

City of Kingsville, Texas

AGENDA
CITY COMMISSION
MONDAY, MARCH 23, 2026
REGULAR MEETING
CITY HALL
HELEN KLEBERG GROVES COMMUNITY ROOM
400 WEST KING AVENUE
5:00 P.M. – Regular Meeting

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

I. Preliminary Proceedings.

OPEN MEETING

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 Services - 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, 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.”

APPROVED BY:

Charlie Sosa 

Charlie Sosa
City Manager

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 Fiscal Year 2025-2026 Budget to accept and expend Border Zone Fire Department (BZFD) Grant Award#5837801 for the purchase of portable radios. (Fire Chief).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

2. Discuss and consider approving a resolution authorizing the City Manager to execute Change Order #2 for the Construction Contract with Grace Paving and Construction, Inc. for the GLO CDBG-MIT Contract 22-085-099-D237 Project 14: Santa Gertrudis Ave. Storm Water Improvements Project. (Santa Monica/Santa Barbara). (City Engineer).
3. Discuss and consider approving a resolution authorizing the City Manager to execute Change Order #3 for the Construction Contract with D&J Utility Services LLC for the GLO CDBG-MIT Contract No. 22-085-009-D237 Project 10: N. Armstrong Ave. Storm Water Improvements. (City Engineer).
4. Discuss and consider approving a resolution authorizing the City Manager to execute Change Order #4 for the Construction Contract with Donald Hubert Construction Co. for the GLO CDBG-MIT Contract No. 22-082-016-D218 Project 1: 14th Street Sanitary Sewer Improvements. (Loop 428 Lift Station). (City Engineer).
5. Discuss and consider approving a resolution authorizing the City to submit an application for State Appropriations through the Housing and Urban Development's Community Development Fund-Economic Development Initiative Program requesting funding for the redevelopment of ball fields and lighting in Dick Kleberg Park; authorizing the City Manager to submit the grant, the Finance Director as the Financial Officer, and the City Parks Director as the Grant Official to act on the City's behalf with such grant program. (Parks Director).
6. Discuss and consider approving the purchase of a 2025 Ford F-150 pickup truck for the Police Department via the TIPS USA purchasing cooperative, per staff recommendation. (previous total outfitted cost of \$92,519.58; added equipment so new total outfitted cost of \$96,609.58) (Police Chief & Purchasing Manager).
7. Discuss and consider final passage of an ordinance amending the Fiscal Year 2025-2026 Budget to accept and expend Operation Lone Star Grant award #4385703 for the purchase of a 2025 Ford F-150 pickup truck. (Police Chief).
8. Discuss and consider approving the purchase of two 2025 Ford F-150 pickup trucks for the Police Department via the TIPS USA purchasing cooperative, per staff recommendation. (for total outfitted cost of both vehicles \$143,729.01) (Police Chief & Purchasing Manager).

9. Discuss the purchasing threshold under state law and city policy. (Commissioner Alvarez).

10. Discuss and consider approving a resolution revising the City of Kingsville Purchasing Policy and Procedures Manual. (City Manager/Purchasing Manager).

11. Discuss and consider Commissioner Lopez's nominee for the City of Kingsville Ethics Review Board. (City Attorney).

VII. Adjournment.

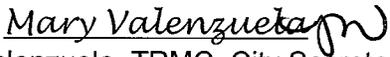
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative 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:

March 17, 2026, at 3:30 P.M. and remained so posted continuously for at least three business days 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

Budget Am.

**City of Kingsville
Fire Department**

TO: Mayor and City Commissioners
CC: Charlie Sosa, City Manager
FROM: Juan J. Adame, Fire Chief
DATE: March 02, 2025
SUBJECT: Authorization to Apply for Harris XL200P Portable Radios, Border Zone Fire Department (BZFD) Grant#5837801 & Budget Amendment for Same

Summary:

The Kingsville Fire Department can apply for the FY 2027 BZFD Grant Program in request for new portable radios.

Background:

The Kingsville Fire Department (KFD) is involved in the mitigation of multiple hazards that require radios for clear and concise communication for operational effectiveness. Having reliable radio communication is essential for maintaining accountability, issuing emergency alerts, and coordinating operations in hazardous environments. The Kingsville Fire Department's current portable radios are growing outdated and will eventually be obsolete. BZFD funding will be used for the sole purpose of purchasing modern portable radios that will be used for the enhancement of life saving efforts in conjunction with mutual aid partners and participating agencies within the Rio Grande Valley Border Patrol Sector. Modern portable radios provide clearer audio, improved signal penetration in structures, enhanced durability, and longer battery life. Upgrading to newer radios represents a long-term investment in the safety of personnel and the quality of emergency services provided to the community. This equipment will improve on-scene command and control, reduce communication delays, and allow personnel to operate more efficiently during structure fires, medical emergencies, hazardous materials incidents, and large-scale events. This application will request **\$248,575.46** for the equipment and shipping fees.

Financial Impact:

The grant for "Border Zone Fire Department" is a reimbursement type but does not require any cash match. We are requesting **\$248,575.46** in equipment and associated shipping fees.

Recommendation:

We would request a resolution approving the submission of application and acceptance of this grant via the Office of the Governor eGrants portal by the grantee's authorized official as designated by the City



**City of Kingsville
Fire Department**

Manager, Chief J. J. Adame. We also request a budget amendment to the current FY 2025-2026 for use of the funds as soon as they are available.



DAILEY-WELLS COMMUNICATIONS

3440 E. Houston St., San Antonio, TX 78219

To: Nick Chapa
 For: City of Kingsville
 Phone: 361-877-7692
 Date: February 11, 2026
 email: nchapa@cityofkingsville.com



From: Edward Martinez
 Major Accounts Representative
 Dailey-Wells Communications
 361-548-5660 Cell
 210,893,6702 Fax
 emartinez@dwcomm.com

XL-200P PORTABLE, VHF / 768/ 861 MHZ, P25 Phase II

Item	Part #	Description	Qty	Unit List	Disc %	Unit Sale	Ext Sale
1	XL-PF1M1M-NA*	PORTABLE, XL-200P, FKP, BLK, U.S. NA	40	\$ 3,950.00	26%	\$ 2,923.00	\$ 116,920.00
2	XL-PKG63	FEATURE PACKAGE, DUAL BAND, VHF+7/800	40	\$ 1,250.00	26%	\$ 925.00	\$ 37,000.00
3	XL-NC6Z	ANTENNA, FLEX, HELICAL, 136-970 MHZ	40	\$ 150.00	26%	\$ 111.00	\$ 4,440.00
4	XL-PKGPT	FEATURE PACKAGE, P25 TRUNKING	40	\$ 1,800.00	26%	\$ 1,332.00	\$ 53,280.00
5	XL-PL4U	FEATURE, SINGLE-KEY DES ENCRYPTION	40	\$ 0.01	100%	\$ -	\$ -
6	XL-PL9E	FEATURE, SINGLE-KEY AES ENCRYPTION	40	\$ 0.01	100%	\$ -	\$ -
7	XL-PL8Y	FEATURE, ENCRYPTION LITE	40	\$ 0.01	100%	\$ -	\$ -
8	XL-PL4F	FEATURE, P25 PHASE 2, TDMA	40	\$ 275.00	26%	\$ 203.50	\$ 8,140.00
9	XL-PA4K	BATTERY, LI-ION, HI-CAPACITY, 4800 MAH	40	\$ 250.00	26%	\$ 185.00	\$ 7,400.00
10	XL-CH6F	CHARGER, SINGLE-BAY +	25	\$ 260.00	26%	\$ 185.00	\$ 4,625.00
11	XL-AE4B	SPEAKER MICROPHONE, EMERG BUTTON	40	\$ 255.00	26%	\$ 188.70	\$ 7,548.00
12	GE7334-34X	CASE, LEATHER, PREMIUM, BELT LOOP, D-SWIVEL	40	\$ 135.00	26%	\$ 99.90	\$ 3,996.00
13	XL-HC3L	BELT CLIP, METAL	40	\$ 35.00	26%	\$ 25.90	\$ 1,036.00
		Total for Radio Package		\$ 6,350.00		\$ 6,179.00	
14	DWC-Shipping	Shipping / Handling	1	\$ 165.00	0%	\$ 165.00	\$ 165.00
		Sub Total				\$ 244,550.00	

Accessories

Item	Part #	Description	Qty	Unit List	Disc %	Unit Sale	Ext Sale
15	XL-CH6H	CHARGER, VEHICULAR, PREMIUM, XL-200P	8	\$ 318.00	26%	\$ 235.32	\$ 1,882.56
16	XL-CH6G	CHARGER, 6-BAY, PREMIUM, XL-200P	3	\$ 945.00	26%	\$ 699.30	\$ 2,097.90
17	DWC-Shipping	Shipping / Handling	1	\$ 45.00	0%	\$ 45.00	\$ 45.00
		Sub Total				\$ 4025.46	
		Extended Total				\$ 248,575.46	

P.O.
 Bill to: City of Kingsville
 PO Box 1458
 Kingsville, TX 78364

Ship To: Attn: Nick Chapa
 IT Department
 400 W. King
 Kingsville, TX 78363

Terms: Net 30 Days
 Shipping: Pre-Pay & add to invoice
 Price valid until March 31, 2026

RESOLUTION # 2026-_____

A RESOLUTION AUTHORIZING APPLICATION TO, ADMINISTRATION OF, AND ACCEPTANCE OF OFFICE OF THE GOVERNOR, FY2027 BORDER ZONE FIRE DEPARTMENTS GRANT PROGRAM, GRANT #5837801 REQUESTING ADDITIONAL FUNDING FOR NEW PORTABLE RADIOS FOR THE FIRE DEPARTMENT WITH NO ANTICIPATED CASH MATCH; AUTHORIZING THE FIRE CHIEF TO ACT ON THE CITY'S BEHALF WITH SUCH PROGRAM; DESIGNATING FINANCIAL OFFICER.

WHEREAS, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville that the Kingsville Fire Department participate in an application for grant monies to the FY2027 Border Zone Fire Departments Grant Program Grant #5837801 for new portable radios;

WHEREAS, this item was initially presented to City Commission on 2/23/26 where it was approved via Resolution #2026-27 for submittal with an estimated radio purchase cost of approximately \$188,000.00, but staff has since leaned requests of up to \$250,000 can be submitted and thus desires to increase the grant request for additional radios; and

WHEREAS, the City's Fire Department has need for new portable radios for fire personnel to replace outdated portable radios for a new total grant request of \$248,575.46; and

WHEREAS, the City agrees to provide the applicable matching funds for the said project, if any, as required by the Office of the Governor for the Grant Program grant application, though none is expected at this time; and

WHEREAS, the City agrees that in the event of loss or misuse of the Office of the Governor grant 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; and

WHEREAS, the City of Kingsville and the Kingsville Fire Department are aware of and will comply with the grant requirements; and

WHEREAS, the City Commission of the City of Kingsville designates the Fire Chief as the grantee's authorized official, who has the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency; and

WHEREAS, the City Commission of the City of Kingsville designates the Finance Director as the grantee's financial officer. The financial officer is given the power to

submit financial and/or programmatic reports or alter a 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 approves and authorizes the Fire Chief to submit a grant application to the FY2027 Border Zone Fire Departments Grant Program Grant #5837801 for new portable radios (estimated to cost approximately \$248,575.46) on behalf of the City of Kingsville Fire Department, with no anticipated cash match from the City if the item is awarded.

II.

THAT the Fire Chief is hereby authorized and directed to act on the City's behalf in all matters pertaining to the FY2027 Border Zone Fire Departments Grant Program Grant #5837801, including any certifications, amendments or representations stipulated therein and that the Fire Chief will administer the program and execute and submit all certifications, reports, or contracts necessary for the administration and expenditure of such program, and the Finance Director is designated as the grantee's financial officer.

III.

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

PASSED AND APPROVED by a majority vote of the City Commission the 9th day of March, 2026.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney

ORDINANCE NO. 2026-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2025-2026 BUDGET TO ACCEPT AND EXPEND THE BORDER ZONE FIRE DEPARTMENT (BZFD) GRANT AWARD #5837801 FOR THE PURCHASE OF PORTABLE RADIOS.

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 2025-2026 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#21

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 133 – Border Zone Fire Dept (BZFD)					
<u>Revenues- 4</u>					
2200	Fire	State Grants	72010	\$248,575.46	
<u>Expenditure-5</u>					
2200	Fire	Machinery & Equipment	71200	\$248,575.46	

[To amend the City of Kingsville FY 25-26 budget to accept and expend the Border Zone Fire Department (BZFD) Grant Award #5837801 for the purchase of portable radios . Funding will come from the Grant awarded for the stated purpose.]

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 9th day of March 2026.

PASSED AND APPROVED on this the 23rd day of March 2026.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

REGULAR AGENDA

AGENDA ITEM #2

**City of Kingsville
Engineering Dept.**

TO: Mayor and City Commissioners
CC: Charlie Sosa, City Manager
FROM: Charlie Cardenas, P.E., City Engineer
DATE: March 10, 2026
SUBJECT: Consider Approving Change Order No. 2 (Bid No. 25-17) for the General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Contract No. 22-085-009-D237 Project 14 – Santa Monica/Santa Barbara, formally Santa Gertrudis Drainage Improvements

Purpose:

Consider approving Change Order No. 2 (CO-2) for the General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Contract No. 22-085-009-D237. CO-2 is to increase the contract time by **60 calendar** days and increase the contract amount by \$30,750.00.

This change order addresses unforeseen issues during construction, including utility adjustments with a conflict with a waterline and new fiber optics (Lyte Fiber). The Utilities needed to be adjusted, and a new curb inlet needed to be manufactured. This caused delays in construction. The original completion date was April 6, 2026, and is now June 5th, 2026.

Summary:

GLO Change Order No. 2 – Construction Cost and Contract Time

Description	Calendar Days
Time extension Grace Paving contract	60
Utility Adjustment	\$30,750.00

Contract Time 270 Calendar Days

Background:

As part of the GLO CDBG-MIT Hurricane Harvey State Mitigation Competition grant. Project 14 – Santa Monica/Santa Barbara Drainage Improvements is a critical component of the city's infrastructure upgrades. This project includes the installation of additional inlets, Drainage and Street repairs along Santa Monica Blvd and Santa Barbara Blvd from Santa Gertrudis the dead end of Santa Barbara Blvd.



**City of Kingsville
Engineering Dept.**

Financial Impact:

The cost is \$30,750.00 (Fund 122) which is grant funded.

Recommendation:

Staff recommends approving the Change Order No. 2 for CDBG-MIT GLO Contract No. 22-085-009-D237 – Project 14 (Santa Monica/Santa Barbara Drainage Improvements) for the increase of 60 calendar days and \$30,750.00 for utility adjustments.

Attachments:

- Project 14 GLO Change Order No. 2
- Engineer's recommendation





March 4, 2026

Juan Carlos "Charlie" Cardenas, P.E.
City Engineer
City of Kingsville
400 W. King Ave.
Kingsville, TX 78363

Re: CDBG-MIT GLO Contract No. 22-085-009-D237 Project 14, (City of Kingsville Bid No. 25-17) – ICE CO 2 recommendation

Dear Mr. Cardenas,

This memorandum is in reference to ICE's recommendation to Change Order #2., in the increased amount of \$30,750. This Change Order is to remove the item for single utility adjustment and add an item for expanded utility adjustments due to unforeseen additional utility conflicts that were discovered during construction. Along with an additional 60 days added to the construction contract time.

During construction, waterline and fiber-optic lines were discovered that conflict with the curb inlet boxes. Moreover, due to further manufacturing delays of pre-cast concrete junction boxes and other constraints, ICE recommends at 60-day extension to allow the contractor to complete construction and the required documents during the closeout process.

The construction contract end date will be extended from the current date of April 6, 2026 to June 5, 2026.

This Change Order 2 along with Change Order 1 will increase the original contract amount of \$1,118,161.96 by approximately 2.75%, which falls within the 25% allowance per the GLO contract. The adjusted contract amount with this and previous change orders will be \$1,148,911.96. ICE has reviewed the contractor's change order proposal items and has verified that the new contract items are reasonably priced and within average market value based on recently received bid proposals for similar scopes of work.

Therefore, it is ICE's recommendation to approve Change Order #2. The City of Kingsville has the final decision to approve/not approve change orders.

If you have any questions or need additional information, please contact me at (361) 826-5805 or julio@icengineers.net

Sincerely,

A handwritten signature in black ink that reads 'Julio A. Macias, P.E.' The signature is written in a cursive style.

Julio A. Macias, P.E.
Project Engineer

Construction Advertisement and Invitation for Bids

The City of Kingsville will receive bids for GLO SW PROJECT 14 (W. SANTA GERTRUDIS ST.) STORM WATER IMPROVEMENTS (CDBG-MIT GLO CONTRACT NO. 22-085-009-D237) until 2:00 p.m. on Tuesday, July 8, 2025 at 400 W. King Ave, Kingsville, Tx 78363. Bids must be addressed to: (Rutilio "Rudy" Mora, Jr., P.E.). The bids will be publicly opened and read aloud at 2:00 p.m. on Tuesday, July 8, 2025 at 400 W. King Ave, Kingsville, Tx 78363.

An optional pre-bid site meeting is scheduled for Monday, June 30, 2025 at (10:00 a.m.) at the City of Kingsville, 400 W. King Ave, Kingsville, TX 78363.

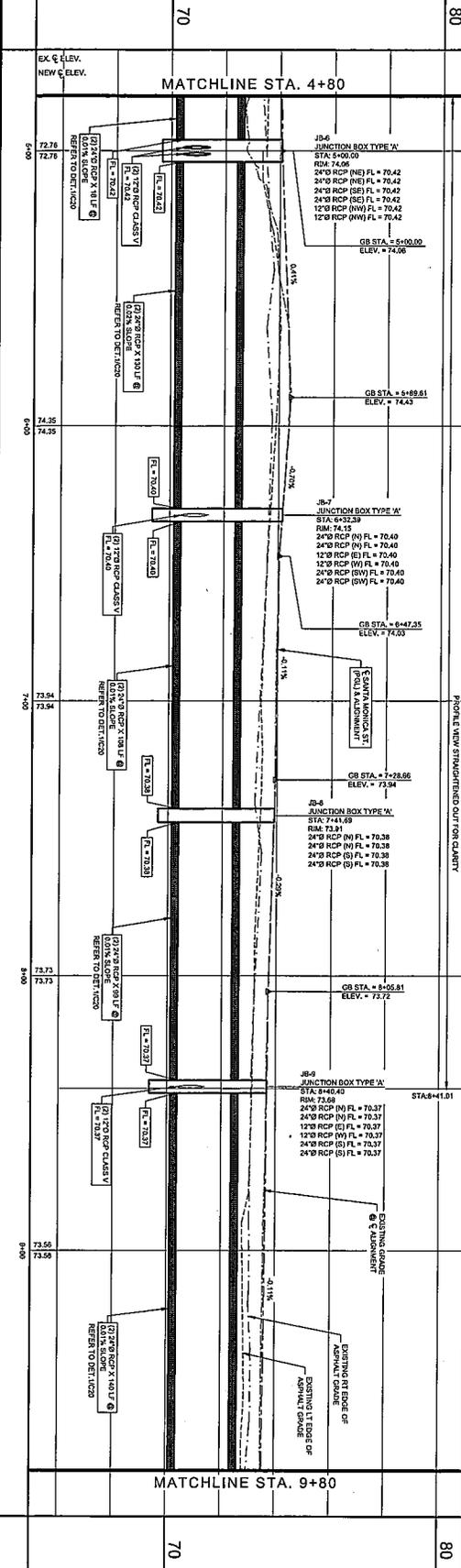
Bids are invited for several items and quantities of work as follows:

1. Base Bid

ITEM	DESCRIPTION	UNIT	QTY.	UNIT COST	TOTAL
A1	Mobilization / Bonds / Insurance	LS	1	\$69,096.00	\$ 69,096.00
A2	Traffic Control	LS	1	\$ 7,656.75	\$ 7,656.75
A3	Utility Adjustment	LS	1	\$ 6,150.00	\$ 6,150.00
A4	SWPP (Erosion Control Log)	LF	112	\$ 4.39	\$ 491.68
A5	Remove Existing Street Asphalt	SY	2,860	\$18.76	\$ 53,653.60
A6	Mill Existing Street Asphalt	SY	1,724	\$ 3.92	\$ 6,758.08
A7	Remove Existing Curb	LF	780	\$ 5.83	\$ 4,547.40
A8	Remove Existing Curb & Gutter	LF	468	\$ 5.85	\$ 2,737.80
A9	Remove Existing Sidewalk Concrete	SY	85	\$ 38.00	\$ 3,230.00
A10	Remove Existing Concrete Valley Gutter	SY	209	\$ 15.83	\$ 3,308.47
A11	Remove Existing Concrete	SY	12	\$ 97.38	\$ 1,168.56
A12	Remove Existing Concrete Rip Rap	SY	12	\$ 94.30	\$ 1,131.60
A13	H.M.A.C. Pavement	SY	2,735	\$ 62.93	\$172,113.55
A14	Asphalt Repair	SY	884	\$ 63.32	\$ 55,974.88
A15	Overlay Milled Asphalt	SY	1,724	\$ 26.99	\$ 46,530.76
A16	Repair Existing Curb & Gutter	LF	432	\$ 35.75	\$ 15,444.00
A17	Repair Existing Sidewalk Concrete	SY	67	\$ 86.28	\$ 5,780.76
A18	5' Concrete Valley Gutter	LF	47	\$ 102.06	\$ 4,796.82
A19	Curb Inlet	EA	14	\$ 2,889.97	\$ 40,459.58
A20	Junction Box Type 'A'	EA	11	\$11,490.29	\$ 126,393.19
A21	Grate Inlet	EA	4	\$ 4,305.62	\$ 17,222.48
A22	12"Ø RCP Class V	LF	662	\$ 66.86	\$ 44,261.32
A23	24"Ø RCP Class V	LF	1,934	\$ 102.30	\$197,848.20
A24	6'x1' RCB	LF	371	\$ 457.96	\$ 169,903.16
A25	Waste Water Line Crossing	EA	1	\$ 39,000.00	\$ 39,000.00
A26	ADA Parallel Curb Ramp	EA	1	\$ 4,059.00	\$ 4,059.00
A27	ADA Perpendicular Curb Ramp	EA	1	\$ 4,059.00	\$ 4,059.00
A28	Concrete Apron	SY	18	\$ 121.29	\$ 2,183.22
A29	Repair Existing Concrete	SY	12	\$ 174.25	\$ 2,091.00
A30	Repair Existing Concrete Rip Rap	SY	12	\$ 174.25	\$ 2,091.00

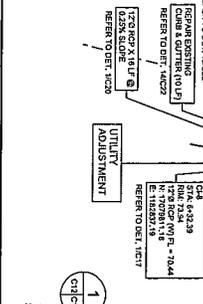
TOTAL BID \$ 1,110,141.86

How to



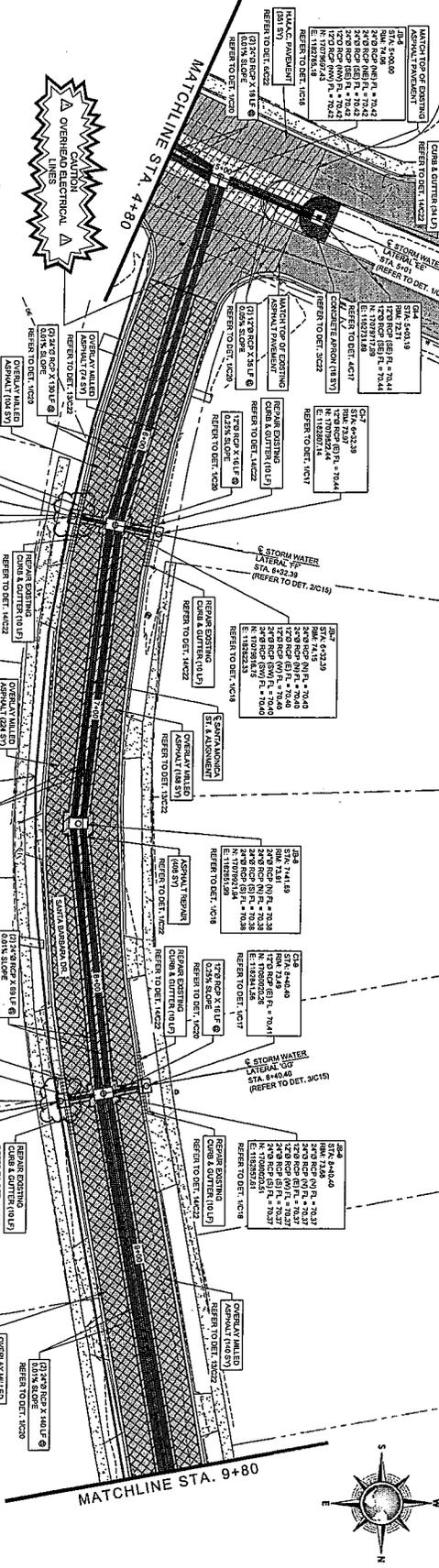
SHEET QUANTITIES SUMMARY

ITEM	DESCRIPTION	UNIT	QTY
A13	MANHOLE	ST	1
A14	ASPHALT REPAIR	SF	888
A15	OVERLAY WALKWAY	SF	888
A16	REPAIR EXISTING CURB & GUTTER	LF	144
A17	CONCRETE	CY	4
A18	CONCRETE	CY	4
A19	CONCRETE	CY	4
A20	CONCRETE	CY	4
A21	CONCRETE	CY	4
A22	CONCRETE	CY	4
A23	CONCRETE	CY	4
A24	CONCRETE	CY	4
A25	CONCRETE	CY	4
A26	CONCRETE	CY	4
A27	CONCRETE	CY	4
A28	CONCRETE	CY	4
A29	CONCRETE	CY	4
A30	CONCRETE	CY	4
A31	CONCRETE	CY	4
A32	CONCRETE	CY	4
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A36	CONCRETE	CY	4
A37	CONCRETE	CY	4
A38	CONCRETE	CY	4
A39	CONCRETE	CY	4
A40	CONCRETE	CY	4
A41	CONCRETE	CY	4
A42	CONCRETE	CY	4
A43	CONCRETE	CY	4
A44	CONCRETE	CY	4
A45	CONCRETE	CY	4
A46	CONCRETE	CY	4
A47	CONCRETE	CY	4
A48	CONCRETE	CY	4
A49	CONCRETE	CY	4
A50	CONCRETE	CY	4



STORM WATER PLAN & PROFILE II
 STA. 4+80 TO STA. 9+80

SCALE: HORIZ. 1"=40', VERT. 1"=2' (FULL SIZE SHEETS)
 SCALE: HORIZ. 1"=40', VERT. 1"=4' (HALF SIZE SHEETS)



REVISION NO.	DATE	BY	DESCRIPTION	REVISION NO.	DATE	BY	DESCRIPTION

CITY OF KINGSVILLE

INTERNATIONAL CONSULTING ENGINEERS

PHONE: 361.536.5066 FAX: 361.536.5068

286 SANDHOGA BLVD. CORPUS CHRISTI, TX 78417

I.C.E. REG. REGISTRATION #1-10837

CITY OF KINGSVILLE GLO SW PROJECT 14
(W. SANTA GERTRUDIS ST.) STORM WATER IMPROVEMENTS
 KINGSVILLE, KLEBERG COUNTY, TEXAS

STORM WATER PLAN & PROFILE II
 STA. 4+80 TO STA. 9+80

CONSULTANT'S SHEET
 PROJECT NO. 21197-01B
 6/09/25

RESOLUTION #2026-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #2 FOR THE CONSTRUCTION CONTRACT WITH GRACE PAVING AND CONSTRUCTION, INC. FOR THE GLO CDBG-MIT CONTRACT 22-085-009-D237 PROJECT 14: SANTA GERTRUDIS AVE. STORM WATER IMPROVEMENTS PROJECT; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville (City) intends to make some sanitary sewer improvements through a General Land Office (GLO) Community Development Block Grant (CDBG) -Mitigation (MIT) program via Contract No. 22-085-009-D237 Project 14: Santa Gertrudis Ave. Storm Water Improvements Project and went out for bids via BID #25-17 which was advertised on June 12th & 19th, 2025;

WHEREAS, five bids were received by the July 8, 2025 deadline for BID #25-17 and after reviewing the bid submittals staff and the outside engineer (ICE) recommended the bid be awarded to the low bidder, which was Grace Paving and Construction Inc., from Corpus Christi, Texas (vendor);

WHEREAS, the City awarded BID#25-17 to Vendor at a Commission meeting on July 28, 2025 for a total amount of \$1,118,161.96;

WHEREAS, the City and Vendor worked to prepare a contract for GLO CDBG-MIT Contract No. 22-085-009-D237 Project 14: Santa Gertrudis Ave. Storm Water Improvements Project and the parties both agreed to the terms of the proposed contract for a total amount of \$1,118,161.96 with a contract time of 150 calendar days, which was approved by City Commission via Resolution #2025-73 on August 11, 2025;

WHEREAS, there were unforeseen issues during construction, including utility adjustments with a conflict with the 6' x 1' concrete box being constructed causing construction to halt, so it is recommended that 60 additional workdays be added to the contract;

WHEREAS, staff recommended and the City Commission approved Change Order #1 for the construction contract with vendor as presented for a total amount of \$1,118,161.96 with a contract time of 210 calendar days via Resolution #2026-04 at a meeting on January 12, 2026;

WHEREAS, there have been unforeseen issues during construction (in Santa Monica/Santa Barbara area), including utility adjustments due to a conflict with a waterline and new fiber optics, causing the utilities to be adjusted and a new curb

to be manufactured, which caused construction delays, so it is recommended that 60 additional workdays and \$30,750.00 be added to the contract;

WHEREAS, staff is recommending the City Commission approve Change Order #2 for the construction contract with vendor as presented for a total amount of \$1,148,911.96 with a contract time of 270 calendar days;

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

I.

THAT the City Commission approves and the City Manager is authorized and directed as an act of the City of Kingsville, Texas to execute Change Order #2 for the Construction Contract for General Land Office (GLO) Community Development Block Grant (CDBG) -Mitigation (MIT) program via Contract No. 22--085-009-D237 Project 14: Santa Gertrudis Ave. Storm Water Improvements Project between the City of Kingsville, Texas and Grace Paving and Construction, Inc. as per staff recommendation and in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the
23rd day of March, 2026.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



COMMUNITY DEVELOPMENT & REVITALIZATION
The Texas General Land Office
Construction Change Order Request

Contract Price with All Approved Change Orders:	1,148,911.96	Contract Time with All Approved Change Orders in Days:	270
Cumulative Percent Change in Contract Price (+/-):	2.75%	Subrecipient Contract End Date:	1/31/2027
Construction Contract Start Date:	9/8/2025	Construction Contract End Date:	6/5/2026

Reimbursements of costs included in this change order are subject to review by GLO-CDR.

***This document may be executed prior to submission for GLO-CDR review, but all parties involved will be held responsible if the change order or amendment warranted as a result of this change order is not in compliance with CDBG or HUD Requirements**

Subrecipient Signature	Engineer Signature	Contractor Signature
Charlie L. Sosa, City Manager	Julio A. Macias, P.E., Project Engineer	Eddie Ortiz, President
Subrecipient Name and Title (Printed)	Engineer Name and Title (Printed)	Contractor Name and Title (Printed)
Subrecipient Signature	Engineer Signature	Contractor Signature

Justification for Change Order

1. Will this change order increase or decrease the number of beneficiaries? Increase Decrease No Change

If there is a change, how many beneficiaries will be affected?

Total LMI

2. Effect of this change on the scope of work: Increase Decrease No Change

3. Effect on operation and maintenance costs: Increase Decrease No Change

4. Are all prices in the change order dependent upon unit prices found in the original bid? Yes No

If "no", explain:

Unit cost for item CO 2-1 was found to be reasonable and competitive based on recently received bids for similar scopes of work. Fiber-optic lines were installed by a third-party on a separate contract. These new fiber optic lines and an unmarked, unknown water line directly conflict with items in this project and were unforeseen or non-existent prior to commencement.

5. Has the change created new circumstances or environmental conditions which may affect the project's impact, such as concealed or unexpected conditions discovered during actual construction? Yes No

If "yes", is an environmental assessment required?



COMMUNITY DEVELOPMENT & REVITALIZATION
The Texas General Land Office
Construction Change Order Request

-
6. Is the Texas Council on Environmental Quality (TCEQ) clearance still valid (if applicable)? Yes No
7. Is the CCN permit still valid? (*sewer projects only*) Yes No
8. Are the disability access requirements/approval still valid (if applicable)? Yes No
9. Are other Disaster Recovery contractual special condition clearances still valid? Yes No

If "no", explain:

Disclaimer: The Texas General Land Office has made every effort to ensure the information contained on this form is accurate and in compliance with the most up-to-date CDBG-DR and/or CDBG-MIT federal rules and regulations, as applicable. It should be noted that the Texas General Land Office assumes no liability or responsibility for any error or omission on this form that may result from the interim period between the publication of amended and/or revised federal rules and regulations and the Texas General Land Office's standard review and update schedule.

AGENDA ITEM #3

**City of Kingsville
Engineering Dept.**

TO: Mayor and City Commissioners
CC: Charlie Sosa, City Manager
FROM: Charlie Cardenas, P.E., City Engineer
DATE: March 9, 2026
SUBJECT: Consider Approving Change Order No. 3 Bid No. 25-13 for the General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Contract No. 22-085-009-D237 Project 10 – Armstrong Drainage Improvements

Purpose:

Consider approving Change Order No. 3 (CO-3) for the General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Contract No. 22-085-009-D237. CO-3 is to increase the contract time by **60 calendar** days.

This change order addresses unforeseen issues during construction, including utility adjustments with a conflict with a waterline. The City of Kingsville Public Works deemed that this line is inactive and abandoned. However, delays were caused in construction. The original completion date was March 19th, 2026, and is now May 18th, 2026.

Summary:

GLO Change Order No. 4 – Construction and Contract Time

Description	Calendar Days
Time extension Grace Paving contract	60

Contract Time 350 Calendar Days

Background:

As part of the GLO CDBG-MIT Hurricane Harvey State Mitigation Competition grant. Project 10 – Armstrong Drainage Improvements is a critical component of the city's infrastructure upgrades. This project includes the installation of additional inlets along Armstrong Street from Corral Ave to Santa Gertrudis Street.

Financial Impact:



**City of Kingsville
Engineering Dept.**

There is no cost to CO-3.

Recommendation:

Staff recommends approving the Change Order No. 3 for CDBG-MIT GLO Contract No. 22-085-009-D237 – Project 10 (Armstrong Drainage Improvements) for the increase of 60 calendar days.

Attachments:

- Project 10 GLO Change Order No. 3
- Engineer's recommendation





March 4, 2025

Juan Carlos "Charlie" Cardenas, P.E.
City Engineer
City of Kingsville
400 W. King Ave.
Kingsville, TX 78363

Re: CDBG-MIT GLO Contract No. 22-085-009-D237 Project 10, (City of Kingsville Bid No. 25-13) – ICE CO 3 recommendation

Dear Mr. Cardenas,

This memorandum is in reference to ICE's recommendation to Change Order #3. The Change Order is to add an additional 60 days to the construction contract time.

An unknown, unmarked water line was discovered during excavation. City of Kingsville public works officials investigated and determined the line to be inactive and abandoned. However, this caused delays to construction.

The construction contract end date will be extended from the original date of March 19, 2026 to May 18, 2026. There is no cost associated with this Change Order #3.

Therefore, it is ICE's recommendation to approve Change Order #3. The City of Kingsville has the final decision to approve/not approve change orders.

If you have any questions or need additional information, please contact me at (361) 826-5805 or julio@icengineers.net

Sincerely,

A handwritten signature in black ink that reads "Julio A. Macias, P.E." The signature is written in a cursive, flowing style.

Julio A. Macias, P.E.
Project Engineer

RESOLUTION #2026-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #3 FOR THE CONSTRUCTION CONTRACT WITH D&J UTILITY SERVICES LLC FOR THE GLO CDBG-MIT CONTRACT 22-085-009-D237 PROJECT 10: N. ARMSTRONG AVE. STORM WATER IMPROVEMENTS; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville (City) intends to make some storm water improvements through a General Land Office (GLO) Community Development Block Grant (CDBG) -Mitigation (MIT) Program via Contract #22-085-009-D237 Project 10: N. Armstrong Ave. Storm Water Improvements (from Corral Ave. to Santa Gertrudis Ave.) and went out for bids via Bid #25-13 which was advertised on February 13th & 20th, 2025;

WHEREAS, the three bids were received by the March 18, 2025 deadline that were responsive to Bid #25-13 and after reviewing the bid submittals staff and the outside engineer (ICE) recommended the bid be awarded to the low bidder, which was D&J Utility Services LLC, from Sinton, Texas (Vendor);

WHEREAS, the City awarded Bid#25-13 to Vendor at a Commission meeting on April 14, 2025 for a total amount of \$1,087,788.00 and 180 consecutive calendar days from the Notice to Proceed;

WHEREAS, the City and Vendor worked to prepare a contract for GLO CDBG-MIT Contract No. 22-085-009-D237 Project 10: N. Armstrong Ave. Storm Water Improvements and the parties both agree to the terms of the proposed contract for the base bid (\$489,440.00) and for alternate no. 1 (\$598,348.00), which together is a total amount of \$1,087,788.00 and 180 calendar days, and approved the contract on April 28, 2025 via Resolution #2025-47;

WHEREAS, on July 28, 2025 Resolution #2025-71 was approved for additional work to include traffic control upgrades for motorists and non-motorists be done to enhance public safety that resulted in an additional \$51,176.84 and 20 calendar days for a total amount of \$1,138,964.84 with a contract time of 200 calendar days;

WHEREAS, there were unforeseen issues during construction, including utility adjustments and working the university to limit construction during football season at Javelina Stadium which is adjacent to the worksite, so it was recommended that 90 additional work days be added to the contract;

WHEREAS, staff recommended and the City Commission approved Change Order #2 for the construction contract with vendor as presented for a total amount of \$1,138,964.84 with a contract time of 290 calendar days via Resolution #2026-05 at a meeting on January 12, 2026;

WHEREAS, there have been unforeseen issues during construction, including utility adjustments with a conflict with a waterline, causing construction, so it is recommended that 60 additional work days be added to the contract;

WHEREAS, staff is recommending the City Commission approve Change Order #3 for the construction contract with vendor as presented for a total amount of \$1,138,964.84 with a contract time of 350 calendar days;

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

I.

THAT the City Commission of the City of Kingsville, Texas to approves and authorizes the City Manager to execute Change Order #3 for the Construction Contract for General Land Office (GLO) Community Development Block Grant (CDBG) -Mitigation (MIT) program via Contract No. 22-085-009-D237 Project 10: N. Armstrong Ave. Storm Water Improvements between the City of Kingsville, Texas and D&J Utility Services LLC, from Sinton, Texas as per staff recommendation and in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the
23rd day of March, 2026.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



COMMUNITY DEVELOPMENT & REVITALIZATION
The Texas General Land Office
Construction Change Order Request

Contract Price with All Approved Change Orders:	1,138,964.84	Contract Time with All Approved Change Orders in Days:	350
Cumulative Percent Change in Contract Price (+/-)	4.70%	Subrecipient Contract End Date:	1/31/2027
Construction Contract Start Date:	6/2/2025	Construction Contract End Date:	5/18/2026

Reimbursements of costs included in this change order are subject to review by GLO-CDR.

***This document may be executed prior to submission for GLO-CDR review, but all parties involved will be held responsible if the change order or amendment warranted as a result of this change order is not in compliance with CDBG or HUD Requirements**

Subrecipient Signature	Engineer Signature	Contractor Signature
Charlie Sosa, City Manager	Julio A. Macias, P.E., Project Engineer	David Flores, Jr., Managing Principal
Subrecipient Name and Title (Printed)	Engineer Name and Title (Printed)	Contractor Name and Title (Printed)
Subrecipient Signature	Engineer Signature	Contractor Signature

Justification for Change Order

1. Will this change order increase or decrease the number of beneficiaries? Increase Decrease No Change

If there is a change, how many beneficiaries will be affected?

Total LMI

2. Effect of this change on the scope of work: Increase Decrease No Change

3. Effect on operation and maintenance costs: Increase Decrease No Change

4. Are all prices in the change order dependent upon unit prices found in the original bid? Yes No

If "no", explain:

5. Has the change created new circumstances or environmental conditions which may affect the project's impact, such as concealed or unexpected conditions discovered during actual construction? Yes No

If "yes", is an environmental assessment required?



COMMUNITY DEVELOPMENT & REVITALIZATION
The Texas General Land Office
Construction Change Order Request

-
6. Is the Texas Council on Environmental Quality (TCEQ) clearance still valid (if applicable)? Yes No
7. Is the CCN permit still valid? (sewer projects only) Yes No
8. Are the disability access requirements/approval still valid (if applicable)? Yes No
9. Are other Disaster Recovery contractual special condition clearances still valid? Yes No

If "no", explain:

Disclaimer: The Texas General Land Office has made every effort to ensure the information contained on this form is accurate and in compliance with the most up-to-date CDBG-DR and/or CDBG-MIT federal rules and regulations, as applicable. It should be noted that the Texas General Land Office assumes no liability or responsibility for any error or omission on this form that may result from the interim period between the publication of amended and/or revised federal rules and regulations and the Texas General Land Office's standard review and update schedule.

AGENDA ITEM #4

**City of Kingsville
Engineering Dept.**

TO: Mayor and City Commissioners
CC: Charlie Sosa, City Manager
FROM: Charlie Cardenas, P.E., City Engineer
DATE: March 10, 2026
SUBJECT: Consider Approving Change Order No. 4 Bid No. 24-09 for the General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Contract No. 22-082-016-D218 Project 1 – Loop 428 Lift Station and 14th Street Sewer repairs.

Purpose:

Consider approving Change Order No. 4 (CO-4) for the General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Contract No. 22-082-016-D218. CO-4 is to increase the contract time by **60 calendar** days and increase the contract amount by \$6,746.00.

This change order addresses unforeseen issues during construction, including manufacturing of the lift station and of two (2) Manholes for the project. The original completion date was March 31, 2026, and is now May 30, 2026.

Summary:

GLO Change Order No. 2 – Construction Cost and Contract Time

Description	Calendar Days
Time extension Grace Paving contract	60
Manhole Cost Adjustment	\$6,746.00

Contract Time 390 Calendar Days

Background:

As part of the GLO CDBG-MIT Hurricane Harvey State Mitigation Competition grant. Project 1 – Loop 428 Lift Station and 14th Street Sewer Improvements are a critical component of the city's wastewater infrastructure upgrades. This project includes the installation of Lift Station, Manholes, wastewater force main and Cast In Place Pipe (CIPP) on Loop 428 and along 14th Street from Loop 428 to Lee Street.



**City of Kingsville
Engineering Dept.**

Financial Impact:

The cost is \$6,746.00 (Fund 122) which is grant funded.

Recommendation:

Staff recommends approving the Change Order No. 4 for CDBG-MIT GLO Contract No. 22-082-016-D218 – Project 1 (Loop 428 Lift Station and 14th Street Sewer Improvements) for the increase of 60 calendar days and \$6,746.00 for Man Hole adjustments.

Attachments:

- Project 1 GLO Change Order No. 4
- Engineer's recommendation





March 4, 2026

Juan Carlos "Charlie" Cardenas, P.E.
City Engineer
City of Kingsville
400 W. King Ave.
Kingsville, TX 78363

Re: CDBG-MIT GLO Contract No. 22-082-016-D218 Project 1, (City of Kingsville Bid No. 24-09) – ICE CO 4 recommendation

Dear Mr. Cardenas,

This memorandum is in reference to ICE's recommendation to Change Order 4, an increase in the amount of \$6,746.00. This change order addresses a contract extension of 60 days to the construction contract time and reduction of 40 LF of 18"Ø sanitary sewer line. Along with adding 2 EA for manhole rehabilitation items. The removal of 40 LF of 18"Ø sanitary sewer line is necessary due to current field conditions at the lift station site.

Additionally, the 60-day time extension is due to unexpected delays during construction. The subcontractor has been delayed in conducting televised inspection of existing sanitary sewer lines due to constraints involving existing conditions of manhole covers. These televised inspections are necessary prior to installation of cast-in-place piping (CIPP). Moreover, the manufacture's lead times for the lift station materials were longer than stated and did not allow the contractor to continue construction. During construction, the contractor discovered two additional manhole covers that were seized due to corrosion. This requires the manhole ring and cover to be demolished and replaced with new ring and cover. The items of work are denoted as Items B2, CO 2-1, and CO 2-2. The unit costs for items CO2-1 and CO2-2 remain as approved via Change Order #2.

The construction contract end date will be extended from the original date of March 31, 2026 to May 30, 2026.

This Change Order 4 along with Change Orders 1, 2, and 3 will decrease the original contract amount of \$2,593,299.15 by approximately 0.55%, which falls within the 18% allowance per the GLO contract. The adjusted contract amount with this and previous change orders will be \$2,579,044.90.

Therefore, it is ICE's recommendation to approve Change Order 4. The City of Kingsville has the final decision to approve/not approve change orders.

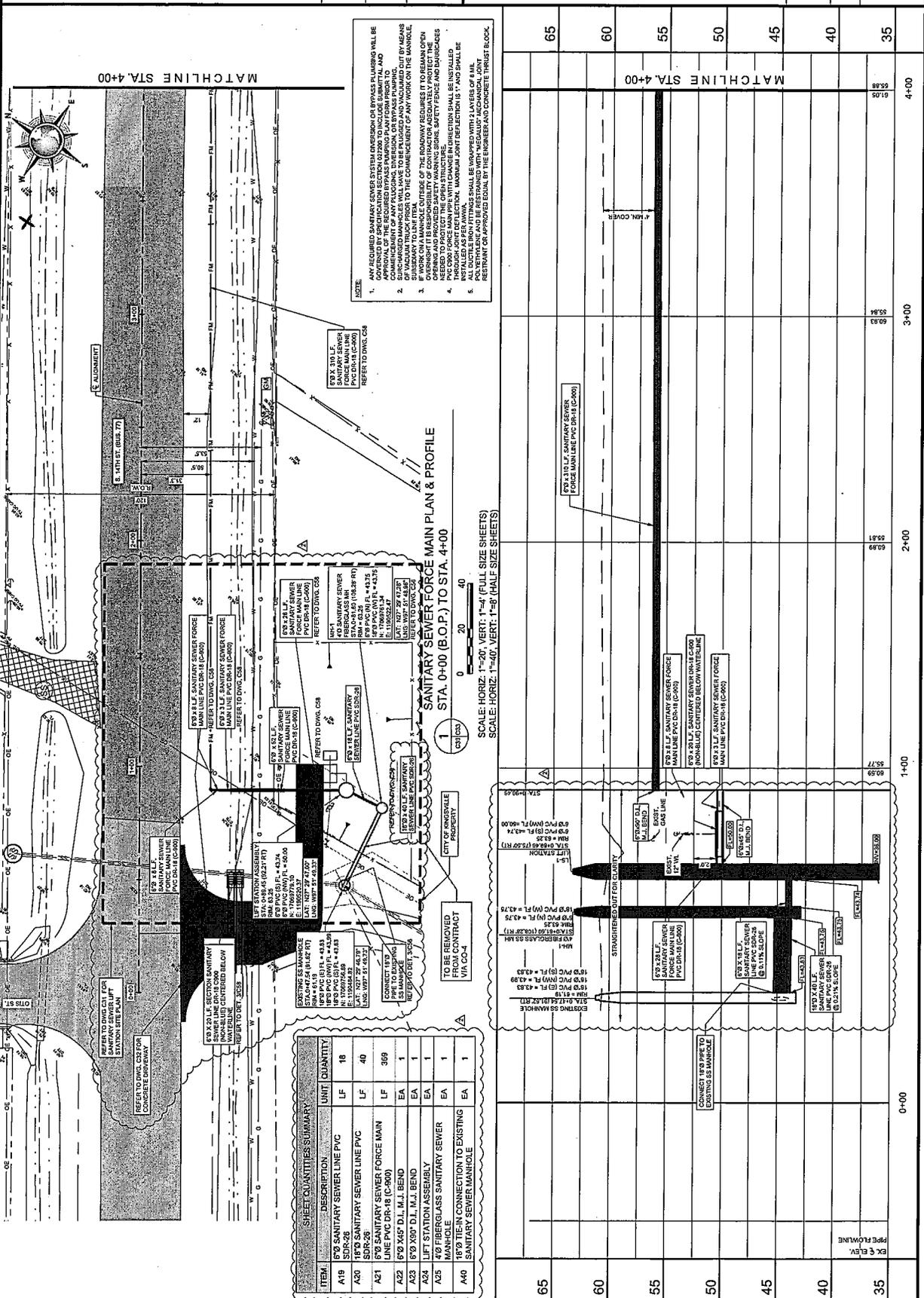
If you have any questions or need additional information, please contact me at (361) 826-5805 or julio@icengineers.net

Sincerely,

A handwritten signature in black ink that reads 'Julio A. Macias, P.E.' The signature is written in a cursive, flowing style.

Julio A. Macias, P.E.
Project Engineer

REVISION NO.	DATE	BY	DESCRIPTION

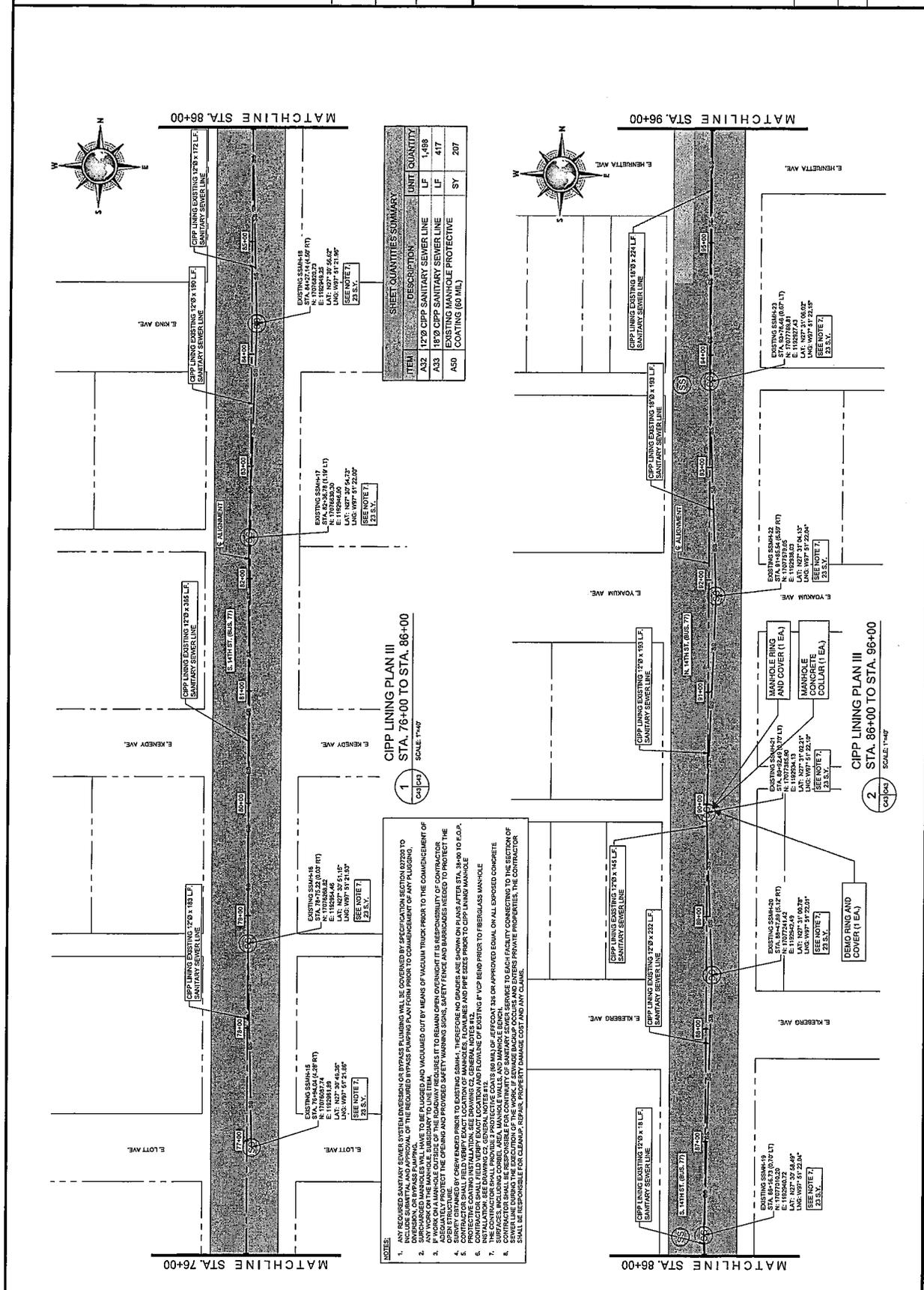


SHEET QUANTITIES SUMMARY

ITEM	DESCRIPTION	UNIT	QUANTITY
A19	6" SANITARY SEWER LINE PVC	LF	18
A20	18" SANITARY SEWER LINE PVC	LF	40
A21	6" SANITARY SEWER FORCE MAIN	LF	309
A22	9" X 18" D.I. M.J. BEND	EA	1
A23	9" X 18" D.I. M.J. BEND	EA	1
A24	LIFT STATION ASSEMBLY	EA	1
A25	40" FIBERGLASS SANITARY SEWER	EA	1
A40	18" T.E.M. CONNECTION TO EXISTING SANITARY SEWER MANHOLE	EA	1

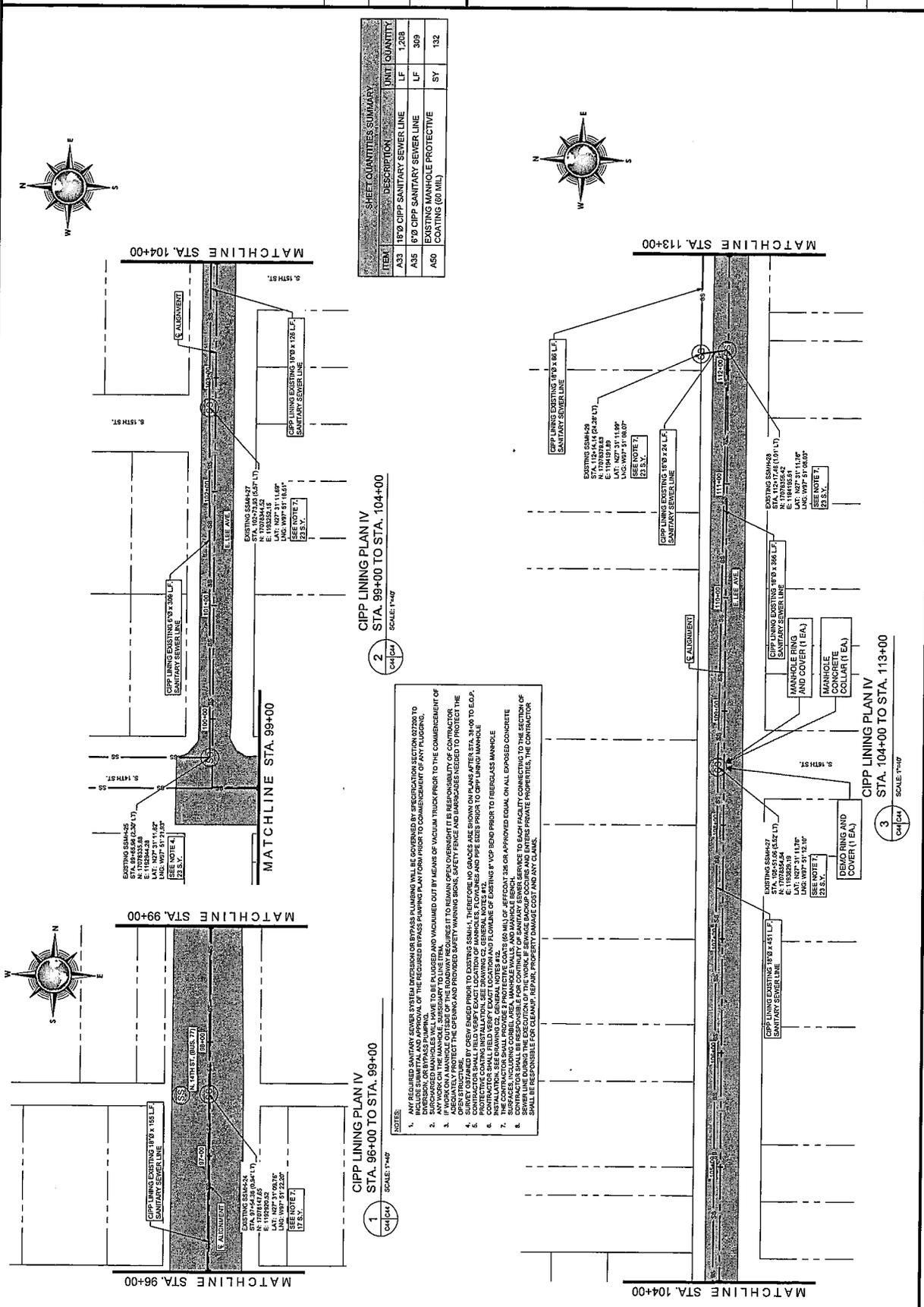
SCALE: HORIZ. 1"=30', VERT. 1"=4' (FULL SIZE SHEETS)
 SCALE: HORIZ. 1"=40', VERT. 1"=8' (HALF SIZE SHEETS)

- NOTE:**
1. ANY REQUIRED SANITARY SEWER SYSTEM EXPANSION OR BYPASS PLUMBING WILL BE APPROVED BY THE SPECIFICATION SECTION 02000 OR BYPASS PLUMBING WILL BE APPROVED BY THE SPECIFICATION SECTION 02000 OR BYPASS PLUMBING WILL BE APPROVED BY THE SPECIFICATION SECTION 02000.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES.
 3. IF WORK ON A MANHOLE OUTSIDE OF THE ROADWAY REQUIRES IT TO REMAIN OPEN OVERNIGHT IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ADEQUATELY PROTECT THE OPENING TO PROTECT THE OPEN STRUCTURE, SAFETY PEDESTALS AND DISBURGES.
 4. THROUGH-JOINT REFLECTIONS SHALL BE INSTALLED AT ALL MANHOLES AND LIFT STATIONS.
 5. ALL MANHOLES SHALL BE INSTALLED WITH A 4' MAN COVER OR A 10' LIFT STATION ASSEMBLY AS APPROVED BY THE ENGINEER AND CONCRETE THIRST FLOOR.



NOTES:

- ANY REQUIRED SANITARY SEWER SYSTEM DIVERSION OR BYPASS PLUMBING WILL BE COVERED BY SPECIFICATION SECTION 2720 TO INCLUDE SUBMITTAL AND APPROVAL OF THE REQUIRED BYPASS PUMPING PLAN FORM PRIOR TO COMMENCEMENT OF ANY PLUMBING.
- SURCHARGED MANHOLES WILL HAVE TO BE PLUGGED AND VACUUM TRUCK PRIOR TO THE COMMENCEMENT OF ANY PLUMBING.
- IF WORK ON A MANHOLE OUTSIDE OF THE ROADWAY REQUIRES IT TO REMAIN OPEN OVERNIGHT IT IS THE RESPONSIBILITY OF CONTRACTOR TO ASSESSLY PROTECT THE OPENING AND PROVIDE SAFETY WARNING SIGNS, SAFETY FENCE AND BARRICADES NEEDED TO PROTECT THE SAFETY OF THE PUBLIC.
- PROTECTIVE COATING SHALL BE APPLIED TO THE EXISTING MANHOLE AND FLOWLINE OF EXISTING 8" VCP BEND PRIOR TO FIBERGLASS MANHOLE INSTALLATION. SEE DRAWING FOR BEND LOCATION AND FLOWLINE OF EXISTING 8" VCP BEND PRIOR TO FIBERGLASS MANHOLE INSTALLATION.
- CONTRACTOR SHALL PROVIDE 2" PROTECTIVE COATING TO ALL EXPOSED CONCRETE SURFACES PRIOR TO CIPP LAYING.
- CONTRACTOR SHALL BE RESPONSIBLE FOR CONTINUITY OF SANITARY SEWER SERVICE TO EACH FACILITY CONNECTING TO THE SECTION OF SANITARY SEWER BEING RECONSTRUCTED. IF A SERVICE BACKUP OCCURS AND ENTERS PRIVATE PROPERTIES, THE CONTRACTOR SHALL BE RESPONSIBLE FOR CLEANUP, REPAIR AND RESTORATION TO ORIGINAL CONDITION.



ITEM	DESCRIPTION	UNIT	QUANTITY
A33	18"Ø CIP SANITARY SEWER LINE	LF	1,208
A35	6"Ø CIP SANITARY SEWER LINE	LF	309
A50	EXISTING MANHOLE PROTECTIVE COATING (60 MIL)	SY	132

NOTES:

- ALL WORK SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS AND DETAILS OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS, LATEST EDITION, AS AMENDED BY THE CITY OF KINGSVILLE, TEXAS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCEMENT OF ANY WORK.
- ANY WORK ON THE MANHOLE, SUBSIDIARY TO THE LINE, SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCEMENT OF ANY WORK.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCEMENT OF ANY WORK.
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- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCEMENT OF ANY WORK.

1 CIP LINING PLAN IV
SCALE: 1"=40'

2 CIP LINING PLAN IV
SCALE: 1"=40'

3 CIP LINING PLAN IV
SCALE: 1"=40'

RESOLUTION #2026-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #4 TO THE CONSTRUCTION CONTRACT WITH DONALD HUBERT CONSTRUCTION CO. FOR THE GLO CDBG-MIT CONTRACT 22-082-016-D218 PROJECT 1: 14TH STREET SANITARY SEWER IMPROVEMENTS PROJECT; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville (City) intends to make some sanitary sewer improvements through a General Land Office (GLO) Community Development Block Grant (CDBG) -Mitigation (MIT) program via Contract No. 22-082-016-D218 for Project 1: 14th Street Sanitary Sewer Improvements and went out for bids via BID #24-09 which was advertised in 2024;

WHEREAS, the three bids were received on April 18, 2024 responsive to BID #24-09 and after reviewing the bid submittals staff and the outside engineer (ICE) recommended the bid be awarded to the low bidder, which was Donald Hubert Construction Co. from Kingsville, Texas (vendor);

WHEREAS, the City awarded BID#24-09 to Vendor at a Commission meeting on August 26, 2024 for a total amount of \$2,593,299.15;

WHEREAS, the contract could not be executed because the amendment included revisions to this particular project site and the state contract amendment was not able to be fully executed until January 31, 2025;

WHEREAS, the successful low bidder was then contacted to see if their bid was still going to be honored and they agreed that they would honor the bid;

WHEREAS, the City and Vendor worked to prepare a construction contract that was approved by City Commission on April 14, 2025 via Resolution #2025-38 for GLO CDBG-MIT Contract No. 22-082-016-D218 Project 1: 14th Street Sanitary Sewer Improvements for the base bid (\$2,523,299.15) and for alternates nos. 1& 2 (\$70,000.00), which together total an amount of \$2,593,299.15 with a contract time of 240 calendar days;

WHEREAS, the Change Order No.1 did three things (1) substituted approximately 600 LF of 12" PVC gravity sanitary sewer line with 6" PVC sanitary sewer force main with all appurtenances such as pipe encasement and sanitary sewer manholes, (2) relocated the driveway location for the lift station at the request of the Texas Department of Transportation, and (3) updated the HUD-4010 Federal Labor Standards Provisions documents to the most current

version, which resulted in a contract price decrease of \$36,414.70 and no change in the contract time;

WHEREAS, the City Commission via Resolution #2025-67 on July 14, 2025 approved Change Order #1 to the construction contract with Vendor for a new total contract amount of \$2,556,884.45 and the same contract time of 240 calendar days;

WHEREAS, the City Commission via Resolution #2025-99 on December 8, 2025 approved Change Order #2 (adding \$11,860.00 and 90 calendar days) to the construction contract with Vendor for a new total contract amount of \$2,568,744.45 and a new contract time of 330 calendar days;

WHEREAS, the proposed Change Order No.3 was necessary due to an unforeseen issue during construction regarding an electrical service connection expense at the lift station from the transmission provider, which resulted in a contract price increase of \$3,554.45 and no change in the contract time;

WHEREAS, staff recommended and the City Commission approved Change Order #3 for the construction contract with Vendor as presented for a new total amount of \$2,572,298.90 and the same contract time of 330 calendar days via Resolution #2026-10 at a meeting on February 09, 2026;

WHEREAS, the proposed Change Order No.4 is necessary due to an unforeseen issue during construction including manufacturing of the lift station and of two (2) manholes for the project, which results in a \$6,746.00 increase in the contract price and an increase of 60 calendar days;

WHEREAS, staff is recommending the City Commission approve Change Order #4 for the construction contract with Vendor as presented for a new total amount of \$2,579,044.90 and a new total contract time of 390 calendar days;

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

I.

THAT the City Commission approves and the City Manager is authorized and directed as an act of the City of Kingsville, Texas to execute Change Order #4 to the Construction Contract between the City of Kingsville, Texas and Donald Hubert Construction Co. for General Land Office (GLO) Community Development Block Grant (CDBG) -Mitigation (MIT) program via Contract No. 22-082-016-D218 for Project 1: 14th Street Sanitary Sewer Improvements Project as per staff recommendation and in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the
23rd day of March, 2026.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



COMMUNITY DEVELOPMENT & REVITALIZATION
The Texas General Land Office
Construction Change Order Request

Contract Price with All Approved Change Orders:	2,579,044.90	Contract Time with All Approved Change Orders in Days:	390
Cumulative Percent Change in Contract Price (+/-)	-0.55%	Subrecipient Contract End Date:	1/31/2027
Construction Contract Start Date:	5/5/2025	Construction Contract End Date:	5/30/2026

Reimbursements of costs included in this change order are subject to review by GLO-CDR.

***This document may be executed prior to submission for GLO-CDR review, but all parties involved will be held responsible if the change order or amendment warranted as a result of this change order is not in compliance with CDBG or HUD Requirements**

Subrecipient Signature	Engineer Signature	Contractor Signature
Charlie L. Sosa, City Manager	Julio A. Macias, P.E., Project Engineer	Donald W. Hubert, President
Subrecipient Name and Title (Printed)	Engineer Name and Title (Printed)	Contractor Name and Title (Printed)
Subrecipient Signature	Engineer Signature	Contractor Signature

Justification for Change Order

1. Will this change order increase or decrease the number of beneficiaries? Increase Decrease No Change

If there is a change, how many beneficiaries will be affected?

Total LMI

2. Effect of this change on the scope of work: Increase Decrease No Change

3. Effect on operation and maintenance costs: Increase Decrease No Change

4. Are all prices in the change order dependent upon unit prices found in the original bid? Yes No

If "no", explain:

Items CO 2-1 and CO 2-2 are not in the original bid package, but have previously been approved via Change Order #2.

5. Has the change created new circumstances or environmental conditions which may affect the project's impact, such as concealed or unexpected conditions discovered during actual construction? Yes No

If "yes", is an environmental assessment required?



COMMUNITY DEVELOPMENT & REVITALIZATION
The Texas General Land Office
Construction Change Order Request

-
6. Is the Texas Council on Environmental Quality (TCEQ) clearance still valid (if applicable)? Yes No
7. Is the CCN permit still valid? (sewer projects only) Yes No
8. Are the disability access requirements/approval still valid (if applicable)? Yes No
9. Are other Disaster Recovery contractual special condition clearances still valid? Yes No

If "no", explain:

Disclaimer: The Texas General Land Office has made every effort to ensure the information contained on this form is accurate and in compliance with the most up-to-date CDBG-DR and/or CDBG-MIT federal rules and regulations, as applicable. It should be noted that the Texas General Land Office assumes no liability or responsibility for any error or omission on this form that may result from the interim period between the publication of amended and/or revised federal rules and regulations and the Texas General Land Office's standard review and update schedule.

AGENDA ITEM #5

To: Kingsville City Manager, Charlie Sosa

From: Susan Ivy, Director of Parks and Recreation

Date: March 12, 2026

Re: Agenda Request - State Community Development Appropriations Grant Application –
DKP Field Lighting

.....

Summary:

Kingsville Parks and Recreation is asking for Commission to Approve a grant application to the State of Texas, Community Development Fund – Economic Development Initiative Program Appropriations through the Department of Housing and Urban Development.

We are asking for \$1,300,000 to be used for the redevelopment of Ball Fields and Lighting in Dick Kleberg Park in Kingsville, Kleberg County, Texas. This project is designed to expand the use of these recreational facilities to allow for longer playing time available, improved facilities and increased tournament play and sports tourism to our community.

History: The Adult Softball Fields are over 40 years old and in desperate need of renewal, new lighting, shade structures to protect from extreme summer heat and turf infield installation to bring the minimum renewal to these fields. Red dirt infields are costly to have the dirt trucked in at \$1,000 per load and maintenance is very time consuming.

We are asking for approval to request funding to replace lighting, add new shade structures for players and spectators, and turf the infields and outfields if additional funding is acquired.

The City Manager will be approved signator for the grant and the Parks Director and Finance Director will administer the grant.

Financial Impact: This grant would add \$1,300,000 to the Parks and Recreation Capital Improvement Fund to be used for the purposes detailed above.

Action: We ask that City Commission authorize the Application of a grant request to the Community Development Fund – Economic Development Initiative (EDI) Department of Housing and Urban Development Appropriations Program for redevelopment of Ball Fields and Lighting in Dick Kleberg Park in Kingsville in the amount of \$1,300,000.

RESOLUTION # 2026-_____

A RESOLUTION AUTHORIZING THE CITY TO SUBMIT AN APPLICATION FOR STATE APPROPRIATIONS THROUGH THE HOUSING AND URBAN DEVELOPMENT'S COMMUNITY DEVELOPMENT FUND - ECONOMIC DEVELOPMENT INITIATIVE PROGRAM REQUESTING FUNDING FOR THE REDEVELOPMENT OF BALL FIELDS AND LIGHTING IN DICK KLEBERG PARK; AUTHORIZING THE CITY MANAGER TO SUBMIT THE GRANT, THE FINANCIAL DIRECTOR AS THE FINANCIAL OFFICER, AND THE CITY PARKS DIRECTOR AS THE GRANT OFFICIAL TO ACT ON THE CITY'S BEHALF WITH SUCH GRANT PROGRAM.

WHEREAS, the State of Texas, through the Department of Housing and Urban Development, (hereinafter "Department") has a Community Development Fund-Economic Development Initiative Program (hereinafter "Program") that can provide monetary assistance for community, recreational programming; and

WHEREAS, the City of Kingsville strives to provide quality recreational programming to the citizens in our community; and

WHEREAS, the City's Dick Kleberg Park is home to an abundance of nature based and recreational spaces, including the City's baseball, soccer, and softball fields; and

WHEREAS, the City is fully eligible to receive assistance under the Program; and

WHEREAS, the City is desirous of authorizing the Parks Director, Susan Ivy, as the Grant Official to represent and act for the City in dealing with the Department concerning the Program, and to have the City Manager be authorized to submit the grant, and the Finance Director be the Financial Officer for the grant; and

WHEREAS, the City of Kingsville would like to apply for approximately \$1,300,000.00 in funding for redevelopment of ball fields and lighting in Dick Kleberg Park in Kingsville, Texas; and

WHEREAS, this is a reimbursement grant, so there is no cash match; and

WHEREAS, the City Commission of the City of Kingsville through this resolution has authorized the City Manager as the Executive Officer to submit an application for the aforementioned grant and project and the City Parks Director as the authorized representative/grant official to administer the grant and represent the City in this matter, and the Finance Director as the Financial Officer for the grant.

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

I.

THAT the City certifies it is eligible to receive assistance under the Program.

II.

THAT the City Manager is the executive officer hereby authorized and directed to sign and act on the City's behalf in all matters pertaining to the State Appropriations through the Department of Housing and Urban Development's Community Development Fund-Economic Development Initiative Program, including any certifications, amendments or representations stipulated therein and that the City Parks Director, as the authorized representative/grant official, to administer the program and execute and submit all certifications, reports, or contracts necessary for the administration and expenditure of such program, and the Finance Director is authorized as the Financial Officer for the grant.

III.

THAT the City specifically authorizes the official to make application to the Department concerning the site to be known as Dick Kleberg Park in the City of Kingsville, Texas or use as a park site and is hereby dedicated for public park and recreation purposes in perpetuity or for the lease term if legal control is through a lease. Projects with federal monies may have differing requirements.

IV.

THAT the City Commission approves the submission of the application for State Appropriations through the Department of Housing and Urban Development's Community Development Fund-Economic Development Initiative Program for the Kingsville Parks Department for redevelopment of ball fields and lighting in Dick Kleberg Park in Kingsville, Texas.

V.

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

VI.

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

PASSED AND APPROVED by a majority vote of the City Commission the 23rd day of March, 2026.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney

AGENDA ITEM #6

Authorize
Purchase

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners
CC: Charlie Sosa City Manager
FROM: John Blair, Chief of Police
DATE: March 17, 2026
SUBJECT: Update of KPD Unit 2982

Summary

As previously discussed at the City Commission meeting on 9 March 2026, the Kingsville Police Department, utilizing Operation Lone Star funds, had taken possession of a 2024 Ford F-150 pickup truck. The vehicle is actually a 2025 and the 2024 in my previous memorandum was typed in error. This vehicle was purchased under Operation Lone Star Grant #4385703 via a purchasing cooperative. The City of Kingsville Purchase Order is #252359 through TIPS USA Contract 240901. The vendor for this purchase was Silsbee Fleet.

Financial Impact

The total cost of this fully outfitted Police Responder Unit also needs to be adjusted to accommodate the purchase of a radar unit for an additional cost of \$4,090.00. The total adjusted cost is \$96,609.58 The entire cost is funded through savings from Operation Lone Star Grant #4385703.

Recommendation

Authorize the adjusted purchase price of the outfitted 2025 pickup truck for the Police Department via the TIPS USA Contract 240901 purchasing cooperative for \$96,609.58.



Updated 11

INVOICE#: SKE78641

(409) 895-3800
1-800-464-2749



Remit Payment to:
Silsbee Ford, INC
1211 U.S. Hwy. 96 N.
P.O. Box 815
Silsbee, Texas 77656

Government & Commercial Sales
Tax ID # 76-0533144

SOLD TO: CITY OF KINGSVILLE
ADDRESS PO BOX 1458
KINGSVILLE TX 78364

DEAL# 63054

DATE 02/09/2026

SALESMAN MICHAEL A WILEY

MAKE	MODEL	NEW OR USED	VIN NO.		
2025 FORD TRUC	F-150 POLICE	NEW	1FTFW1P81SKE78641	PRICE OF VEHICLE OPTIONAL EQUIP. & ACCESS.	96609.58
P.O. # 252359 REQ. # TIPS TAPS				ESP WARR.	N/A
<h1>VEHICLE INVOICE</h1>				SALES TAX LICENSE AND TITLE	N/A N/A
				TOTAL CASH PRICE	96609.58
				FINANCING INSURANCE	N/A N/A
				TOTAL PRICE	96609.58
				SETTLEMENT: DEPOSIT CASH ON DELIVERY TRADE-IN _____ N/A PAY-OFF _____ N/A PAY-OFF TO TYPE	N/A N/A N/A
LIENHOLDER:				VIN NO.	
				PAYMENTS 96609.58 1 @	96609.58
				TOTAL	96609.58

PLEASE PAY FROM THIS INVOICE - NET 30 DAYS
DEALER



CITY OF KINGSVILLE

PO Box 1458
Kingsville, TX 78364
PH: (361) 595-8025

PURCHASE ORDER

PO Number: 252359

Date: 08/13/2025

Requisition #: REQ32463

Vendor #: 5418

ISSUED TO: Silsbee Ford Inc
1211 US 96 North
Silsbee, TX 77656-

SHIP TO: IT Department
Attn: Kyle Benson
400 W King
Kingsville, TX 78363

m

ITEM	UNITS/DESCRIPTION	GL ACCT #	PROJ ACCT #	PRICE	AMOUNT
1	1 Additional Delivery Charge 293 miles	001-5-2102-71100		586.00	586.00
2	1 Unpublished Options Black; Srock Units on Order to this Spec; Arriving soon to Dealership; M25 WIP Adjustment Stock (\$2000); Gulf Coast Fleet and Truck Equipment Quote 1053 \$41,206.33	001-5-2102-71100		39,206.33	39,206.33
3	1 Factory Options 2025 Crew Cab 4x4 w5.5ft Bed, Incl Power Windows/Locks; A/C; AM/FM W/Sync; Cloth Front Buckets; Vinyl Rear; Rear View Camera; Cruise Control; 3.5 Exoboost V6; 10-Spd Automatic; Receiver Hitch; Steel Wheels; 4 Remote Fobs \$350; Black Steps \$255; Fleet Keyed Alike 1284X \$50	001-5-2102-71100		655.00	655.00
4	1 2025 Ford F-150 Police Responder TIPS USA 240901	001-5-2102-71100		52,105.00	52,105.00
5	1 Published Option Discount 5%	001-5-2102-71100		-32.75	-32.75

Authorized by: _____

SUBTOTAL:	92,519.58
TOTAL TAX:	0.00
SHIPPING:	0.00
TOTAL	92,519.58

- Original invoice with remittance slip must be sent to: City of Kingsville, PO Box 1458, Kingsville, TX 78364.
- Payment may be expected within 30 days of receipt of goods and invoice.
- C.O.D. shipment will not be accepted.
- Purchase Order numbers must appear on all shipping containers, packing slips and invoices. Failure to comply with the above request may delay payment.
- All goods are to be shipped F.O.B. Destination unless otherwise stated.
- All materials and services are subject to approval based on the description on the face of the purchase order or appendages thereof. Substitutions are not permitted without approval of the Requesting Department. Material not approved will be returned at no cost to the City.
- All goods and equipment must meet or exceed all necessary city, state and federal standards and regulations.
- Vendor or manufacturer bears risk of loss or damage until property received and/or installed.
- Seller acknowledges that the buyer is an equal opportunity employer. Seller will comply with all equal opportunity laws and regulations that are applicable to it as a supplier of the buyer.
- The City is exempt from all federal excise and state tax - ID# 74-6001513

Initial Item



PRODUCT PRICING SUMMARY
TIPS USA 240901 TRANSPORTATION VEHICLES
VENDOR- Silsbee Ford, 1211 Hwy 96 N., Silsbee TX 77656

End User: CITY OF KINGSVILLE Prepared by: MICHAEL WILEY
 Contact: KYLE BENSON Phone: 254-541-9061
 Email: _____ Email: mwiley.silsbeefleet@gmail.com
 Product Description: FORD F-150 POLICE RESPONDER Date: August 7, 2025

A. Bid Item: 57 A. Base Price: \$ 52,105.00

B. Factory Options

Code	Description	Bid Price	Code	Description	Bid Price
WIP	2025 CREW CAB 4X4 W/5.5FT BED	\$ -	67P	REMOTE FOBS (4)	\$ 350.00
	POWER WINDOWS AND LOCKS	INCL	18B	BLACK STEPS	\$ 255.00
	A/C; AM/FM W/SYNC	INCL	62B	FLEET KEYED ALIKE 1284X	\$ 50.00
	CLOTH FRONT BUCKETS; VINYL REAR	INCL			
	REAR VIEW CAMERA; CRUISE CONTROL	INCL			
	3.5L EXOBOOST V6	INCL			
	10-SPD AUTOMATIC	INCL			
	RECEIVER HITCH	INCL			
	STEEL WHEELS	INCL			

Total of B. Published Options: \$ 655.00

Published Option Discount (5%) \$ (32.75)

C. Unpublished Options

Description	Bid Price	Options	Bid Price
BLACK	COLOR	MY25 WIP ADJUSTMENT STOCK	\$ (2,000.00)
SROCK UNITS ON ORDER TO THIS SPEC	DELIVERY		
ARRIVING SOON TO DEALERSHIP		GULF COAST FLEET AND TRUCK	\$ 41,206.33
		EQUIPMENT QUOTE 1053	

Total of C. Unpublished Options: \$ 39,206.33

D. Floor Plan Interest (for in-stock and/or equipped vehicles): \$ -
 E. Lot Insurance (for in-stock and/or equipped vehicles): \$ -
 F. Contract Price Adjustment: _____ \$ -
 G. Additional Delivery Charge: 293 miles \$ 586.00
 H. Subtotal: \$ 92,519.58
 I. Quantity Ordered 1 x H = \$ 92,519.58
 J. Trade in: _____ \$ -
 K. Total Purchase Price \$ 92,519.58

AGENDA ITEM #7

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners
CC: Charlie Sosa City Manager
FROM: John Blair, Chief of Police
DATE: March 17, 2026
SUBJECT: Update of KPD Unit 2982

Summary

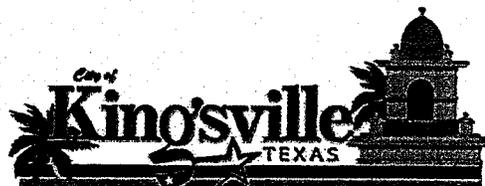
As previously discussed at the City Commission meeting on 9 March 2026, the Kingsville Police Department, utilizing Operation Lone Star funds, had taken possession of a 2024 Ford F-150 pickup truck. The vehicle is actually a 2025 and the 2024 in my previous memorandum was typed in error. This vehicle was purchased under Operation Lone Star Grant #4385703 via a purchasing cooperative. The City of Kingsville Purchase Order is #252359 through TIPS USA Contract 240901. The vendor for this purchase was Silsbee Fleet.

Financial Impact

The total cost of this fully outfitted Police Responder Unit also needs to be adjusted to accommodate the purchase of a radar unit for an additional cost of \$4,090.00. The total adjusted cost is \$96,609.58. The entire cost is funded through savings from Operation Lone Star Grant #4385703.

Recommendation

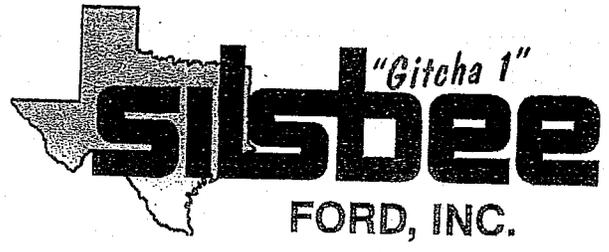
Authorize the adjusted purchase price of the outfitted 2025 pickup truck for the Police Department via the TIPS USA Contract 240901 purchasing cooperative for \$96,609.58.



Updated 1

INVOICE#: SKE78641

(409) 895-3800
1-800-464-2749



Remit Payment to:
Silsbee Ford, INC
1211 U.S. Hwy. 96 N.
P.O. Box 815
Silsbee, Texas 77656

Government & Commercial Sales
Tax ID # 76-0533144

SOLD TO: CITY OF KINGSVILLE
ADDRESS PO BOX 1458
KINGSVILLE TX 78364

DEAL# 63054
SALESMAN MICHAEL A WILEY

DATE 02/09/2026

MAKE	MODEL	NEW OR USED	VIN NO.		
2025 FORD TRUC	F-150 POLICE	NEW	1FTFW1P81SKE78641	PRICE OF VEHICLE OPTIONAL EQUIP. & ACCESS.	96609.58
P.O. # <u>252359</u> REQ. # <u>TIPS TAPS</u>				ESP WARR.	N/A
				SALES TAX LICENSE AND TITLE	N/A N/A
				TOTAL CASH PRICE	96609.58
				FINANCING INSURANCE	N/A N/A
				TOTAL PRICE	96609.58
				SETTLEMENT:	
				DEPOSIT	N/A
				CASH ON DELIVERY	N/A
				TRADE-IN <u>N/A</u>	N/A
				PAY-OFF <u>N/A</u>	N/A
				PAY-OFF TO TYPE	
				VIN NO.	
				PAYMENTS 96609.58 1 @	96609.58
				TOTAL	96609.58

VEHICLE INVOICE

LIENHOLDER:

PLEASE PAY FROM THIS INVOICE - NET 30 DAYS
DEALER



CITY OF KINGSVILLE

PO Box 1458
Kingsville, TX 78364
PH: (361) 595-8025

PURCHASE ORDER

PO Number: 252359

Date: 08/13/2025

Requisition #: REQ32463

Vendor #: 5418

ISSUED TO: Silsbee Ford Inc
1211 US 96 North
Silsbee, TX 77656-

SHIP TO: IT Department
Attn: Kyle Benson
400 W King
Kingsville, TX 78363

ITEM	UNITS/DESCRIPTION	GL ACCT #	PROJ ACCT #	PRICE	AMOUNT
1	1 Additional Delivery Charge 293 miles	001-5-2102-71100		586.00	586.00
2	1 Unpublished Options Black; Srock Units on Order to this Spec; Arriving soon to Dealership; M25 WIP Adjustment Stock (\$2000); Gulf Coast Fleet and Truck Equipment Quote 1053 \$41,206.33	001-5-2102-71100		39,206.33	39,206.33
3	1 Factory Options 2025 Crew Cab 4x4 w5.5ft Bed, Incl Power Windows/Locks; A/C; AM/FM W/Sync; Cloth Front Buckets; Vinyl Rear; Rear View Camera; Cruise Control; 3.5 Exoboost V6; 10-Spd Automatic; Receiver Hitch; Steel Wheels; 4 Remote Fobs \$350; Black Steps \$255; Fleet Keyed Alike 1284X \$50	001-5-2102-71100		655.00	655.00
4	1 2025 Ford F-150 Police Responder TIPS USA 240901	001-5-2102-71100		52,105.00	52,105.00
5	1 Published Option Discount 5%	001-5-2102-71100		-32.75	-32.75

Authorized by: _____

SUBTOTAL:	92,519.58
TOTAL TAX:	0.00
SHIPPING:	0.00
TOTAL	92,519.58

- Original invoice with remittance slip must be sent to: City of Kingsville, PO Box 1458, Kingsville, TX 78364.
- Payment may be expected within 30 days of receipt of goods and invoice.
- C.O.D. shipment will not be accepted.
- Purchase Order numbers must appear on all shipping containers, packing slips and invoices. Failure to comply with the above request may delay payment.
- All goods are to be shipped F.O.B. Destination unless otherwise stated.
- All materials and services are subject to approval based on the description on the face of the purchase order or appendages thereof. Substitutions are not permitted without approval of the Requesting Department. Material not approved will be returned at no cost to the City.
- All goods and equipment must meet or exceed all necessary city, state and federal standards and regulations.
- Vendor or manufacturer bears risk of loss or damage until property received and/or installed.
- Seller acknowledges that the buyer is an equal opportunity employer. Seller will comply with all equal opportunity laws and regulations that are applicable to it as a supplier of the buyer.
- The City is exempt from all federal excise and state tax - ID# 74-6001513



PRODUCT PRICING SUMMARY
TIPS USA 240901 TRANSPORTATION VEHICLES
VENDOR- Silsbee Ford, 1211 Hwy 96 N., Silsbee TX 77656

End User: CITY OF KINGSVILLE Prepared by: MICHAEL WILEY
 Contact: KYLE BENSON Phone: 254-541-9061
 Email: _____ Email: mwiley.silsbeefleet@gmail.com
 Product Description: FORD F-150 POLICE RESPONDER Date: August 7, 2025

A. Bid Item: 57 A. Base Price: \$ 52,105.00

B. Factory Options

Code	Description	Bid Price	Code	Description	Bid Price
WIP	2025 CREW CAB 4X4 W/5.5FT BED	\$ -	67P	REMOTE FOBS (4)	\$ 350.00
	POWER WINDOWS AND LOCKS	INCL	18B	BLACK STEPS	\$ 255.00
	A/C; AM/FM W/SYNC	INCL	62B	FLEET KEYED ALIKE 1284X	\$ 50.00
	CLOTH FRONT BUCKETS; VINYL REAR	INCL			
	REAR VIEW CAMERA; CRUISE CONTROL	INCL			
	3.5L EXOBOOST V6	INCL			
	10-SPD AUTOMATIC	INCL			
	RECEIVER HITCH	INCL			
	STEEL WHEELS	INCL			

Total of B. Published Options: \$ 655.00

Published Option Discount (5%) \$ (32.75)

C. Unpublished Options

Description	Bid Price	Options	Bid Price
BLACK	COLOR	MY25 WIP ADJUSTMENT STOCK	\$ (2,000.00)
SROCK UNITS ON ORDER TO THIS SPEC	DELIVERY		
ARRIVING SOON TO DEALERSHIP		GULF COAST FLEET AND TRUCK	\$ 41,206.33
		EQUIPMENT QUOTE 1053	

Total of C. Unpublished Options: \$ 39,206.33

D. Floor Plan Interest (for in-stock and/or equipped vehicles): \$ -
 E. Lot Insurance (for in-stock and/or equipped vehicles): \$ -
 F. Contract Price Adjustment: _____ \$ -
 G. Additional Delivery Charge: 293 miles \$ 586.00
 H. Subtotal: \$ 92,519.58
 I. Quantity Ordered 1 x H = \$ 92,519.58
 J. Trade in: _____ \$ -
 K. Total Purchase Price \$ 92,519.58

ORDINANCE NO. 2026-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2025-2026 BUDGET TO ACCEPT AND EXPEND THE OPERATION LONE STAR GRANT AWARD #4385703 FOR THE PURCHASE OF A 2025 FORD F-150 PICKUP TRUCK.

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 2025-2026 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#20

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 208 – Lonestar Grant					
<u>Revenues- 4</u>					
2100	Police	State Grants	72010	\$96,609.58	
<u>Expenditure-5</u>					
2100	Police	Vehicle	71100	\$96,609.58	

[To amend the City of Kingsville FY 25-26 budget to accept and expend the Operation Lone Star grant award #4385703 for purchase of a 2025 Ford F-150 Pickup Truck. The item was introduced as a 2024 truck for a cost of \$92,519.58, but it will actually be a 2025 truck for a cost of \$96,609.58 with outfitting to include radar. Funding will come from the Grant awarded for the stated purpose.]

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 9th day of March 2026.

PASSED AND APPROVED on this the 23rd day of March 2026.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #8

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners

CC: Charlie Sosa, City Manager

FROM: John Blair, Chief of Police

DATE: March 10, 2026

SUBJECT: Procurement of Two 2025 Ford F-150 Police Responder Trucks for the Police Department

Summary

The Police Department requests authorization to purchase two (2) Ford F-150 Police Responder trucks to support police operations. Both vehicles will be purchased through the TIPS USA purchasing cooperative under Contract #240901.

The first vehicle is a fully outfitted 2025 Ford F-150 Police Responder truck with a total cost of \$85,121.77. This purchase is funded from salary savings realized from Operation Lone Star Grant #4385704, FY2026 from Fund 208.

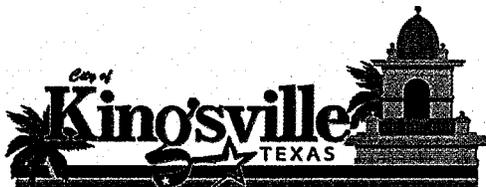
The second vehicle is a 2025 Ford F-150 Police Responder truck with a basic police outfit package at a total cost of \$58,607.24. Funds will then be transferred from the Police Department Chapter 59 (\$48,607.24) and the Police Department Vehicle Replacement Fund 105 (\$10,000.00).

Financial Impact

- Fully Outfitted Ford 2025 F-150 Police Responder Truck: \$85,121.77
- Basic Outfit Ford 2025F-150 Police Responder Truck: \$58,607.24

Recommendation

Respectfully authorizing the purchase of two (2) 2025 Ford F-150 Police Responder trucks as mentioned above for the Kingsville Police Department through the TIPS USA purchasing cooperative (Contract #240901) in the total amount of \$143,729.01, utilizing the funding sources identified above.





PRODUCT PRICING SUMMARY
TIPS USA 240901 TRANSPORTATION VEHICLES
VENDOR- Silsbee Ford, 1211 Hwy 96 N., Silsbee TX 77656

End User: CITY OF KINGSVILLE Prepared by: MICHAEL WILEY
 Contact: KYLE BENSON Phone: 254-541-9061
 Email: _____ Email: mwiley.silsbeefleet@gmail.com
 Product Description: FORD F-150 POLICE RESPONDER Date: August 7, 2025

A. Bid Item: 57 A. Base Price: \$ **52,105.00**

B. Factory Options

Code	Description	Bid Price	Code	Description	Bid Price
W1P	2025 CREW CAB 4X4 W/5.5FT BED	\$ -	67P	REMOTE FOBS (4)	\$ 350.00
	POWER WINDOWS AND LOCKS	INCL	18B	BLACK STEPS	\$ 255.00
	A/C; AM/FM W/SYNC	INCL	62B	FLEET KEYED ALIKE 1284X	\$ 50.00
	CLOTH FRONT BUCKETS; VINYL REAR	INCL			
	REAR VIEW CAMERA; CRUISE CONTROL	INCL			
	3.5L EXOBOOST V6	INCL			
	10-SPD AUTOMATIC	INCL			
	RECEIVER HITCH	INCL			
	STEEL WHEELS	INCL			

Total of B. Published Options: \$ **655.00**

Published Option Discount (5%) \$ **(32.75)**

C. Unpublished Options

Description	Bid Price	Options	Bid Price
BLACK	COLOR	MY25 W1P ADJUSTMENT STOCK	\$ (2,000.00)
SROCK UNITS ON ORDER TO THIS SPEC	DELIVERY		
ARRIVING SOON TO DEALERSHIP		GULF COAST FLEET AND TRUCK	\$ 33,808.52
		EQUIPMENT QUOTE 1171	

Total of C. Unpublished Options: \$ **31,808.52**

D. Floor Plan Interest (for in-stock and/or equipped vehicles): \$ **-**

E. Lot Insurance (for in-stock and/or equipped vehicles): \$ **-**

F. Contract Price Adjustment: _____ \$ **-**

G. Additional Delivery Charge: 293 miles \$ **586.00**

H. Subtotal: \$ **85,121.77**

I. Quantity Ordered 1 x H = \$ **85,121.77**

J. Trade in: _____ \$ **-**

K. Total Purchase Price \$ **85,121.77**



PRODUCT PRICING SUMMARY
TIPS USA 240901 TRANSPORTATION VEHICLES
VENDOR- Silsbee Ford, 1211 Hwy 96 N., Silsbee TX 77656

End User: CITY OF KINGSVILLE Prepared by: MICHAEL WILEY
 Contact: KYLE BENSON Phone: 254-541-9061
 Email: _____ Email: mwiley.silsbeefleet@gmail.com
 Product Description: FORD F-150 POLICE RESPONDER Date: August 7, 2025

A. Bid Item: 57 A. Base Price: \$ **52,105.00**

B. Factory Options

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	POWER WINDOWS AND LOCKS	INCL	18B	BLACK STEPS	\$ 255.00
	A/C; AM/FM W/SYNC	INCL	62B	FLEET KEYED ALIKE 1284X	\$ 50.00
	CLOTH FRONT BUCKETS; VINYL REAR	INCL			
	REAR VIEW CAMERA; CRUISE CONTROL	INCL			
	3.5L EXOBOOST V6	INCL			
	10-SPD AUTOMATIC	INCL			
	RECEIVER HITCH	INCL			
	STEEL WHEELS	INCL			

Total of B. Published Options: \$ **655.00**

Published Option Discount (5%) \$ **(32.75)**

C. Unpublished Options

Description	Bid Price	Options	Bid Price
BLACK	COLOR	MY25 W1P ADJUSTMENT STOCK	\$ (2,000.00)
SROCK UNITS ON ORDER TO THIS SPEC	DELIVERY		
ARRIVING SOON TO DEALERSHIP		GULF COAST FLEET AND TRUCK	\$ 7,293.99
		EQUIPMENT QUOTE 1584	

Total of C. Unpublished Options: \$ **5,293.99**

D. Floor Plan Interest (for in-stock and/or equipped vehicles): \$ **-**

E. Lot Insurance (for in-stock and/or equipped vehicles): \$ **-**

F. Contract Price Adjustment: \$ **-**

G. Additional Delivery Charge: 293 miles \$ **586.00**

H. Subtotal: \$ **58,607.24**

I. Quantity Ordered 1 x H = \$ **58,607.24**

J. Trade in: \$ **-**

K. Total Purchase Price \$ **58,607.24**

AGENDA ITEM #9

AGENDA ITEM #10



City of Kingsville
Finance Department

TO: Mayor and City Commissioners

CC: Charlie Sosa, City Manager

FROM: Charlie Sosa, Purchasing Manager

DATE: February 25, 2026

SUBJECT: Increase Bidding Threshold from \$50,000 to \$100,000 and Revise City of Kingsville Purchasing Policy and Procedures Manual

Summary:

The 89th Texas Legislature has passed SB 1173, increasing the competitive bidding threshold for local governments from \$50,000 to \$100,000 to reflect rising costs and streamline procurement processes, and revise the City of Kingsville's current Purchasing Policy and Procedures Manual.

Background:

Effective September 1, 2025, the 89th Texas Legislature passed Senate Bill 1173 (SB 1173), which increases the competitive bidding threshold for local government purchases and contracts from \$50,000 to \$100,000. Purchases below \$100,000 may now be made without formal competitive bidding, providing greater flexibility and faster processing for routine or lower-cost transactions. The Legislature last updated this threshold in 2007, raising it from \$25,000 to \$50,000. This new increase reflects rising costs over the past two decades and is intended to streamline procurement while maintaining responsible fiscal practices.

To comply with this statutory change, the Purchasing Policy and Procedures Manual for the City of Kingsville must be revised in section **Basis for Purchasing, A. Purchasing Authority Under State Law, #1 and #4** to state:

1. "Pursuant to state law, before the City may enter a contract that requires expenditure greater than \$100,000.00, the City must comply with the procedure established by state law for competitive sealed bidding or competitive sealed proposals (see Texas Local Government Code Chapter 252, Subchapter B, Texas Local Government Code). This must be done unless an exemption or other legally allowable procurement method is available." Staff will prepare the necessary revisions to the policy manual for your review and approval.
4. "Pursuant to state law, the City, in making expenditure greater than \$3,000. 00 but less than \$100,000.00, must contact at least two historically underutilized businesses (HUB) on a rotating basis, based on information provided by the state comptroller. If the state' s list fails to identify an eligible HUB, the City is exempt from this requirement.(see Texas Local Government Code Chapter 252, Subchapter B, Texas Local Government Code).



**City of Kingsville
Finance Department**

Recommendation:

Staff recommend the approval of the revision to the City of Kingsville Purchasing Policy and Procedures Manual to reflect the updated \$100,000 competitive bidding threshold as established by SB 1173 and authorize staff to implement the necessary policy amendments to ensure compliance with state law.

TML LEGISLATIVE UPDATE



June 20, 2025
Number 24

Post-Session Update: Bidding Threshold

S.B. 1173, which takes effect September 1, 2025, represents a positive change for cities by increasing the bidding threshold from \$50,000 to \$100,000. The legislature last increased the competitive bidding nearly 20 years ago in 2007, moving it up from \$25,000 to \$50,000.

Under current law, most expenditures of public money of at least \$50,000 require a city to engage in one of the competitive procurement procedures outlined in state law. Inflation and the rising costs of goods and services have made this expenditure threshold outdated, resulting in an inefficient procurement process for small-scale purchases. Raising the threshold to \$100,000 will streamline procurement processes, lower administrative costs, and provide greater flexibility to cities in managing resources.

The bill also increases the range that triggers the requirement that a city must contact at least two historically underutilized businesses on a rotating basis when making expenditures of public money. Under current law, that requirement is triggered when a city spends between \$3,000 and \$50,000. After this bill takes effect, that requirement will be triggered when a city spends between \$3,000 and \$100,000.

Post-Session Update: Annual City Audits

S.B. 1851 takes effect September 1, 2025. The bill penalizes a city that fails to complete the annual financial audit and financial statement required under Chapter 103, Local Government Code, by

RESOLUTION NO. 2026-_____

A RESOLUTION REVISING THE CITY OF KINGSVILLE PURCHASING POLICY AND PROCEDURES MANUAL.

WHEREAS, the City Commission wants to provide a consistent approach to the administration of City purchases and believes the adoption of a revised Purchasing Policy & Procedures Manual ("the Purchasing Policy") would be beneficial; and

WHEREAS, the policy would help to ensure that purchases are properly managed and accounted for which should help to improve the financial position of the City; and

WHEREAS, the current Purchasing Policy was last revised on September 25, 2016 via Resolution #2017-66, and two other portions of the 2017 travel policy have been updated in the last nine years (the Travel Policy was last revised on October 12, 2021 via Resolution #2021-71, and the P-Card policy was updated on January 28, 2019 via Resolution #2019-07); and

WHEREAS, the Texas Legislature in 2025 approved SB1173 whose primary purpose was to increase the required bidding threshold from \$50,000 to \$100,000 for most purchases with an effective date of September 1, 2025; and

WHEREAS, the City can have a more restrictive policy for its bidding threshold such as \$50,000, or the City can increase its policy to reflect the current maximum threshold allowed by state law of \$100,000; and

WHEREAS, staff has worked to develop a revised Purchasing Policy & Procedures Manual that it presents for City Commission approval;

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

I.

THAT the Purchasing Policy & Procedures Manual (the "Purchasing Policy", attached as Exhibit A) is hereby approved.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the 23rd day of March, 2026.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



PURCHASING POLICY AND PROCEDURES MANUAL

September 25, 2017 March 9, 2020

INTRODUCTION

This is the Purchasing Policy and Procedures Manual (manual) for the City of Kingsville, Texas (City). Various City staff members have prepared this manual to inform each City department about the City's purchasing processes.

City purchasing procedures are governed largely by Texas law. Therefore, state law is the primary authority on the validity of purchasing procedures. Because the procedures described in this manual derive from state law, at times and where appropriate, this manual uses language taken directly from state statutes. At other times, the manual paraphrases and generalizes state law in an effort to assist in the understanding and application of purchasing requirements. That said, this manual cannot and does not address every purchasing situation; thus, when an unusual situation occurs or a difficult factual or legal issue arises, the exact statutory language must be carefully reviewed and analyzed.

The Finance Department will assist each department with procuring quality goods and services that are required to provide our citizens and customers with the services that they expect. The goal of the Finance Department is to secure the lowest, responsible cost for the City.

MISSION, VISION, AND GOALS
WITH RESPECT TO CITY PURCHASING

Mission: To generate fair and open competition to receive the best prices, terms, and conditions on purchases for the City.

Vision: To serve the citizens and customers of the City through greater efficiencies, both in terms of economy and services, and the procurement of quality supplies, equipment, and services.

Goals:

1. Establish policies and procedures that maintain the integrity of the purchasing process encourage competition, and achieve cost savings.
2. Procure goods and services of the requested quality and quantity from responsible sources using the most efficient and economical means and at the best possible price and to have them available when and where they are needed.
3. Improve the speed of delivery of supplies, equipment, and services through planning and predetermining through supply contracts or other means, the available purchasing sources before an actual need becomes known and when possible, to take advantage of quantity and special discounts.
4. Comply with state and federal laws and this manual during the procurement and purchasing process.

POLICY & PROCEDURES

1. POLICY STATEMENTS.

A. Public interest. The City will conduct all purchasing – whether for goods or services – on the basis of economic and business merit. This policy is intended to promote the best interests of the City’s citizens and customers.

B. Use of competitive bidding. City purchasing must operate in full view of the public. To assure an open, transparent purchasing process with the goal of obtaining the lowest possible price, the City Commission has determined that the City will use competitive bidding as much as possible in the purchase of goods and services.

C. Employee support. The City seeks to maintain a cost-effective purchasing system conforming to good management practices. To be successful, all employees must support the system. The establishment and maintenance of a good purchasing system is possible only through cooperative effort.

D. Planning. The purchasing process is not instantaneous. Planning is required to complete the steps required by state law and this manual. Again, a cooperative effort is required to accomplish the timely purchasing of goods and services at the lowest possible price.

E. Compliance with state law and manual. City officers and employees must comply with state law and this manual with respect to purchasing. Where a question or issue arises, an employee should not hesitate to contact the Purchasing Manager for guidance. Failure to comply with state law or this manual may result in disciplinary action being taken against the employee, up to and including termination. As specified below, violations of state laws concerning competitive bidding may also result in criminal convictions.

2. PURCHASING AUTHORITY

A. Purchasing Manager. The City Manager, pursuant to the City’s Charter and City Commission’s approval of this manual, has delegated purchasing authority and responsibilities to the Purchasing Manager. The Purchasing Manager is an employee of the Finance Department. The Purchasing Manager must use this authority to purchase goods and services for the City in conformance with this manual. In certain instances, and as specified in this manual, the City Manager has also granted this authority to specified employees, which in turn have been authorized by their Department Directors. In no case shall purchasing authority be delegated to an employee or other person who has not been authorized by the City Manager or a Department Director.

B. Responsibilities of Purchasing Manager. The Purchasing Manager’s responsibilities include the following:

1. The Purchasing Manager is responsible to ensure compliance with state and federal laws and this manual and to ensure that purchasing is practiced in a fully open, transparent, competitive, and ethical environment.
2. The Purchasing Manager will assist departments with identifying potential vendors or contractors or researching any information needed to make purchases.

3. The Purchasing Manager will assist departments in developing specifications for the purchase of goods and services along with the desired delivery schedules.
4. The Purchasing Manager will encourage competition between vendors and contractors through negotiations, competitive bidding, and bulk purchasing by continuously monitoring requisitions from departments. This includes the consolidation of purchases where possible.
5. The Purchasing Manager will monitor and evaluate the performance of vendors and contractors.
6. The Purchasing Manager will solicit evaluations and recommendations from departments on bids received from vendors or contractors.
7. The Purchasing Manager will oversee the transfer and/or reuse of products and equipment between offices and departments or the sale of surplus, obsolete, or unused supplies, materials, or equipment.
8. The Purchasing Manager, where applicable, will assist departments with the testing of goods and services for compliance with specifications.
9. The Purchasing Manager, where applicable, will negotiate all warranties and service agreements.
10. The Purchasing Manager will recommend the use of Cooperative Purchasing Agreements, Interlocal Agreements, and purchasing contracts for price and performance advantages.
11. The Purchasing Manager will consult with the Legal Department to assure forms and contracts are current and approved for their intended use.

C. Responsibilities of Department. A Department has the following responsibilities with respect to making and managing the expenditure of funds to acquire goods or services for the City. In this manual, "Department" refers to the group of employees responsible for a service(s) or a particular set of duties (e.g., the Public Works Department) and it also refers to the employee(s) within each Department that is authorized and responsible for making purchases.

1. A Department must determine the availability of budgeted funds in the appropriate category before requesting any purchase. The Finance Department will return purchase requisitions if funds are not available and will not restart processing the requisition until the Department addresses this issue.
2. A Department, where required, must submit all purchasing requests to the Purchasing Manager to allow sufficient time to comply with the procedures established by this manual.
3. A Department will plan and budget to eliminate and/or reduce work stoppages and rush ordering.
4. A Department, with the assistance of the Purchasing Manager, must provide minimum specifications for goods and services by completing the detailed specification form. A Department must write the specifications to encourage competition, whenever possible.
5. A Department that believes that a product, equipment, or service is only available through a sole source must provide a written explanation and justification for the purchase in accordance with this manual.
6. A Department will use existing City contracts when available for all purchases.

7. A Department must immediately and thoroughly inspect all deliveries of goods and equipment and determine their quality and conformance with specifications.
8. A Department must immediately notify the respective Vendor upon the discovery of an incorrect order or damaged products, materials, or equipment. When applicable, a Department must seek the assistance of the Purchasing Manager to help rectify the incorrect order or damaged goods.
9. A Department will continuously monitor the performance of goods and services and immediately report any deficiencies or violations in the performance of a contract to their respective Department Director and, when applicable, to the Purchasing Manager.
10. Where possible and when applicable, a Department communications with vendors of contractors regarding purchasing should be arranged through and under the direction of their Department Director and/or the Purchasing Manager. This practice may include the evaluation of samples or products.
11. A Department must provide the Purchasing Manager with a copy (email preferred) of any correspondence between a vendor or contractor and the Department.

3. BASIS FOR PURCHASING

A. Purchasing authority under state law.

1. Pursuant to state law, before the City may enter into a contract that requires expenditure greater than ~~\$50,000.00~~ \$100,000.00, the City must comply with the procedure established by state law for competitive ~~sealed~~ bidding or competitive sealed proposals. (See Ch. 252, Subch. B, TX. Local Gov't Code)
2. Pursuant to state law, the City may use the competitive sealed proposal procedure to purchase goods and services, including high technology items and insurance. (See §252.021(b), TX. Local Gov't Code)
3. The City Commission Council, pursuant its adoption of this manual and in accordance with state law, has delegated to the City Manager, or designee, the authority to determine the purchasing method, including competitive sealed bids, competitive sealed proposals, or otherwise, which provides the best value to the City. (See §252.021(c), TX. Local Gov't Code)
4. Pursuant to state law, the City, in making expenditure greater than \$3,000.00 but less than ~~\$50,000.00~~ \$100,000.00, must contact at least two historically underutilized businesses (HUB) on a rotating basis, based on information provided by the state comptroller. If the state's list fails to identify an eligible HUB in the Kleberg County, the City is exempt from this requirement. (See Ch. 252, Subch. B, TX. Local Gov't Code).
5. The City is entitled to reject any and all bids. (See §§ 252.043(f), 271.027(a), TX. Local Gov't Code)

B. Exemptions from the requirement of competitive bidding. Pursuant to state law, the following purchases do not require competitive bidding (some exemptions are explained more fully in other sections of this manual):

1. a purchase made because of an emergency (See §§ 252.022(a)(1),(2), & (3), TX. Local Gov't Code);
2. a purchase for personal, professional, or planning services;
3. a purchase for work that is performed and paid for by the day as the work progresses;

4. a purchase of land or a right-of-way; and/or
5. a purchase of items that are available from only one source ("sole source") including:
 - a. items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies;
 - b. films, manuscripts, or books;
 - c. gas, water, and other utility services;
 - d. captive replacement parts or components for equipment;
 - e. books, papers, and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials; and
 - f. management services provided by a nonprofit organization to a municipal museum, park, zoo or other facility to which the organization has provided significant financial or other benefits;
 - g. a purchase of rare books, papers, and other library materials for a public library;
 - h. paving, drainage, street widening, and other public improvements, or related matters, if at least one-third of the cost is to be paid by or through special assessments levied on property that will benefit from the improvements;
 - i. a public improvement project, already in progress, authorized by the voters of the municipality, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes authorized by the voters;
 - j. a payment under a contract by which a developer participates in the construction of a public improvement as provided by Subchapter C, Chapter 212, TX. Local Gov't Code;
 - k. personal property sold:
 - 1) at an auction by a state licensed auctioneer;
 - 2) at a going out of business sale held in compliance with Chapter 17, Subchapter F, TX. Business & Commerce Code;
 - 3) by a political subdivision of this state, a state agency of this state, or an entity of the federal government; or
 - 4) under an Interlocal contract for cooperative purchasing administered by regional planning commission established under Chapter 391, TX. Local Gov't Code;
 - l. services performed by blind or severely disabled persons;
 - m. goods purchased by a municipality for subsequent retail sale by the municipality;
 - n. electricity; or
 - o. advertising, other than legal notices. (See §252.022, TX. Local Gov't Code).

C. Procurement of professional services.

1. State law prohibits the City from obtaining certain professional services through competitive bidding. The Professional Services Procurement Act provides that the City may not use competitive bidding procedures when seeking professional services. Instead, the City must award a professional services contract on the basis of demonstrated competence and qualification for the performance of that particular type of professional service. (See Ch. 2254, TX. Local Gov't Code).
2. Fees must be fair and reasonable, consistent with and not in excess of published recommended practices and fees of applicable professional organizations, and not in excess of any maximums specified by state law.
3. "Professional" services include services within the scope of the practice of accounting, architecture, landscape architecture, land surveying, medicine, optometry, professional engineering, real estate appraising, professional nursing, or forensic science; this includes services performed by any person

licensed or registered as architect, landscape architect, land surveyor, optometrist, physician, surgeon, registered nurse, forensic analyst or forensic science expert, certified public accountant, state certified or state licensed real estate appraiser, or registered professional engineer in connection with his or her professional employment or practice.

4. In procuring professional services architectural, engineering, or land surveying services, the City must first select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications; and then attempt to negotiate a contract with that provider at a fair and reasonable price. If a satisfactory contract cannot be negotiated with the most highly qualified provider of professional services architectural, engineering, or land surveying services, the City must formally end negotiations with that provider, select the next most highly qualified provider, and attempt to negotiate a contract with that provider at a fair and reasonable price. The City must continue this process to select and negotiate with providers until a contract is entered into.

D. Purchases through a state contract. The state comptroller may perform purchasing services for local governments. A city that makes purchases under such a contract satisfies all state competitive bidding laws. Depending on expenditure levels, appropriate approvals are still required for this type of purchase. (See Ch. 271, Subch. D, TX. Local Gov't Code)

E. Cooperative purchasing programs. Pursuant to state law, the City may participate in a cooperative purchasing program with another local government or a local cooperative organization. A city that makes purchases under such a program satisfies all state competitive bidding laws. Depending on expenditure levels, appropriate approvals are still required for this type of purchase. (See Ch. 271, Subch. F, TX. Local Gov't Code)

F. Interlocal cooperation. State law authorizes the City to enter into cooperative purchasing agreements with other jurisdictions (See Ch. 791, TX. Gov't Code). In addition, state law authorizes the extension of state bids and contracts to participating local governments under certain conditions. Depending on expenditure levels, appropriate approvals are still required for this type of purchase. (See Ch. 271, Subch. D, TX. Local Gov't Code).

G. Local preference.

1. If two or more bidders have bids that are identical in nature and amount as the lowest and best bids, with one bidder being a resident of the City and the other bidder or bidders being non-residents, the City must select the resident bidder, or may reject all bids. (See §271.901, TX. Local Gov't Code)

2. If purchasing real property or personal property that is not affixed to real property and the City receives one or more bids from a bidder whose principal place of business is in the City and whose bid is within three percent (3%) of the lowest bid price received from a bidder who is not a resident of the City, the City may enter into a contract with either the lowest bidder or the bidder whose principal place of business is in the City; however, if the City awards the contract to the resident bidder, the City Commission Council must determine, in writing, that the local City bidder offers the City the best combination of contract price and additional economic development opportunities for the City created by the contract award, including the employment of City residents of the local government and increase tax revenues to the City; or may reject all bids. (See §271.905(b), TX. Local Gov't Code)

3. For a construction contracts less than \$100,000 or a contract for other purchases in an amount of less than \$500,000, if the City receives one or more competitive bids or quotations from a bidder whose principal place of business is in the City and whose bid is within five percent (5%) of the lowest

bid price received by the City from a bidder who is not a resident of the City, the City may enter into a contract with the lowest bidder or the bidder whose principal place of business is in the City if the City Commission determines, in writing, that the local bidder offers the City the best combination of contract price and additional economic development opportunities for the City created by the contract award, including the employment of residents of the City and increased tax revenues to the City, or may reject all bids. This section does not apply to the purchase of telecommunications services or information services, as those terms are defined by 47 U.S.C. Section 153. (See §271.9051, TX. Local Gov't Code)

H. Bonding for public works projects. State law requires contractors to submit bonds to the City for bids, payment, and performance of contracts on certain public works projects before beginning the work. State law establishes standards for when the bonds are required and the amount of the bond. A corporate surety duly authorized and admitted doing business in the State of Texas must issue the bonds. Although the term "public work" is not defined by statute, it is generally understood to mean the construction, repair, or renovation of a structure, road, highway, utilities, or other improvement or addition to real property. Bonds are required in the following amounts:

1. *Bid bond.* A bid bond, in the amount of 10% of the proposed contract price, is required where a contract is in excess of \$100,000.00.
2. *Performance bond.* A performance bond, in the total amount of the contract, is required if the contract is in excess of \$100,000.00.
3. *Payment bond.* A payment bond is required if the contract is in excess of \$50,000.00, in the total amount of the contract. The bond is intended solely for the protection of all claimants supplying labor and material in the prosecution of the work provided for in the contract.
4. *Maintenance bond.* In addition to the above statutorily required bonds, the City will require a maintenance bond for all public work projects for a minimum time period of one year. (See Ch. 2253, TX. Gov't Code)

I. Disqualification of bidder/proposer. Pursuant to state law, the City may reject any and all bids and/or reject a bid(s) on the basis that it is nonresponsive. In addition, the City may disqualify a bidder where there is a reasonable belief that the bidder might not be able to satisfactorily fulfill the contract or that past performance by the bidder has left grounds for suspecting that the bidder might not perform. The City will not take the act of disqualification lightly. The City may consider the safety and financial records of bidders and proposers. Where a bidder or proposer has had past unsatisfactory performance, the Department must document the experience by completing a Vendor Performance Form (see **Exhibit A**). Upon completion, the Department must forward the form to the Purchasing Manager who will maintain a list of bidders and proposers and their performance history.

J. Alternative delivery methods. Pursuant to state law, City Commission may determine that the alternative delivery methods described by Chapter 271, Subchapter H, TX. Local Gov't Code, provide a better value for the City with respect to expenditures that exceed ~~\$50,000.00~~ \$100,000.00 than the competitive bidding procedures described in Chapter 252, TX. Local Gov't Code. If such a determination is made, the City must use one of the alternative delivery methods described in Chapter 271, Subchapter H with respect to that expenditure.

K. Tax exempt status. The City is exempt from federal, state, and local taxes except in certain prescribed cases. An exemption certificate is available from the Finance Department. Upon request, a Department may furnish the certificate to the City's vendors and contractors.

- L. **Criminal penalties.** State law provides criminal penalties where a city officer or employee fails to comply with competitive bidding requirements.

4. **PURCHASING AMOUNTS—THRESHOLDS.** The following table provides general guidelines for purchases and the procedures and approvals required (more specific information follows):

CITY OF KINGSVILLE APPROVAL REQUIREMENTS			
Total Amount of Request	Type of Bid/Quotes Required	Employee(s) Responsible for Bid/Quotes	Approvals Required
Goods/services costing <u>\$50,000</u> <u>\$100,000</u> or more	Competitive bids/proposals opened at a public meeting by the Finance Director & Purchasing Manager	Purchasing Manager, Department (Project Manager)	City Council & City Manager
Goods/services costing <u>\$25,000 to \$49,999.99</u>	<u>3 Written Quotes based on like products</u>	<u>Purchasing Manager, Department (Project Manager)</u>	<u>Department Director and/or Finance Department</u>
Goods/services costing from <u>\$5,000.00 to \$24,999.99</u> <u>\$99,999.99</u>	3 Written Quotes based on like products	Purchasing Manager, Department (Project Manager)	<u>Department Director & Finance Director</u>
Goods/services costing up to <u>\$4,999.99</u>	Efforts made to obtain the best value for the City	Department	Supervisor or Manager and Directors

5. **PURCHASES LESS THAN \$4,999.99.** A Department may purchase products, materials, or services up to \$4,999.99 from a vendor or contractor by the following method. Because the administrative cost of requesting competitive bids would more likely be more than the amount that could be saved by receiving bids, the competitive bidding procedure does not apply to purchases of \$4,999.99 or less. However, even though bids are not required for this purchase, a Department must still seek out the lowest possible pricing. Further, because a significant amount of small purchases may occur locally and in many cases result in the lowest or competitive pricing, a Department should consider local vendors and contractors for purchases in this amount.

6. **PURCHASES LESS THAN \$ 25,000.00 (Section Reserved)**

A. Three written bids. A Department must purchase goods and services that are estimated to cost less than \$25,000.00 by first developing written specifications and then using these specifications to obtain a minimum of three written bids (quotes). Written bids must be made on the vendors contractor's letterhead or on the bid form provided by the Purchasing Manager (see Exhibit B). Departments must attach copies of each written bid to the purchase order. Bids are valid for 6 months and will then automatically expire such that the City will need to obtain new bids.

B. Purchase requisition. All purchases shall require a purchase requisition initiated by the Department whose appropriation will be charged and a purchase order approved by the Finance Department. No contract or order shall be issued to any vendor or contractor unless and until the Finance Department certifies the availability of sufficient funds. Inclusion in an approved budget does not automatically entitle the Department to the goods or services requisitioned.

C. Historically underutilized business. State law (§252.0215, TX. Local Gov't Code) requires Texas cities to contact at least two (2) historically underutilized businesses (HUB) on a rotating basis when making any expenditure of more than \$3,000 but less than \$50,000. The HUB must be based on information provided by the Texas Comptroller (see www.window.state.tx.us/procurement). If the list fails to identify a disadvantaged business in Kleberg County or if the purchase is an emergency (see §17 of the manual below), the City is not required to follow this requirement.

D. Sequence for purchases less than \$25,000.00

1. The Department staff requests purchase approval from their Department Director and after approval, sends a purchase request via the City's purchasing software with minimum requirements, such as description, at least three quoted unit price, quantity, at least three quoted total price, delivery/freight costs, payment terms, account code, vendor/contractor name. The Finance Department will then certify the availability of funds and accuracy of account code(s).

2. Finance Department and/ or the Purchasing Manager must verify the receipt of written, competitive bids, proposals or current contracts and then assign a purchase order number.

3. The Department will place the order, receive the product, verify accuracy of product, and submit a printed purchase order with invoice attached for payment to Accounts Payable.

7. PURCHASES BETWEEN \$5,000.00 \$25,000.00 AND \$49,999.99 \$99,999.99

A. Authority. The Department Director with approval of the Finance Director has authority to make purchases in the amounts between \$5,000.00 \$25,000.00 and \$99,999.99 \$49,999.99. Any such purchase must be for an item or service that was approved within the budget.

B. Three written bids. Prior to any purchase of goods or services that are estimated to cost between \$5,000.00 \$25,000.00 and \$99,999.99 \$49,999.99, the Department, with assistance from the Purchasing Manager, must develop written specifications. The Department will then use these specifications to obtain a minimum of three (written bid quotes). Written bids must be made on the vendor's or contractor's letterhead or on a bid form provided in this manual (See Exhibit B). The Department will attach copies of each written bid to the purchase request. Bids are valid for 6 months and will then automatically expire such that the City will need to obtain new bids.

C. Purchase requisition. All purchases shall require a purchase requisition initiated by the Department whose appropriation will be charged and a purchase order approved by the Finance Department and for the Department Director. No contract or order shall be issued to any vendor or contractor unless and until the Finance Department certifies the availability of sufficient funds. Inclusion in an approved budget does not automatically entitle the Department to the good or service requisitioned.

D. Historically underutilized business. State law (§252.0215, TX. Local Gov't Code) requires Texas Cities to contact at least two (2) historically underutilized businesses (HUB) on a rotating basis when making any expenditure of more than \$3,000.00 but less than \$50,000.00 \$100,000.00. The HUB must be based on

information provided by the Texas Comptroller (see www.window.state.tx.us/procurement). If the list fails to identify a historically underutilized disadvantaged business in Kleberg County or if the purchase is an emergency (See §17 of the manual below), the City is not required to follow this requirement.

E. Sequence for purchases between \$5,000.00 \$25,000.00 and \$49,999.99 \$99,999.99.

1. Departments, with assistance from the Purchasing Manager, will develop detail specification for the items/goods to be purchased, obtain at least three written quotes, completes a purchase request form (See Exhibit B) and submits it to the Department Director for review and approval. After approval, the Department submits purchasing request form, written quotes, and detailed specification form to the Ppurchasing Manager.
2. The Purchasing Manager will create a purchase request via the City's purchasing software with minimum requirements, such as description, at least three quoted unit price, quantity, at least three quoted total price, delivery freight costs, payment terms, account code, vendor/contractor name. The Finance Department will then certify the availability of funds and accuracy of account code(s).
3. The Department will then assign a purchase order number.
4. The Department, following approval by the City Manager, will place the order.

8. PURCHASES GREATER THAN \$50,000.00 \$100,000.00

A. Authority. State law (See §252.021, TX. Local Gov't Code) provides that purchases estimated at greater than \$50,000.00 \$100,000.00 require advertising which requests sealed bids or proposals. The Purchasing Manager is responsible for the advertisement and distribution of the requests for bids or proposals. City Commission Council is responsible for selecting and approving the bid or proposal, in accordance with state law.

B. Sequence for purchases greater than \$50,000.00 \$100,000.00.

1. A Department must initiate the bid process by completing a Request for Purchasing (See Exhibit C) to obtain an Invitation to Bid (ITB), Request for Proposal (RFP), or Request for Qualifications (RFQ).
2. Departments must avoid any act or practice of component, consecutive, or sequential purchases.
3. The Department is responsible for preparing or aiding the Purchasing Manager in the preparation of specifications for bids.
4. The Purchasing Manager will assign the bid a number or group it with other like items in an existing bid.
5. The Purchasing Manager will prepare bids and bidder mailing lists. After consulting with the Department, the Purchasing Manager will set the bid advertising dates and schedule the bid opening date and time. Where appropriate, the Purchasing Manager will utilize website notices for national advertising.
6. The City's Purchasing Office will receive bids and maintain them in a locked file until the date of the bid opening. At the time of the bid opening, the City's Purchasing Office will present all bids to the Purchasing Manager for opening, review, and analysis. The City will reject as nonresponsive any bid or proposal which is received after the due date and time. The time stamp in the City's Purchasing

Office will be the official time. Bid or proposal openings are open to the public.

7. The Purchasing Manager will conduct bid or proposal openings. Such opening will take place in Commission Council Chambers or at the place designated in the advertisement and notice.

8. The Purchasing Manager will prepare tabulation for each item or group of items and after opening the bids, will read them aloud. The Purchasing Manager will consult with the Department for consensus of a recommendation.

9. Pursuant to state law, the City must award bids on the basis of the lowest responsible bidder or the bid that provides the best value. As for "best value", the City, pursuant to law, may consider:

- a. the price;
- b. reputation of the bidder;
- c. reputation of the bidder's goods or services;
- d. the quality of the bidder's goods or services;
- e. the extent to which the goods and services meet the City's needs;
- f. the bidder's past relationship with the City;
- g. the impact to the City's ability to comply with HUB requirements and nonprofit organizations employing persons with disabilities;
- h. total long-term cost to the City of acquiring the bidder's goods or services; and
- i. any relevant criteria that the City listed in its ITB or RFP (See §252.043, TX. Local Gov't Code).

10. In the event of a disagreement between the Department and the Purchasing Manager, the City Manager or his/her designee, will determine the recommendation to City Commission Council.

11. The Purchasing Manager, with Departmental input, will prepare an agenda bill with the staff recommendation for Council approval and award.

12. The Department will use the City's purchasing software to submit a requisition to the Purchasing Manager for processing.

9. INSURANCE REQUIREMENTS. Where the City contracts with an outside party (contractor, consultant, vendor, or concessionaire) for goods or services, the ITB or RFP that is advertised must include a proposed contract. The contract should include indemnity and hold harmless provisions that appropriately transfer the project risks from the City to the contractor. Because the contractor may or may not have the financial resources to account for the risks, the City requires the contractor to purchase and maintain valid insurance to help ensure the financial security required by the City, and to list the City as an additional insured on the policy. The insurance types and amounts are as follows:

A. Workers compensation. Workers Compensation covering all employees per the state statutory requirement is required on all contracts.

B. Liability insurance. The following insurance is required on all contracts over \$15,000.00:

1. Employer's Liability of \$100,000 \$1,000,000 per accident;
2. Comprehensive General Liability and Bodily Injury & Property Damage \$1,000,000 (per occurrence) and \$2,000,000 (general aggregate); and
3. Business Automobile Liability covering owned vehicles, rented and non-owned vehicles, and employee non-ownership Bodily Injury Property Damage \$1,000,000 (per occurrence and aggregate).

C. Reasonable coverage. Although insurance coverage is not required for every project, and limits will vary by exposure, understanding insurance is important to assure that all of the City's potential liabilities and exposures from a project are properly and reasonably protected. Where questions arise about the types of insurance or amounts, the Department should contact the Purchasing Manager, who may in turn consult the Risk Manager and/or the Legal Department.

10. WARRANTIES AND SERVICE AGREEMENTS. A Department must include any requirement for warranties or service agreements for the purchase specifications for use in creating the ITB or RFP documents. Where negotiation is possible, the Purchasing Manager will negotiate all warranties and service agreements. A Department is responsible to ensure that service agreements exist on equipment, as necessary. A Department must not agree to a service agreement unless prior approval is received from the Purchasing Manager. The Purchasing Agreement will forward approved agreements to the Department for final signature. It is the responsibility of each Department to maintain and actively monitor agreements that pertain to their Departments, to schedule service calls under the agreements, and to notify the Purchasing Manager when agreement renewals should be scheduled.

11. BONDS FOR NON-PUBLIC WORKS PROJECTS. Based upon good business practices, whenever the City enters into a contract for the purchase of a product system or service in which the system or service will be of little value to the City until it is complete, then the City may require performance and payment bonds.

12. SOLE SOURCE PURCHASES. The purchase of items that are available from only one source are exempt from competitive bidding pursuant to state law. The City will strictly interpret this exemption. Items that are available through a single distributor will not be considered as sole source unless the distributor has an exclusive right to distribute the item and a like item cannot be purchased through any other distributor. Items such as captive replacement parts or components may be considered as "sole source" items. (See §252.022(a)(7), TX. Local Gov't Code)

A. Sole source purchases greater than \$3,000.00. The following is the procedure for all sole source purchases that are greater than \$3,000.00:

1. The Department must contact the vendor or manufacturer for verification and justification as to why the procurement is sole source. The Department shall submit a Sole Source Affidavit (See Exhibit D) to the Purchasing Manager for consideration and approval.
2. The Department should seek other information (Thomas Register of American Manufacturers, other cities, yellow pages) in an attempt to verify the vendor's or manufacturer's information and document the findings.

B. Sole source purchasing greater than ~~\$50,000.00~~ \$100,000.00. All sole source purchases greater than ~~\$50,000.00~~ \$100,000.00 must be reviewed by the City Manager prior to placement on the City Commission Council agenda. The Department shall submit a Sole Source Affidavit (See Exhibit D) to the Purchasing Manager for consideration and approval.

C. Verification. All sole source purchases must be verified annually.

13. HIGH TECHNOLOGY PURCHASING PROCEDURES. All purchases of high technology items must be processed through the Information Technology Department (IT) unless a specific exemption is granted by IT or the City Manager. "High technology" items means the procurement of equipment, goods, or services of a highly technical nature, including data processing equipment, software and firmware, telecommunications equipment, and technical services related to these items. The City may solicit for high technology procurements through a request for proposal. The RFP must specify the relative importance of price and other evaluation factors. High technology is defined as information processing equipment, software,

telecommunications equipment, radio and microwave, electronic distributed control systems and the technical services related to such equipment. (See §§252.001 and 252.021(b), TX. Local Gov't Code)

14. PURCHASING OF INSURANCE. All purchases of insurance related products must be processed through the Human Resources Department (HR) unless a specific exemption is granted by HR or the City Manager. The City may solicit for insurance through a request for proposal. (See §252.021(b), TX. Local Gov't Code)

15. PURCHASE OF COMPUTERS AND RELATED EQUIPMENT AND SUPPLIES

A. Requests. The Information Technology Department must review all requests for computers and related equipment, software, services, or supplies. ITs review will help standardize the type and quality of equipment in the City's inventory, ensure that purchases are made with minimum delay, facilitate tracking of requests, assist IT in maintaining accurate inventories for insurance and other purposes, and contribute to the most effective use of City resources. IT will review each request for compatibility with other hardware and software and may investigate alternatives. IT's recommendations and comments will include:

1. Any additional maintenance costs incurred because of the purchase;
2. Compatibility considerations;
3. Cost effectiveness of the request; and
4. Alternatives that would effectively meet a user's needs.

B. Placing the Order. The Purchasing Manager, in consultation with the Department and IT, will prepare and submit the necessary purchase requests.

16. EMERGENCY EXPENDITURES

A. Emergency expenditures authorized; defined. Pursuant to state law, there is an exemption from the bidding process for emergency purchases. An emergency is described as follows:

1. A procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of residents or to preserve City property;
2. A procurement necessary to preserve or protect the public health or safety of residents;
3. A procurement necessary because of unforeseen damage to public machinery, equipment, or other property. (See §252.022(a)(1-3), TX. Local Gov't Code)

B. Sequence for emergency purchases. Where an emergency exists and a purchase estimated at being over \$5,000.00 is required, the following procedure will be used:

1. The Department must complete the Emergency Justification form to justify the emergency to the Purchasing Manager who shall notify the City Manager. ~~If the expenditure does not exceed \$5,000 \$25,000, Department Director must review and approve the purchase. If the expenditure exceeds \$25,000.00, the Purchasing Manager must have the City Manager review and approve of the transaction.~~

2. For expenditures exceeding ~~\$5,000~~ ~~\$25,000~~, the Purchasing Manager, ~~the Finance Director~~ and the City Manager must certify that the expenditure is derived from an emergency condition specified by state law, the need for the expenditure was unforeseen, the continued expeditious operation of the City requires that the expenditure be made before the time necessary to obtain City Commission approval (for expenditures exceeding ~~\$50,000.00~~ ~~\$100,000.00~~) in advance or to obtain competitive bids, and that funds are available for the expenditure.

3. A copy of the certification shall be delivered to City Commission ~~Council~~ as soon as possible with an

explanation of a description of the expenditure, an explanation of the necessity of the expenditure, the source of funds, and evidence of all necessary approvals.

17. RECEIVING ORDERS

A. Inspection. Upon receiving an order, a Department must inspect the delivery prior to acceptance when possible or otherwise as soon as possible.

B. Action upon receipt. A Department will acknowledge that all item(s) were physically received and send a confirmation to the Purchasing Manager.

C. Notice of discrepancies. A Department shall inspect all items against the purchase order for acceptability and discrepancy. If the items are unacceptable or any discrepancy occurs, the Department will immediately notify the vendor or contractor. The Department must also send a notice of this issue to the Purchasing Manager.

D. Invoice. Where the order is deemed correct, the Department shall send the invoice with attached purchase order and written quotes, if applicable, to the Finance Department for payment as soon as possible, as in many cases, state law requires payment within 30 days of the receipt of a correct and proper invoice.

18. CONTRACT RENEWAL PROCEDURES

A. Terms. Renewal terms should not exceed a total of five years including the original year. The Purchasing Manager, in consultation with the City Manager, may make an exception on case-by-case basis when in the best interest of the City. Any renewal provision must include language that such renewal is subject to budgeting and appropriations.

B. Multiple Award Contracts. When multiple vendor awards occur, if all vendors do not agree to renew, the contract in its entirety may be rebid or just that vendor's part may be rebid.

C. Price Changes. Renewal terms due to quantity changes or vendor proposed price increases may be recommended on a case-by-case basis considering the merits of the renewal offer. No price changes will be considered in the middle of a contract year.

D. Performance. The City will always consider the performance of a vendor and contractor when considering whether or not to renew or rebid. A Department will ensure that a Vendor Performance Form (See Exhibit A) is completed when appropriate.

19. CHANGE ORDERS

A. General Information

1. A Department must submit a change order request to the Purchasing Manager, where applicable. Included in the request should be the number for the original Purchase Order, detailed specifications (if applicable), and written quote(s), along with the decrease or increase in cost and the location of additional moneys from available funds. If the City Commission approved the contract, then the City Commission must approve the change order.

2. Pursuant to state law, an original contract may not be increased by more than 25%; nor may the original contract price be decreased by more than 25% without the consent of the contractor. (See §§252.048 and 271.060, TX. Local Gov't Code).

3. Pursuant to state law, a change order is required if, after the contract has been executed:

- a. Changes in plans or specifications are necessary;
- b. It is necessary to decrease or increase the quantity of work to be performed; or
- c. It is necessary to decrease or increase the quantity of materials, equipment, or supplies to be furnished. (See §252.048, TX. Local Gov't Code).

B. Material Changes. Following advertisement and submission of bids, the City may not make any material changes in the scope, quantities, or related work for goods or services. The City strives to ensure, and the law requires, that the City provides all potential bidders with an equal opportunity to bid and that toward the end, bidders submit bids upon the same terms and conditions involved in all the items and parts of the contract. To the extent that the City must make such a change after the submission of bids, the City may proceed by rejecting any and all bids.

C. Changes to Professional Services. A Department that is requesting a change order to a contract for professional services, must submit such request to the Purchasing Manager. The Purchasing Manager may approve the change provided that the change order does not increase the original contract amount by more than ten percent (10%). The City Manager must approve changes in excess of this amount. Change orders with a cost that exceeds ~~\$50,000.00~~ \$100,000.00 require City Commission Council approval.

20. APPROVALS

A. City Commission. Only City Commission has the authority to approve and award bids, proposals, and contracts that exceed ~~\$50,000.00~~ \$100,000.00. In most cases, the City Commission will authorize the City Manager to enter into the contract.

B. City Commission. The City Manager is authorized to approve expenditures without further approval of the City Commission for all budgeted items not exceeding ~~\$50,000.00~~ \$100,000.00. Only the City Manager or designee may execute a contract for the City.

21. PROCEDURE FOR DISPOSAL OF SURPLUS PROPERTY. All Departments must review their assets and supplies each year and determine whether any items are no longer needed. A Department must submit a list of any surplus, obsolete, or unused supplies, materials or equipment to the Purchasing Manager, and include a description, make, model, and serial numbers. The Purchasing Manager, in coordination with a Department, may transfer items between Departments based upon needs. Where equipment or durable goods are deemed to be surplus, obsolete, or unused, the Purchasing Manager will remove the item from the City's fixed asset list. The Purchasing Manager may attempt to sell surplus, obsolete, or unused supplies, materials, or equipment in a manner that attempts to secure a fair market value price for the City. Funds received from sale of surplus items will be returned to the appropriate City fund.

22. ETHICAL REQUIREMENTS RELATING TO MUNICIPAL PROCUREMENT

A. State laws. City officials and employees must comply with various state laws with respect to purchasing. The following is intended to provide a summary and the general requirements of the laws.

1. Chapter 176, Texas Local Gov't Code.

a. Chapter 176 of the Texas Local Government Code is applicable to the City. The law also applies to a local government corporation, board, commission, district or authority whose members are appointed by City Commission Council. Anyone designated as a "Local Government

Officer ~~an "executive officer"~~ of the City, including a Commission Council member, City Manager, Department Director, Manager, Supervisor administrator, or any other person who exercises discretion in the planning, recommending, selecting, or contracting of a vendor ~~is designated as an executive officer of the City~~ must comply with the law.

b. As authorized by the state law, the City has extended the requirements of Chapter 176 to any City employee who has the authority to approve contracts on behalf of the City. ~~(See §176.005(a), TX. Local Gov't Code).~~

c. Chapter 176 requires executive officers to disclose employment and business relationships with vendors who conduct business with the City.

d. ¶ An executive officer is required to file a conflicts disclosure statement ("statement") if a vendor enters into a contract with the City, or if the City is considering entering into a contract with the vendor, and the officer or officer's family member has an employment or other business relationship with the vendor that results in the officer or officer's family member receiving taxable income that exceeds \$2,500.00 in the preceding twelve months. (See §176.003(a), TX. Local Gov't Code)

e. An executive officer is required to file a statement if the officer or officer's family member accepts a gift(s) from a vendor with an aggregate value of more than \$100.00 ~~\$250.00~~ in the preceding twelve months. An officer is not required to file a statement in relation to a gift, regardless of amount, that is accepted by an officer or officer's family member if the gift is given by a family member of the person accepting the gift, is a political contribution, or is food, lodging, transportation, or entertainment accepted as a guest.

f. An officer or vendor who knowingly fails to file a statement or a disclosure when required to do so commits a Class C misdemeanor.

2. Chapter 171, Texas Local Gov't Code.

a. Chapter 171 of the Texas Local Government Code regulates a local public official's conflicts of interest. The law defines "local public official" as an elected official, such as a Commission Council member, or an appointed official (paid or unpaid) who exercises responsibilities that are more than advisory in nature.

b. The law prohibits a local public official from voting or participating in any matter involving a business entity or real property in which the official has a substantial interest if an action on the matter will result in a special economic effect on the business that is distinguishable from the effect on the public or, in the case of a substantial interest in real property, it is reasonably foreseeable that the action will have a special economic effect on the value of the property, distinguishable from its effect on the public.

c. A local public official who has such interest is required to file, before a discussion, vote or decision on any matter involving the business entity or real property, an affidavit with City Secretary, stating the nature and extent of the interest.

d. A local public official is required to abstain from participating in the matter.

e. A local public official who is required to file an affidavit is not required to abstain from participating in the matter if a majority of the members of the governing body have a substantial interest and file affidavits of similar interests on the same official matter.

3. Chapter 252, Texas Local Government Code.

a. If a person fails to comply with the competitive bidding or competitive proposal procedures required by Chapter 252, Texas Local Government Code, that person may be convicted of a Class B misdemeanor. This includes a situation in which a person makes or authorizes separate, sequential, or component purchases in an attempt to avoid competitive bidding requirements. A Class B misdemeanor may be punished by a fine of up to \$2,000.00, confinement in jail for up to 180 days, or both the fine and confinement. Other criminal penalties are stated in Texas Local Government Code Section 252.062.

b. An individual is automatically removed from his or her position if that person is finally convicted of failing to comply with the competitive bidding or competitive proposal procedures required by Chapter 252. Once removed from office, such a person may not hold any public office in this state for four years after the date of final conviction. Also, for four years after the date of final conviction, the convicted person may not be employed by the city where the person was serving when the offense occurred and may not receive any compensation through a contract with the city. (See §252.063, TX. Local Gov't Code)

c. State law specifies that if a city enters into a contract without complying with the competitive bidding or competitive proposal requirements of Chapter 252, the contract is void. (See §252.061, TX. Local Gov't Code)

d. Separate, sequential, or component purchases to avoid placing any purchase in a lower cost bracket in order to avoid approval levels or the competitive bid process are prohibited. A Department shall manage and plan in such ways that all purchases are made in sufficient quantities to meet needs. "Separate Purchases" mean purchases made separately of items that in normal purchasing practices would be bought in one purchase. "Component Purchases" means purchases of the component parts of an item that in normal purchasing practices would be bought in one purchase. "Sequential Purchases" means purchases of items made over a period that in normal purchasing practices would be bought in one purchase. (See §§252.001, 252.062, TX. Local Gov't Code).

B. City ethical rules. The City demands the highest ethical standards of conduct from its employees and from vendors or contractors dealing with the City. City employees engaged in purchasing must comply with the following ethical standards as well as the City's Ethics Policy found in Chapter III, Article 13 of the City of Kingsville Code of Ordinances.

1. *Gratuities.* Certain kinds of conduct such as offering gifts, gratuities, or discounts to City employees to influence their decisions in the purchasing process are expressly prohibited. The City may reject a bid or cancel a contract without liability if it is determined by the City that gratuities were offered or given by a vendor or contractor, or an agent or representative of the vendor or contractor, to any officer or employee of the City with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performing of such a contract. In the event a contract is cancelled by the City pursuant to this provision, the City will be entitled, in addition to any other rights and remedies, to recover and withhold the amount of the cost incurred by the vendor or contractor in providing such gratuities.

2. *Confidential information.* It is a violation of City policy for any employee to use confidential information for actual or anticipated personal gain, or for the actual or anticipated gain of any person.

3. *Purchase of materials, equipment, and supplies for personal use.* Unless approved in writing by the City Manager, no employee may purchase City property for personal use unless it is purchased through

the City's public auction, online bidding/auction, or through the sealed bid procedures of the City.

4. *Purchases for personal, private use.* No employee may use the purchasing power of the City to make purchases for personal, private use. Employees should not have private purchases sent or delivered to the City.

5. *Travel, meals, and other expenses paid by vendor or contractor.* Travel costs to a vendor's or contractor's site shall be paid by the vendor or contractor only if the bid or proposal solicitation specifically stated that such visits would be at the vendor's or contractor's sole expense. The City will pay all other travel costs. Employees must fully document the visits and related expenses. Employees must also comply with the City's Travel Policy.

23. PURCHASING (P-CARD) CARD POLICY AND PROCEDURES

Refer to the most current version of the City's Purchasing Card (P-Card) Policy and Procedures document that has been approved by City Commission.

A. Purpose. The purpose of the purchasing card program is to establish a more efficient, cost effective method of purchasing and paying for small dollar transactions as well as high volume, repetitive purchases. The program was designed as an alternative to the traditional purchasing process for supplies and services. If used to its potential, the program will result in a significant reduction in the volume of purchase orders and related documentation including invoices and checks. In addition, corresponding work processes associated with ordering and check writing will be eliminated. The purchasing card can be used with any supplier that accepts the City's authorized credit card (Visa, Mastercard, etc) as a form of payment.

B. Policy. It is the policy of the City of Kingsville (City) to purchase goods and services that most adequately meet departmental needs at the best available value and in accordance with State Law.

Note: This policy is not intended to limit the job duties or functions of the Purchasing Manager or Finance Departments. Some restrictions or limitations do not apply to these departments.

C. RESPONSIBILITIES.

1. The Finance Director is the administrator of the P-card program.

2. A Department cardholder's purchasing card (P Card) is issued in the cardholder's name. All purchases made on the P Card must be made only by the cardholder. Directors or Supervisors may authorize their card to be used to make purchases. Example: Director has Admin Assistant book travel for the Director and uses the Director's card to make travel arrangements. This would be acceptable because the Director authorized the purchase to be made. Cardholders are responsible for the security of the P Card and the transactions made with it. If cardholders do not follow guideline when using the P Card, cardholder could receive disciplinary action up to and including termination.

3. Cardholder can use the P Card at any vendor or service provider that accepts the City's authorized credit card and is not on a vendor restricted list. It may be used for in store purchases, mail and telephone or fax orders.

4. Cardholder is issued a card limit depending on criteria established by Purchasing based on position. It is the responsibility of each cardholder to know their limit and to make sure that limits are not exceeded. The credit card company charges \$39.00 per month anytime a limit is exceeded. If you are getting near your limit, do not purchase an item. You may call the Purchasing Department for a temporary increase to your limit or other arrangements can be made to ensure that you do not go over the limit. **Cardholders are personally responsible for over the limit fees.** When monthly statements are issued, if you have an over the limit fee, you must submit payment along with your reconciliation. Failure to make timely payments may result in P Card restrictions and/or the loss of P Card privileges.
5. The P Card is not intended to avoid or bypass appropriate purchasing or payment procedures. P Cards are for travel and training, emergency items, and small purchases less than \$1,000 for items that have been approved in your budget. All purchases over \$1,000 must utilize the purchasing system. If you must purchase an item over \$1,000 with your P Card for an emergency purpose, prior authorization must be received and this authorization must be included as support documentation with your P Card reconciliation.
6. P Cards are not to be used for recurring types of purchases or contractual services. These types of purchases must go through the Purchasing Department.
7. P Cards should not be used for lunch meetings between employees without prior approval of the Department Director. You should avoid scheduling meetings during lunch because of payroll issues and the fact that meetings should be scheduled during regular business hours. Department Directors have a little more latitude as they need to meet with vendors during lunch on occasion. You must provide justification of the topics discussed and names of the parties attending for consideration as an allowable charge. Lunch meetings should be for legitimate business reasons and employees attending should have a legitimate purpose for attending. If a lunch meeting is deemed non-legitimate, the employee may be required to reimburse the City. Exceptions can be made by the City Manager or his or her designee. Approvals must be part of the submitted documentation.
8. P Cards can be used in times when work crews are not able to break for lunch. Department Directors at their discretion are allowed to pay for lunch when situations such as these arise. Every effort should be made to schedule work to allow employees to break for lunch. You must submit the detailed receipt with names of employees the receipt covers and the justification for why your crew could not break for lunch. This should not become a regular occurrence (weekly, monthly, etc). If this situation is occurring on a regular basis, supervisors and Department Directors need to re-evaluate how work is being distributed. This could apply in other situations as well.
9. The City has gas pumps that are to be used for all City vehicles. Unless the pumps are down, employees should not purchase gas from local gas stations. Every effort should be made to gas up City vehicles at the City authorized pumps. If the pumps are down, it needs to be notated on the P Card reconciliation and the notification from Public Works indicating the downed pumps needs to be included as supporting documentation. The City incurs higher costs when gas is purchased from outside sources.

10. P Cards are to be used for legitimate business purposes. Some of the items **not allowed** are as follows:

- a. Capital Outlay items
- b. Meals for day travel that do not require an overnight stay. Refer to the Travel Policy
- c. Maintenance of equipment where an agreement must be signed with the vendor
- d. Computer equipment, software or any electronic equipment such as printers, laptops, tablets, WIFI devices, cell phones as these are maintained and controlled by the Technology Department
- e. Radio equipment
- f. Printing of forms unless approved by the City Manager
- g. Unbudgeted goods, supplies and/or services
- h. Alcohol, with the exception of Golf Inventory items
- i. Gift certificates
- j. Entertainment
- k. Recurring types of services, i.e., phone service, internet service, WIFI service, cleaning service
- l. Personal or professional services. This does not include membership dues, notary renewals, or license renewals etc.
- m. Personal items such as shirts, sweaters, hats with or without a City logo for personnel who are not required to wear a uniform. This does not include personal protection equipment.
- n. Fleet vehicle/equipment supplies and services. All City vehicles need to be serviced at the City Garage to enable maintenance records of vehicles. The Garage Supervisor may authorize outside work due to time or other constraints. If the Garage Supervisor authorizes outside vendors to be used, the authorization must be included as support documentation. *Examples: Tune-ups, new tires, vehicle repairs, etc.* There are local companies that offer tires at state contracted rates. Check with the Purchasing Department prior to making any tire purchases. Copies of outside vehicle maintenance invoices must be sent to the City Garage so they can update their vehicle maintenance logs.
- o. Departmental birthday parties, Administrative Assistant/Boss's Day, Welcome to the City for new employees, going away parties, retirements, gifts, flowers or any other personal authorized celebrations.
- p. Raffle ticket items for the annual Employee Safety banquet.

On certain occasions, the City Manager may authorize the purchase of gifts or flowers to be sent on behalf of the City. The City Manager may authorize purchases of items on the above list, but this authorization must accompany the P Card statement as supporting documentation.

It would be very difficult to list everything that can and cannot be purchased. When in doubt, do not use your P Card. Personally, pay for it, then submit it for reimbursement.

11. Making unauthorized or non-legitimate purchases may result in any one or all of the following:

- a. Permanent revocation of the P Card
 - 1) Notification of Human Resources Office to investigate the matter further. ***In cases where commissioned police officers are involved the Chief of Police needs to be notified to conduct investigations because that is the only manner in which disciplinary action can be taken against commissioned officers.***

- b. Assignment of wages (garnishment of wages to pay back the City)
- c. Disciplinary measures up to and including termination of employment
- d. Possible legal action

D. Maintaining Your P Card

1. **ALWAYS OBTAIN A RECEIPT** when using the P Card. It is every cardholder's responsibility to ensure there is a receipt for each purchase. Find a location to save your receipts until your reconciliation is due. A cardholder who submits their monthly report without an attached receipt will be required to reimburse the City for the entire amount of the missing receipt. Waivers to this rule may be made at the discretion of the Department Director. If a waiver is granted, a detailed list of what was purchased along with a justification for the waiver must accompany the monthly reconciliation. An employee is allowed only one waiver per fiscal year.
2. Cardholders are allowed to carry their P Cards or leave them with the Department Director. Cards that are left with the Department Director must be kept in a secured locked area. It is up to the Department Director to determine where P Cards will be housed and to whom they will be issued out to. Some departments will allow Admin Assistants to hand out cards on an as-needed basis.
3. Cardholders who carry their P Cards should treat their cards with the same level of care as the cardholder would use with their own personal charge cards. Guard the P Card account number carefully. It should not be posted in a work area, or left in a conspicuous place. Do not give your number out to others to use.
4. The only person authorized to use the P Card is the cardholder whose name appears on the card. P Cards are not to be shared by other employees as individual cards may be issued to any employee as requested by the Department Director.

E. Cardholder Responsibilities

1. At the end of each billing cycle, every cardholder will be responsible for reconciling and submitting all supporting documentation based on the procedures established by Finance and updated as necessary.
2. Cardholders are responsible for reporting immediately any fraudulent use or misapplication of the card to the Purchasing Manager.
3. Cardholders are responsible for immediately notifying Purchasing if the card is lost or stolen.

F. Traveling with the P Card

1. The P Card is an excellent payment tool for travel and training. The P Card may be used to book airfare, lodging at hotels, training registrations and such expenses directly related to City approved travel for employees. See the City's Travel Policy concerning guidelines for Travel.

2. The P Card is intended for City purchases only and is not to be used to pay for travel expenses for spouses even if those expenses are reimbursed to the City. If you are traveling with your spouse on City business, only your expenses should be charged to the P Card. Expenses for spouses are to be paid in cash or split and paid for on a personal credit card at the time of purchase. The City should not incur additional charges when the employee travels with their spouse or family. *Example: Conference hotel rate is \$189 per night. Employee is traveling with spouse and/or family and books a hotel for \$300. Employee would owe back to the city the difference between the conference rate hotel and the hotel room rate booked by the employee.* Hotels are very accommodating to split these charges upon check-out. The employee should inform the City if they are traveling with their spouse, family and/or friends. The City Manager has final authority on granting a waiver to these requirements. Any amounts owed back to the City must be repaid within 5 business days on the trip return. Failure to make a timely reimbursement may result in future travel and P Card usage restrictions.
3. Know your P Card limit if you are traveling. You may need to call Purchasing to temporarily increase your limit if you need to travel.

G. Sales and Use Tax

1. The City of Kingsville is a tax-exempt entity and does not pay sales tax. The P Card has the City's federal identification number printed on the card and the merchant should be reminded that sales tax should not be included in the transaction. The card does not automatically alert the merchant of our tax-exempt status. **Cardholders must tell merchants at the time of check-out that this is a tax-exempt purchase and no sales tax should be added to the sale.** Cardholders should check the store receipt prior to leaving the store to make sure sales tax was not included in the total. If tax was added to the sale, then the cardholder should immediately ask the merchant to credit the amount of sales tax.
2. It is the cardholder's responsibility to see that no sales tax is paid or that credit is received on any sales tax paid by mistake on all transactions. The cardholder is responsible for any sales tax charged and is required to reimburse the City. Payment is due by the submittal of the reconciliation. Failure to make a timely reimbursement may result in P Card usage restrictions. There are some online businesses that do not abide by the governmental tax exemption. If at all possible, do not shop at these businesses or provide documentation as to why shopping was required at this business and why tax was charged as supporting documentation to your P Card reconciliation. Employees will not be held responsible for taxes levied in these instances. If the store will not honor the City's tax-exempt status, the employee will not be held responsible for paying back the city, but it must be notated on the receipt.
3. The City does pay sales tax on hotel stays and the purchase of prepared foods.
4. If an employee owes the City money back from P Card purchases, the employee must submit the payment receipt with the P Card statement reconciliation.

H. Disputed Charges and Return Items

1. In the event there are disputed charges on the monthly statement or if a Cardholder requires assistance with their statement, they should contact the Purchasing Department.
2. In the event there are returns, the Cardholder must check subsequent statements for the credit and attach the credit slip to the statement when processing for payment. If a credit slip was not obtained, attach other documentation explaining the return. If credit does not appear by the second subsequent statement, the Cardholder should contact the Purchasing Department.

24. Travel Policy

Refer to the most current version of the City's Travel Policy and Procedures document that has been approved by City Commission.

A. Purpose This Travel Policy establishes uniform procedures for the processing of requests for travel authorization, advances and reimbursements; and, it identifies travel expenses eligible for payment and establishes proper accounting for all travel-related expenses for the City of Kingsville (City).

B. Policy — The City of Kingsville will cover reasonable and necessary travel expenses for authorized City business. Application of this policy will ensure clear and consistent understanding of the rules by which travel reimbursements will be provided, thereby providing the best service and expedient reimbursement for travelers, ensure reimbursements are fair and equitable to both the city and the traveler and ensure compliance with federal regulations. Any person traveling on City business is expected to exercise the same care when incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Travelers will be responsible for unauthorized costs and any additional expenses incurred for personal preference or convenience.

C. Policy Guidelines

1. **Eligible Expenses** — When all considerations are equal, travelers should choose the lowest rates (i.e., governmental, corporate or other) available at that time, regardless of personal preferences for suppliers. Transportation expenses should not exceed the lowest practical and available cost of competing airfare. Traveler may use any suitable means of transportation (in terms of traveling time), but payment of transportation costs will be based on the most economical mode of transportation and not on personal preferences (i.e. mileage for personal car versus airfare)

2. Transportation — Air Travel

a. Travelers must consider all expenses to be incurred when comparing airfares including add in costs such as baggage fees, fuel surcharges, etc. to meet the lowest cost requirement.

b. Travelers should make every effort to book travel as soon as possible when travel authorization has been given to obtain the best fares.

c. Optional and additional costs for "premium" seats or other "upgrades" (exit row or aisle seats, early check-in programs, etc.) are not reimbursable to the employee unless that is the only type of seat available. You will need to receive authorization for the additional cost prior to booking and you must print out something from the website that indicates

only premium seats were available. The prior authorization must be included with your travel request.

d. City will be responsible for mandatory surcharges added to the base ticket price such as fuel surcharges, airport fees, and taxes.

e. Travelers may consider duration of travel time including layover time and cost of direct versus indirect flights when choosing the best airfare. Selection of a higher cost flight should be documented as to why this is best arrangement and authorized by the Department Director prior to booking the flight.

f. Generally, flights departing or arriving within 2 hours of requested time with the lowest cost should be accepted.

g. Generally, when comparing trips for total travel time, the lower cost should be accepted if total hours is less than 2 hours for domestic travel, 6 hours for international travel.

h. Cancellation fees and re-booking fees are eligible for reimbursement when the change in arrangements is required by and benefits the City. Re-booking fees incurred for the convenience of the traveler may not be reimbursable and would require the specific approval of the Department Director or City Manager.

i. Generally, non-refundable tickets must be used for another trip by the same traveler on the same airline. If the traveler cancels a trip due to personal reasons, the traveler is responsible for the unused trip in so far as the airline credit must be used on the next appropriate trip within the applicable timeframe before expiration of the trip credit. If the credit can be used and the traveler chooses not to fly, the amount of the credit must be deducted from future transportation cost requests until the total credit amount has been recouped by the City.

j. Baggage fees & guidelines:

1) If the airline charges for each checked piece of baggage:

a) City will not reimburse any baggage fees for a trip of 1 night or less

b) City will reimburse for the first bag only for trips of 2 to 7 nights

c) City will reimburse reasonable expense for a second bag only when the authorized trip is 8 nights or more.

2) If checked baggage charges include no charge for the first piece and additional charges start beginning with the second piece of baggage:

a) City will reimburse reasonable expense for a second bag only when the authorized trip is 8 nights or more.

b) City does not reimburse for any overweight fee.

c) Reimbursement for baggage fees requires an itemized receipt to include traveler name, date, and amount charged by the carrier.

3) Additional baggage fees incurred for transportation of materials to/from a conference which are related to City business and is within the responsibility of the traveler to transport may be allowed with approval of the Department

Director and should be included in the travel authorization estimate as a miscellaneous (other) expense.

4) Travelers should plan ahead and use alternate delivery and shipping arrangements when available and compare the costs of shipping versus checked baggage.

5) Travelers are reminded that baggage fees are not included in the price of the ticket and the traveler must most often pay these fees at the time of checking the baggage with the airline. Estimated costs should be included in travel authorization amounts and included in amount of advance funds (where advances are authorized).

6) Frequent traveler benefits (i.e. frequent flyer miles) earned by City employees or other travelers who earned such benefits while on official City business may retain those benefits for personal use. Any cost associated with membership in programs is at the sole cost of the traveler.

3. Transportation – Personal Vehicles:

a. If a traveler uses his or her own personal vehicle on a business trip, reimbursement will be at the federal government mileage rate in effect at the time of travel.

b. The City reimburses for actual mileage using the most direct route. The Traveler must include the mapping site, (i.e.: *MapQuest*) directions showing to and from destinations and the number of miles of the most direct route. If the traveler is requesting additional mileage for miles driven from hotel to training and other instances, detail records must be kept documenting the miles driven.

c. The cost of parking a vehicle when necessary to conduct City business may be reimbursed.

d. Reimbursable travel mileage for a given day may not include the mileage required for commuting between home and office or place of assignment. If a traveler lives outside the City, normal commute miles must be subtracted from the miles claimed. You must include a MapQuest printout of the number of miles between your home and office for verification. Mileage to and from a travel destination which is less miles than the individual's normal daily commute are not reimbursable.

e. If a City vehicle is available and provided for travel to/from the destination for an individual traveler or group of travelers, an employee may not choose to drive a personal vehicle and then submit mileage without prior approval from the Department Director.

f. If there are several travelers going to the same training and staying at the same hotel, efforts need to be made to condense the number of individual vehicles so that everyone is not traveling by themselves incurring excessive transportation costs to the City. Department Directors will be responsible to insure transportation methods and costs are reasonable for the travelers and the City.

Example: Conference in San Antonio – 4 employees attending. All leaving from Kingsville, all staying at the same hotel. The Department Director and/or City Manager may determine that all 4 employees

can travel together and they designate one employee as the driver. If any of the employees choose to take their personal vehicle in addition to the designated driver, the employee cannot request mileage because it is their choice not to ride in the assigned vehicle.

g. Employees must do a cost comparison between using a personal vehicle, rental car or flying and include those comparisons with the travel request. Employees will be reimbursed for the lowest, most efficient method of travel. Several factors including the amount of time each method will take will be used in the determination.

Example: Rental Car is the less expensive at \$100 rental + \$50 estimated gas = \$150.00. Mileage for personal vehicle = \$200

If employee chooses to use personal vehicle, even though less expensive for employee to rent a car, employee will only be reimbursed the lower \$150.00.

The same applies to flying. If it less expensive to fly and the employee chooses not to fly, reimbursement will be made at the lower cost of transportation method.

When doing cost comparisons, make sure that you take all costs into consideration. If you fly, add costs of transportation to and from the airport and airport parking fees. If you rent a car, add gas costs.

4. Transportation – Car Allowance

a. Persons who receive a car allowance must deduct 50 miles from the amount of miles requested for mileage reimbursement.

b. Persons who live outside the City and receive a car allowance must deduct both car allowance miles and commuting miles, depending on where the traveler lives in relation to the location where they are traveling. Example: Person lives in Corpus Christi and their commute round trip is 60 miles. This person is traveling to San Antonio and the round trip to San Antonio is 500 miles. The traveler in this example would request 500 miles, less 60 commute miles, less 50 car allowance miles = 390 miles. The Travel Authorization form has a place to record each component of the calculation.

Please note that all mileage requests must use your normal place of work as the start and return location.

5. Transportation – Rental Car

a. Rental car expense must receive prior approval from the Department Director and will only be authorized when it is more practical and/or less expensive than the use of a personal vehicle, taxi cab or other public transportation.

b. If there are several travelers going to the same training and staying at the same hotel, the use of car pools, rental cars, etc. must be evaluated to see what makes the most financial sense for the City. If it is determined that a car pool or rental cars are more beneficial for the City and a traveler chooses to drive their personal vehicle, the traveler may be prevented from claiming any mileage for the trip.

c. Request for a rental car should be presented in writing, with sufficient justification for the expenditure, and submitted with the Travel Authorization form.

d. Fees associated with parking a rented vehicle and gas (to refill the rental vehicle) should be included in cost evaluation and are eligible for reimbursement.

e. Car rental insurance, including collision damage waivers, should not be included or accepted in the rental agreement because the City carries insurance when driving a rental car. Such fees are not reimbursable. As members of the State of Texas Purchasing Coop, the rate at all Enterprise and most Avis locations, the daily rate includes the loss damage waiver (LDW). Please call Purchasing for the Coop number.

f. Taxi cab and other local transportation expenses may not be reimbursed if a traveler has an approved rental car or is receiving mileage.

g. If the traveler is driving into an area where they may be subject to toll charges, please check with the rental company to see if prepaid toll pass is available. If it is, please purchase and it will be available for reimbursement. If not, please take care of tolls as they are incurred. If the traveler incurs penalties for non-payment of tolls, it will be the traveler's responsibility for the additional charges.

6. Lodging

a. Costs will be based on the actual costs of lodging, including taxes, and should not exceed the single occupancy rate, or where the traveler is attending a conference, the conference site rate.

1) Always check the designated travel program rate for the hotel before booking the registration. The government rate may be lower than the conference rate. Traveler should select the lower of the two.

2) Hotel reservations must be booked in a timely fashion to receive the discounted conference rate.

3) Where the conference site rate is not available, traveler must check the GSA website for the cost of lodging allowable for the destination. An alternative hotel may be booked at either the conference rate or GSA rate whichever is higher. For example: The traveler was not able to get the conference rate because the block was sold out or the reservation was not made in time. The conference rate was \$149. The GSA allowable rate is \$189 for this destination. The traveler has a maximum limit of \$189 as the price of the hotel room before taxes. The traveler must submit the brochure or document that indicates the conference rate and the GSA allowable rate with the Travel Authorization Form.

4) Hotel taxes should be paid. The State of Texas does not exempt City government employees from payment of hotel occupancy taxes.

b. When two or more travelers occupy the same room, the rate for the hotel room cannot exceed the cost of individual rooms. One traveler should be designated as the person responsible for payment of the room and should list the names of all the room occupants on the travel request.

c. Lodging reimbursement is restricted for travel within 150 miles round trip of the employee's assigned work location.

d. If the conference opening sessions start in the morning, lodging may be secured for arrival the day before the conference. If the conference opening session begins in the afternoon, lodging may not be allowed the day before, barring extenuating circumstances and City Manager approval.

e. The City will not pay for the hotel on the day the conference ends. If the traveler wishes to stay past the end day of the conference, it will be at their expense unless travel cannot be completed within a time frame that allows safe travel. Department Directors should make this determination and submit the request prior to travel to the City Manager for approval.

f. Booking sites such as Travelocity, Orbitz, and Hotels.com should be avoided unless it can be shown that the site can provide substantial savings to the City. Generally, these sites are non-refundable and if there is a change in the traveler's plans, the entire hotel cost may be lost. The City will not be responsible for this additional penalty payment.

7. Conference Registration

a. Conference registrations must be booked in a timely fashion to receive the greatest discount.

b. Fees for conventions, conferences and seminars will be considered eligible for reimbursement.

c. Conference registration details must be submitted with the Travel Authorization form to allow verification of discounted rates offered.

d. Conference attendance must be for legitimate purposes that assist the employee in the duties of their position.

8. Meals

a. The cost of meals, snacks, and other incidental expenses, including taxes and tips, will be reimbursed at the per diem rate authorized for the destination city.

b. The authorized per diem allowances shall be the rates set annually by the Federal Government's General Services Administration for different areas of the country.

c. To assist in determining the per diem rates for cities not listed, a traveler can enter the zip code of the destination city. The per diem rate along with the allocation must be submitted with the Travel Authorization Form.

d. Meals with an overnight stay must be submitted with the Travel Authorization Form and paid through a Travel Advance. Travelers should not use their P Card for meals that involve an overnight stay. If for some reason, the Traveler does not submit their Travel Authorization Form in time for processing by Accounts Payable and uses their P Card for meal purchases,

they will receive reimbursements for the actual meal purchase up to the per diem limit. Incidentals are not allowable if the traveler does not request a travel advance. For example: Traveler did not submit Travel Authorization in time to receive their travel advance. Traveler receives authorization to still go on the requested travel. Traveler pays for their meals using their P Card. (1) Per Diem for lunch is \$11.00, but the traveler pays \$7.89 for lunch + \$2.00 tip. Traveler will submit the receipt for \$9.89 and will only receive reimbursement for the \$9.89. Traveler will not receive the per diem \$11.00 rate. (2) Per Diem for lunch is \$11.00, but the traveler pays \$10.50 for lunch + \$2.00 tip. Traveler will submit the receipt for \$10.50 and will only receive reimbursement for \$11.00.

e. Meals without an overnight stay are no longer allowed. No reimbursement or travel advance will be provided and the employee cannot use their P Card to purchase the meal. However, there may be an emergency or extenuating circumstances that require an exception to this restriction. The Department Director may request an exception from the City Manager. Approval of this exception must be attached as backup documentation.

9. Other Incidental Expense

a. Other miscellaneous expenses eligible for reimbursement with receipts include tolls, parking charges, cab fares, and business-related telephone calls, faxes and copying.

b. Reasonable laundry and dry cleaning costs, where travel from the City of Kingsville area extends over a period of seven or more consecutive days are covered.

c. Any traveler with a city issued cell phone may not submit for reimbursements for any phone calls unless it is an emergency.

d. Parking a personal vehicle at the airport while on City business, if necessary, should be pre-approved on the Travel Authorization form. Reimbursement should not exceed the posted rate for Long Term parking lots at the Airport.

D. Internet Access

1. If you know you will need internet access to perform City business while traveling, you must contact the Purchasing/Information Technology department and check out a MIFI device that will grant you internet access along a more secure network.

2. Employees can also check with Purchasing/Information Technology for other options that will not result in hotel internet charges. Hotel internet charges are not reimbursable by the City.

E. Ineligible Expenses

1. Flight or trip insurance, collision damage waivers, personal telephone calls, laundry/dry cleaning (if travel is less than seven days), personal entertainment (includes alcohol), fitness center usage charges, and personal services in general are not eligible for reimbursement.

2. Other miscellaneous items requested should be forwarded to the Finance Department for consideration. When in doubt, pay for the item with a personal payment card and then submit it for reimbursement.

F. Exceptions

1. While it is expected that all city employees and officials adhere to the practices outlined in this Travel Policy, it is recognized that, at times, expenses not specifically listed may be incurred for the promotion of the city's interests and may be considered for reimbursement.

2. Exception requests should be fully documented in accordance with this policy and submitted for reimbursement.

3. Review and consideration of unusual expenses should be reasonable, and approval of such expenses should be granted only when there is a clear benefit to the City.

4. Although this Policy is intended to be comprehensive, circumstances may arise which are not specifically addressed by this Policy. In such circumstances, review and approval of associated travel and expenses shall be made by the Finance Department. Appeals of these decisions shall be directed to the City Manager.

G. Authorizations

1. Travel authorizations and advances must be approved by the Department Director or their designated representative in accordance with the provisions of this Policy.

2. Traveler must submit the Travel Authorization Request form along with all supporting documentation to the Department Director. Once approved by the Department Director, the request will be submitted to the Purchasing and then Purchasing will submit to Finance who will then send to the City Manager for approval. The number of reviews is necessary because each reviewer is looking for a different item. Directors determine the need for travel. Purchasing reviews the method of travel and verifies the supporting documentation is attached. Finance reviews budget compliance. City Manager has final determination that travel is in the best interest of the City.

3. All out of state travel requests need to go before the City Commissioners for approval. Allow enough time to get this request on the agenda for discussion and approval.

4. The City Manager, or designee, may at any time restrict travel and/or direct additional approvals as necessary to be obtained prior to any travel being authorized. If so directed, the stated policy and process for travel and travel authorization remains in effect and supersedes any approvals listed in this Policy during the given time period.

5. The traveler shall complete the Travel Authorization Request Form and forward to the Department Director for approval prior to the start date of the itinerary.

6. All anticipated expenses associated to the trip should be included in the Travel Authorization Form including all items that may be paid, other than by the traveler, such as registration or conference fees, airline tickets, etc.

7. Conferences, conventions, training classes and other meetings require inclusion of a formal brochure including dates, costs and other materials to document itinerary details and anticipated expenses.
8. Department Directors, Purchasing, and Finance shall review the Travel Authorization Request form for the reasonableness of the anticipated expenditures, for comparison with budgeted travel expense allocations and make the determination whether or not travel will commence. For Department Directors, Purchasing shall be the one to initially review all submittals. Purchasing's review makes sure that all submittals are included and travel policies have been followed. Purchasing then submits it to Finance. Finance's review makes sure that there is sufficient budget and that all reservations have been secured in a timely manner. Finance also verifies that there isn't any outstanding travel reconciliations and that all prior amounts due the city have been cleared. Finance then submits to the City Manager for final approval. Travel authorization must be reviewed prior to submittal to the City Manager.
9. Any emergency trip that is taken without a prepared and signed Travel Authorization form must be approved in advance by the City Manager and documented through e-mail or some other form of written approval.

H. Travel Reconciliation

1. Within five (5) business days after a traveler's return from an authorized trip, the traveler is responsible for completing and submitting the completed travel reconciliation section. Failure to complete this reconciliation will delay any reimbursement or may affect the approval of future travel requests.
2. The Travel Reconciliation section must be accompanied by a copy of the original or corrected Travel Authorization Request form along with the final hotel bill and any other final receipt that was not submitted with the original travel request.
3. The Travel Reconciliation must be submitted to Purchasing for validation and it will be forwarded to Finance for final processing and filing.
4. When the Travel Reconciliation is completed and the employee owes money back to the City, payment must be made at the time of submittal at the Utility Billing office and a copy of the receipt must be attached to front of the Reconciliation form.
5. In the absence of a lost, forgotten or otherwise unavailable receipt(s), a traveler may prepare a written statement of expense(s):
 - a. Correspondence must provide as much detail as possible to document the expenses including date, place of purchase, type of purchase, dollar amount and reason for no receipt.
 - b. Department Director's review and approval is required on the written statement.
 - c. The statement is then included with the Travel Reconciliation submittal.
6. If the Travel Reconciliation indicates that the traveler is owed reimbursement, payment will be processed by Accounts Payable on the next check run.

7. Additionally, travel advances not cleared within 60 days may result in an employee not allowed further travel advances. Exemptions for further travel must be authorized by the Department Director. Restrictions from future travel advances may be enforced as permanent by the City Manager if the traveler repeatedly fails to submit receipts and other required documents in accordance with this Policy.

I. Travel – Non Exempt Employees

1. Employees classified as non-exempt (hourly) will be paid for any travel time outside of their scheduled work hours when they are a passenger on an airplane, train, boat, bus, or automobile. The employee will be paid from the time they leave the City to the time they arrive at the hotel based on the time requirements from the Mileage calculator. Whenever possible, Department Directors shall adjust non-exempt (hourly) employee schedules to coincide with travel/training so as to include travel time in the workweek and not create overtime. Example: A Monday – Friday work week may be adjusted to Sunday – Thursday or any work week combination in order not to create overtime.

J. Calculation of Per Diem

1. Meal expenses incurred by travelers while on official city business requiring an overnight stay are reimbursed on a per diem basis using the rates established by the Federal GSA.

2. Official travel time starts at the time the traveler leaves their home, office, or other point of departure and ends at the time the traveler returns to their home, office, or other point of return.

3. Employees choosing to extend travel time prior to or at the end of official travel for personal convenience will not be considered on travel status for that time. Travel status would be calculated as if the travel had begun and ended had the traveler not extended the travel.

4. Travelers may claim full per diem even if meals are provided at the conference. However, Department Directors may limit this benefit due to budgetary constraints.

5. On the day of departure, breakfast per diem is provided if you leave before 7 am, lunch is provided if you leave prior to 11:00 am and dinner is provided if you leave before 5:00 pm. On the day of return, if you return prior to 11:00 am, breakfast per diem will be provided, prior to 5:00 pm, lunch per diem will be provided, after 7:00 pm, dinner per diem will be provided. Employees may not extend the departure and/or return time in an effort to receive additional per diem. Department Directors will validate departure and arrival times for reasonableness of conference attendance. The fact that the employee still leaves early does not mean that the employee would be entitled to receive more than the dinner per diem.

6. Per diem will not be paid in addition to a Ticketed Event. Department Directors have the responsibility of making sure that attending the ticketed event is beneficial as it is normally more expensive than the allotted per diem rate.

K. Roles & Responsibilities

1. Finance Department

a. The Finance Department has the responsibility of maintaining and updating this Policy for Commission approval.

b. Prepare payments for and ensure proper accounting of all approved and eligible travel-related expenditures.

c. Report to the City Manager's Office on a monthly basis any travel reconciliation/receipts that have not been submitted to Finance within significant prescribed time frames established by this Policy.

d. Conduct compliance audits.

2. Department Directors

a. Assign appropriate staff person to act as the department travel coordinator.

b. Make every effort to anticipate travel expenses so expenses will be accurately budgeted.

c. Be expected to ensure travel expenses do not overrun travel appropriations through the course of the fiscal year by reviewing the reasonableness of anticipated expenditures and the financial feasibility of the trip.

d. Review all requests for travel authorization. Such review shall include a determination whether travel is necessary and a determination of the reasonableness of those expenses for payment by the City.

e. Ensure that the selection and acquisition of related arrangements (transportation, accommodation, advances, etc.) are consistent with the provision of this policy.

f. Enforce deadlines for timely submission from traveler and prompt approval processing by the Director.

3. Traveler

a. Once travel has been approved, the employee may not make changes that cause the city to expend additional funds without prior approval of their supervisor. Example: Traveler is approved to take a city vehicle which is no cost to the city for mileage. Without approval, employee decides to take personal vehicle which results in the employee requesting mileage. Reimbursement will be denied unless the city vehicle is not available and Director has been advised and approves the change prior to departure. Substantiation of this change authorization must be included with the travel reconciliation.

b. Be conservative in expenditures while traveling on City business as if such costs were being paid by themselves. Reasonable records and original receipts of travel expenses need to be maintained.

c. Obtain prior authorization to travel by submission of the Travel Authorization form. Accurately list all categories of expenses anticipated to be incurred and sign the form as indicated.

d. Traveler's signature on the Travel Authorization Request form attests to an understanding and agreement to amounts authorized for travel and the amount and purpose of any advance being requested.

e. Travelers should have full understanding of accountabilities upon completion of the authorized trip and steps to be taken should the trip be cancelled or postponed.

f. Attend the conference/training sessions. It is not appropriate or acceptable to attend social events during the normal session hours. (i.e. trip to a museum, etc. during time that classes are going on) Travel to a conference or seminar is a privilege in that the City expects you to return with additional knowledge that will assist you in your job duties. Not attending conference sessions may invalidate your trip and you may then be responsible for repayment of all trip expenditures.

g. Submit fully completed travel expense reconciliations according to the provision of this policy with the necessary supporting documentation, including original receipts and explanations as required.

h. Traveler may remove or redact personal information such as personal credit card numbers, mileage account numbers, home address, date of birth, social security numbers or other information that is not pertinent to the expense receipt. Travelers are reminded that any receipt submitted to the City becomes a public document and subject to open records requests.

i. Be responsible for safeguarding of travel advances and funds provided.

j. Submit claims and clear any debt for travel advance if any, no later than five (5) business days after completion of travel. Any monies owed to the City must be paid in full within the five (5) business days. Any funds owed due to trip cancellation or postponement must be paid in full within five (5) business days.

k. The traveler is responsible to obtain and retain a receipt for monies returned to the City.

25. PETTY CASH DISBURSEMENT

A. Rules and forms.

1. A Department may submit a request for petty cash from the Finance Department. The request and disbursement must not exceed \$100.00. If cash payment is necessary due to unforeseeable circumstances, the Finance Director may approve expenditure over the \$100.00 limit.
2. Only expenditures specifically authorized by this manual are allowed.
3. A Department must not use petty cash pay for services rendered.
4. An employee must not use petty cash for any use that violates this manual.

B. Maintaining petty cash. Petty cash vouchers, receipts, and cash on hand must at all times equal the total amount authorized for the petty cash fund. The Finance Department will issue a petty cash voucher to a Department at the time money is advanced for an employee to make purchases on the City's behalf. The Department must sign the petty cash voucher indicating approval for the purchase. The sales receipt must be attached to the petty cash voucher after the purchase. The petty cash voucher should include the amount and purpose of the proposed expenditure, the expense account number, and be signed and dated by the recipient the Department. Vouchers may not be used as a substitute for a sales receipt. Where a Department maintains a departmental petty cash, the Department must turn in petty cash vouchers with receipts attached to the Finance Department on a weekly basis to exchange for cash in reimbursing the departmental petty cash.

C. Audit of petty cash. The Finance Director will periodically audit petty cash expenditures as to form and regulations and may confirm purchases.

26. RENTAL OR LEASE OF EQUIPMENT

A. Rental procedures. Where a Department seeks to rent or lease equipment, such acquisition must be handled as any other type of purchase such that a purchase requisition is sent to the Purchasing Manager for the procurement. Prior to placing a request, a Department should determine whether the equipment that is proposed for rental or lease is available in any other Department.

B. Lease/purchase agreements. Any equipment lease may occur but only after the availability of a lease option has been fully evaluated for efficiency and cost effectiveness. A Department will work with the Purchasing Manager and Finance Department when proposing either a short-term or long-term lease of equipment for analysis of actual capital costs including interest charges. The total cost of the lease shall be calculated. Total cost includes the cost for every year of the lease agreement combined. Where such cost exceeds an authorized purchasing threshold for either the City Manager ~~or City Commission~~ under this manual, the ~~City Manager or~~ City Commission, ~~as appropriate,~~ will need to approve the lease agreement. Under no circumstances may a Department sign a rental or lease agreement unless prior approval has been granted by the party authorized under the approval requirements of this Policy Purchasing Manager.

EXHIBIT A
Vendor Performance Form – City of Kingsville, TX

Instructions: Complete this form to report exceptional or unsatisfactory vendor performance and return to the Purchasing Agent.

Purchase Order No.	Requisition No.	Today's Date:
Vendor Name: Contact: Address: City, State: Phone: Fax: E-mail:		Department: Contact: Phone: Fax: E-mail:
Nature of report (Check all applicable boxes):		
<p><u>POOR PERFORMANCE</u></p> <p><input type="checkbox"/> Late Delivery</p> <p><input type="checkbox"/> Failure to Deliver</p> <p><input type="checkbox"/> Delivery made at wrong destination</p> <p><input type="checkbox"/> Failure to identify shipments per contract terms</p> <p><input type="checkbox"/> Short/overweight or count</p> <p><input type="checkbox"/> Vendor shipped incorrect merchandise</p> <p><input type="checkbox"/> Failure to replace damaged goods</p> <p><input type="checkbox"/> Slow replacement of damaged goods</p> <p><input type="checkbox"/> Failure to pick up incorrect shipment</p> <p><input type="checkbox"/> Improper Product Packaging</p> <p><input type="checkbox"/> Failure to meet specifications</p> <p><input type="checkbox"/> Failure to follow palletizing instructions</p> <p><input type="checkbox"/> Poor product quality</p> <p><input type="checkbox"/> Poor product performance</p> <p><input type="checkbox"/> Failure to respond to letter or phone call</p> <p><input type="checkbox"/> Failure to promptly notify Purchasing concerning Manufacturer discontinuation of an item</p> <p><input type="checkbox"/> Poor customer service (Requires comment)</p> <p><input type="checkbox"/> Unauthorized substitution</p> <p><input type="checkbox"/> Unsatisfactory installation</p> <p><input type="checkbox"/> Service not performed within specifications</p> <p><input type="checkbox"/> Incorrect invoices</p> <p><input type="checkbox"/> Failure to comply with terms & conditions of contract (Requires comment)</p> <p><u>ACTION TAKEN BY PURCHASING</u></p> <p><input type="checkbox"/> 1ST Written notice issued for late delivery</p> <p><input type="checkbox"/> 2nd Written notice issued for late delivery</p> <p><input type="checkbox"/> Damaged assessed</p> <p><input type="checkbox"/> Vendor commended</p>	<p><u>RESOLUTION</u></p> <p><input type="checkbox"/> Complaint withdrawn</p> <p><input type="checkbox"/> Vendor failed to receive purchase order</p> <p><input type="checkbox"/> Delivery made after late notice sent</p> <p><input type="checkbox"/> Performance corrected</p> <p><input type="checkbox"/> Material or item replaced</p> <p><input type="checkbox"/> Equipment performance corrected</p> <p><input type="checkbox"/> Invoice Corrected</p> <p><input type="checkbox"/> Item cancelled from contract (Vdr failure-Vdr initiated)</p> <p><input type="checkbox"/> Item cancelled from contract (Vdr failure- Purchasing initiated)</p> <p><input type="checkbox"/> Item cancelled from contract (No fault of vendor)</p> <p><input type="checkbox"/> Entire order cancelled</p> <p><input type="checkbox"/> Entire contract cancelled (Vendor fault)</p> <p><input type="checkbox"/> Entire contract cancelled (No fault of vendor)</p> <p><input type="checkbox"/> Damages paid</p> <p><input type="checkbox"/> Vendor counseled</p> <p><input type="checkbox"/> Order completed</p> <p><input type="checkbox"/> Correct shipment received</p> <p><input type="checkbox"/> Damages not paid – Vendor removed from bid list</p> <p><input type="checkbox"/> Performance not corrected – Vendor removed from bid list</p> <p><u>EXCEPTIONAL PERFORMANCE</u></p> <p><input type="checkbox"/> Shipment made early upon Purchasing/Department request</p> <p><input type="checkbox"/> Product upgrade substitution suggested and accepted</p>	

<input type="checkbox"/> Shipment rejected <input type="checkbox"/> Vendor counseled	<input type="checkbox"/> Exceptional customer service response <input type="checkbox"/> Exceptional service provided for return of products <input type="checkbox"/> Provided technical/training/set-up assistance when not required <input type="checkbox"/> Price reduction for large order <input type="checkbox"/> Vendor commended
<u>Detailed explanation (Please be specific)</u>	
Resolution completed by Purchasing: _____	Date: _____
Buyer:	

Exhibit F
Detailed Specification form

I. Title:

II. Summary:

Provide summary of what the product or service will be used for and the department(s) that will use it.

III. Definition:

(Required) Define technical and critical terms of product or services to be purchased. Attach detailed specification documents.

IV. Requirements:

(Required) List all needs and performance requirements and include work-related needs that this item or service must fulfill. Include any testing, certification, or other quality control requirements.

(Optional) List all design requirements, including materials, manufacturing standards and directions, dimensions, physical characteristics and workmanship standards.

(Optional) List any requirements not cover.

Submitted By: _____ Dept: _____ Date: _____

EXHIBIT C

Purchasing Request

Invitation for Bid (IFB) and/or Request for Proposal (RFP)

~~\$50,000.00~~ \$100,000.00 +

Date Requested: _____

Department: _____

Funds Budgeted in Account: _____

Budgeted Amount: _____

Point of Contact: _____

1st Advertising Notice Date requested: Notice of the time and place at which the bids will be publicly opened and read aloud must be published at least once a week for two consecutive weeks in a newspaper published in the municipality. (Kingsville Record)

2nd Advertising Notice Date requested: (if unknown leave blank)

Requested Opening Date: _____ The date of the first publication must be before the 14th day before the date set to publicly open the bids and read them aloud. (if unknown leave blank)

Attachments:

- | | <u>Yes</u> | <u>No</u> |
|---|--------------------------|--------------------------|
| 1) Detailed Specifications pertaining to requested item(s) to be purchased. | <input type="checkbox"/> | <input type="checkbox"/> |
| 2) List of any vendors known by the department to provide material or services. | <input type="checkbox"/> | <input type="checkbox"/> |

Signatures:

Director: _____

Date: _____

Purchasing Manager: _____

Date: _____

EXHIBIT D



FINANCE DEPARTMENT
SOLE SOURCE AFFIDAVIT

THIS IS AN OFFICIAL PURCHASING DOCUMENT – RETAIN WITH PURCHASE
ORDER FILE

Before me, the undersigned official, on this day, personally appeared _____, a person known to me to be the person whose signature appears below, whom after being duly sworn upon his/her oath deposed and said:

1. My name is _____. I am over the age of 18, have never been convicted of a crime and am competent to make this affidavit.

2. I am an authorized representative of the following company or firm:

3. The above-named company or firm is the sole source for the following item(s), product(s) or service(s):

4. Competition in providing the above named item(s) product(s), service(s) is precluded by the existence of a patent, copyright, secret process or monopoly as stated under Sections 252.022(a)(7)(A) or (7)(B-F), TX. Local Gov't Code. Also, attached is a sole source letter, which sets forth the reasons why this Vendor is a sole source provider (dated and signed).

5. There is/are no other like item(s) or product(s) available for purchase that would serve the same purpose or function.

6. Note: This Vendor understands that by providing false information on this Sole Source Affidavit, it may be considered a non-responsible Vendor on this and future purchases and may result in discontinuation of any/all business with the City of Kingsville.

Signature

THE STATE OF TEXAS §
COUNTY OF KLEBERG§

SUBSCRIBED AND SWORN to before me on this the _____ day of _____, _____.

Notary Public for the State of Texas
Printed Name: _____
My commission expires: _____

COMPANY NAME: _____
ADDRESS, CITY, STATE & ZIP: _____

PHONE: _____ FAX NUMBER: _____

CONTACT NAME AND TITLE: _____ WEB

ADDRESS: _____ EMAIL: _____

FEDERAL TAX ID NUMBER: _____ TEXAS

SALES TAX NUMBER: _____

EXHIBIT E

REQUEST FOR PURCHASING CARD (P-Card)

TO: _____ Purchasing Manager

FROM: _____

DEPARTMENT: _____

SUBJECT: *Request for Purchasing Card (P-Card)*

DATE: _____

I request that the Finance Department issue the following employee a City Purchasing Card (P-card) for the purpose of making purchases in the normal course of authorized City business.

Full Name of Employee (print): _____

Employee Title: _____

Employee Signature: _____

Single Item Purchase Supplies or Material **(Not to exceed \$500.00)**: _____

Daily Transaction Limit: _____ # of Transactions: _____ 30

Day Limit: _____

Restrictions: _____

REQUESTED BY: _____
Signature of Department Director

APPROVED BY: _____
Signature of Purchasing Manager

Date: _____

Copy: _____ Designated Cardholder
Director/Manager

PURCHASING CARD (P-CARD) CARDHOLDER AGREEMENT

_____ hereby agree to comply with the **Purchasing Card (P-card)** policy and procedures and the following terms and conditions regarding my use of the card. As a cardholder, I have read and understand the **City of Kingsville Purchasing Policy and Procedures, which includes the P-card policy**.

1. I understand that I am being entrusted with a valuable tool, the P-card. I will be making financial commitments on behalf of the City of Kingsville. I will always obtain the best value for the City by using the P-card wisely and with discretion.

2. I agree to use this card for official City business and approved purchases only. I fully understand that my misuse or abuse of the P-card will result in revocation of the card and appropriate disciplinary action, which may include termination of my employment. I also agree to attend training on the use of this card as prescribed by Purchasing Manager.

3. The following acts are prohibited, and I understand that this is not an exclusive or exhaustive list:

- Expenditures for personal purposes;
- Cash advances or refunds;
- Expenditures for entertainment, including but not limited to the purchase of alcoholic beverages;
- Purchases under contracts, unless an emergency exception is granted;
- Separate, sequential, and component purchases or transactions made with intent to circumvent state law or City policy;
- Transaction amounts greater than the limits on the P-card issued to me;
- Failure to submit proper documentation with each monthly statement, and;
- Allowing the card to be used by someone else

4. I understand I do not own the P-card and that the City has issued the card to me so that I can conduct authorized City business in an efficient, expeditions, and cost effective manner. I agree to return the P-card immediately upon request or upon termination of employment (including retirement and resignation). Should I be transferred between Departments or positions, qualify for extended leave, or undergo an organizational change that causes my duties to no longer necessitate the use of the P-card, I agree to return it immediately.

5. If the card is lost or stolen, I agree to immediately notify the Purchasing Manager and my Department Director.

I understand and agree that my use of the P-card is subject to the following specific purposes or restrictions:

Employee Signature _____ Date _____ Department _____

Department Director _____ Date _____ Purchasing Manager _____ Date _____

Transaction Limit: \$ _____ Monthly Limit: \$ _____

PURCHASING CARD (P-CARD) LOST/STOLEN REPORT

TO: Purchasing

FROM:

DEPARTMENT:

Card Number: _____

Full Name of Employee (print): _____

Employee Signature: _____

Employee Title: _____

Date of Loss: _____

Date Stolen: _____

Details: _____

Copy: _____ Designated Cardholder
Director/Manager

CARDHOLDER STATEMENT OF DISPUTED ITEM(S)

RE: _____

CARDHOLDER NAME: _____ CARD NUMBER: _____

MERCHANT (VENDOR) NAME: _____ DISPUTED AMOUNT: \$ _____

I dispute the charge(s) described herein as follows: [Check Appropriate Box(es)]

I certify that the charge listed above was not made by me nor were the goods or services represented by the above transaction received by me or by a person authorized by me.

I do not recognize the transaction as listed above. Please inform me of merchant name and description of merchandise purchases.

Although I did engage in the above transaction, I dispute all or part of the charge in the amount of \$ _____.

I have contacted the merchant and requested a credit adjustment that I did not receive or was not satisfactory.

I have been charged twice for the same transaction. Posting dates: _____ and _____

A credit slip was listed as a sale on my statement.

The amount of the sales slip was increased from \$ _____ to \$ _____. Enclosed is my copy of the sales slip prior to alteration.

I received a price adjustment (credit slip) on the above transaction, and it has not appeared on my statement. Enclosed is a copy of the credit memorandum.

Non-Acceptance

Other, please explain completely.

I am disputing the charge because: _____

Designated Cardholder Signature: _____

Daytime Phone: _____

Date: _____

Fax Dispute Form to: _____ Purchasing Manager

Exhibit G
EMERGENCY JUSTIFICATION

This questionnaire has been designed to assist staff in providing information necessary in the processing of emergency requisitions for the purchase of products and/or services. Please complete and forward to Purchasing. If more space is needed, please attach additional page(s).

REQUISITION NO.: _____

1. State the reason for the emergency purchase by explaining what the emergency is and/or what caused the emergency situation:

2. State the financial or operational damage/risk that will occur if needs are not satisfied immediately (do not simply say there will be a loss or some damage):

3. State why the needs were not or could not be anticipated so that goods/services could not have been purchased following standard procedures:

4. State the reason and process used for selecting the vendor (attach all quotes/proposals received from other sources, if applicable):

5. State the part of the City's Purchasing Policy this Emergency Purchase falls under.

I certify that the above statements are true and correct, and that no other material fact or consideration offered or given has influenced this recommendation for an emergency procurement.

Submitted By: _____

Authorized Signature

Date

Dept Director: _____

Authorized Signature

Date

PURCHASING USE ONLY

Approved By: _____

Date: _____

Exhibit H

**CITY OF KINGSVILLE
TRAVEL AUTHORIZATION REQUEST FORM**

Name of Traveler		Dept:						
Destination				Purpose				
Departure	Day	Date	Time	Return	Day	Date	Time	
Method of Transportation:								
Personal Vehicle Mileage Calculation:			Total Trip Miles	Car Allow Miles	Commute Miles	Net Miles	Mileage Rate	Total Mileage
						0	0.535	0
Travel Estimates				\$Day	Meals Breakdown - Enter Daily Amount			
	Advance Reques	Pcard	GSA Rates →					
Transportation	\$0.00	\$0.00		Dates	Breakfast	Lunch	Dinner	Incidentals
Air Fare		\$0.00						
Meals/Incidentals	\$0.00							
Registration		\$0.00						
Lodging		\$0.00						
Other	\$0.00	\$0.00						
TOTAL	\$0.00	\$0.00		TOTAL	\$0.00	\$0.00	\$0.00	\$0.00
Travel Advance	\$0.00	Account Code						

By signing below I certify that requested travel is for legitimate business purposes within the scope of my job duties and reservations have been made in a timely fashion. All travel must be approved prior to departure. Traveler assumes financial responsibility for all charges that are deemed non legitimate and/or submitted without proper supporting documentation.

Travel Authorization Approval Signatures:

Traveler		Date	City Manager	Date
Department Head		Date	Finance Director	Date

Complete the bottom within 5 working days of travel completion.

TRAVEL RECONCILIATION

Actual Departure Time:		Actual Return Time:			
Travel Expenditures	Actual \$ Spent	Travel Request Advance	P Card Payment	Other Method	Amount Due
Transportation (include all methods)					\$0.00
Registration					\$0.00
Lodging					\$0.00
Meals					\$0.00
Other					\$0.00
Total	\$0.00	\$0.00	\$0.00	\$0.00	
Total Due (City) Traveler					\$0.00

Travel Reconciliation Signatures:

Employee	Date	Finance Director	Date
-----------------	-------------	-------------------------	-------------

AGENDA ITEM #11

**City of Kingsville
Legal Department**

TO: Mayor and City Commissioners
CC: Charlie Sosa, City Manager
FROM: Courtney Alvarez, City Attorney
DATE: January 26, 2026
SUBJECT: Ethics Review Board

Summary: An Ethics Review Board needs to be nominated and voted on by the City Commission as at least one ethics complaint has been received.

Background: The City Commission met to discuss the City of Kingsville Ethics Review Board on December 8, 2025 (when notice was given that a complaint had been received and a board needed to be seated in January). The Commission further discussed the board, qualifications, and responsibilities at a meeting on January 12, 2026. However, there still seemed to be questions regarding the board membership, role, and responsibilities at that meeting, so this memo was requested. [Note: The board only reviews complaints of alleged violations of ethics laws.]

The City of Kingsville Code of Ethics is found in the City of Kingsville Code of Ordinances Chapter III, Article 13. (see Sections 3-13-1 through 3-13-57). The regulations regarding the Ethics Review Board are found in ordinance Sections 3-13-36 through 3-13-47. That subsection is detailed as follows:

- 3-13-36 Definitions
- 3-13-37 Structure of the Ethics Review Board
- 3-13-38 Jurisdiction & Power
- 3-13-39 Complaints
- 3-13-40 Ethics Compliance Officer
- 3-13-41 Ethics Panels
- 3-13-42 Hearings
- 3-13-43 Disposition
- 3-13-44 Petition for Declaratory Ruling
- 3-13-45 Advisory Opinions
- 3-13-46 Annual Report
- 3-13-47 Public Records & Open Meetings.

**City of Kingsville
Legal Department**

As all of the specifics regarding the board are detailed in the ordinances, this memo will only serve to provide an overview of certain aspects.

MEMBERSHIP

~The Board is comprised of five members, who serve two-year staggered terms for no more than three two-year terms. (3-13-37(B) & (C)). They serve without compensation. (3-13-37(I)).

~Board members are qualified to serve if: (1) to be residents of the city and (2) to have good moral character. (3-13-37(D)). A board member *cannot* be:

- 1) A salaried city official or employee;
- 2) An elected public official;
- 3) A candidate for elected public office;
- 4) An officer of a political party;
- 5) A parent, spouse, child, or other relative within the second degree of consanguinity or affinity of an elected public official (see attached chart); or
- 6) A lobbyist required to register under Sections 3-13-22 through 3-13-31.

~The Board is to meet each year and elect a chair and a vice-chair from among its members, who will serve one-year terms and may be re-elected. (3-13-37 (H)).

ROLE

~The Board has jurisdiction to hear complaints filed within two years of the date of an alleged violation of the ethics laws. (3-13-38(A)). The ethics laws referenced are contained in:

- 1) City of Kingsville Code of Ethics Ordinance,
- 2) City of Kingsville Charter, Article V, Section 4, and
- 3) Texas Local Government Code Chapter 171 (state conflict of interest law applicable to certain local public officials).

**City of Kingsville
Legal Department**

RESPONSIBILITIES

~When the Ethics Review Board receives a complaint, they assign it to an Ethics Panel (three or more board members) who investigate and dispose of the complaint. (3-13-41(A)). The Ethics Panel can decide whether or not to hold a hearing. (3-13-41(C)).

~Section 3-13-38(E) addresses confidentiality regarding the filing and processing of complaints. Notification is discussed in Section 3-13-38(F).

~If a hearing is held, then the regulations regarding hearings found in Section 3-13-42 apply.

~The Ethics Panel will make a written opinion at the end of their decisionmaking stating their findings of fact and conclusions of law. (3-13-43(43)). The opinion shall either:

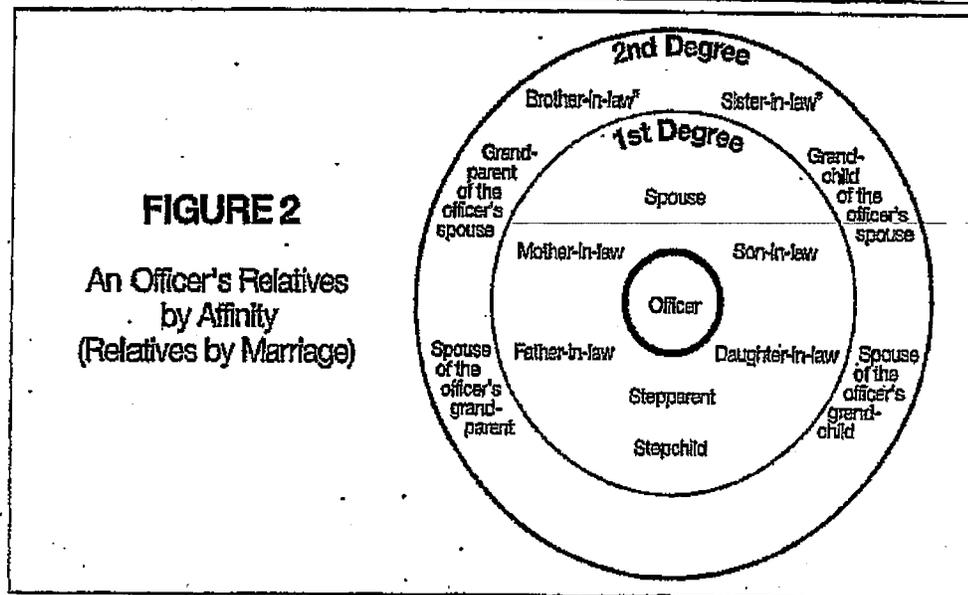
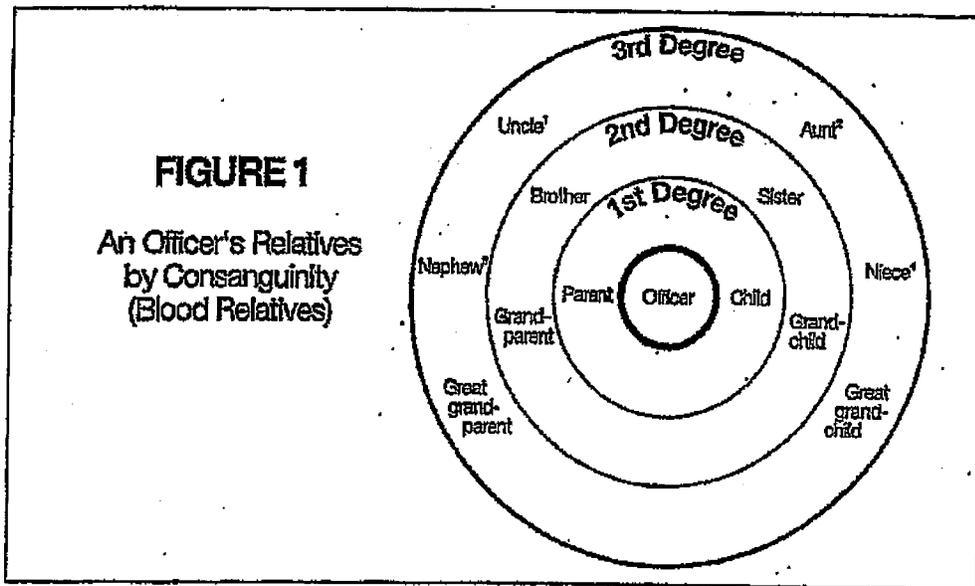
1. Dismiss the complaint; or
2. Find there has been a violation of the ethics laws and:
 - a. Recommend criminal prosecution (to the appropriate law enforcement agency) and/or
 - b. Recommend civil remedies (to the City Commission); or
 - c. State why no remedial action is recommended.

(3-13-43 (A)&(C)).

Financial Impact: None.

Action Requested: Each of the five City Commission members should nominate a citizen meeting the qualifications listed in 3-13-37. At the following meeting, the City Commission should vote on each of the five nominees, so that a five-member Ethics Review Board is empaneled.

RELATIONSHIPS BY CONSANGUINITY OR AFFINITY



¹ Uncle means only an uncle who is a brother of the officer's parent.

² Aunt means only an aunt who is a sister of the officer's parent.

³ Nephew means only a nephew who is a child of the officer's brother or sister.

⁴ Niece means only a niece who is a child of the officer's brother or sister.

⁵ Brother-in-law means a brother-in-law who is the brother of the officer's spouse or who is the spouse of the officer's sister.

⁶ Sister-in-law means a sister-in-law who is the sister of the officer's spouse or who is the spouse of the officer's brother.

ETHICS REVIEW BOARD - in Article 13 of Chapter III of City of Kingsville
Code of Ordinances

3-13-36. - Definitions.

As used in this subarticle, *ethics laws* includes this Code of Ethics, Tex. Local Gov't Code, Article V, §§ 4 and 171. *Ethical violation* includes violations of any of those enactments. Other terms used in this subarticle are defined in § 3-13-2.

(Ord. 2004-10, passed 5-10-04)

Sec. 3-13-37. - Structure of the ethics review board.

- (A) *Establishment.* There is hereby established an Ethics Review Board, which shall have the powers and duties specified in this subarticle.
- (B) *Composition.* The Ethics Review Board shall consist of five members. The Mayor and each member of the City Commission shall nominate one member of the Board. Each nominee must be confirmed by a majority of City Commission members. Nomination and confirmation of Board members shall be conducted at separate open meetings of the City Commission.
- (C) *Terms of office.* Board members shall be appointed to two-year terms. Initial appointments shall be made so that terms are staggered. No member shall serve for more than three two-year terms.
- (D) *Qualifications.* Members of the Board shall have good moral character and shall be residents of the city. No member of the Board shall be:
 - (1) A salaried city official or employee;
 - (2) An elected public official;
 - (3) A candidate for elected public office;
 - (4) An officer of a political party;
 - (5) A parent, spouse, child, or other relative within the second degree of consanguinity or affinity of an elected public official; or
 - (6) A lobbyist required to register under §§ 3-13-22 through 3-13-31.
- (E) *Removal.* Members of the Ethics Review Board may be removed from office for cause by a majority of the City Commission only after a public hearing at which the member was provided with the opportunity to be heard. Grounds for removal include: failure to satisfy, or to continue to satisfy, the qualifications set forth in division (D); substantial neglect of duty; gross misconduct in office; inability to discharge the powers or duties of office; or violation of any provision in this Code of Ethics.

(F) *Vacancies.* A vacancy shall be filled by a person who will serve for the remainder of the unexpired term. The appointment shall be made by the member of City Commission who is entitled to make appointments to the seat that was vacated, and must be confirmed by a majority of the City Commission.

(G) *Recusal.*

(1) A member of the Ethics Review Board shall recuse himself or herself from any case in which, because of familial relationship, employment, investments, or otherwise, his or her impartiality might reasonably be questioned. A Board member may not participate in official action on any complaint:

(a) That the member initiated;

(b) That involves the member of City Commission who nominated him or her for a seat on the Ethics Review Board; or

(c) During the pendency of an indictment or information charging the member with an offense, or after a finding of guilt of such an offense.

(2) If the number of Board members who are recused from a case is so large that an Ethics Panel cannot be constituted, as provided for in § 3-13-41, the Mayor shall nominate a sufficient number of ad hoc members so that the case can be heard. Ad hoc members of the Ethics Review Board must be confirmed by a majority vote of the City Commission and serve only for the case in question.

(H) *Chair and vice-chair.* Each year, the Board shall meet and elect a chair and a vice-chair from among its members, who will serve one-year terms and may be re-elected. The chair or a majority of the Board may call a meeting of the Board. The chair shall preside at meetings of the Ethics Review Board and perform other administrative duties. The vice-chair shall assume the duties of the chair in the event of a vacancy in that position.

(I) *Reimbursement.* The members of the Ethics Review Board shall not be compensated but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.

(Ord. 2004-10, passed 5-10-04)

Sec. 3-13-38. - Jurisdiction and powers.

(A) *Jurisdiction.*

(1) If a complaint is filed pursuant to § 3-13-39 within two years of the date of an alleged violation of the ethics laws, the Ethics Review Board shall have jurisdiction to investigate and make findings and recommendations concerning:

(a) Any alleged violation of this Code of Ethics or Article V, Section 4 of the City Charter by any person subject to those provisions, including, but not limited to, current city officials and employees, former city officials and employees, persons doing business with the city, and

persons required to register as lobbyists; or

(b) Any alleged violation by a city official of Tex. Local Gov't Code, § 171, the state conflict-of-interest law applicable to certain local public officials.

(2) The Board shall not consider any alleged violation that occurred more than two years prior to the date of the filing of the complaint.

(B) *Termination of city official's or employee's duties.* The termination of a city official's or employee's duties does not affect the jurisdiction of the Ethics Review Board with respect to alleged violations occurring prior to the termination of official duties.

(C) *Powers.* The Ethics Review Board has power:

(1) To establish, amend, and rescind rules and procedures governing its own internal organization and operations, consistent with this subarticle;

(2) To meet as often as necessary to fulfill its responsibilities;

(3) To designate Ethics Panels with the power to render decisions on complaints or issue advisory opinions on behalf of the Board;

(4) To request from the City Manager through the City Commission the appointment of such staff as are necessary to carry out its duties;

(5) To review, index, maintain on file, and dispose of sworn complaints;

(6) To make notifications, extend deadlines, and conduct investigations both on complaint and as a result of an issue raised out of said complaint;

(7) To render, index, and maintain on file advisory opinions;

(8) To provide assistance to the Ethics Compliance Officer of the city in the training and education of city officials and employees with respect to their ethical responsibilities;

(9) To prepare an annual report and to recommend to the Mayor and City Commission needed changes in ethical standards or procedures; and

(10) To take such other action as is necessary to perform its duties under this subarticle.

(Ord. 2004-10, passed 5-10-04)

Sec. 3-13-39. - Complaints.

(A) *Filing.*

(1) Any person (including a member of the Ethics Review Board or its staff, acting personally or on behalf of the Board) who believes that there has been a violation of the ethics laws may file a sworn complaint with the City Secretary.

(2) A complaint filed in good faith is qualifiedly privileged. A person who knowingly makes a false statement in a complaint, or in proceedings before the Ethics Review Board, is subject to criminal prosecution for perjury under § 3-13-51 or civil liability for the tort of abuse of

- (a) The timing of the sworn complaint with respect to when the facts supporting the alleged violation became known or should have become known to the complainant, and with respect to the date of any pending election in which the respondent is a candidate or is involved with a candidacy, if any;
- (b) The nature and type of any publicity surrounding the filing of the sworn complaint, and the degree of participation by the complainant in publicizing the fact that a sworn complaint was filed with the Board;
- (c) The existence and nature of any relationship between the respondent and the complainant before the complaint was filed;
- (d) If respondent is a candidate for election to office, the existence and nature of any relationship between the complainant and any candidate or group opposing the respondent;
- (e) Any evidence that the complainant knew or reasonably should have known that the allegations in the complaint were groundless; and
- (f) Any evidence of the complainant's motives in filing the complaint.

(4) Notice of an order to show cause shall be given to the complainant, with a copy to the respondent, and shall include:

- (a) An explanation of why the complaint appears to be frivolous; and
- (b) The date, time, and place of the hearing to be held under this section.

(5) Before making a determination that a sworn complaint is a frivolous complaint, the Board shall hold a hearing at which the complainant may be heard; the complainant may be accompanied by counsel retained by the complainant.

(6) By a record vote of at least two-thirds of those present after the hearing under division (C)(5) above, the Board may determine that a complainant filed a frivolous complaint and may recommend sanctions against that complainant.

(D) Sanctions.

(1) Before recommending a sanction for filing a frivolous complaint, the Board shall consider the following factors:

- (a) The seriousness of the violation, including the nature, circumstances, consequences, extent, and gravity of the violation;
- (b) The sanction necessary to deter future violations; and
- (c) Any other matters that justice may require.

(2) The Board may recommend the following sanctions:

- (a) A civil penalty of not more than \$500.00;
- (b) Prosecution for perjury;

(c) Any other sanction permitted by law.

(3) The Board may notify the appropriate regulatory or supervisory agency for their appropriate action.

(E) *Confidentiality.* No city official or employee shall reveal information relating to the filing or processing of a complaint except as required for the performance of official duties. Ex parte communications by members of the Ethics Review Board are prohibited by § 3-13-41(D). All papers relating to a pending complaint are confidential.

(1) Except as otherwise provided by this section, all information relating to a sworn complaint known to or in the possession of the Board is confidential. The Board and its staff shall not communicate any information about a sworn complaint, including whether or not a complaint has been filed, to any person other than the respondent, the complainant, and a witness or potential witness identified by the respondent, the complainant, or another witness or potential witness.

(2) Information otherwise confidential under this section may be disclosed by entering it into the record of a formal hearing or a judicial proceeding.

(3) Confidentiality may be waived only if the complainant and each respondent named in the sworn complaint provides a verified, written waiver of confidentiality to the Board.

(F) *Notification.* A copy of a complaint shall be promptly forwarded by the City Secretary to the Ethics Compliance Officer and to the respondent(s), even if the complaint fails to meet the filing requirements of division (B). A complaint that is not sworn as required by division (A), shall not be forwarded by the City Secretary to the Ethics Compliance Officer, but shall be returned to the complainant. The respondent(s) shall also be provided with a copy of the ethics rules and shall be informed:

(1) That, within 14 days of receipt of the complaint, he or she may file a sworn response with the City Secretary;

(2) That failure to file a response does not preclude the Ethics Review Board from adjudicating the complaint;

(3) That a copy of any response filed by the respondent(s) will be provided by the City Secretary to the complainant, who may, within seven days of receipt, respond by sworn writing filed with the City Secretary, a copy of which shall be provided by the City Secretary to the respondent(s);

(4) That the respondent(s) may request a hearing; and

(5) That city officials and employees have a duty to cooperate with the Ethics Review Board, pursuant to § 3-13-41(E).

(G)

Assistance. The City Secretary shall provide information to persons who inquire about the process for filing a complaint.

Ord. 2004-10, passed 5-10-04)

Sec. 3-13-40. - Ethics compliance officer.

(A) City Attorney's Office.

- (1) The City Attorney or an Assistant City Attorney designated by the City Attorney shall serve as the Ethics Compliance Officer for the city. The Ethics Compliance Officer shall:
 - (a) Receive and promptly transmit to the Ethics Review Board complaints and responses filed with the City Secretary;
 - (b) Investigate, marshal, and present to the Ethics Review Board the evidence bearing upon a complaint;
 - (c) Act as legal counsel to the Ethics Review Board;
 - (d) Issue advisory opinions to city officials and employees about the requirements imposed by the ethics laws; and
 - (e) Be responsible for the training and education of city officials and employees with respect to their ethical responsibilities;
 - (f) Review complaints for legal sufficiency;
 - (g) Recommend acceptance or rejection of complaint within 60 days of date made to the Ethics Review Board; and
 - (h) Request additional information from complainant as needed.
- (2) At least once each year, the Ethics Compliance Officer shall cause to be distributed to each city official and employee a notice setting forth the duties of the Ethics Review Board and the procedures for filing complaints. The Ethics Compliance Officer shall also ensure that such notices are posted in prominent places in city facilities.

(B) Outside independent counsel.

- (1) An independent outside attorney, who does not otherwise represent the city, shall be appointed at the recommendation of the City Attorney, to serve as the Ethics Compliance Officer for a particular case:
 - (a) When a complaint is filed relating to an alleged violation of the ethics laws by:
 1. The Mayor or a member of the City Commission; or
 2. A city employee who is a department head or of higher rank;
 - (b) When the Ethics Review Board, at the recommendation of the City Attorney, requests such an appointment; or
 - (c) When requested by the City Attorney.

(2) An independent outside attorney who is appointed has the same duties and authority as the Ethics Compliance Officer under this section.

(C) *Exculpatory evidence.* The Ethics Compliance Officer shall disclose to the Ethics Panel and provide to the person charged with violating the ethics laws evidence known to the Ethics Compliance Officer tending to negate guilt or mitigate the seriousness of the offense.

(Ord. 2004-10, passed 5-10-04)

Sec. 3-13-41. - Ethics panels.

(A) *Assignment to an Ethics Panel.* A complaint received by the Ethics Review Board from the Ethics Compliance Officer shall be promptly assigned to an Ethics Panel consisting of three or more members of the Board, who shall have full power to investigate and dispose of the complaint. Each Ethics Panel shall be constituted according to procedures established by the Board. Any member of an assigned Ethics Panel who recuses himself or herself shall be replaced by another member of the Board according to established procedures if that is necessary to ensure that the Panel has at least three members. The identity of the members of the Ethics Panel shall be revealed to the person charged in the complaint who, for good cause, may request the recusal of any member of the panel.

(B) *Notice of charges.* The Ethics Panel shall consider whether the facts of the case establish a violation of any provision in the ethics laws, regardless of which provisions, if any, were identified in the complaint as having been allegedly violated. However, before the Ethics Panel may find that a violation of a particular rule, the respondent must be on notice that compliance with that rule is in issue and must have an opportunity to respond. Notice is conclusively established: if the complaint alleged that the rule was violated; if compliance with the rule is raised by the a member of the Board or the Ethics Compliance Officer as a disputed issue at a hearing before the Ethics Panel; or if the Board or the Ethics Compliance Officer provides the respondent with written notice of the alleged violation and a 14-day period within which to respond in writing to the charge.

(C) *Scheduling of a hearing.* Regardless of whether the complainant or the respondent requests a hearing, the Ethics Panel has discretion to decide whether to hold a hearing.

(D) *Ex parte communications.* It is a violation of this Code:

(1) For the complainant, the respondent, or any person acting on their behalf to engage or attempt to engage, directly or indirectly, in ex parte communication about the subject matter of a complaint with a member of the Ethics Panel, any other member of the Ethics Review Board, or any known witness to the complaint; or

(2) For a member of an Ethics Panel or any other member of the Ethics Review Board to:

(a) Knowingly entertain an ex parte communication prohibited by division (D)(1); or

(b) Communicate directly or indirectly with any person, other than a member of the Ethics Review Board, its staff, or the Ethics Compliance Officer, about any issue of fact or law relating to the complaint.

(E) *Duty to cooperate.* All city officials and employees shall cooperate with the Ethics Review Board and shall supply requested testimony or evidence to assist it in carrying out its charge. Failure to abide by the obligations imposed by this division is a violation of this Code of Ethics.

(Ord. 2004-10, passed 5-10-04)

Sec. 3-13-42. - Hearings.

At any hearing held by an Ethics Panel during the investigation or disposition of a complaint, the following rules apply:

(A) *General rules.* At least three members of the Ethics Panel must be present for the hearing. Any member of the Ethics Panel who is not present ceases to be a member of the Ethics Panel and may not participate in the disposition of the case. All witnesses must be sworn and all questioning of witnesses shall be conducted by the members of the Ethics Panel or the Ethics Compliance Officer. The Ethics Panel may establish time limits and other rules relating to the participation of any person in the hearing. No person may be held to have violated the ethics laws unless a majority of the Ethics Panel so finds by a preponderance of the evidence.

(B) *Evidence.* The Ethics Panel shall rely on evidence of which a reasonably prudent person commonly relies in the conduct of the person's affairs. The Ethics Panel shall further abide by the following:

- (1) The Panel shall hear evidence relevant to the allegations; and
- (2) The Panel shall not consider hearsay unless it finds the nature of the information is reliable and useful.

(C) *The person charged.* The person charged in the complaint has the right to attend the hearing, the right to make a statement, the right to present witnesses, and the right to be accompanied by legal counsel or another advisor. Only legal counsel to the person charged in the complaint may advise that person during the course of the hearing, but may not speak on his or her behalf, except with the permission of the Ethics Panel. The time permitted for presentation will be at the discretion of the Board.

(D) *The complainant.* The complainant has the right to attend the hearing, the right to make a statement, and the right to be accompanied by legal counsel or another advisor. Only legal counsel to the complainant may advise the complainant during the course of the hearing, but may not speak on behalf of the complainant, except with the permission of the Ethics Panel. Witnesses may not be presented by the complainant, except with the permission of the Ethics Panel.

Sec. 3-13-43. - Disposition.

(A) *Written opinion.*

(1) The Ethics Panel shall issue a decision within 90 days after the filing of a complaint. The Ethics Panel shall state in a written opinion its findings of fact and conclusions of law. The written opinion shall either:

(a) Dismiss the complaint; or

(b) Upon finding that there that there has been a violation of the ethics laws:

1. Recommend criminal prosecution and/or civil remedies, in accordance with this section; or

2. State why no remedial action is recommended.

(2) If the Ethics Panel determines that a violation has occurred, the opinion shall identify in writing the particular rule or rules violated. If the complaint is dismissed, the grounds for the dismissal shall be set forth in the opinion. The failure of the Ethics Panel to comply within the above time limits may result in the charge being dismissed for want of prosecution. Prior to such dismissal, the complainant will be given notice and an opportunity to request continuance of the action.

(B) *Notification.* Copies of the opinion shall be forwarded to the complainant, the person charged in the complaint, the Ethics Compliance Officer, and any member of the Ethics Review Board who did not participate in the disposition of the case. A copy of the opinion shall also be forwarded to the City Secretary, who shall make it available as authorized by law.

(C) *Recommendations.* A recommendation for criminal prosecution shall be forwarded to the appropriate law enforcement agency. A recommendation of civil remedies shall be forwarded through the Ethics Compliance Officer to the City Commission for action.

(D) *Similar charges barred.* If the complaint is dismissed because the evidence failed to establish a violation of the ethics laws, the Ethics Review Board shall not entertain any other similar complaint based on substantially the same evidence.

(E) *Factors relevant to sanctions.* In deciding whether to recommend, in the case of a violation of the Code of Ethics, criminal prosecution and/or civil remedies, the Ethics Panel shall take into account relevant considerations, including, but not limited to, the following:

(1) The culpability of the person charged in the complaint;

(2) The harm to public or private interests resulting from the violation;

(3) The necessity of preserving public confidence in the conduct of local government;

(4) Whether there is evidence of a pattern of disregard for ethical obligations; and

(5) Whether remedial action has been taken that will mitigate the adverse effect of the ethical violation.

(F) *Civil remedies.* The following civil remedies may be recommended by an Ethics Panel which finds that the ethics laws have been violated:

- (1) Review of the case by the City Manager, or his or her designate, for disciplinary action;
- (2) A suit by the city for damages or injunctive relief in accordance with § 3-13-49;
- (3) Disqualification from contracting in accordance with § 3-13-53;
- (4) Voiding of a contract in accordance with § 3-13-52; and
- (5) A fine in accordance with § 3-13-54.

(G) *Criminal prosecution.* An Ethics Panel may recommend to the appropriate law enforcement agency criminal prosecution under § 3-13-51 or Tex. Local Gov't Code, § 171. Prosecution of any person by the City Attorney for a violation of this Code of Ethics shall not be undertaken until a complaint is disposed of in accordance with this section. However, the absence of a recommendation to prosecute from an Ethics Panel to the City Attorney shall not preclude the City Attorney from exercising his or her prosecutorial discretion to prosecute a violation of this Code of Ethics.

(H) *Commission action.* City Commission shall dispose of a recommendation from the Ethics Review Board within 90 days of receiving such recommendation. The recommendation(s) of the Ethics Review Board may be accepted, rejected, modified, or recommitted one time to said Board for further action or clarification within 15 days of receipt of the recommendation by the City Commission. Within five days of the initial recommendation being recommitted to the Ethics Review Board by the City Commission, the Ethics Review Board shall take further action or make clarification of the matter requested and resubmit the matter to the City Commission.

(Ord. 2004-10, passed 5-10-04)

Sec. 3-13-44. - Petition for declaratory ruling.

Any city official or employee against whom public allegations of ethics violations have been made in the media or elsewhere shall have the right to file a sworn statement with the City Secretary affirming his or her innocence, and to request the Ethics Review Board to investigate and make known its findings, and make any relevant recommendations concerning the issue.

(Ord. 2004-10, passed 5-10-04)

Sec. 3-13-45. - Advisory opinions.

(A) *Opinions issued by the Ethics Review Board.*

- (1) *Requests by persons other than city officials and employees.*

- (a) By writing filed with the City Secretary, any person other than a city official or employee may request an advisory opinion with respect to the interpretation of the ethics laws, but only with respect to whether proposed action by that person would violate the ethics laws. The City Secretary shall promptly transmit all requests for advisory opinions to the Ethics Compliance Officer and the chair of the Ethics Review Board. (City officials and employees may request advisory opinions from the City Attorney pursuant to division (B).)
- (b) Within 30 days of receipt by the chair of the Ethics Review Board of a request for an advisory opinion, the Board, acting en banc or through a designated Ethics Panel, shall issue a written advisory opinion. During the preparation of the opinion, the Board may consult with the Ethics Compliance Officer of the city and other appropriate persons. An advisory opinion shall not reveal the name of the person who made the request, if that person requested anonymity, in which case the opinion shall be written in the form of a response to an anonymous, hypothetical fact situation. A copy of the opinion shall be indexed and kept by the Ethics Review Board as part of its records for a period of not less than five years. In addition, copies of the opinion shall be forwarded by the chair of the Ethics Review Board, or the Ethics Compliance Officer, to the person who requested the opinion, to the members of the Ethics Review Board, and to the City Secretary. The City Secretary shall make the opinion available as a public record in accordance with the Local Government Records Act. The Ethics Compliance Officer shall promptly post the opinion for a period of no less than five years on the Internet via the City of Kingsville homepage.
- (2) *Opinions Initiated by the Board.* On its own initiative, the Ethics Review Board, acting as the full board or through a designated Ethics Panel, may issue a written advisory opinion with respect to the interpretation of the ethics laws as they apply to persons other than city officials and employees if a majority of the Board determines that an opinion would be in the public interest or in the interest of such person or persons subject to the provisions of the ethics laws. Such an opinion may not include the name of any individual who may be affected by the opinion. A copy of any such opinion shall be indexed and kept by the Ethics Review Board as part of its records for a period of not less than five years. In addition, copies of the opinion shall be forwarded by the chair of the Ethics Review Board, or his or her designate, to the Ethics Compliance Officer and to the City Secretary. The City Secretary shall make the opinion available as a public record in accordance with the Local Government Records Act. The Ethics Compliance Officer shall promptly post the opinion for a period of no less than five years on the Internet via the City of Kingsville homepage.
- (3) *Reliance.* If a person reasonably and in good faith acts in reliance on an advisory opinion issued by the Ethics Review Board, that fact may be considered by an Ethics Panel in adjudicating a complaint filed against that person, but does not by itself bar the finding of a violation.

(B) Opinions issued by the Ethics Compliance Officer.

(1) Requests by city officials and employees.

- (a) By writing filed with the Office of the City Attorney, any city official or employee may request an advisory opinion with respect to whether proposed action by that person would violate the ethics laws.
- (b) Within 30 days of receipt of the request by the Office of the City Attorney, the Ethics Compliance Officer shall issue a written advisory opinion. The advisory opinion shall not reveal the name of the person who made the request, if that person requested anonymity, in which case the opinion shall be written in the form of a response to an anonymous, hypothetical fact situation. Copies of the opinion shall be forwarded by the Ethics Compliance Officer to the members of the Ethics Review Board, to the person who requested the opinion, and to the City Secretary, and promptly posted by the Ethics Compliance Officer for a period of no less than five years on the Internet via the City of Kingsville homepage. The City Secretary shall make the opinion available as a public record in accordance with the Local Government Records Act.

(2) Reliance. A person who reasonably and in good faith acts in accordance with an advisory opinion issued by the Ethics Compliance Officer may not be found to have violated the ethics laws by engaging in conduct approved in the advisory opinion, provided that:

- (a) He or she requested the issuance of the opinion;
- (b) The request for an opinion fairly and accurately disclosed all relevant facts; and
- (c) Less than five years elapsed between the date the opinion was issued and the date of the conduct in question.

(Ord. 2004-10, passed 5-10-04)

Sec. 3-13-46. - Annual report.

The Ethics Review Board shall prepare and submit an annual report to the Mayor and City Commission detailing the activities of the Board during the prior year. The format for the report shall be designed to maximize public and private understanding of the Board's operations, and shall include a summary of the content of ethics opinions issued by the Board and a listing of current city lobbyists based on information gathered by the Board from records on file with the City Secretary. The report may recommend changes to the text or administration of this Code of Ethics. The Ethics Compliance Officer of the city shall take reasonable steps to ensure wide dissemination and availability of the annual report of the Ethics Review Board.

(Ord. 2004-10, passed 5-10-04)

Sec. 3-13-47. - Public records and open meetings.

Except as otherwise provided in this subarticle, records relating to an alleged violation of the ethics laws, or the preparation of an ethics opinion requested by a person who asked for anonymity, shall not be open to the public and shall be treated as information that is excepted from public disclosure as required or permitted under the Texas Open Records Act or other law. No meeting or other proceeding relating to an alleged violation of the ethics law shall be treated as open to the public unless closed sessions in connection therewith are not permitted or required by the Texas Open Meetings Act or other law.

(Ord. 2004-10, passed 5-10-04)