a utility easement.

Said property to be abandoned containing 0.2066 acres of land and being a part of a street platted as part of the First and Fourth Addition as recorded in the Kleberg County Map Records.

BEGINNING at the Southwest Corner of Lot 10, First Addition, Kleberg County, Texas;

THENCE East for a distance of 150 feet to the Southeast Corner of Lot 12, First Addition, Kleberg County, Texas;

THENCE South for a distance of 60 feet to a point being the Northeast Corner of Lot 4, Fourth Addition, Kleberg County, Texas;

THENCE West for a distance of 150 feet to the Northwest Corner of Lot 1, Fourth Addition, Kleberg County, Texas;

THENCE North for a distance of 60 feet to a point being the Southwest Corner of Lot 1, First Addition, Kleberg County, Texas, said point also being the **POINT OF BEGINNING**.

III.

THAT the City Manager is authorized to execute the conveyance of said property described hereinabove pursuant to Texas Law; and, the City Secretary is hereby authorized and instructed to file a signed and sealed copy of this ordinance in and among the records of the City, and in the land records of Kleberg County.

IV

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

V.

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.

VI.

THAT this Ordinance shall be codified and become effective on and after adoption and publication as required by law.

INTRODUCED on this the 14th day of August 2023.

PASSED AND APPROVED on this the 21st day of August 2023.

Effective Date: _____

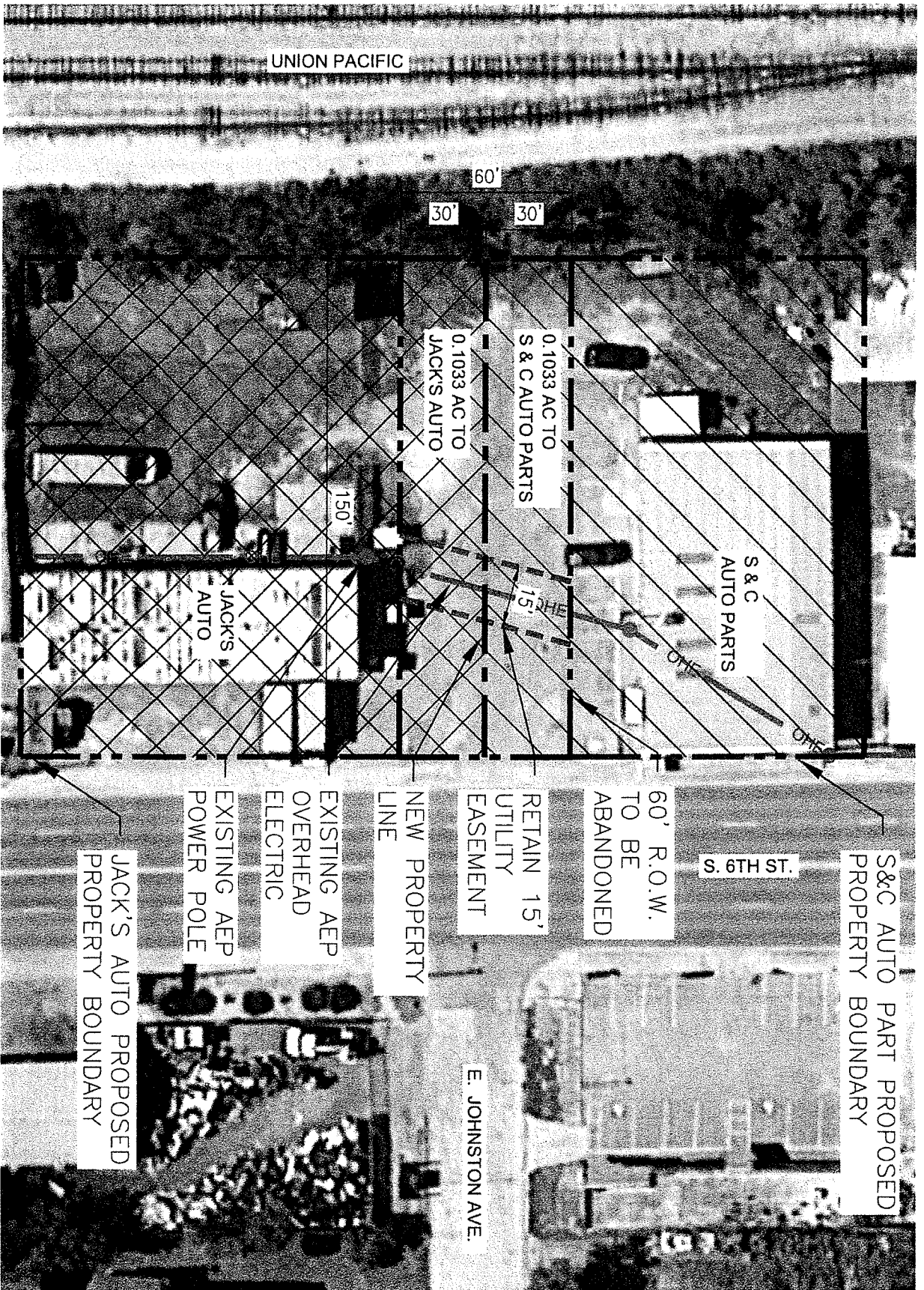
Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



A EXHIBIT - 60' R.O.W. ABANDONMENT/RETAIN 15 FOOT EASEMENT

1 SCALE: N.T.S.

CITY OF KINGSVILLE

EXHIBIT - 60' R.O.W. ABANDONMENT/
RETAIN 15 FOOT EASEMENT

Drawn by: A. REYES

Date: 08/08/2023

Checked by: R. MORA

Job:

Scale: AS NOTED

CITY OF KINGSVILLE
ENGINEERING DEPARTMENT

400 East King
Kingsville, Texas 78363
Office 361.595.8007
Fax 361.595.8035

AGENDA ITEM #3

**City of Kingsville
Purchasing Department**

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Charlie Sosa Purchasing Manager
DATE: August 1, 2023
SUBJECT: Fund 6001 Utility Plant Division Budget Amendment Request

Summary:

This item authorizes the funding for the Utility Plant Division for the new water meter replacement project.

Background:

City of Kingsville went out for Certificate of Obligation CO Series 2023-UF, recently approved and funded in the amount of \$6,030,000.00. Staff requesting the funds be allocated to expenditure fund GL account #141-5-6001-71200 for the funding of the new water meter replacement project.

Financial Impact:

This will appropriate funding for the CO Series 2023-UF in the amount of \$6,030,000.00 to GL #141-5-6001-71200.

Recommendation:

Staff requests the funds be allocated from CO Series 2023-UF to the GL #141-5-6001-71200 for the funding of the new water meter replacement project.



ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO APPROPRIATE FUNDING FOR THE CO SERIES 2023 FOR THE WATER METER REPLACEMENT PROJECT.

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 2022-2023 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#68

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 141 – CO Series 2023-UF					
<u>Revenues</u>					
0000	Non-Dept	Bond Proceeds	99500	\$6,100,000	
0000	Non-Dept	Interest Income	91503	\$16,000	
<u>Expenditures</u>					
0000	Non-Dept	Prof Svc-Bond Issuance	31406	\$70,000	
6001	Water	Utility Plant	71200	\$6,030,000	

[To amend the City of Kingsville FY 22-23 budget to appropriate funding for the CO Series 2023 for the Water Meter Replacement project. Funding will come from the bond sale proceeds.]

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 14th day of August 2023.

PASSED AND APPROVED on this the 21st day of August 2023.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

REGULAR AGENDA

AGENDA ITEM #4

ORDINANCE #2023-_____

**ORDINANCE CALLING A SPECIAL ELECTION FOR A CHARTER
AMENDMENT ELECTION IN ACCORDANCE WITH CHAPTER 9, LOCAL
GOVERNMENT CODE, TO BE HELD IN THE CITY OF KINGSVILLE, TEXAS
AND OTHER MATTERS RELATED THERETO**

WHEREAS, the City Commission of the City of Kingsville, Texas (the "Commission") hereby finds and determines that an election should be held to submit proposed amendments to the existing City Charter of the City of Kingsville to the qualified voters of the City for their adoption or rejection thereof pursuant to Section 9.004(a) of the Texas Local Government Code and other applicable law and for the purposes hereinafter identified; and

WHEREAS, Section 9.004(b) of the Texas Local Government Code requires that an ordinance be approved ordering said election to be held; and

WHEREAS, Section 41.001 of the Texas Election Code establishes November 7, 2023, as a uniform election date for the purposes of conducting an election; and

WHEREAS, pursuant to Texas Local Government Code Section 9.004(e), more than one amendment may be combined in one ballot proposition as long as the amendments contain only one subject; and

WHEREAS, pursuant to the Texas Local Government Code Section 9.004 a ballot for proposed charter amendments shall be prepared so that a voter may approve or disapprove any one or more amendments without having to approve or disapprove all of the amendments; and

WHEREAS, during a public meeting held on August 21, 2023, the City Commission considered and approved for public vote, in the form of a ballot proposition, the following Charter Amendments; and

WHEREAS, the governing bodies of other local political subdivisions situated in Kleberg County, Texas ("County"), also intend to call an election on November 7, 2023, and certain of such entities, and the City, wish to hold a joint election as permitted by the provisions of Section 271.002, Texas Election Code;

WHEREAS, the City Commission of the City of Kingsville, Texas hereby directs staff to publish notice of the special charter election in a newspaper of general circulation in the City on the same day in each of two (2) consecutive weeks, the date of the first publication to be not less than fourteen (14) days prior to the date of the November 7, 2023 election, in compliance with Section 9.004(c) of the Texas Local Government Code and to carry out other requirements related to such election.

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

SECTION 1- ELECTION ORDERED; PROPOSITION.

The Kingsville City Commission does hereby order an election to submit to the voters of the City of Kingsville proposed amendments to the City Charter, to be held on Tuesday, November 7, 2023 (the "Election Day"). That such election shall be held at the precincts and the polling places designated in Exhibit "A" or such other location as may be designated prior to the election attached hereto and made a part hereof for all purposes, and said polling places shall open at 7a.m. and remain open until 7p.m. on the day of the election.

That, at such election, the following amendments to the Charter of the City of Kingsville (“Measures”) shall be submitted to the qualified voters of the City and official ballots for the election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote for or against the proposed amendment, and with such ballot language (“Proposition”) to be expressed substantially as follows:

MEASURE A

Text of Amendment

Amending Article V, Sections 1 & 5 of the City Charter, relating to establishment of commission member places and election by majority vote to read in pertinent part as follows:

Section 1. - Municipal government.

From and after the regular City election to be held in May 2024, the municipal government of the City of Kingsville shall consist of the Mayor and four (4) Commissioner.

Section 2. – Terms of office.

The Mayor and each Commissioner shall serve, after the election for Commissioners as hereinafter provided, for a term of two (2) years and until his successor is elected and qualified, unless sooner removed from office as herein provided.

Section 5. - Elections.

From and after the regular City election to be held in May 2024, the Mayor and all four Commissioners shall stand for election. After the election and canvass of the returns and declaration of results, the candidate for Mayor receiving the highest number of votes oat the election shall be declared elected; and the four candidates for Commissioner receiving the highest number of votes at the election shall be declared duly elected.

BALLOT PROPOSITION A

Authorizing Article V, Sections 1, 2, & 5 relating to the commission, terms, and elections of the City Charter be amended to establish commission member two-year terms and election by highest number of votes.

FOR ()

AGAINST ()

SECTION 2. PERSONS QUALIFIED TO VOTE. All resident, qualified electors of the City shall be eligible to vote at the Election.

SECTION 3. ELECTION. The Commission hereby authorizes the Election to be held jointly with other participating political subdivisions located within the County, and authorizes the execution of an agreement with the County, acting through its Elections Administrator, for conduct of the Election as a joint election with the other political subdivisions identified in such agreement (the “Election Contract”).

SECTION 4. Pursuant to Section 61.012, Texas Election Code, the Kleberg County Elections Administrator shall provide at least one accessible voting system in each polling place used in the Election. Such voting system shall comply with Texas and federal laws establishing the requirements for voting systems that permit voters with physical disabilities to cast a confidential or secret ballot.

SECTION 5. The election shall be held in and throughout the City of Kingsville, Texas, on November 7, 2023, between the hours of 7:00 a.m. and 7:00 p.m. Election day voting locations are listed in Exhibit A. Exhibit A shall be modified to include additional or different election day voting locations required to conform to the Election Contract and the Texas Election Code.

SECTION 6. Early voting by personal appearance will begin on October 23, 2023 and end on November 3, 2023. Early voting locations are listed in Exhibit B. Exhibit B shall be modified to include additional or different early voting locations required to conform to the Election Contract and the Texas Election Code.

SECTION 7. Electors may cast their early vote by mail, and the early voting clerk's mailing address to which ballot applications and ballots voted by mail shall be sent to, is as follows:

Mr. Salvador "Sonny" Barrera, III, Election Official
Kleberg County Courthouse
700 East Klebert Avenue, #111
Kingsville, Texas 78364
Attention: Early Voting Clerk

SECTION 8. BALLOTS. The official ballots shall be prepared in accordance with the Texas Election Code so as to permit qualified voters to vote "FOR" or "AGAINST" the aforesaid propositions which shall appear on the ballot to contain such provisions, markings and language as required by law, and with the proposition to be expressed substantially as set forth in section 1, above.

SECTION 9. NOTICE OF ELECTION AND PROCEDURAL MATTERS. The City Secretary Mary Valenzuela or designated person shall give notice of said election by publishing the notice at least one time in at least one newspaper of general circulation in the City; that the City Secretary Mary Valenzuela or designated person is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election; and that the Presiding Officer of the Commission shall issue all necessary orders, writs and notices for said election and returns of said election shall be made to the City Commission.

The City Secretary shall give notice of the Election by posting a notice of such election in English and Spanish in the Office of the City Secretary as provided by law and by publishing a copy of said notice in both English and Spanish in a newspaper in the City as required by law. Additionally, in accordance with Section 9.004(c) of the Local Government Code, notice shall be published in a newspaper of general circulation in Kingsville on the same day, in each of two consecutive weeks, with the first publication occurring on or before the 14th day before election day. The notice shall contain a substantial copy of the proposed amendment.

The City Secretary shall deliver notice of this election to the County Clerk and voter registrar of Kleberg County no later than August 22, 2023, or as otherwise required by law.

SECTION 10. OTHER ACTION AND COMPLIANCE WITH APPLICABLE LAWS. The City Manager and City Secretary, in consultation with the City Attorney, are hereby authorized and directed to take any additional action necessary to comply with provisions of the Texas Election Code or other state and federal statutes and constitutions in carrying out the conduct of the election, whether or not expressly authorized herein.

SECTION 11. SEVERABILITY. That should any part, section, subsection, paragraph, sentence, clause or phrase contained in this ordinance be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this ordinance, but in all respects said remaining portion shall be and remain in full force and effect.

SECTION 12. INCORPORATION OF RECITALS. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Commission.

SECTION 13. ORDINANCE CONTROLS. All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordered herein.

SECTION 14. Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 15. Open Meetings. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code.

SECTION 16. EFFECTIVE DATE. This ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

BE IT FINALLY RESOLVED that in accordance with the order of this governing body, the City Secretary Mary Valenzuela posted written notice of the date, place and subject of this meeting, and said notice having been so posted and remaining posted and continuously for at least 72 hours preceding the scheduled time of said meeting.

PASSED AND APPROVED, by majority vote of the City Commission of the City of Kingsville, Texas, this the 21st day of August, 2023.

CITY OF KINGSVILLE, TEXAS

Sam R. Fugate
Mayor

ATTEST:

Mary Valenzuela
City Secretary

(CITY SEAL)

EXHIBIT A
ELECTION DAY SITES

Election Day Voting in the City shall be conducted on the 7th day of November 2023 between the hours of 7:00 A.M. and 7:00 P.M. at the polling locations listed below. Eligible voters shall vote at the locations listed below. All eligible voters of the City may vote in the Election.

<u>Precinct No.:</u>	<u>Voting Location Buildings:</u>	<u>Address for Locations:</u>
11, 12, 13, 14	Coastal Bend Fellowship Church Hall	1500 East Caesar Street Kingsville, TX 78363
21, 22, 23, 24	Knights of Columbus Hall, Council 3389	320 East General Cavazos Blvd. Kingsville, TX 78363
31, 32, 33	Elks Lodge #1926	1404 South 6 th Street Kingsville, TX 78363
41, 42, 43, 44	Early Voting Annex Office	720 East King at 12 th Street Kingsville, TX 78363

EXHIBIT B
EARLY VOTING SITES

Early Voting in the City shall be conducted on the dates and hours indicated below at the polling location listed below:

<u>Precinct No.</u>	<u>Dates</u>	<u>Times</u>	<u>Location</u>
11, 12,13,14,21,22 23, 24, 31, 32, 33, 41, 42, 43, and 44	Monday, October 23, 2023 through Wednesday, November 1, 2023	8:00 A.M. to 5:00 P.M.	Early Voting Annex Office 720 East King at 12 th Street Kingsville, TX 78363
11, 12,13,14,21,22 23, 24, 31, 32, 33, 41, 42, 43, and 44	Thursday, November 2, 2023 through Friday, November 3, 2023	7:00 A.M. to 7:00 P.M.	Early Voting Annex Office 720 East King at 12 th Street Kingsville, TX 78363

ORDENANZA #2023-_____

ORDENANZA QUE CONVOCA A ELECCIONES ESPECIALES PARA ELECCIONES A FIN DE ENMENDAR LA CARTA MUNICIPAL, DE CONFORMIDAD CON EL CAPÍTULO 9, CÓDIGO DE GOBIERNO LOCAL, QUE SE LLEVARÁ A CABO EN LA CIUDAD DE KINGSVILLE, TEXAS Y OTROS ASUNTOS RELACIONADOS CON LA MISMA.

POR CUANTO, la Comisión Municipal de la Ciudad de Kingsville, Texas (la "Comisión", por medio del presente encuentra y determina que se debe llevar a cabo elecciones para presentar las enmiendas propuestas a la Carta Municipal de Kingsville existente a los votantes calificados de la Ciudad para su adopción o rechazo de conformidad con la Sección 9.004 (a) del Código de Gobierno Local de Texas (Texas Local Government Code) y otras leyes aplicables y para los fines identificados de aquí en adelante; y

POR CUANTO, la Sección 9.004(b) del Código de Gobierno Local de Texas requiere que se apruebe una ordenanza que ordene que se lleve a cabo dichas elecciones; y

POR CUANTO, la Sección 41.001 del Código Electoral de Texas establece el 7 de noviembre de 2023 como una fecha de elecciones uniforme con el objeto de llevar a cabo las elecciones; y

POR CUANTO, de conformidad con la Sección 9.004(e) del Código de Gobierno Local de Texas, se puede combinar más de una enmienda en una boleta de proposición, siempre y cuando las enmiendas contengan un solo tema; y

POR CUANTO, de conformidad con la Sección 9.004 del Código de Gobierno Local de Texas, se preparará una boleta para las enmiendas a la carta propuestas para que el votante pueda aprobar u oponerse a una o más enmiendas sin tener que aprobar u oponerse a todas las enmiendas; y

POR CUANTO, durante una sesión pública celebrada el 21 de agosto de 2023, la Comisión Municipal consideró y aprobó para votación pública, en la forma de una boleta de proposición, las siguientes Enmiendas a la Carta Municipal; y

POR CUANTO, los órganos de gobierno de otras subdivisiones políticas locales situadas en el Condado de Kleberg, Texas ("el Condado"), también tienen la intención de convocar a elecciones el 7 de noviembre de 2023, y algunas de dichas entidades, y la Ciudad, desean llevar a cabo elecciones conjuntas, según lo permitido por las disposiciones de la Sección 271.002, Código Electoral de Texas;

POR CUANTO, la Comisión Municipal de la Ciudad de Kingsville, Texas, ordena al personal que publique un aviso de elecciones especiales en un periódico de circulación general en la Ciudad el mismo día en cada una de las dos (2) semanas consecutivas, siendo la fecha de la primera publicación no menos de catorce (14) días antes de la fecha de elecciones el 7 de noviembre de 2023, de conformidad con la Sección 9.004 (c) del Código de Gobierno Local de Texas y para cumplir con otros requisitos relacionados con dichas elecciones.

AHORA, POR LO TANTO, ORDÉNESE POR LA COMISIÓN DE LA CIUDAD DE KINGSVILLE, TEXAS:

SECCIÓN 1- ORDEN DE ELECCIONES; PROPOSICIÓN.

La Comisión de la Ciudad de Kingsville por medio del presente ordena que se lleve a cabo elecciones para presentar a los votantes de la Ciudad de Kingsville las enmiendas propuestas a la Carta Municipal, la cual se llevará el martes 7 de noviembre de 2023 (el "Día de las Elecciones"). Que dichas elecciones se llevarán a cabo en los distritos electorales y lugares de votación designados en el Anexo "A" o en cualquier otro

lugar que se designe antes de la elección que se adjunta al presente y formará parte del presente para todos los propósitos, y dichos lugares de votación abrirán a las 7 a. m. y permanecerán abiertos hasta las 7 p. m. del día de las elecciones.

Que, en dichas elecciones, las siguientes enmiendas a la Carta Municipal de la Ciudad de Kingsville ("Medidas") se presentarán a los votantes habilitados de la Ciudad y las boletas oficiales para las elecciones se prepararán de acuerdo con el Código Electoral de Texas para permitir que los electores voten a favor o en contra de la enmienda propuesta, y con el lenguaje de votación ("Proposición") que se expresará sustancialmente de la siguiente manera:

MEDIDA A

Texto de la Enmienda

Enmienda del artículo V, Secciones 1 y 5 de la Carta Municipal, relacionadas con el establecimiento de lugares para los miembros de la comisión y elecciones por mayoría de votos, leyéndose en la parte pertinente lo siguiente:

Sección 1. - Gobierno municipal.

Desde y después de las elecciones regulares de la Ciudad que se llevará a cabo en mayo de 2024, el gobierno municipal de la Ciudad de Kingsville estará integrado por el Alcalde y cuatro (4) Comisionados.

Sección 2. – Duración del mandato.

El Alcalde y cada Comisionado servirán, después de la elección de Comisionados según lo dispuesto a continuación, por un período de dos (2) años y hasta que su sucesor sea elegido y habilitado, a menos que sea destituido del cargo antes según lo dispuesto en este documento.

Sección 5. -Elecciones.

Desde y después de las elecciones regulares de la Ciudad que se llevarán a cabo en mayo de 2024, el alcalde y los cuatro comisionados se presentarán a las elecciones. Después de las elecciones y del escrutinio de los reportes de votación y anuncio de los resultados, el candidato a alcalde que reciba el mayor número de votos en las elecciones será declarado electo; y los cuatro candidatos a Comisionado que reciban el mayor número de votos en las elecciones serán declarados debidamente electos.

BOLETA DE PROPOSICIÓN A

Autorizar que el Artículo V, Secciones 1, 2 y 5 relacionados con la comisión, la duración de los mandatos y las elecciones de la Carta Municipal sean enmendados para establecer mandatos de dos años para los miembros de la comisión y su elección por el mayor número de votos.

A FAVOR ()

EN CONTRA ()

SECCIÓN 2. PERSONAS HABILITADAS PARA VOTAR. Todos los electores habilitados residentes de la Ciudad tendrán el derecho a votar y estarán calificados a votar en las Elecciones.

SECCIÓN 3. ELECCIONES. Por medio del presente, la Comisión autoriza que las Elecciones se lleven a cabo en forma conjunta con otras subdivisiones políticas participantes ubicadas dentro del Condado, y autoriza la celebración de un acuerdo con el Condado, actuando por intermedio de su Administrador de Elecciones, para la realización de las Elecciones como elecciones conjuntas con las otras subdivisiones políticas identificadas en dicho acuerdo (el "Contrato Electoral").

SECCIÓN 4. De conformidad con la Sección 61.012 del Código Electoral de Texas, el Administrador de Elecciones facilitará para las Elecciones por lo menos un sistema de votación que sea accesible en cada sitio de votación utilizado en la Elección. Este sistema de votación accesible será en cumplimiento de la legislación de Texas y las leyes federales que establecen el requisito de facilitar un sistema de votación que permita a los electores con discapacidades físicas emitir su voto en forma confidencial o bajo las condiciones del voto secreto.

SECCIÓN 5. Las elecciones se llevarán a cabo en toda la ciudad de Kingsville, Texas, el 7 de noviembre de 2023, entre las 7:00 a. m. y las 7:00 p. m. Los lugares de votación del día de las elecciones se enumeran en el Anexo A. El Anexo A se modificará para incluir lugares de votación adicionales o diferentes el día de las elecciones que son requeridos para cumplir con el Contrato Electoral y el Código Electoral de Texas.

SECCIÓN 6. La votación anticipada en persona comenzará el 23 de octubre de 2023 y finalizará el 3 de noviembre de 2023. Los lugares de votación anticipada se enumeran en el Anexo B. El Anexo B se modificará para incluir lugares de votación anticipada adicionales o diferentes que son requeridos para cumplir con el Contrato Electoral y el Código Electoral de Texas.

SECCIÓN 7. Los electores pueden emitir su voto anticipado por correo, y la dirección postal del secretario de votación anticipada a la que se enviarán las solicitudes de boletas y las boletas con los votos por correo, es la siguiente:

Mr. Salvador "Sonny" Barrera, III, Oficial Electoral
Kleberg County Courthouse
700 East Klebert Avenue, #111
Kingsville, TX 78364
Atención: Secretario de Votación Anticipada:

SECCIÓN 8. BOLETAS. Las boletas oficiales para dichas elecciones se prepararán de acuerdo con el Código Electoral de Texas para permitir que los electores habilitados voten "A FAVOR" o "EN CONTRA" de las proposiciones anteriormente mencionadas, y las boletas contendrán las disposiciones, las marcas y el idioma correspondientes, según lo requerido por ley; y en dicha proposición se expresará en lo sustancial lo establecido en la sección 1 más arriba.

SECCIÓN 9. AVISO DE ELECCIONES Y CUESTIONES DE PROCEDIMIENTO. La Secretaria de la Ciudad, Mary Valenzuela, o la persona designada deberá dar aviso de dichas elecciones publicando el aviso al menos una vez en por lo menos un periódico de circulación general en la Ciudad; que la Secretaria de la Ciudad, Mary Valenzuela, o la persona designada está autorizada e instruida para proporcionar y entregar todos los suministros electorales necesarios para llevar a cabo dichas elecciones; y que el Presidente de la Comisión emitirá todas las órdenes, mandatos y avisos necesarios para dichas elecciones y los reportes de votación de dicha elección se dirigirán a la Comisión Municipal.

La Secretaria de la Ciudad dará aviso de las Elecciones mediante la publicación del aviso de dichas elecciones en inglés y en español, respectivamente, en la Oficina de la Secretaria de la Ciudad, según lo dispuesto por la ley, publicando una copia de dicho aviso en inglés y en español, respectivamente, en un periódico de la Ciudad como lo exige la ley. Además, de acuerdo con la Sección 9.004 (c) del Código de Gobierno Local, el aviso se publicará en un periódico de circulación general en Kingsville el mismo día, en

cada una de las dos semanas consecutivas, y la primera publicación se hará dentro de los 14 días anteriores del día de las elecciones. El aviso contendrá una copia sustancial de la enmienda propuesta.

La Secretaria de la Ciudad deberá dar aviso de estas elecciones al Secretario del Condado y al registrador de votantes del Condado de Kleberg a más tardar el 22 de agosto de 2023, o, de lo contrario, según lo requerido por ley.

SECCIÓN 10. OTRAS ACCIONES Y CUMPLIMIENTO DE LAS LEYES APLICABLES. El Administrador de la Ciudad y la Secretaria de la Ciudad, en consulta con el Fiscal de la Ciudad, están autorizados e instruidos para tomar cualquier acción adicional necesaria para cumplir con las disposiciones del Código Electoral de Texas u otros estatutos y constituciones estatales y federales para llevar a cabo las elecciones, ya sea que se autorice expresamente o no en este documento.

SECCIÓN 11. DIVISIBILIDAD. Si cualquier parte, sección, subsección, párrafo, oración, cláusula o frase contenida en esta ordenanza se considera inconstitucional o sin vigor y efecto, dicha determinación no afectará la validez de la parte restante de esta ordenanza, sino que en todos los aspectos dicha parte restante será y permanecerá en pleno vigor y efecto.

SECCIÓN 12. INCORPORACIÓN DE LOS CONSIDERANDOS. Los considerandos contenidos en el preámbulo del presente son verdaderos, y tales considerandos se incluyen en esta Ordenanza para todos los propósitos y se adoptan como parte del juicio y conclusiones de la Comisión.

SECCIÓN 13. CONTROLES DE LA ORDENANZA. Todas las órdenes y resoluciones o partes de las mismas que estén en conflicto o sean incompatibles con cualquier disposición de esta Ordenanza quedan derogadas en la medida de tal conflicto y las disposiciones de esta Ordenanza seguirán prevaleciendo en cuanto a las cuestiones ordenadas en este documento.

SECCIÓN 14. Ley. Esta Ordenanza se interpretará y se hará cumplir de conformidad con las leyes del Estado de Texas y los Estados Unidos de América.

SECCIÓN 15. Sesiones públicas. Por medio del presente se encuentra y determina oficialmente que la sesión en la que fue aprobada esta Ordenanza fue abierta al público, habiéndose dado un aviso público del lugar, hora y objeto de los asuntos públicos a ser considerados en dicha sesión, incluida esta Ordenanza, de conformidad con lo requerido por el Capítulo 551 del Código del Gobierno de Texas.

SECCIÓN 16. FECHA DE ENTRADA EN VIGOR. Esta ordenanza entrará en vigor y surtirá efecto desde y después de la fecha de su adopción, y así se ha ordenado.

QUEDA FINALMENTE RESUELTO que, de acuerdo con la orden de este órgano de gobierno, la Secretaria de la Ciudad, Mary Valenzuela, publicó un aviso por escrito dando a conocer la fecha, lugar y objeto de esta sesión, y dicho aviso se publicó y permaneció publicado en forma continua durante al menos 72 horas con anterioridad a la hora programada de dicha sesión.

APROBADO Y ORDENADO, por mayoría de votos de la Comisión de la Ciudad de Kingsville, Texas, en este día 21 de agosto de 2023.

CIUDAD DE KINGSVILLE, TEXAS

Sam R. Fugate – Alcalde

DOY FE:

Mary Valenzuela
Secretaria de la Ciudad

(SELLO DE LA CIUDAD)

ANEXO A
SITIOS DEL DÍA DE LAS ELECCIONES

La Votación en el Día de las Elecciones en la Ciudad se llevará a cabo el 7 de noviembre de 2023 desde las 7:00 A. M. hasta las 7:00 P. M. en los sitios de votación. Los votantes calificados para votar lo harán en los lugares enumerados a continuación. Todos los votantes calificados para votar de la Ciudad pueden votar en las elecciones.

<u>Distrito Electoral No.:</u>	<u>Instalaciones de lugares de votación:</u>	<u>Dirección de lugares:</u>
11, 12, 13, 14	Coastal Bend Fellowship Church Hall	1500 East Caesar Street Kingsville, TX 78363
21, 22, 23, 24	Knights of Columbus Hall, Council 3389	320 East General Cavazos Blvd. Kingsville, TX 78363
31, 32, 33	Elks Lodge #1926	1404 South 6 th Street Kingsville, TX 78363
41, 42, 43, 44	Early Voting Annex Office	720 East King at 12 th Street Kingsville, TX 78363

ANEXO B

SITIOS DE VOTACIÓN ANTICIPADA

La Votación Anticipada en la Ciudad se llevará a cabo en las fechas, horas y lugares de votación enumerados a continuación.

<u>Circunscripción No.</u>	<u>Fechas</u>	<u>Horas</u>	<u>Lugar</u>
11, 12,13,14,21,22 23, 24, 31, 32, 33, 41, 42, 43, y 44	Lunes 23 de octubre de 2023 a Miércoles 1 de noviembre de 2023	8:00 A. M. a 5:00 P. M.	Early Voting Annex Office 720 East King at 12 th Street Kingsville, TX 78363
11, 12,13,14,21,22 23, 24, 31, 32, 33, 42, 43, y 44	Jueves 2 de noviembre de 2023 a Viernes 3 de noviembre de 2023	7:00 A. M. a 7:00 P. M.	Early Voting Annex Office 720 East King at 12 th Street, 41, Kingsville, TX 78363

ORDINANCE #2023-_____

**ORDINANCE CALLING A SPECIAL ELECTION FOR A CHARTER
AMENDMENT ELECTION IN ACCORDANCE WITH CHAPTER 9, LOCAL
GOVERNMENT CODE, TO BE HELD IN THE CITY OF KINGSVILLE, TEXAS
AND OTHER MATTERS RELATED THERETO**

WHEREAS, the City Commission of the City of Kingsville, Texas (the “Commission”) hereby finds and determines that an election should be held to submit proposed amendments to the existing City Charter of the City of Kingsville to the qualified voters of the City for their adoption or rejection thereof pursuant to Section 9.004(a) of the Texas Local Government Code and other applicable law and for the purposes hereinafter identified; and

WHEREAS, Section 9.004(b) of the Texas Local Government Code requires that an ordinance be approved ordering said election to be held; and

WHEREAS, Section 41.001 of the Texas Election Code establishes November 7, 2023, as a uniform election date for the purposes of conducting an election; and

WHEREAS, pursuant to Texas Local Government Code Section 9.004(e), more than one amendment may be combined in one ballot proposition as long as the amendments contain only one subject; and

WHEREAS, pursuant to the Texas Local Government Code Section 9.004 a ballot for proposed charter amendments shall be prepared so that a voter may approve or disapprove any one or more amendments without having to approve or disapprove all of the amendments; and

WHEREAS, during a public meeting held on August 21, 2023, the City Commission considered and approved for public vote, in the form of a ballot proposition, the following Charter Amendments; and

WHEREAS, the governing bodies of other local political subdivisions situated in Kleberg County, Texas (“County”), also intend to call an election on November 7, 2023, and certain of such entities, and the City, wish to hold a joint election as permitted by the provisions of Section 271.002, Texas Election Code;

WHEREAS, the City Commission of the City of Kingsville, Texas hereby directs staff to publish notice of the special charter election in a newspaper of general circulation in the City on the same day in each of two (2) consecutive weeks, the date of the first publication to be not less than fourteen (14) days prior to the date of the November 7, 2023 election, in compliance with Section 9.004(c) of the Texas Local Government Code and to carry out other requirements related to such election.

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

SECTION 1- ELECTION ORDERED; PROPOSITION.

The Kingsville City Commission does hereby order an election to submit to the voters of the City of Kingsville proposed amendments to the City Charter, to be held on Tuesday, November 7, 2023 (the “Election Day”). That such election shall be held at the precincts and the polling places designated in Exhibit “A” or such other location as may be designated prior to the election attached hereto and made a part hereof for all purposes, and said polling places shall open at 7a.m. and remain open until 7p.m. on the day of the election.

That, at such election, the following amendments to the Charter of the City of Kingsville (“Measures”) shall be submitted to the qualified voters of the City and official ballots for the election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote for or against the proposed amendment, and with such ballot language (“Proposition”) to be expressed substantially as follows:

MEASURE A

Text of Amendment

Amending Article V, Sections 1 & 5 of the City Charter, relating to establishment of commission member places and election by majority vote to read in pertinent part as follows:

Section 1. - Municipal government.

From and after the regular City election to be held in May 2024, the municipal government of the City of Kingsville shall consist of the Mayor and four (4) Commissioner, which shall be numbered Places one through four (1-4).

Section 5. - Elections.

From and after the regular City election to be held in May 2024, the Mayor and all four Commissioners shall stand for election. After the election and canvass of the returns and declaration of results, the candidates for the respective offices shall be elected by a simple majority vote. A simple majority vote is defined as fifty (50) percent plus at least one (1) vote of the votes cast in the election for the respective position. In the event no candidate shall receive a majority of the votes cast, the governing body shall call a runoff election in the manner provided by state law.

BALLOT PROPOSITION A

Authorizing Article V, Sections 1 & 5 relating to the commission and elections of the City Charter be amended to establish commission member places and election by majority vote.

FOR ()

AGAINST ()

SECTION 2. PERSONS QUALIFIED TO VOTE. All resident, qualified electors of the City shall be eligible to vote at the Election.

SECTION 3. ELECTION. The Commission hereby authorizes the Election to be held jointly with other participating political subdivisions located within the County, and authorizes the execution of an agreement with the County, acting through its Elections Administrator, for conduct of the Election as a joint election with the other political subdivisions identified in such agreement (the “Election Contract”).

SECTION 4. Pursuant to Section 61.012, Texas Election Code, the Kleberg County Elections Administrator shall provide at least one accessible voting system in each polling place used in the Election. Such voting system shall comply with Texas and federal laws establishing the requirements for voting systems that permit voters with physical disabilities to cast a confidential or secret ballot.

SECTION 5. The election shall be held in and throughout the City of Kingsville, Texas, on November 7, 2023, between the hours of 7:00 a.m. and 7:00 p.m. Election day voting locations are listed in Exhibit A. Exhibit A shall be modified to include additional or different election day voting locations required to conform to the Election Contract and the Texas Election Code.

SECTION 6. Early voting by personal appearance will begin on October 23, 2023 and end on November 3, 2023. Early voting locations are listed in Exhibit B. Exhibit B shall be modified to include additional or different early voting locations required to conform to the Election Contract and the Texas Election Code.

SECTION 7. Electors may cast their early vote by mail, and the early voting clerk's mailing address to which ballot applications and ballots voted by mail shall be sent to, is as follows:

Mr. Salvador "Sonny" Barrera, III, Election Official
Kleberg County Courthouse
700 East Klebert Avenue, #111
Kingsville, Texas 78364
Attention: Early Voting Clerk

SECTION 8. BALLOTS. The official ballots shall be prepared in accordance with the Texas Election Code so as to permit qualified voters to vote "FOR" or "AGAINST" the aforesaid propositions which shall appear on the ballot to contain such provisions, markings and language as required by law, and with the proposition to be expressed substantially as set forth in section 1, above.

SECTION 9. NOTICE OF ELECTION AND PROCEDURAL MATTERS. The City Secretary Mary Valenzuela or designated person shall give notice of said election by publishing the notice at least one time in at least one newspaper of general circulation in the City; that the City Secretary Mary Valenzuela or designated person is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election; and that the Presiding Officer of the Commission shall issue all necessary orders, writs and notices for said election and returns of said election shall be made to the City Commission.

The City Secretary shall give notice of the Election by posting a notice of such election in English and Spanish in the Office of the City Secretary as provided by law and by publishing a copy of said notice in both English and Spanish in a newspaper in the City as required by law. Additionally, in accordance with Section 9.004(c) of the Local Government Code, notice shall be published in a newspaper of general circulation in Kingsville on the same day, in each of two consecutive weeks, with the first publication occurring on or before the 14th day before election day. The notice shall contain a substantial copy of the proposed amendment.

The City Secretary shall deliver notice of this election to the County Clerk and voter registrar of Kleberg County no later than August 22, 2023, or as otherwise required by law.

SECTION 10. OTHER ACTION AND COMPLIANCW WITH APPLICABLE LAWS. The City Manager and City Secretary, in consultation with the City Attorney, are hereby authorized and directed to take any additional action necessary to comply with provisions of the Texas Election Code or other state and federal statutes and constitutions in carrying out the conduct of the election, whether or not expressly authorized herein.

SECTION 11. SEVERABILITY. That should any part, section, subsection, paragraph, sentence, clause or phrase contained in this ordinance be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this ordinance, but in all respects said remaining portion shall be and remain in full force and effect.

SECTION 12. INCORPORATION OF RECITALS. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Commission.

SECTION 13. ORDINANCE CONTROLS. All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordered herein.

SECTION 14. Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 15. Open Meetings. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code.

SECTION 16. EFFECTIVE DATE. This ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

BE IT FINALLY RESOLVED that in accordance with the order of this governing body, the City Secretary Mary Valenzuela posted written notice of the date, place and subject of this meeting, and said notice having been so posted and remaining posted and continuously for at least 72 hours preceding the scheduled time of said meeting.

PASSED AND APPROVED, by majority vote of the City Commission of the City of Kingsville, Texas, this the 21st day of August, 2023.

CITY OF KINGSVILLE, TEXAS

Sam R. Fugate
Mayor

ATTEST:

Mary Valenzuela
City Secretary

(CITY SEAL)

EXHIBIT A
ELECTION DAY SITES

Election Day Voting in the City shall be conducted on the 7th day of November 2023 between the hours of 7:00 A.M. and 7:00 P.M. at the polling locations listed below. Eligible voters shall vote at the locations listed below. All eligible voters of the City may vote in the Election.

<u>Precinct No.:</u>	<u>Voting Location Buildings:</u>	<u>Address for Locations:</u>
11, 12, 13, 14	Coastal Bend Fellowship Church Hall	1500 East Caesar Street Kingsville, TX 78363
21, 22, 23, 24	Knights of Columbus Hall, Council 3389	320 East General Cavazos Blvd. Kingsville, TX 78363
31, 32, 33	Elks Lodge #1926	1404 South 6 th Street Kingsville, TX 78363
41, 42, 43, 44	Early Voting Annex Office	720 East King at 12 th Street Kingsville, TX 78363

EXHIBIT B
EARLY VOTING SITES

Early Voting in the City shall be conducted on the dates and hours indicated below at the polling location listed below:

<u>Precinct No.</u>	<u>Dates</u>	<u>Times</u>	<u>Location</u>
11, 12,13,14,21,22 23, 24, 31, 32, 33, 41, 42, 43, and 44	Monday, October 23, 2023 through Wednesday, November 1, 2023	8:00 A.M. to 5:00 P.M.	Early Voting Annex Office 720 East King at 12 th Street Kingsville, TX 78363
11, 12,13,14,21,22 23, 24, 31, 32, 33, 41, 42, 43, and 44	Thursday, November 2, 2023 through Friday, November 3, 2023	7:00 A.M. to 7:00 P.M.	Early Voting Annex Office 720 East King at 12 th Street Kingsville, TX 78363

ORDENANZA #2023-_____

ORDENANZA QUE CONVOCA A ELECCIONES ESPECIALES PARA ELECCIONES A FIN DE ENMENDAR LA CARTA MUNICIPAL, DE CONFORMIDAD CON EL CAPÍTULO 9, CÓDIGO DE GOBIERNO LOCAL, QUE SE LLEVARÁ A CABO EN LA CIUDAD DE KINGSVILLE, TEXAS Y OTROS ASUNTOS RELACIONADOS CON LA MISMA.

POR CUANTO, la Comisión Municipal de la Ciudad de Kingsville, Texas (la "Comisión", por medio del presente encuentra y determina que se debe llevar a cabo elecciones para presentar las enmiendas propuestas a la Carta Municipal de Kingsville existente a los votantes calificados de la Ciudad para su adopción o rechazo de conformidad con la Sección 9.004 (a) del Código de Gobierno Local de Texas (Texas Local Government Code) y otras leyes aplicables y para los fines identificados de aquí en adelante; y

POR CUANTO, la Sección 9.004(b) del Código de Gobierno Local de Texas requiere que se apruebe una ordenanza que ordene que se lleve a cabo dichas elecciones; y

POR CUANTO, la Sección 41.001 del Código Electoral de Texas establece el 7 de noviembre de 2023 como una fecha de elecciones uniforme con el objeto de llevar a cabo las elecciones; y

POR CUANTO, de conformidad con la Sección 9.004(e) del Código de Gobierno Local de Texas, se puede combinar más de una enmienda en una boleta de proposición, siempre y cuando las enmiendas contengan un solo tema; y

POR CUANTO, de conformidad con la Sección 9.004 del Código de Gobierno Local de Texas, se preparará una boleta para las enmiendas a la carta propuestas para que el votante pueda aprobar u oponerse a una o más enmiendas sin tener que aprobar u oponerse a todas las enmiendas; y

POR CUANTO, durante una sesión pública celebrada el 21 de agosto de 2023, la Comisión Municipal consideró y aprobó para votación pública, en la forma de una boleta de proposición, las siguientes Enmiendas a la Carta Municipal; y

POR CUANTO, los órganos de gobierno de otras subdivisiones políticas locales situadas en el Condado de Kleberg, Texas ("el Condado"), también tienen la intención de convocar a elecciones el 7 de noviembre de 2023, y algunas de dichas entidades, y la Ciudad, desean llevar a cabo elecciones conjuntas, según lo permitido por las disposiciones de la Sección 271.002, Código Electoral de Texas;

POR CUANTO, la Comisión Municipal de la Ciudad de Kingsville, Texas, ordena al personal que publique un aviso de elecciones especiales en un periódico de circulación general en la Ciudad el mismo día en cada una de las dos (2) semanas consecutivas, siendo la fecha de la primera publicación no menos de catorce (14) días antes de la fecha de elecciones el 7 de noviembre de 2023, de conformidad con la Sección 9.004 (c) del Código de Gobierno Local de Texas y para cumplir con otros requisitos relacionados con dichas elecciones.

AHORA, POR LO TANTO, ORDÉNESE POR LA COMISIÓN DE LA CIUDAD DE KINGSVILLE, TEXAS:

SECCIÓN 1- ORDEN DE ELECCIONES; PROPOSICIÓN.

La Comisión de la Ciudad de Kingsville por medio del presente ordena que se lleve a cabo elecciones para presentar a los votantes de la Ciudad de Kingsville las enmiendas propuestas a la Carta Municipal, la cual se llevará el martes 7 de noviembre de 2023 (el "Día de las Elecciones"). Que dichas elecciones se llevarán a cabo en los distritos electorales y lugares de votación designados en el Anexo "A" o en cualquier otro

lugar que se designe antes de la elección que se adjunta al presente y formará parte del presente para todos los propósitos, y dichos lugares de votación abrirán a las 7 a. m. y permanecerán abiertos hasta las 7 p. m. del día de las elecciones.

Que, en dichas elecciones, las siguientes enmiendas a la Carta Municipal de la Ciudad de Kingsville ("Medidas") se presentarán a los votantes habilitados de la Ciudad y las boletas oficiales para las elecciones se prepararán de acuerdo con el Código Electoral de Texas para permitir que los electores voten a favor o en contra de la enmienda propuesta, y con el lenguaje de votación ("Proposición") que se expresará sustancialmente de la siguiente manera:

MEDIDA A

Texto de la Enmienda

Enmienda del Artículo V, Secciones 1 y 5 de la Carta Municipal, relacionada con el establecimiento de lugares para los miembros de la comisión y la elección por mayoría de votos, leyéndose en la parte pertinente lo siguiente:

Sección 1. - Gobierno municipal.

Desde y después de las elecciones ordinarias de la Ciudad que se llevarán a cabo en mayo de 2024, el gobierno municipal de la Ciudad de Kingsville estará integrado por el Alcalde y cuatro (4) Comisionados, los cuales irán numerados como Lugares uno al cuatro (1 al 4).

Sección 5. -Elecciones.

Desde y después de las elecciones ordinarias de la Ciudad que se llevarán a cabo en mayo de 2024, el Alcalde y los cuatro Comisionados se presentarán a las elecciones. Después de la elecciones y del escrutinio de los reportes de votación y anuncio de los resultados, los candidatos a los respectivos cargos serán elegidos por el sistema de una mayoría simple de votos. Una mayoría simple de votos se define como el cincuenta por ciento (50) más uno (1) de los votos emitidos en las elecciones para la respectiva posición. En el caso que ningún candidato reciba la mayoría de los votos emitidos, el órgano rector convocará a elecciones de segunda vuelta en la forma prevista por la ley estatal.

BOLETA DE PROPOSICIÓN A

Autorizar que el Artículo V, Secciones 1 y 5 relacionados con la comisión y las elecciones de la Carta Municipal sean enmendados para establecer los lugares para los miembros de la comisión y su elección por el sistema de una mayoría de votos.

A FAVOR ()

EN CONTRA ()

SECCIÓN 2. PERSONAS HABILITADAS PARA VOTAR. Todos los electores habilitados residentes de la Ciudad tendrán el derecho a votar y estarán calificados a votar en las Elecciones.

SECCIÓN 3. ELECCIONES. Por medio del presente, la Comisión autoriza que las Elecciones se lleven a cabo en forma conjunta con otras subdivisiones políticas participantes ubicadas dentro del Condado, y autoriza la celebración de un acuerdo con el Condado, actuando por intermedio de su Administrador de Elecciones, para la realización de las Elecciones como elecciones conjuntas con las otras subdivisiones políticas identificadas en dicho acuerdo (el "Contrato Electoral").

SECCIÓN 4. De conformidad con la Sección 61.012 del Código Electoral de Texas, el Administrador de Elecciones facilitará para las Elecciones por lo menos un sistema de votación que sea accesible en cada sitio de votación utilizado en la Elección. Este sistema de votación accesible será en cumplimiento de la legislación de Texas y las leyes federales que establecen el requisito de facilitar un sistema de votación que permita a los electores con discapacidades físicas emitir su voto en forma confidencial o bajo las condiciones del voto secreto.

SECCIÓN 5. Las elecciones se llevarán a cabo en toda la ciudad de Kingsville, Texas, el 7 de noviembre de 2023, entre las 7:00 a. m. y las 7:00 p. m. Los lugares de votación del día de las elecciones se enumeran en el Anexo A. El Anexo A se modificará para incluir lugares de votación adicionales o diferentes el día de las elecciones que son requeridos para cumplir con el Contrato Electoral y el Código Electoral de Texas.

SECCIÓN 6. La votación anticipada en persona comenzará el 23 de octubre de 2023 y finalizará el 3 de noviembre de 2023. Los lugares de votación anticipada se enumeran en el Anexo B. El Anexo B se modificará para incluir lugares de votación anticipada adicionales o diferentes que son requeridos para cumplir con el Contrato Electoral y el Código Electoral de Texas.

SECCIÓN 7. Los electores pueden emitir su voto anticipado por correo, y la dirección postal del secretario de votación anticipada a la que se enviarán las solicitudes de boletas y las boletas con los votos por correo, es la siguiente:

Mr. Salvador "Sonny" Barrera, III, Oficial Electoral
Kleberg County Courthouse
700 East Klebert Avenue, #111
Kingsville, TX 78364
Atención: Secretario de Votación Anticipada:

SECCIÓN 8. BOLETAS. Las boletas oficiales para dichas elecciones se prepararán de acuerdo con el Código Electoral de Texas para permitir que los electores habilitados voten "A FAVOR" o "EN CONTRA" de las proposiciones anteriormente mencionadas, y las boletas contendrán las disposiciones, las marcas y el idioma correspondientes, según lo requerido por ley; y en dicha proposición se expresará en lo sustancial lo establecido en la sección 1 más arriba.

SECCIÓN 9. AVISO DE ELECCIONES Y CUESTIONES DE PROCEDIMIENTO. La Secretaria de la Ciudad, Mary Valenzuela, o la persona designada deberá dar aviso de dichas elecciones publicando el aviso al menos una vez en por lo menos un periódico de circulación general en la Ciudad; que la Secretaria de la Ciudad, Mary Valenzuela, o la persona designada está autorizada e instruida para proporcionar y entregar todos los suministros electorales necesarios para llevar a cabo dichas elecciones; y que el Presidente de la Comisión emitirá todas las órdenes, mandatos y avisos necesarios para dichas elecciones y los reportes de votación de dicha elección se dirigirán a la Comisión Municipal.

La Secretaria de la Ciudad dará aviso de las Elecciones mediante la publicación del aviso de dichas elecciones en inglés y en español, respectivamente, en la Oficina de la Secretaria de la Ciudad, según lo dispuesto por la ley, publicando una copia de dicho aviso en inglés y en español, respectivamente, en un periódico de la Ciudad como lo exige la ley. Además, de acuerdo con la Sección 9.004 (c) del Código de Gobierno Local, el aviso se publicará en un periódico de circulación general en Kingsville el mismo día, en cada una de las dos semanas consecutivas, y la primera publicación se hará dentro de los 14 días anteriores del día de las elecciones. El aviso contendrá una copia sustancial de la enmienda propuesta.

La Secretaria de la Ciudad deberá dar aviso de estas elecciones al Secretario del Condado y al registrador de votantes del Condado de Kleberg a más tardar el 22 de agosto de 2023, o, de lo contrario, según lo requerido por ley.

SECCIÓN 10. OTRAS ACCIONES Y CUMPLIMIENTO DE LAS LEYES APLICABLES. El Administrador de la Ciudad y la Secretaria de la Ciudad, en consulta con el Fiscal de la Ciudad, están autorizados e instruidos para tomar cualquier acción adicional necesaria para cumplir con las disposiciones del Código Electoral de Texas u otros estatutos y constituciones estatales y federales para llevar a cabo las elecciones, ya sea que se autorice expresamente o no en este documento.

SECCIÓN 11. DIVISIBILIDAD. Si cualquier parte, sección, subsección, párrafo, oración, cláusula o frase contenida en esta ordenanza se considera inconstitucional o sin vigor y efecto, dicha determinación no afectará la validez de la parte restante de esta ordenanza, sino que en todos los aspectos dicha parte restante será y permanecerá en pleno vigor y efecto.

SECCIÓN 12. INCORPORACIÓN DE LOS CONSIDERANDOS. Los considerandos contenidos en el preámbulo del presente son verdaderos, y tales considerandos se incluyen en esta Ordenanza para todos los propósitos y se adoptan como parte del juicio y conclusiones de la Comisión.

SECCIÓN 13. CONTROLES DE LA ORDENANZA. Todas las órdenes y resoluciones o partes de las mismas que estén en conflicto o sean incompatibles con cualquier disposición de esta Ordenanza quedan derogadas en la medida de tal conflicto y las disposiciones de esta Ordenanza seguirán prevaleciendo en cuanto a las cuestiones ordenadas en este documento.

SECCIÓN 14. Ley. Esta Ordenanza se interpretará y se hará cumplir de conformidad con las leyes del Estado de Texas y los Estados Unidos de América.

SECCIÓN 15. Sesiones públicas. Por medio del presente se encuentra y determina oficialmente que la sesión en la que fue aprobada esta Ordenanza fue abierta al público, habiéndose dado un aviso público del lugar, hora y objeto de los asuntos públicos a ser considerados en dicha sesión, incluida esta Ordenanza, de conformidad con lo requerido por el Capítulo 551 del Código del Gobierno de Texas.

SECCIÓN 16. FECHA DE ENTRADA EN VIGOR. Esta ordenanza entrará en vigor y surtirá efecto desde y después de la fecha de su adopción, y así se ha ordenado.

QUEDA FINALMENTE RESUELTO que, de acuerdo con la orden de este órgano de gobierno, la Secretaria de la Ciudad, Mary Valenzuela, publicó un aviso por escrito dando a conocer la fecha, lugar y objeto de esta sesión, y dicho aviso se publicó y permaneció publicado en forma continua durante al menos 72 horas con anterioridad a la hora programada de dicha sesión.

APROBADO Y ORDENADO, por mayoría de votos de la Comisión de la Ciudad de Kingsville, Texas, en este día 21 de agosto de 2023.

CIUDAD DE KINGSVILLE, TEXAS

Sam R. Fugate – Alcalde

DOY FE:

Mary Valenzuela
Secretaria de la Ciudad

(SELLO DE LA CIUDAD)

ANEXO A
SITIOS DEL DÍA DE LAS ELECCIONES

La Votación en el Día de las Elecciones en la Ciudad se llevará a cabo el 7 de noviembre de 2023 desde las 7:00 A. M. hasta las 7:00 P. M. en los sitios de votación. Los votantes calificados para votar lo harán en los lugares enumerados a continuación. Todos los votantes calificados para votar de la Ciudad pueden votar en las elecciones.

<u>Distrito Electoral No.:</u>	<u>Instalaciones de lugares de votación:</u>	<u>Dirección de lugares:</u>
11, 12, 13, 14	Coastal Bend Fellowship Church Hall	1500 East Caesar Street Kingsville, TX 78363
21, 22, 23, 24	Knights of Columbus Hall, Council 3389	320 East General Cavazos Blvd. Kingsville, TX 78363
31, 32, 33	Elks Lodge #1926	1404 South 6 th Street Kingsville, TX 78363
41, 42, 43, 44	Early Voting Annex Office	720 East King at 12 th Street Kingsville, TX 78363

ANEXO B
SITIOS DE VOTACIÓN ANTICIPADA

La Votación Anticipada en la Ciudad se llevará a cabo en las fechas, horas y lugares de votación enumerados a continuación.

<u>Circunscripción No.</u>	<u>Fechas</u>	<u>Horas</u>	<u>Lugar</u>
11, 12,13,14,21,22 23, 24, 31, 32, 33, 41, 42, 43, y 44	Lunes 23 de octubre de 2023 a Miércoles 1 de noviembre de 2023	8:00 A. M. a 5:00 P. M.	Early Voting Annex Office 720 East King at 12 th Street Kingsville, TX 78363
11, 12,13,14,21,22 23, 24, 31, 32, 33, 42, 43, y 44	Jueves 2 de noviembre de 2023 a Viernes 3 de noviembre de 2023	7:00 A. M. a 7:00 P. M.	Early Voting Annex Office 720 East King at 12 th Street, 41, Kingsville, TX 78363

AGENDA ITEM #5

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Bradley Lile, Interim Chief of Police

DATE: August 15, 2023

SUBJECT: FY2023-2024 Operation Lone Star Grant Program (OLS)

Summary:

The Kingsville Police Department is requesting a resolution to apply for and if awarded to accept and expend FY2023-2024 Operation Lone Star Grant Program (OLS) funds.

Background:

The purpose of the program is to enhance interagency border security operations supporting Operation Lone Star including the facilitation of directed actions to deter and interdict criminal activity and detain non-citizen inmates. Program participants shall assist in the execution of coordinated border security operations in an effort to:

Law Enforcement

1. Increase the effectiveness and impact of Operation Lone Star.
2. Reduce border-related criminal activity in Texas.
3. Implement and increase the effectiveness of operational methods, measures, and techniques for outbound/southbound operations.
4. Decrease the supply of drugs smuggled into and through Texas from Mexico.
5. Disrupt and deter operations of gang and cartel criminal organizations.
6. Decrease specifically targeted tactics (such as conveyance methods) for drugs in the Texas border region.
7. Decrease use of specific areas for crime as targeted in directed action missions.
8. Increase the effectiveness of directed action missions based upon intelligence and analysis to ensure they target the most serious threats and are conducted in high pay-off areas.
9. Increase the number and quality of analytical intelligence products developed at the Unified Command and state levels.
10. Increase coordination between local and state law enforcement agencies in planning, execution, and analysis of border security operations

Financial Impact:



City of Kingsville Police Department

Funding may be used to provide additional personnel, equipment, supplies, contractual support, travel, and training in support of Operation Lone Star activities, including for any one or more of the following activities.

Operation Lone Star - Law Enforcement. Activities related to law enforcement operations in support of OLS:

- **LAW ENFORCEMENT PERSONNEL - OVERTIME**

- o Overtime for increased patrol, search and rescue, recovery operations, and/or investigative capacity for certified peace officers.
- o Overtime for law enforcement support personnel. These costs may include overtime for personnel necessary to support officers that are on patrol and participating in Operation Lone Star, such as Communications Officer/Dispatcher overtime necessary to maintain a safe Officer to Dispatcher ratio.
- o Overtime for non-exempt administrative personnel supporting Operation Lone Star.
- o Overtime backfill costs for non-border county agencies directly supporting OLS. Agencies must upload a letter of support from the border county for which the nonborder county intends to provide law enforcement personnel.

- **LAW ENFORCEMENT PERSONNEL – REGULAR or STRAIGHT-TIME & TEMPORARY POSITIONS**

- o Augmentees: Personnel costs for law enforcement personnel who are not regular employees of a funded agency, but are brought on as needed to specifically cover border security operations so that there can be a force multiplier during Operation Lone Star.
- o Regular time for law enforcement personnel working border operations. Grant funds must be used to supplement existing funds and not supplant funds that have been budgeted for the same purpose.
- o Part-time to Full-Time: Personnel costs for part-time law enforcement personnel in order to bring them to temporary full-time status.
- o Regular time for administrative personnel supporting OLS law enforcement activities.
- o Hiring or contracting temporary staff to support OLS law enforcement activities.
- o Personnel backfill costs for non-border county agencies directly supporting OLS. Agencies must upload a letter of support from the border county for which the nonborder county intends to provide law enforcement personnel.

- **LAW ENFORCEMENT - EQUIPMENT & TECHNOLOGY**

- o Costs for equipment, technology, or the rental of equipment, which will benefit the border security mission and will be routinely utilized during Operation Lone Star.

- **LAW ENFORCEMENT - SUPPLIES and DIRECT OPERATING EXPENSE**

- o General office supplies and program supplies related to OLS law enforcement activities.



City of Kingsville Police Department

Operational costs are also allowable, such as vehicle operating costs or costs for minor emergency repairs as described below, or for other services preapproved by the PSO that are critical to success of the program. Examples include:

- ♣ The cost of fuel, lubricants, and minor emergency repairs or maintenance for vehicles, aircraft, boats, generators, and similar equipment used during the hours in which grant-funded staff are working.
- ♣ Only actual expenses supported by invoiced gas, oil, and repair or maintenance receipts may be reimbursed under this grant.
- ♣ Maintenance costs must be prorated to show the usage of vehicles or equipment for regular law enforcement duties as compared to usage while officers are working grant-paid patrols.

- **LAW ENFORCEMENT – TRAVEL & TRAINING**

- o Travel, per diem, and lodging costs associated with personnel, augmentees, or contractors engaged in OLS activities.

The grant for “Operation Lone Star” is a reimbursement type has a minimum funding level of \$5,000 with no maximum and does not require any cash match.

Recommendation:

The City of Kingsville Commission approve the resolution for our application and administration and award of this grant.

Please place this on the next available agenda. Thank you for your assistance regarding this matter.





Office of the Governor, Public Safety Office
Homeland Security Grants Division
Funding Announcement: ***FY2024 Operation Lone
Star Grant Program (OLS)***

Purpose

The Public Safety Office (PSO) is soliciting grant applications for local projects that support Operation Lone Star.

The purpose of the program is to enhance interagency border security operations supporting Operation Lone Star including the facilitation of directed actions to deter and interdict criminal activity and detain inmates. Program participants shall assist in the execution of coordinated border security operations to:

Law Enforcement

1. Increase the effectiveness and impact of Operation Lone Star.
2. Reduce border-related criminal activity in Texas.
3. Implement and increase the effectiveness of operational methods, measures, and techniques for outbound/southbound operations.
4. Decrease the supply of drugs smuggled into and through Texas from Mexico.
5. Disrupt and deter operations of gang and cartel criminal organizations.
6. Decrease specifically targeted tactics (such as conveyance methods) for drugs in the Texas border region.
7. Decrease use of specific areas for crime as targeted in directed action missions.
8. Increase the effectiveness of directed action missions based upon intelligence and analysis to ensure they target the most serious threats and are conducted in high pay-off areas.
9. Increase the number and quality of analytical intelligence products developed at the Unified Command and state levels.
10. Increase coordination between local and state law enforcement agencies in planning, execution, and analysis of border security operations.

Jail Operations

11. Increase capacity for detention operations and other supporting functions associated with increased criminal activity due to surges in illegal migration.

Human Remains Processing

12. Support county medical examiner offices in the humane processing of the remains of undocumented migrants.

Court Administration

13. Increase capacity and expediency in the case preparation, magistration, pre/post-adjudication proceedings, and criminal trials of OLS defendants.

Fire/EMS Operations

14. Increase capacity for fire/EMS operations in direct support of OLS.

Available Funding

State funds for these projects are authorized under the Texas General Appropriations Act, Article I, for Trusted Programs within the Office of the Governor. All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law.

Eligible Organizations

1. Units of local government; and
2. Federally Recognized Native American tribes.
3. Eligible applicants must be a county or a municipality located in a county that has issued a disaster declaration relating to border security.
4. Preference will be given to eligible applicants within or providing support services to a County that is:
 - a) adjacent to or a portion of which are located within 20 miles of an international border;
 - b) adjacent to two counties located on an international border with a population of more than 5,000 and less than 7,500 according to the most recent federal decennial census; or
 - c) adjacent to the Gulf Intracoastal Waterway, as defined by Section 51.002, Transportation Code;
5. Jurisdictions not physically located within a county described in item 4. above (border county), but applying to provide support services to a jurisdiction that is physically located within a border county must submit a letter of support, memorandum of understanding or other similar documentation from the border county(ies) requesting their supportive services.

Application Process

Applicants must access the Office of the Governor's eGrants grant management website at <https://eGrants.gov.texas.gov> to register and apply for funding. Additional requirements are included within the online application.

Note for All Applicants: Applicants must upload the required Texas Direct Deposit Authorization Form, Texas Application for Payee Identification Number Form, and the IRS W9 Form for each application prior to submission. The eGrants system will not allow an application to be submitted until these forms are attached to the application. These forms are available for download from eGrants at

<https://egrants.gov.texas.gov/updates.aspx> under the Financial Management section of “Forms and Guides” or from the “Forms” link on the Profile/Grant.Vendor tab within the grant application.

Key Dates

Action	Date
Funding Announcement Release	06/09/2023
Online System Opening Date	06/09/2023
Final Date to Submit and Certify an Application	08/11/2023 at 5:00pm CST
Earliest Project Start Date	09/01/2023

Project Period

Projects must begin on or after 09/01/2023 and may not exceed 08/31/2024.

Funding Levels

Minimum: \$5,000

Maximum: None

Match Requirement: None

Standards

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

Eligible Activities & Costs

Funding may be used to provide additional personnel, equipment, supplies, contractual support, travel, and training in support of **Operation Lone Star** activities, including for any one or more of the following activities.

Operation Lone Star - Law Enforcement. Activities related to law enforcement operations in support of OLS:

- **LAW ENFORCEMENT PERSONNEL - OVERTIME**
 - Overtime for increased patrol, search and rescue, recovery operations, and/or investigative capacity for certified peace officers.
 - Overtime for law enforcement support personnel. These costs may include overtime for personnel necessary to support officers that are on patrol and participating in

Operation Lone Star, such as Communications Officer/Dispatcher overtime necessary to maintain a safe Officer to Dispatcher ratio.

- Overtime for non-exempt administrative personnel supporting Operation Lone Star.
- Overtime backfill costs for non-border county agencies directly supporting OLS. Agencies must upload a letter of support from the border county for which the non-border county intends to provide law enforcement personnel.

- **LAW ENFORCEMENT PERSONNEL – REGULAR or STRAIGHT-TIME & TEMPORARY POSITIONS**

- Augmentees: Personnel costs for law enforcement personnel who are not regular employees of a funded agency, but are brought on as needed to specifically cover border security operations so that there can be a force multiplier during Operation Lone Star.
- Regular time for law enforcement personnel working border operations. Grant funds must be used to supplement existing funds and not supplant funds that have been budgeted for the same purpose.
- Part-time to Full-Time: Personnel costs for part-time law enforcement personnel to bring them to temporary full-time status.
- Regular time for administrative personnel supporting OLS law enforcement activities.
- Hiring or contracting temporary staff to support OLS law enforcement activities.
- Personnel backfill costs for non-border county agencies directly supporting OLS. Agencies must upload a letter of support from the border county for which the non-border county intends to provide law enforcement personnel.

- **LAW ENFORCEMENT - EQUIPMENT & TECHNOLOGY**

- Costs for equipment, technology, or the rental of equipment, which will benefit the border security mission and will be routinely utilized during Operation Lone Star.

- **LAW ENFORCEMENT - SUPPLIES and DIRECT OPERATING EXPENSE**

- General office supplies and program supplies related to OLS law enforcement activities. Operational costs are also allowable, such as vehicle operating costs or costs for minor emergency repairs as described below, or for other services pre-approved by the PSO that are critical to success of the program. Examples include:
 - The cost of fuel, lubricants, and minor emergency repairs or maintenance for vehicles, and similar equipment used during the hours in which grant-funded staff are working.
 - Only actual expenses supported by invoiced gas, oil, and repair or maintenance receipts may be reimbursed under this grant.
 - Maintenance costs must be prorated to show the usage of vehicles or equipment for regular law enforcement duties as compared to usage while officers are working grant-paid patrols.

- **LAW ENFORCEMENT – TRAVEL & TRAINING**

- Travel, per diem, and lodging costs associated with personnel, augmentees, or contractors engaged in OLS activities.

Operation Lone Star - Human Remains Processing. Activities related to the humane processing of the remains of undocumented migrants:

- **MEDICAL EXAMINER PERSONNEL – OVERTIME**
 - Overtime for OLS death investigations conducted by a medical examiner, deputy examiner, trained technician, or a forensic pathologist as authorized under Article 49.25 of the Code of Criminal Procedure.
 - Overtime for non-exempt administrative personnel supporting a County Medical Examiner's Office.
- **MEDICAL EXAMINER PERSONNEL – REGULAR or STRAIGHT-TIME & TEMPORARY POSITIONS**
 - Regular time for county medical examiner personnel conducting OLS death investigations. Grant funds must be used to supplement existing funds and not supplant funds that have been budgeted for the same purpose.
 - Part-time to Full-Time: Personnel costs for part-time county medical examiner personnel to bring them to temporary full-time status.
 - Regular time for administrative personnel supporting a County Medical Examiner's Office.
 - Hiring or contracting temporary staff to assist or conduct OLS death investigations.
- **MEDICAL EXAMINER - EQUIPMENT & TECHNOLOGY**
 - Costs for equipment, technology, or the rental of equipment related to the processing of OLS death investigations, temporary morgues, and/or additional body storage capacity.
- **MEDICAL EXAMINER - SUPPLIES and DIRECT OPERATING EXPENSE**
 - Costs for supplies and direct operating expenses related to conducting OLS death investigations.
- **MEDICAL EXAMINER – CONTRACTUAL**
 - Costs associated with the outsourcing of OLS death investigations, temporary body storage, and other contractual costs incurred by a county medical examiner's office related to the humane processing of the remains of undocumented migrants.

Operation Lone Star – Jail Operations. Activities related to the intake, processing, and holding of OLS inmates in local detention facilities.

- **JAIL OPERATIONS PERSONNEL – OVERTIME**
 - Overtime for jailers and support staff related to the intake, processing, and holding of OLS inmates.
 - Overtime for non-exempt administrative personnel supporting a local detention facility.

- Overtime backfill costs for non-border county agencies directly supporting OLS. Agencies must upload a letter of support from the border county for which the non-border county intends to provide jailers.
- **JAIL OPERATIONS PERSONNEL - REGULAR or STRAIGHT-TIME & TEMPORARY POSITIONS**
 - Augmentees: Personnel costs for jailers who are not regular employees of a funded agency, but are brought on as needed to specifically assist in the intake, processing, and holding of OLS inmates.
 - Regular time for jailers. Grant funds must be used to supplement existing funds and not supplant funds that have been budgeted for the same purpose.
 - Part-time to Full-Time: Personnel costs for part-time jailers to bring them to temporary full-time status.
 - Regular time for administrative personnel supporting OLS corrections activities.
 - Hiring or contracting temporary jail staff to support OLS corrections activities.
 - Personnel backfill costs for non-border county agencies directly supporting OLS. Agencies must upload a letter of support from the border county for which the non-border county intends to provide jailers.
- **JAIL OPERATIONS - EQUIPMENT & TECHNOLOGY**
 - Costs for equipment, technology, or the rental of equipment related to the intake, processing, and holding of OLS inmates.
- **JAIL OPERATIONS - SUPPLIES and DIRECT OPERATING EXPENSE**
 - Costs for office supplies, program supplies, and other direct operating expenses related to the intake, processing, and holding of OLS inmates; including inmate transportation to court proceedings or state custody.
- **JAIL OPERATIONS – CONTRACTUAL**
 - Costs associated with outsourcing OLS inmates to other county jail facilities and/or other contractual costs incurred by a county jail facility related to the intake, processing, and holding of OLS inmates.
- **JAIL OPERATIONS – CONSTRUCTION**
 - Cost associated with constructing, renovating, or repairing a permanent or temporary jail facility to increase bed capacity to hold OLS inmates.

Note: Construction, renovation, and repair costs may only be funded to the extent that State-supported OLS inmate capacity is unavailable.
- **JAIL OPERATIONS – TRAVEL & TRAINING**
 - Travel, per diem, and lodging costs associated with jail personnel, augmentees, or contractors engaged in OLS corrections activities.

Operation Lone Star – Court Administration. Activities related to the case preparation, magistration, pre/post-adjudication proceedings, and criminal trials of OLS defendants.

- **COURT ADMINISTRATION PERSONNEL – OVERTIME**

- Overtime for courtroom staff, court coordinators, and clerks supporting court operations, including but not limited to, case preparation, magistration, pre/post-adjudication proceedings, and criminal trials for OLS defendants.
- **COURT ADMINISTRATION PERSONNEL - REGULAR or STRAIGHT-TIME & TEMPORARY POSITIONS**
 - Regular time for courtroom staff, court coordinators, and clerks. Grant funds must be used to supplement existing funds and not supplant funds that have been budgeted for the same purpose.
 - Part-time to Full-Time: Personnel costs for part-time courtroom staff, court coordinators, and clerks to bring them to temporary full-time status.
 - Hiring or contracting temporary courtroom staff, court coordinators, and clerks to support OLS courts activities.
- **COURT ADMINISTRATION - EQUIPMENT & TECHNOLOGY**
 - Costs for equipment and technology to support court operations, including but not limited to, case preparation, magistration, pre/post-adjudication proceedings, and criminal trials for OLS defendants.
- **COURT ADMINISTRATION - SUPPLIES and DIRECT OPERATING EXPENSE**
 - Costs for office supplies, program supplies, and other direct operating expenses to support court operations, including but not limited to, magistration, pre/post-adjudication proceedings, and criminal trials for OLS defendants.
- **COURT ADMINISTRATION – CONTRACTUAL**
 - Costs associated with contractual costs incurred to support court operations, including but not limited to, magistration, pre/post-adjudication proceedings, and criminal trials for OLS defendants.

Operation Lone Star – Fire/EMS Operations. Activities related to emergency response efforts provided by locally operated Fire/EMS agencies.

- **FIRE/EMS OPERATIONS (RESCUE) – OVERTIME**
 - Overtime for increased rescue call volume, search and rescue, and/or recovery operations.
 - Overtime for rescue support personnel. These costs may include overtime for personnel necessary to support rescue personnel that are operating on incident scenes and participating in Operation Lone Star, such as telecommunications professional overtime necessary to maintain a safe responder to dispatcher ratio.
 - Overtime for non-exempt administrative personnel supporting Operation Lone Star.
- **FIRE/EMS OPERATIONS (RESCUE) – REGULAR or STRAIGHT-TIME & TEMPORARY POSITIONS**
 - Part-time to Full-time: Personnel costs for part-time rescue personnel to bring them to temporary full-time status.
 - Hiring or contracting temporary staff to support OLS rescue activities.

- **FIRE/EMS OPERATIONS - EQUIPMENT & TECHNOLOGY**
 - Costs for equipment, technology, or the rental of equipment, which will benefit the border security mission and will be routinely utilized during Operation Lone Star.
- **FIRE/EMS OPERATIONS (RESCUE) – SUPPLIES and DIRECT OPERATING EXPENSE**
 - General office supplies and program supplies related to OLS rescue activities. Operational costs are also allowable, such as vehicle operating costs or costs for minor emergency repairs as described below, or for other services pre-approved by the PSO that are critical to success of the program. Examples include:
 - Costs associated with fuel, lubricants, and minor emergency repairs or maintenance for vehicles, and similar equipment used during the hours in which grant-funded staff are working.
 - Only actual expenses supported by invoiced gas, oil, and repair or maintenance receipts may be reimbursed under this grant.
 - Maintenance costs must be prorated to show the usage of vehicles or equipment for regular rescue duties as compared to usage while first responders are working grant-funded rescue operations.
- **FIRE/EMS OPERATIONS – TRAVEL & TRAINING**
 - Travel, per diem, and lodging costs associated with personnel, augmentees, or contractors engaged in OLS activities.

Program-Specific Requirements

1. Eligible applicants, as applicable, assure to continue and/or renew a local disaster declaration relating to border security for the entirety of the project period. The expiration or dissolution of a local disaster declaration may result in the early termination of the grant agreement.
2. Eligible applicants in a border county, as described in the Eligible Organizations section, must upload a letter from the county attorney expressing their office's active participation in prosecuting misdemeanor offenses, as appropriate, in support of Operation Lone Star.
3. Eligible applicants performing law enforcement functions must agree to perform the following activities:
 - a) Participate in operational planning and coordination meetings, information/intelligence sharing meetings, and After Action Reviews (AARs) established by the Texas Department of Public Safety's (DPS) Joint Operations and Intelligence Centers (JOICs).
 - b) Participate weekly on the JOIC Unified Command conference calls or meetings as required by the JOIC.
 - c) Report significant border-related events that occur during each 24-hour period.
 - d) Conduct enhanced law enforcement patrolling activities if funded for those activities through this grant.
 - e) Submit information on incidents using the Border Incident Assessment Report (BIAR).

The grantee shall report all border-related incidents to the appropriate JOIC using the BIAR. BIAR reporting shall include events that occur during Enhanced Operation activities AND

events that occur during Steady State activities. Enhanced (Surge) Operations originate out of the use of Lone Star funds when the local agency chooses to increase the hours of patrol or investigations. Steady State activities are defined as normal patrol or investigative duties that do not use grant funds, but directly impact the overall Lone Star mission, such as organized crime arrests, terroristic activities, weapons trafficking arrests, kidnappings, human trafficking, human smuggling, home invasions with a border or organized crime nexus, illegal immigration, border-related murders, gang-related murders, vehicle thefts, or drug trafficking.

The BIAR is the primary incident and information-reporting tool for the grantee in local border security operations. The grantee shall ensure all BIARs conform to the respective standards outlined by the JOIC and are submitted within 24 hours of the end of shift and/or the timeframes established by the JOIC.

4. Coordinate planning and execution of border security and supporting operations with the DPS South Texas or West Texas, if requested by those regions.
5. Applicants performing overtime activities must provide a copy of the local overtime policy as approved by its governing board. This policy will be considered the official policy for grant purposes and must be used throughout the grant period. The policy must:
 - i. Clearly describe how overtime will be calculated;
 - ii. Be consistent with the agency's local overtime policy;
 - iii. Treat overtime for grant-paid personnel the same as non-grant paid personnel.
6. Project Overtime (OT) shall be reimbursed following the grantee's overtime policy and the requirements as stated below:
 - i. OT is time actually worked that exceeds the required number of hours during an employee's designated work period, as per grantee's policies and procedures.
 - ii. OT must be worked to support border security operations.
 - iii. The project OT rate shall be no more than one-and-one-half (1.5) times the employee's regular pay rate.
 - iv. Exempt salaried employees working border security operations may be reimbursed for overtime only if the grantee's overtime policy specifically allows for this.
 - v. PSO will only reimburse the grantee for OT that does not exceed a total of 16 hours worked (regular plus OT) during any 24-hour period.

Eligibility Requirements

1. Local units of government, including counties, municipalities, special districts, school districts, junior college districts, or other political subdivisions of the state, must submit a written certification of the local government's compliance with the cybersecurity training required by Section 2054.5191 of the Texas Government Code. A determination of non-compliance with the cybersecurity training requirements will result in a refund of the original grant award as well as ineligibility of future grant awards until the second anniversary of the date the local government is determined ineligible.

2. Entities receiving funds from PSO must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the Texas Code of Criminal Procedure, Chapter 66. The disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

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

3. Eligible applicants operating a law enforcement agency must be current on reporting complete UCR data and the Texas specific reporting mandated by 411.042 TGC, to the Texas Department of Public Safety (DPS) for inclusion in the annual Crime in Texas (CIT) publication. To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year by the deadline(s) established by DPS. Due to the importance of timely reporting, applicants are required to submit complete and accurate UCR data, as well as the Texas-mandated reporting, on a no less than monthly basis and respond promptly to requests from DPS related to the data submitted.
4. Local units of government, including cities, counties and other general purpose political subdivisions, as appropriate, and institutions of higher education that operate a law enforcement agency, must comply with all aspects of the programs and procedures utilized by the U.S. Department of Homeland Security ("DHS") to: (1) notify DHS of all information requested by DHS related to illegal aliens in Agency's custody; and (2) detain such illegal aliens in accordance with requests by DHS. Additionally, counties and municipalities may NOT have in effect, purport to have in effect, or make themselves subject to or bound by, any law, rule, policy, or practice (written or unwritten) that would: (1) require or authorize the public disclosure of federal law enforcement information in order to conceal, harbor, or shield from detection fugitives from justice or aliens illegally in the United States; or (2) impede federal officers from exercising authority under 8 U.S.C. § 1226(a), § 1226(c), § 1231(a), § 1357(a), § 1366(1), or § 1366(3). Lastly, eligible applicants must comply with all provisions, policies, and penalties found in Chapter 752, Subchapter C of the Texas Government Code.

Each local unit of government, and institution of higher education that operates a law enforcement agency, must download, complete and then upload into eGrants the CEO/Law Enforcement Certifications and Assurances Form certifying compliance with federal and state immigration enforcement requirements. This Form is required for each application submitted to OOG and is active until August 31, 2024 or the end of the grant period, whichever is later.

5. Eligible applicants must have a DUNS (Data Universal Numbering System) number assigned to its agency (to request a DUNS number, go to <https://fedgov.dnb.com/webform>).
6. Eligible applicants must be registered in the federal System for Award Management (SAM) database located at <https://sam.gov/>.

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

Prohibitions

Grant funds may **not** be used to support the unallowable costs listed in the [Guide to Grants](#) or any of the following unallowable costs:

1. Inherently religious activities such as prayer, worship, religious instruction, or proselytization;
2. Lobbying;
3. Any portion of the salary of, or any other compensation for, an elected or appointed government official;
4. Vehicles or equipment for government agencies that are for general agency use;
5. Weapons, ammunition, tasers, or explosives;
6. Admission fees or tickets to any amusement park, recreational activity, or sporting event;
7. Promotional gifts;
8. Food, meals, beverages, or other refreshments, except for eligible per diem associated with grant-related travel;
9. Membership dues for individuals;
10. Any expense or service that is readily available at no cost to the grant project;
11. Any use of grant funds to replace (supplant) funds that have been budgeted for the same purpose through non-grant sources;
12. Fundraising;
13. General Salary Stipends;
14. Aircraft (including sUAS, drones, unmanned aerial aircraft);
15. Fire Engines;
16. Ambulances (types 1, 2, & 3); and
17. Any other prohibition imposed by federal, state, or local law.

Selection Process

Application Screening: PSO will screen all applications to ensure that they meet the requirements included in the funding announcement.

Peer/Merit Review: Applications will be reviewed by PSO staff in consultation with subject matter experts appointed by the PSO Executive Director. Funding decisions will be based on eligibility and operational content, which includes, but is not limited to, the following:

1. Compliance - Past compliance with grant requirements, reporting, and information sharing.
2. Performance – Impact and effectiveness of the Applicant’s participation in previous border security operations or activities, and effectiveness in using grant funds awarded for border security.
3. Risk – The Applicant’s need as indicated by data available on border-related criminal activity, population, and other factors.

4. Other Funding – The Applicant’s history of applying for, receiving, and/or effectively utilizing other sources of funding available to support border security activities (e.g. Operation Stonegarden).

Final Decisions: The Office of the Governor will consider rankings along with other factors and make all final funding decisions. Other factors may include reasonableness, cost effectiveness, overall funds availability, geographic distribution, or other relevant factors.

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

Contact Information

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



Application for Texas Identification Number

GLENN HEGAR

TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

Fiscal Management
Austin, TX 78774-0100

Who Must Submit This Application -

This application must be submitted by every person (sole owner, individual recipient, partnership, corporation or other organization) who intends to bill agencies of the state government for goods, services provided, refunds, public assistance, etc. The Texas Identification Number (TIN) will be required on all maintenance submitted by state agencies. The use of this number on all billings will reduce the time required to process billings to the State of Texas.

Note: To expedite processing of this application, please return the completed application to the state agency with which you are conducting business. It is not necessary for the payee to sign or complete this form. The state agency representative may complete the form for the payee.

For Assistance -

For assistance in completing this application, please call the Texas Comptroller's office at 1-800-531-5441, ext. 6-8138, or 512-936-8138.

Notice to State Agencies -

When this form is used to set up additional mail codes, Sections 1, 2 and 5 must be completed. State agencies may refer to the Texas Identification Number System (TINS) Guide at <https://fm.x.cpa.state.tx.us/fmx/pubs/tins/tinsguide> for additional information.

General Instructions -

- Do not use dashes when entering Social Security, Employer Identification, Individual Taxpayer Identification or Comptroller's assigned numbers.
- Disclosure of your Social Security number is required. This disclosure requirement has been adopted under the Federal Privacy Act of 1974 (5 U.S.C.A. sec. 552a(note)(West 1977), the Tax Reform Act of 1976 (42 U.S.C.A. sec. 405(c)(2)(C) (West 1992), TEX. GOV'T. CODE ANN. sec. 403.055 (Vernon 2005) and TEX. GOV'T. CODE ANN. sec. 403.056 (Vernon 2005). Your Social Security number will be used to help the Texas Comptroller of Public Accounts administer the state's tax laws and for other purposes.
See Op Tex. Att'y Gen. No. H-1255 (1978).

Specific Instructions -

Section 1 - Texas Identification Number

EIN: For all ownership codes other than Individual Recipient listed in Section 3, enter a 9-digit Employer Identification Number (EIN) issued by the Internal Revenue Service.

SSN: For Individual Recipient or Sole Owner without an EIN, enter your 9-digit Social Security number (SSN) issued by the Social Security Administration.

ITIN: For Individual Recipient or Sole Owner without an EIN, enter your 9-digit Individual Taxpayer Identification Number (ITIN) issued by the IRS.

Comptroller Assigned Number – 11 digits: FOR STATE AGENCY USE ONLY. A Comptroller Assigned Number is an ID number that is given to a state agency that needs to pay either a foreign entity or a foreign individual who does not have an EIN, SSN or ITIN.

Current Texas Identification Number – 11 digits: FOR STATE AGENCY USE ONLY.

Are you currently reporting any Texas tax to the Comptroller's office such as sales tax or franchise tax? If "YES," enter Texas Taxpayer Number.

Section 2 - Payee Information

Items 4 through 8 - Enter the complete name and mailing address where you want payments to be received. Names of individuals must be entered first name first. Each line cannot exceed 50 characters including spaces. If the name is more than 50 characters, continue the name in Item 5 and begin the address in Item 6.

Item 9 - Enter the city, state and ZIP code.

Item 10 - Enter payee telephone number.

SIC code, Security type code and Zone code: FOR STATE AGENCY USE ONLY.

Section 3 - Ownership Codes

Item 11 - Check the box next to the appropriate ownership code and enter additional information as requested. Please check only one box in this section. The Secretary of State's office may be contacted at 512-463-5555 for information regarding Texas file numbers.

Section 4 - Payment Assignment

Item 12 - Use when one payee is assigning payment to another payee. When setting up an assignment payment, fill out this section completely and include a copy of the assignment agreement between the assignee and the assignor.

Section 5 - Comments and Identification

Item 13 - Enter any additional information that may be helpful in processing this application. Items 14 and 15 are for identification purposes. Always complete the identification section, including comments and authorized signature.

Under Ch. 559, Government Code, you are entitled to review, request and correct information we have on file about you, with limited exceptions in accordance with Ch. 552, Government Code. To request information for review or to request error correction, contact us at the address or phone numbers listed on this form.

Application for Texas Identification Number

• See instructions on back

For Comptroller's use only

1. Is this a new account? ☐ YES Mail Code 000 ☐ NO Enter Mail Code _____ Agency number _____
 Complete Sections 1 - 5 Complete Sections 1, 2 & 5

Section 1

2. **Texas Identification Number (TIN)** - Indicate the type of number you are providing to be used for your TIN

- ☐ Employer Identification Number (EIN) (9 digits)
☐ Social Security number (SSN) (9 digits) Enter the number indicated _____
☐ Individual Taxpayer Identification Number (ITIN) (9 digits)
☐ Comptroller's assigned number (FOR STATE AGENCY USE ONLY) (11 digits)
☐ Current Texas Identification Number (FOR STATE AGENCY USE ONLY) (11 digits)

3. Are you currently reporting any Texas tax to the Comptroller's office such as sales tax or franchise tax? ☐ YES ☐ NO If "YES," enter Texas Taxpayer Number _____

Section 2

Payee Information (Please type or print)

4. Name of payee (Individual or business to be paid) _____
5. Mailing address where you want to receive payments _____
6. (Optional) _____
7. (Optional) _____
8. (Optional) _____
9. City _____ State _____ ZIP code _____

10. Payee telephone number (Area code and number) _____ SIC code _____ Security type code (0, 1, 2) _____ Zone code _____

Section 3

11. **Ownership Codes** - Check only one code by the appropriate ownership type that applies to you or your business.

- | | |
|---|---|
| <p><input type="checkbox"/> I - Individual Recipient (not owning a business)</p> <p><input type="checkbox"/> S - Sole Ownership (Individual owning a business): If checked, enter the owner's name and Social Security number (SSN)
 Owner's name _____
 SSN / ITIN (9 digits) _____</p> <p><input type="checkbox"/> P - Partnership: If checked, enter two partner's names and Social Security numbers (SSN). If a partner is a corporation, use the corporation's Employer Identification Number (EIN).
 Name _____
 SSN / ITIN / EIN (9 digits) _____
 Name _____
 SSN / ITIN / EIN (9 digits) _____</p> <p><input type="checkbox"/> N - Other: If checked, explain. _____</p> | <p><input type="checkbox"/> L - Texas Limited Partnership:
 If checked, enter the Texas File Number _____</p> <p><input type="checkbox"/> T - Texas Corporation:
 If checked, enter the Texas File Number _____</p> <p><input type="checkbox"/> A - Professional Association:
 If checked, enter the Texas File Number _____</p> <p><input type="checkbox"/> C - Professional Corporation:
 If checked, enter the Texas File Number _____</p> <p><input type="checkbox"/> O - Out-of-State Corporation</p> <p><input type="checkbox"/> G - Governmental Entity</p> <p><input type="checkbox"/> U - State agency / University</p> <p><input type="checkbox"/> F - Financial Institution</p> <p><input type="checkbox"/> R - Foreign (out of U.S.A.)</p> |
|---|---|


Section 4

12. **Payment Assignment?** ☐ YES ☐ NO Note: A copy of the assignment agreement between payees must be attached.

Assignee name _____
 Assignee TIN _____ Assignment date _____

Section 5

13. Comments _____

14. **sign here**  Authorized signature (Applicant or authorized agent) _____ Date _____

15. Agency name _____ Prepared by _____ Phone (Area code and number) _____

Instructions for Direct Deposit Authorization

You have certain rights under Chapters 552 and 559, Government Code, to review, request and correct information we have on file about you. To request information for review or to request error correction, use the contact information on this form.

Section 1: Transaction Type(s)

1. Select the appropriate transaction type(s) and complete the corresponding sections.

Note: Requests to change custodial agency number are processed based on Payment Services research and guidelines.

Section 2: Payee Identification (Required)

2. Payee type: Indicate whether the payee is a state employee or a vendor/recipient.

Note: Agencies must complete box 34 with the appropriate agency's return address for the selected payee type.

3. Identification number: Indicate the type of identification number and provide the associated 9- or 11-digit number.
 4. Mail code: Enter the 3-digit mail code.
 5. Payee name: Enter the payee's name.
 6. Phone: Enter the payee's area code, phone number (and extension, if applicable).
 7. Mailing address: Enter the payee's mailing address, city, state and ZIP code.

Section 3: New Account Information (Setups and changes) (Completion by financial institution is recommended)

8. Financial institution name: Enter the name of the payee's financial institution.
 9. City: Enter the city of the payee's financial institution.
 10. State: Enter the 2-character abbreviation for state of the payee's financial institution.
 11. Routing number: Enter the 9-digit routing number of the payee's financial institution.
 12. Customer account number: Enter the payee's account number (maximum 17 characters).
 13. Type of account: Indicate whether the payee's account type is a checking account or a savings account.
 14. Financial representative name: (optional) Enter the name of the financial representative.
 15. Title: (optional) Enter the title of the financial institution representative.
 16. Financial representative signature: (optional) Original signature of the financial representative.
 17. Phone: (optional) Enter the area code, phone number (and extension, if applicable) of the financial representative.
 18. Date: (optional) Enter the date the financial representative signed the form.

Section 4: Existing Account Information (Changes only)

19. Routing number: Enter the 9-digit routing number currently on file with the Comptroller's office.
 20. Customer account number: Enter the payee's account number currently on file with the Comptroller's office.
 21. Account type: Select the payee's account type currently on file with the Comptroller's office.

Section 5: International Payments Verification (Required)

22. Payment Destination: Select YES or NO to indicate if state payments will be forwarded to a financial institution outside the U.S.

Note: If YES, the payee must also complete the ACH (Direct Deposit) Payment Destination Confirmation (Form 74-227).

Section 6: Authorization for Setup, Changes or Cancellation (Required)

23. Authorized signature: Original signature of the payee is required.
 24. Printed name: Enter or print the name of the payee or vendor/recipient signing the form.
 25. Date: Enter or print the date the form was signed.

Section 7: Cancellation by Agency (for state agency use)

26. Reason: Enter the reason for cancellation of the payee's direct deposit information.
 27. Date: Enter the date the cancellation was determined.

Section 8: State Agency Contact (for state agency use)

28. Authorized signature: Original signature of the agency's authorized representative is required.
 29. Date: Enter the date the agency's representative signed the form.
 30. Phone: Enter the area code, phone number and extension (if applicable) of the agency's representative.
 31. Agency number: Enter the 3-digit agency number.
 32. Agency name: Enter the agency's name.
 33. Comments: (optional) Enter comments, if needed.
 34. Return to Paying State Agency: This area autopopulates with the name and address of the paying state agency to which this form will be returned.

Questions?

State Employees:	Contact your agency's Human Resource department or payroll staff.
Vendors/Recipients:	Contact the paying agency's accounts payable staff.
State Agencies:	Contact Fiscal Management, Payment Services at 512-936-8138.

Direct Deposit Authorization

This form may be used by vendors, individual recipients or state employees to receive payments from the state of Texas by direct deposit or to change/cancel existing direct deposit information.

Transaction Types

SECTION 1	1. Select transaction types:	
	<input type="checkbox"/> New setup (Sections 2, 3, 5 and 6)	<input type="checkbox"/> Change account type (Sections 2, 3, 4, 5 and 6)
	<input type="checkbox"/> Change financial institution (Sections 2, 3, 4, 5 and 6)	<input type="checkbox"/> Cancellation (Sections 2 and 6 - Sections 7 and 8 for state agency use)
	<input type="checkbox"/> Change account number (Sections 2, 3, 4, 5 and 6)	<input type="checkbox"/> Change custodial agency _____

Payee Identification

SECTION 2	2. Payee type		3. Identification number		4. Mail code (If not known, leave blank.)	
	<input type="checkbox"/> State employee		<input type="checkbox"/> Social Security number (SSN)*			
	<input checked="" type="checkbox"/> Vendor or other recipient		<input type="checkbox"/> Texas Identification Number (TIN)		<input type="checkbox"/> Individual Taxpayer Identification Number (ITIN)	
			<input type="checkbox"/> Employer Identification Number (EIN)			
5. Payee name				6. Phone (Area code and number)		
				() ext.		
7. Mailing address (Street, city, state and ZIP code)						

New Account Information (Setups and Changes) (Completion by financial institution is recommended)

SECTION 3	8. Financial institution name		9. City		10. State	
	11. Routing number (9 digits)		12. Customer account number (maximum 17 characters)		13. Account type	
					<input type="checkbox"/> Checking <input type="checkbox"/> Savings	
	14. Financial representative name (optional)		15. Title (optional)			
	16. Financial representative signature (optional)		17. Phone (Area code and number) (optional)		18. Date (optional)	
		() ext.				

Existing Account Information (Changes Only)

SEC 4	19. Routing number (9 digits)	20. Customer account number (maximum 17 characters)	21. Account type
			<input type="checkbox"/> Checking <input type="checkbox"/> Savings

International Payments Verification (required)

SEC 5	22. Will these payments be forwarded to a financial institution outside the United States?..... <input type="checkbox"/> YES <input type="checkbox"/> NO	
	If "YES," also complete the ACH (Direct Deposit) Payment Destination Confirmation (Form 74-227).	

Authorization for Setup, Changes or Cancellation (required)

SECTION 6	I authorize the Texas Comptroller of Public Accounts to electronically deposit my payments from the state of Texas to my financial institution. I understand that the Texas Comptroller of Public Accounts will reverse any payments made to my account in error. I further understand that the Texas Comptroller of Public Accounts will comply at all times with the National Automated Clearing House Association's rules. (For further information on these rules, please contact your financial institution.)		
	23. Authorized signature		24. Printed name
	25. Date		
	sign here		

Cancellation by Agency (for state agency use)

SEC 7	26. Reason	27. Date

State Agency Contact (for state agency use)

SECTION 8	28. Authorized signature		29. Date	
	30. Phone (Area code and number)		31. Agency number	
	() ext.		300	
	32. Agency name			
	Governor's Office			
33. Comments				

34. Please return to the paying agency at the following address:

Office of the Governor
Attn: Financial Service, Direct Deposit Program
P.O. Box 12428
Austin, Texas 78711
vendor.dd@gov.texas.gov
Please provide applicable grant number(s) on top of form

Request for Taxpayer Identification Number and Certification

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

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

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

Part I Taxpayer Identification Number (TIN)

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

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

Social security number									
				-					
or									
Employer identification number									
				-					

Part II Certification

Under penalties of perjury, I certify that:

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

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

Sign
Here

Signature of
U.S. person ►

Date ►

General Instructions

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

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

Purpose of Form

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

- Form 1099-INT (interest earned or paid)

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

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

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

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting*, later, for further information.

Note: If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States.

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Pub. 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items.

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

Backup Withholding

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 24% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the instructions for Part II for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code*, later, and the separate instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships*, earlier.

What is FATCA Reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code*, later, and the instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Line 1

You must enter one of the following on this line; do not leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account (other than an account maintained by a foreign financial institution (FFI)), list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9. If you are providing Form W-9 to an FFI to document a joint account, each holder of the account that is a U.S. person must provide a Form W-9.

a. **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

Note: ITIN applicant: Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. **Sole proprietor or single-member LLC.** Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. **Partnership, LLC that is not a single-member LLC, C corporation, or S corporation.** Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. **Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(iii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

Line 3

Check the appropriate box on line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box on line 3.

IF the entity/person on line 1 is a(n) . . .	THEN check the box for . . .
• Corporation	Corporation
• Individual	Individual/sole proprietor or single-member LLC
• Sole proprietorship, or	
• Single-member limited liability company (LLC) owned by an individual and disregarded for U.S. federal tax purposes.	
• LLC treated as a partnership for U.S. federal tax purposes,	Limited liability company and enter the appropriate tax classification. (P= Partnership; C= C corporation; or S= S corporation)
• LLC that has filed Form 8832 or 2553 to be taxed as a corporation, or	
• LLC that is disregarded as an entity separate from its owner but the owner is another LLC that is not disregarded for U.S. federal tax purposes.	
• Partnership	Partnership
• Trust/estate	Trust/estate

Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space on line 4 any code(s) that may apply to you.

Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)

2—The United States or any of its agencies or instrumentalities

3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

4—A foreign government or any of its political subdivisions, agencies, or instrumentalities

5—A corporation

6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession

7—A futures commission merchant registered with the Commodity Futures Trading Commission

8—A real estate investment trust

9—An entity registered at all times during the tax year under the Investment Company Act of 1940

10—A common trust fund operated by a bank under section 584(a)

11—A financial institution

12—A middleman known in the investment community as a nominee or custodian

13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for ...	THEN the payment is exempt for ...
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 5 ²
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

Note: You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns. If this address differs from the one the requester already has on file, write NEW at the top. If a new address is provided, there is still a chance the old address will be used until the payor changes your address in their records.

Line 6

Enter your city, state, and ZIP code.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN.

If you are a single-member LLC that is disregarded as an entity separate from its owner, enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note: See *What Name and Number To Give the Requester*, later, for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at www.SSA.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/Businesses and clicking on Employer Identification Number (EIN) under Starting a Business. Go to www.irs.gov/Forms to view, download, or print Form W-7 and/or Form SS-4. Or, you can go to www.irs.gov/OrderForms to place an order and have Form W-7 and/or SS-4 mailed to you within 10 business days.

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note: Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, 4, or 5 below indicates otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code*, earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), ABLE accounts (under section 529A), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor ²
5. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee ¹
b. So-called trust account that is not a legal or valid trust under state law	The actual owner ¹
6. Sole proprietorship or disregarded entity owned by an individual	The owner ³
7. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor ⁴
For this type of account:	Give name and EIN of:
8. Disregarded entity not owned by an individual	The owner
9. A valid trust, estate, or pension trust	Legal entity ⁴
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
12. Partnership or multi-member LLC	The partnership
13. A broker or registered nominee	The broker or nominee

For this type of account:	Give name and EIN of:
14. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
15. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships*, earlier.

*Note: The grantor also must provide a Form W-9 to trustee of trust.

Note: If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records From Identity Theft

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Pub. 5027, Identity Theft Information for Taxpayers.

Victims of identity theft who are experiencing economic harm or a systemic problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes. Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at spam@uce.gov or report them at www.ftc.gov/complaint. You can contact the FTC at www.ftc.gov/idtheft or 877-IDTHEFT (877-438-4338). If you have been the victim of identity theft, see www.IdentityTheft.gov and Pub. 5027.

Visit www.irs.gov/IdentityTheft to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

RESOLUTION #2023-_____

A RESOLUTION AUTHORIZING APPLICATION TO, ADMINISTRATION OF, AND ACCEPTANCE OF OFFICE OF THE GOVERNOR, PUBLIC SAFETY OFFICE, HOMELAND SECURITY GRANTS DIVISION'S FY2024 OPERATION LONE STAR GRANT PROGRAM (OLS); AUTHORIZING THE CHIEF OF POLICE, OR INTERIM CHIEF, TO ACT ON THE CITY'S BEHALF WITH SUCH PROGRAM.

WHEREAS, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville, that the Kingsville Police Department apply for and, if awarded, accept and administer the Office of the Governor, Public Safety Office, Homeland Security Grants Division's FY2024 Operation Lone Star Grant Program, which provides funding to deter and interdict criminal activity and detain non-citizen inmates and to assist in the execution of coordinated border security operations as described in the grant information; and

WHEREAS, the City agrees to provide the applicable matching funds for the said project as required by the grant application, if any, though no match is expected as this is a reimbursement type grant that has a minimum funding level of \$5,000; and

WHEREAS, to support the safety of officers and citizens, the City would like to use grant funds as allowed by the grant (ie, categories such as overtime, personnel costs, equipment & technology, supplies & direct operating expenses, travel & training); and

WHEREAS, the City agrees that in the event of loss or misuse of the Office of the Governor funds, the City of Kingsville City Commission assures that the funds received through the grant will be returned to the Office of the Governor in full;

WHEREAS, the City of Kingsville has previously applied for similar grants that assist with improved officer and citizen safety; and

WHEREAS, the City Commission of the City of Kingsville designates the Kingsville Chief of Police, or Interim Chief, as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, administer, alter or terminate the grant on behalf of the applicant agency.

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

I.

THAT the City Commission of the City of Kingsville approves the submission, acceptance (if awarded), and administration of the grant application for the Office of the Governor, Public Safety Office, Homeland Security Grants Division's FY2024 Operation Lone Star Grant Program.

II.

THAT the Chief of Police, or Interim Chief, is hereby authorized and directed to act on the City's behalf in all matters pertaining to the Office of the Governor, Public Safety Office, Homeland Security Grants Division's FY2024 Operation Lone Star Grant Program, including but not limited to any certifications, amendments or representations stipulated therein and that the Chief of Police will administer the program and execute and submit all certifications, reports, or contracts necessary for the administration and expenditure of such program.

III.

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 21st day of August, 2023.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #6