

**CITY OF SHERMAN
CITY COUNCIL CALLED MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
TUESDAY, SEPTEMBER 4, 2018
5:00 P.M.**

- A. 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
- A. 2. PLEDGE OF ALLEGIANCE LED BY COUNCIL MEMBER WILLIE STEELE**
- A. 3. INVOCATION BY COUNCIL MEMBER WILLIE STEELE**
- A. 4. APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF AUGUST 20, 2018**

Proclamations

- B. 1. PROCLAMATION**
"National Recovery Month" – September 2018
- B. 2. PROCLAMATION**
"Constitution Week" – September 16-22, 2018

Public Hearing

- C. 1. SECOND PUBLIC HEARING OF ORDINANCE NO. 6145**
Providing for the Levy of Ad Valorem Taxes for the City of Sherman, Texas, for the Tax Year 2018; Distributing the Same Among the Various Funds; Providing for a Penalty and Interest for Failure to Pay the Taxes Levied within the Time Provided by Law
- C. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6147**
Approving a Negotiated Settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division, Regarding the Company's 2018 Rate Review Mechanism Filings; Declaring Existing Rates to be Unreasonable; Adopting Tariffs that Reflect Rate Adjustments Consistent with the Negotiated Settlement; Finding the Rates to be Set by the Settlement Tariffs to be Just and Reasonable and in the Public Interest; Approving an Attached Exhibit Establishing a Benchmark for Pensions and Retiree Medical Benefits; Approving an Attached Exhibit Regarding Amortization of Regulatory Liability; Requiring the Company to Reimburse ACSC's Reasonable Ratemaking Expenses; Declaring an Effective Date; Requiring Delivery of this Ordinance to the Company and the ACSC's Legal Counsel
- C. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6148**
Amending Chapter 9 of the Code of Ordinances, entitled "Personnel", Article 9.05, entitled "Civil Service for Firefighters and Police Officers", at Section 9.05.026, entitled "Authorized Number of Positions", to Revise the Number of Authorized Positions in the Fire and Police Departments

Close Public Hearing and Consider Adoption of Ordinances

C. 4. ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 6147 and 6148

C. 5. CONSENT AGENDA

Asterisked (*) items are considered to be routine and will be enacted in one motion without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately

Resolutions

D. 1. RESOLUTION NO. 6399

Amending Resolution No. 6063 to Expand the Membership of the Sherman Main Street Advisory Committee

D. 2. * RESOLUTION NO. 6400

Authorizing Submission of a Joint Grant Application with the City of Denison and Grayson County for, and the Acceptance of, a Grant Awarded under the 2018 Justice Assistance Grant Program – CFDA #16.738

D. 3. * RESOLUTION NO. 6401

Authorizing Execution of an Interlocal Agreement between the City of Sherman, the City of Denison, and Grayson County for Grant Funding to be Awarded by the U.S. Department of Justice under the 2018 Justice Assistance Grant Program – CFDA #16.738

D. 4. RESOLUTION NO. 6402

Authorizing the Acceptance of a Conveyance Document from Panda Sherman Power, LLC for the Conveyance and Acquisition of Right of Way for West Travis Street, Phase 3, being 5.2933 acres of land in the Elizabeth Jones Survey, Abstract No. 625, being more particularly described in the Exhibit "A" attached hereto and made a part hereof for all purposes, property being located in the City of Sherman, County of Grayson, State of Texas

D. 5. * RESOLUTION NO. 6403

Accepting the Contract with We Build, Inc. dba HWH Industrial as Complete for All Equipment, Materials and Construction of the City of Sherman Wastewater Treatment Plant Biosolids Dewatering Project

D. 6. * RESOLUTION NO. 6404

Accepting the Contract with Landmark Structures Management, Inc. as Complete for All Equipment, Materials and Construction of the City of Sherman Southwest 1.5 M.G. Elevated Tank Project

D. 7. * RESOLUTION NO. 6405

Revoking and Replacing Resolution No. 6261; Establishing Salary Structures and Incentive/Certification Pay Schedules for Firefighters and Police Officers; Establishing Special Longevity Pay Schedules for Newly Hired Firefighters and Police Officers; Providing for an Effective Date

D. 8. * RESOLUTION NO. 6406

Authorizing the Execution of Agreements with the Sherman Housing Authority, the Grayson County Crisis Center, the Grayson County Shelter, Inc., Child & Family Guidance Center of Texoma, and Boys & Girls Club of Sherman, Inc. for the Use of Community Development Block Grant Funds

Change Orders

E. 1. CHANGE ORDER

Approving a Comprehensive Change Order of \$77,836.37 for the Sherman Public Library Renovation Project; Schmoldt Construction, Inc. as Construction Manager-at-Risk (CMAR)

E. 2. * CHANGE ORDER NO. 3

Approving Greater Texoma Utility Authority's Intent to Execute Change Order No. 3; Sherman Southwest Elevated 1.5 M.G. Elevated Tank; Landmark Structures Management, Inc.; \$5,117.00 Decrease

Other Business

F. 1. OTHER BUSINESS

Receive Update from Public Works Manager Kevin Winkler on the City's Bulk Waste Program

F. 2. * OTHER BUSINESS

Consider Request of the Grayson Hispanic Heritage Council of Sherman to Temporarily Close Certain Streets and Use Certain City Facilities and Services for the "Annual Hispanic Heritage Festival" on Saturday, September 8, 2018

F. 3. * OTHER BUSINESS

Consider Request of the Sherman Independent School District and the Sherman High School Student Council to Temporarily Close Certain Streets for the "2018 Sherman High School Homecoming Parade" on Monday, September 10, 2018

G. CITIZEN REQUESTS

H. MEDIA QUESTIONS

I. COUNCIL COMMENTS

Executive Session

J. 1. EXECUTIVE SESSION

In Accordance with Chapter 551, Government Code, V.T.C.S. (Open Meetings Law), "The City Council Will Now Hold a Closed Executive Meeting Pursuant to the Provisions of the Open Meetings Law, Chapter 551, Government Code, Vernon's Texas Codes Annotated, in Accordance with the Authority Contained in the Following Sections:

Section 551.071	Consultation with City Attorney concerning Pending or Contemplated Litigation
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Section 551.071	Consult with the City Attorney on a Matter in which the Duty of the Attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter
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Section 551.074

Personnel Matters:

- (a) Deliberate the Evaluation of a Public Officer or Employee:
 - (i) Annual Performance Evaluation of the City Manager

Section 551.087

Deliberation Regarding Economic Development Negotiations:

- (a) Deliberate Regarding Commercial or Financial Information that the City has Received from a Business Prospect and Deliberate any Offers or Incentives to the Business Prospect

The Council reconvenes into General Session

K. 1. OPEN MEETING

Reconvene into Open Meeting and Consider Action, if any, on items discussed in Executive Session

L. ADJOURNMENT

COUNCIL CALENDAR

CERTIFICATION

I, the undersigned authority, do hereby certify that the above Notice of Called Meeting of the City Council of the City of Sherman is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board at City Hall of said City of Sherman, Texas, a place convenient to the public, and said notice was posted on August 30, 2018 at 4:00 p.m., and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 30th day of August, 2018
City of Sherman, Texas

City Clerk

The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at any time.

All agenda items are subject to final action by the City Council.

An unscheduled closed executive session may be held if the discussion of any of the above agenda items concerns the purchase, exchange, lease or value of real property; the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; the deployment or use of security personnel or equipment; or requires consultations with the City Attorney.

At the discretion of the City Council, non-agenda items under the headings of "Citizens Requests", "Media Questions", and "Council Concerns" may be presented to the Council for informational purposes; however, by law, the Council shall not discuss, deliberate, or vote upon such matters except that a statement of specific factual information, a recitation of existing policy, and deliberations concerning the placing of the subject on a subsequent agenda may take place.

The City Attorney has approved the Executive Session items on this agenda.

Any item on this posted agenda may be discussed in Executive Session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code

PERSONS WITH DISABILITIES, WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED ASSISTANCE, ARE REQUESTED TO CONTACT LINDA ASHBY AT (903) 892-7204, TWO (2) WORKING DAYS PRIOR TO THE MEETING SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.

Mayor

David Plyler

Deputy Mayor

Pamela L. Howeth

Council Members

Willie Steele, Council-At-Large, PL #1

Jason Sofey, Council-At-Large, PL #2

Shawn C. Teamann, Council – District #1

Josh Stevenson, Council – District #2

Pamela L. Howeth, Council – District #3

Daron Holland, Council – District #4



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

A.4.

Meeting Date: 09/04/2018

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF AUGUST 20, 2018

Attachments

August 20, 2018

August 20, 2018

MEMBERS PRESENT: MAYOR DAVID PLYLER; DEPUTY MAYOR PAM HOWETH. COUNCIL MEMBERS HOLLAND, STEELE, STEVENSON, TEAMANN.

CALL TO ORDER

CALL TO ORDER

APPROVE MINUTES

GLOBITECH TAX ABATEMENT

Mary Lawrence, Director of Finance, said this public hearing is for the proposed tax abatement for GlobiTech Incorporated. The project will add about \$47 million in real property and equipment to the current GlobiTech facility. The abatement is for eight years. This is the first phase of a three phase expansion.

Terry Kluesner, GlobiTech Administrative Manager, said the project is a \$47.5 million capital investment that will create 32 jobs. It is part of a planned three-phase addition, which will be another \$63 million of investment and another 61 jobs.

He said GlobiTech is the largest of similar facilities, in the world. In addition, they use a lot of water, and this project will substantially increase the water usage.

Council Member Steele said originally this project was “up in the air” as to whether or not it would happen. He asked about the progress. Mr. Kluesner said the parent company is “very

much in favor” of the project. With the Council’s approval of this tax abatement and the approval of Grayson County, which will consider the abatement tomorrow, they have approval from the company.

No other citizens appeared before the City Council to discuss a proposed agreement with GlobiTech Incorporated, for the abatement of ad valorem property taxes.

PUBLIC HEARING

CAPITAL IMPROVEMENT PROGRAM 2018-2023

CIP

Mayor Plyler called for a public hearing on the Capital Improvement Program 2018-2023.

Ms. Lawrence said this was the public hearing for the City’s Capital Improvement Program, as required by the Charter. The program covers five years, with only the first year funded through the 2019 Budget. The projects over the entire five-year period total \$175 million.

No citizens appeared before the City Council to discuss the Capital Improvement Program for 2018-2023.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

ORD 6144
ANNUAL BUDGET

Mayor Plyler introduced Ordinance No. 6144 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR THE APPROPRIATION OF FUNDS FOR OPERATING AND CAPITAL EXPENDITURES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019; PROVIDING FOR A REPEALER.

Mayor Plyler said this budget will raise more total property taxes than last year’s budget by \$988,000 and 8%, and of that amount \$243,000 is revenue to be raised from new property added to the role this year.

Ms. Lawrence said this draft budget is essentially the same budget as presented at the workshop and reviewed at the August 6, 2018 Council Meeting. It contains \$67 million for operations and \$32 million in capital expenses, including the City’s debt funded projects.

No citizens appeared before the City Council to discuss Ordinance No. 6144.

Mayor Plyler introduced Ordinance No. 6145 and called for a public hearing:

ORD 6145
LEVY OF AD
VALOREM TAXES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR THE LEVY OF AD VALOREM TAXES FOR THE CITY OF SHERMAN, TEXAS, FOR THE TAX YEAR 2018; DISTRIBUTING THE SAME AMONG THE VARIOUS FUNDS; PROVIDING FOR A PENALTY AND INTEREST FOR FAILURE TO PAY THE TAXES LEVIED WITHIN THE TIME PROVIDED BY LAW; PROVIDING FOR A REPEALER.

Mayor Plyler said the City Council will consider the adoption of the tax rate ordinance at the regular meeting scheduled for 5:00 p.m., on Monday, September 17, 2018, at Sherman City Hall, 220 West Mulberry Street, Sherman, Texas.

Ms. Lawrence said this is the first of two required public hearings that must be held before the tax rate can be adopted. Even though the tax rate is the same as last year's rate, it's higher than the effective tax rate. The next public hearing will be held on September 4, 2018, at 5:00 p.m. and the final adoption is scheduled for September 17, 2018.

No citizens appeared before the City Council to discuss Ordinance No. 6145.

Mayor Plyler introduced Ordinance No. 6146 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ORDERING AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 6TH DAY OF NOVEMBER, 2018, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO (2) AT-LARGE CITY COUNCIL MEMBERS FOR SAID CITY; PROVIDING THAT SAID ELECTION SHALL BE HELD JOINTLY WITH GRAYSON COUNTY, TEXAS; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING.

ORD 6146
REGULAR
MUNICIPAL
ELECTION

Robby Hefton, City Manager, said this ordinance orders the Election for November 6, 2018, which will include the two At-Large positions and the Mayor's position. Another agenda item will be for the interlocal agreement with Grayson County, who now runs the City's Elections.

No citizens appeared before the City Council to discuss Ordinance No. 6146.

The Public Hearing was closed.

PROVIDING FOR THE RATIFICATION OF THE PROPERTY TAX INCREASE

Ms. Lawrence said State law requires that there must be a separate agenda item and vote on the increase in the property taxes that the City will receive next year. This vote must be separate from the vote on the budget and the tax rate. This agenda item will fulfill that requirement.

PROPERTY TAX
INCREASE
RATIFICATION

The tax rate is the same, however the City will receive more revenue in the next budget because of the increase in property values and from new property added to the tax roll.

COUNCIL MINUTES – AUGUST 20, 2018

ACTION TAKEN.

Motion by Deputy Mayor Howeth to ratify the property tax increase proposed in the Budget Ordinance No. 6144, as presented. Second by Council Member Stevenson.

VOTING AYE: Holland, Howeth, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

ADOPTION OF ORDINANCES

Ordinance 6144

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR THE APPROPRIATION OF FUNDS FOR OPERATING AND CAPITAL EXPENDITURES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2018; PROVIDING FOR A REPEALER.

ORD 6144
ANNUAL BUDGET

ACTION TAKEN.

Motion by Council Member Steele to adopt Ordinance No. 6144, as presented. Second by Council Member Teamann.

VOTING AYE: Holland, Howeth, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

Ordinance 6146

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ORDERING AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 6TH DAY OF NOVEMBER, 2018, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO (2) AT-LARGE CITY COUNCIL MEMBERS FOR SAID CITY; PROVIDING THAT SAID ELECTION SHALL BE HELD JOINTLY WITH GRAYSON COUNTY, TEXAS; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING.

ORD 6146
REGULAR
MUNICIPAL
ELECTION

ACTION TAKEN.

Motion by Deputy Mayor Howeth to adopt Ordinance No. 6146, as presented. Second by Council Member Steele.

VOTING AYE: Holland, Howeth, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

The Council reviewed the Consent Agenda. Deputy Mayor Howeth moved to approve the Consent Agenda, as presented. Second by Council Member Holland. All present voted AYE.

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 6392 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH GLOBITECH INCORPORATED, A DELAWARE CORPORATION, FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR IMPROVEMENTS WITHIN

RES 6392
INDUSTRIAL TAX
ABATEMENT
(GLOBITECH)

INDUSTRIAL REINVESTMENT ZONE, NUMBER 082018-01,
CITY OF SHERMAN, TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH GLOBITECH INCORPORATED, A DELAWARE CORPORATION, FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR IMPROVEMENTS WITHIN INDUSTRIAL REINVESTMENT ZONE, NUMBER 082018-01, CITY OF SHERMAN, TEXAS.

Ms. Lawrence said this is the resolution related to the GlobiTech tax abatement agreement.

ACTION TAKEN.

Motion by Council Member Stevenson to approve Resolution No. 6392, as presented. Second by Council Member Steele.

VOTING AYE: Holland, Howeth, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6393 – APPROVING AND ADOPTING A
FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR THE
CITY OF SHERMAN, TEXAS

RES 6393
CIP

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING AND ADOPTING A FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF SHERMAN, TEXAS.

Council Member Steele had several questions about the Capital Improvement Program that was previously presented.

He asked if the \$950,000 for the EMS building was part of the original project for the new fire station. Mr. Hefton said they did start talking about that project prior to Council Member Steele's term on the Council. It was considered to be Phase 2 or 3 on Fire Station #4.

Fire Station #4 should be completed in the next two months. After that, there is an EMS facility and a training facility that are being contemplated. Council Member Steele asked if this would ultimately create a Fire/EMS complex for fire training. Mr. Hefton said that currently the training is done at a facility on the south end of town, and it needs to be replaced.

Council Member Steele said there have been discussions about expenditures for the Police Department, and he said the largest expenditure was moved into the next budget year. He asked if the \$416,000 would still be spent this year, even though the overall plan might be changed.

Mr. Hefton said the staff is planning to come back to Council with an alternative on the Police Department, which would be a partial renovation instead of a complete renovation of the

facility, as previously discussed. The scope has not been determined but would include a full build-out of a station located somewhere else.

He said it was thought that the City would either provide a full renovation, as previously discussed, which would allow expansion of the space for a few years. But the second alternative is a new station that would provide space for 20 to 30 years. Even with a new station, he said they felt that some of the operations would need to be kept downtown.

He confirmed that the project in the CIP today, needs to be done “no matter what.” The scope of the project may change depending on the direction of the Council.

Mr. Hefton said they plan to present an alternative project to the Council at a meeting in October 2018.

Council Member Teamann asked if \$4.5 million was allocated for the Police Department project after the Budget Workshop. Mr. Hefton said the debt issuance for that project has not happened, but the \$4.5 million was included in the budget and CIP for 2019, as a “placeholder.”

Council Member Teamann verified that the money is still in the budget, knowing that it is based on the direction the staff receives from Council in October 2018. Mr. Hefton said the funds would be unspent if the Council decides not to authorize the project.

Mr. Hefton said if the Council decides to build a new station, the design and land acquisition would take some time to complete. At that point, some renovation might be done, but a new station build would probably be delayed until 2020 or 2021.

Council Member Stevenson felt the concern was whether the City might get “locked in” to something they weren’t sure they were going to do. Mr. Hefton said this doesn’t require that the City spend the money, but it allows them to spend it, if they decide to take that path. It doesn’t commit the City to anything. Mr. Hefton added that without it, if the City decided to move forward with just the renovation, and this wasn’t in the budget, the budget would have to be amended to do the project.

Mr. Hefton reiterated that if they don’t want to move forward with the project, the money would go unspent, and no debt would be issued.

Deputy Mayor Howeth asked if this capital expenditure included the closing in of the drive at the front of the Police Department. Mr. Hefton said that because the full project is in the budget, it would include closing in that portion of the drive. He said they would need to address what would be included in securing that building. He said that recommendation will be submitted to the Council at the presentation in October.

COUNCIL MINUTES – AUGUST 20, 2018

Council Member Steele expressed his concern about the Kessler Street / Hunt Street drainage project. He said it was a small project, and there was \$250,000 allotted this year for the project, but that appears to be to repair damage to the box culvert and for some piping.

He asked if there was money available to clean that area up and make it look “presentable.” Mr. Philpott said they have already started cleaning up on the Woods Street side. They have removed some of the excess dirt and riprap, and when it dries out they will level the area and plant grass.

On the other side of the street, once the sewer line is moved, they will decide what can be done to make it look more presentable. Council Member Stevenson asked about the barricade. Mr. Philpott said the road would disappear completely and you won’t be able to tell that it was a street.

Council Member Holland asked what the timeline was on the Kessler Street project. Mr. Philpott said there’s not a specific timeline. Once the City has the design plans, they will need to acquire an easement for the sewer line from the adjacent property owners. He should be able to start acquiring the easement in the next couple of weeks.

Mr. Hefton confirmed that the easement needed was on the part that Tracks Restaurant currently uses for their overflow parking.

Council Member Teamann asked about the Overland Trail sewer line project, and said the road is caving in. He said there was \$250,000 included in the budget to repave the area and to repair the drainage so it doesn’t continue to happen. Mr. Philpott said the initial inspection didn’t show any areas in the pipe that were failing. He said the plan is to remove the road, re-compact the dirt, repair any storm drain, if needed, and repave the area.

ACTION TAKEN.

Motion by Council Member Steele to approve Resolution No. 6393, as presented. Second by Deputy Mayor Howeth.
VOTING AYE: Holland, Howeth, Steele, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

RESOLUTION NO. 6394 – AUTHORIZING EXECUTION OF A JOINT ELECTION AGREEMENT WITH GRAYSON COUNTY, TEXAS, TO HOLD A JOINT ELECTION ON NOVEMBER 6, 2018
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A JOINT ELECTION AGREEMENT WITH GRAYSON COUNTY, TEXAS, TO HOLD A JOINT ELECTION ON NOVEMBER 6, 2018.

**RES 6394
JOINT ELECTION
AGREEMENT**

Mr. Hefton said this contract would authorize Grayson County to provide the administrative work on the November 6, 2018 Municipal Election.

ACTION TAKEN.

Motion by Council Member Stevenson to approve Resolution No. 6394, as presented. Second by Council Member Teamann.

VOTING AYE: Holland, Howeth, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6395 – AUTHORIZING EXECUTION OF AN AGREEMENT FOR PROFESSIONAL SERVICES WITH H.W. LOCHNER, INC. FOR THE ENGINEERING DESIGN OF INTERSECTION IMPROVEMENTS AT HERITAGE PARKWAY (F.M. 1417) AND O.B. GRONER ROAD (TO BE KNOWN AS WEST TRAVIS STREET)

**RES 6395
FM 1417 & W. TRAVIS
ST. DESIGN**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT FOR PROFESSIONAL SERVICES WITH H.W. LOCHNER, INC. FOR THE ENGINEERING DESIGN OF INTERSECTION IMPROVEMENTS AT HERITAGE PARKWAY (F.M. 1417) AND O.B. GRONER ROAD (TO BE KNOWN AS WEST TRAVIS STREET).

Mr. Philpott said this is an engineering contract for the design of O.B. Groner Road and FM 1417. This will help meet the future traffic demands near the new high school. The City will partner with the Sherman Independent School District on the cost of construction. The project is located on a Texas Department of Transportation roadway, so the project will be bid and managed by TxDOT.

Council Member Teamann asked if it was typical that the City would spend the money for the engineering and design of an intersection that will be a TxDOT intersection. Mr. Philpott said if the City wants it on their schedule, yes.

Mr. Hefton added that, to some degree, if the City wants the project at all. He added that the City has paid on four other TxDOT projects, including the FM 1417 project from US Hwy 82 to SH 56, and the US Hwy 75 ramp reversals. It is typical for the City to do the design engineering and right-of-way acquisition on projects.

Council Member Teamann confirmed that TxDOT will construct the project to Sherman's specifications. Mr. Hefton said the City works with the engineers, who have a working relationship with TxDOT and are an approved TxDOT vendor. H.W. Lochner does a lot of work with TxDOT in the North Texas area, and they did the design work on Sherman's other FM 1417 project.

On this particular project, Mr. Hefton said the City will have Travis Street designed and built, with four lanes, median divided, by the time the high school is constructed and open. But TxDOT will not have had FM 1417 expanded in that area until after this intersection is done. There will need to be coordination on design versus what is already in place. He felt

the issue needed to be addressed prior to the opening of the high school.

Council Member Teamann asked if the \$177,743 was budgeted for Sherman's participation. Mr. Hefton said it was. TxDOT generally wants the engineering, design, and right-of-way acquisition paid for up front, with an "in-kind" match to their participation levels.

In addition, sometimes the City must put cash in as well. He said proportionally, it's a small piece, but the only way to get the project on their plans is to spend local dollars, because TxDOT says they have more projects than they have money. This gives Sherman "shovel-ready" projects, which means that engineering, rights-of-way, and utility relocation are completed, and TxDOT can "fight" for the local project on the City's behalf in Austin.

ACTION TAKEN.

Motion by Council Member Stevenson to approve Resolution No. 6395, as presented. Second by Deputy Mayor Howeth.

VOTING AYE: Holland, Howeth, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6396 – AUTHORIZING EXECUTION OF AN AGREEMENT FOR FIRE PROTECTION SERVICES BETWEEN GRAYSON COUNTY AND THE CITY OF SHERMAN FOR THE PERIOD OF OCTOBER 1, 2018 THROUGH SEPTEMBER 30, 2019

RES 6396
FIRE SERVICES IN
GRAYSON COUNTY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT FOR FIRE PROTECTION SERVICES BETWEEN GRAYSON COUNTY AND THE CITY OF SHERMAN FOR THE PERIOD OF OCTOBER 1, 2018 THROUGH SEPTEMBER 30, 2019.

CONSENT AGENDA.

RESOLUTION NO. 6397 – AUTHORIZING EXECUTION OF AN AGREEMENT FOR AMBULANCE SERVICES WITH GRAYSON COUNTY FOR THE PERIOD OF OCTOBER 1, 2018 THROUGH SEPTEMBER 30, 2019

RES 6397
AMBULANCE
SERVICES IN
GRAYSON COUNTY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT FOR AMBULANCE SERVICES WITH GRAYSON COUNTY FOR THE PERIOD OF OCTOBER 1, 2018 THROUGH SEPTEMBER 30, 2019.

CONSENT AGENDA.

**REQUEST TO ADVERTISE
ANNUAL CONTRACT FOR GASOLINE AND DIESEL SUPPLY**

The City Council approved the request to advertise for the annual contract for gasoline and diesel supply for the City's fleet.

REQ TO ADVERTISE
ANNUAL SUPPLY
GASOLINE & DIESEL

CONSENT AGENDA.

CHANGE ORDER NO. 2 (FINAL)

NORTHGATE DRIVE EXTENSION PROJECT; VESSELS
CONSTRUCTION A DIVISION OF VESCOR, INC.; \$397.09
INCREASE

CHANGE ORDER
NORTHGATE DR.
EXTENSION

The City Council approved Change Order No. 2 to Vessels Construction for a \$397.09 increase for the Northgate Drive Extension Project. The change order is a final reconciliatory change order to adjust the final project quantities and issue payment. The final contract price for the project was \$852,698.80.

Council Member Stevenson asked about Vessels Construction coming back with a \$400 change order on a project with a contract price of \$852,698. Mr. Philpott said it was a “unified contract” and the City pays them for what they do. There were about six items that had “give and take” of approximately \$2,500.

CONSENT AGENDA.

OTHER BUSINESS

CONSIDER REQUEST OF TRUE OPTIONS PREGNANCY
CENTER TO TEMPORARILY CLOSE CERTAIN STREETS FOR
THE THIRD ANNUAL “TURKEY TROT 5K & FUN RUN” ON
SATURDAY, NOVEMBER 17, 2018

CLOSE STREETS

The City Council approved the request of True Options Pregnancy Center to temporarily close certain streets for the third annual “Turkey Trot 5K & Fun Run” on November 17, 2018.

The run will require traffic control assistance, cones and barricades. They are also asking to close Rusk Street in front of the Municipal Building from 7:00 a.m. until 11:30 a.m.

CONSENT AGENDA.

CITIZENS REQUESTS

QUESTIONS ABOUT SHERMAN

QUESTIONS ABOUT
SHERMAN

Ronald Aycock, 220 E. Houston, said he had four questions about Sherman.

First, what type of government is the City of Sherman. Brandon Shelby, City Attorney, said Sherman is a Home Rule City, which means, at some point Sherman had a population over 5,000 and the citizens elected to ratify a Charter and Sherman is governed by that Charter. He said about 25% of the cities in Texas are Home Rule.

Mr. Aycock asked what date, month, year Sherman “became” this type of City. Mr. Shelby said he did not know the answer, but believed Sherman was one of the oldest cities in the State of Texas. He asked Mr. Aycock to contact either his office or the City Clerk’s Office tomorrow for the exact date.

Mr. Aycock asked what type of government was in Sherman prior to the Home Rule. Mr. Shelby said Sherman was a General Law City prior to becoming a Home Rule City.

COUNCIL MINUTES – AUGUST 20, 2018

Mr. Aycock asked what date Mr. Hefton became City Manager. Mr. Hefton said he became City Manager on April 1, 2015.

MEDIA QUESTIONS

There were no media questions.

COUNCIL COMMENTS

SHERMAN'S INCORPORATION

Council Member Teamann said he did a quick "Google" search and Sherman was incorporated in 1850.

WELCOME HERALD DEMOCRAT REPORTER

Council Member Teamann welcomed Herald Democrat Reporter Jerri Whitley to the Council Meeting.

WELCOME GRAYSON COUNTY TREASURER

Council Member Stevenson welcomed Grayson County Treasurer Gayla Hawkins to the meeting and recognized "the wonderful job she does."

WELCOME SHERMAN MUSEUM DIRECTOR

Mayor Plyler welcomed Sherman Museum Director Betsy Deiterman, and asked what was going on at the Museum. Ms. Deiterman said History Comes Alive is coming up next and they just closed Dino Days. She introduced Natalie Bonner, Assistant Museum Director.

ANNOUNCEMENTS

Mayor Plyler announced the following:

- Keep Sherman Beautiful is looking for volunteers to help with the Annual Battle of the Axe Trash-Off on August 25, 2018.
- Sherman's Annual Arts Fest is scheduled for September 15, 2018, in Kidd-Key Park.
- Sherman will be welcoming George Strait's personal songwriter Dean Dillon to the Kidd-Key Auditorium for the Blue Sky Songtellers' Gathering. Mr. Dillon and several other Texas songwriters will take the stage to benefit the Sherman Police and Fire Associations. Other performers include Scotty Emerick, Chris Wallin, Jason Allen, Doug Moreland, Randy Roberts, and Phillip Wildman.
- Thanked Melissa Eason, Library Director, and all the folks at the Library for having a great carnival this weekend, saying it was a wonderfully attended event. The new Library looks fantastic and he urged citizens to visit and "check it out."

EXECUTIVE SESSION – IN ACCORDANCE WITH CHAPTER 551, GOVT. CODE, V.T.C.S., (OPEN MEETINGS LAW)

THE CITY COUNCIL WILL NOW HOLD AN EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF THE OPEN

MEDIA QUESTIONS

SHERMAN'S INCORPORATION

WELCOME HERALD DEMOCRAT REPORTER

WELCOME GRAYSON COUNTY TREASURER

WELCOME SHERMAN MUSEUM DIRECTOR

ANNOUNCEMENTS

EXECUTIVE SESSION

COUNCIL MINUTES – AUGUST 20, 2018

MEETINGS LAW, CHAPTER 551, GOVERNMENT CODE, VERNONS TEXAS CODES ANNOTATED, IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN THE FOLLOWING SECTIONS.

SECTION 551.071 -- CONSULTATION WITH CITY ATTORNEY CONCERNING PENDING OR CONTEMPLATED LITIGATION

SECTION 551.071 -- CONSULT WITH THE CITY ATTORNEY ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER

SECTION 551.074 -- PERSONNEL MATTERS: DELIBERATE THE EVALUATION OF A PUBLIC OFFICER OR EMPLOYEE: ANNUAL PERFORMANCE EVALUATION OF THE CITY MANAGER

SECTION 551.087 -- DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS: DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE CITY HAS RECEIVED FROM A BUSINESS PROSPECT AND DELIBERATE ANY OFFERS OR INCENTIVES TO THE BUSINESS PROSPECT

Mayor Plyler said there was no need for an Executive Session.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:38 p.m.

ADJOURNMENT

MAYOR

CITY CLERK



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

B.1.

Meeting Date: 09/04/2018

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

PROCLAMATION

"National Recovery Month" – September 2018

Issue:

To present a proclamation designating September 2018 as "National Recovery Month"

Background:

"National Recovery Month" is an observance that educates the public that addiction and mental health services enable individuals with a mental health and/or substance use disorder to live a healthy and rewarding life. It spreads positive messages that behavioral health is vital to overall wellness, that prevention works, treatment is effective, and individuals can and do recover.

Origination:

The request originated with the Texoma Community Center.

Financial Consideration:

There is no financial consideration to the City.

Staff Recommendation:

It is the recommendation of the staff to present a proclamation designating September 2018 as "National Recovery Month."

Alternatives:

The Council could choose not to present the proclamation.

Attachments

"National Recovery Month" Proclamation



Proclamation

WHEREAS, behavioral health is an essential part of one's overall health and wellness, and

WHEREAS, prevention of substance use disorders works, treatment is effective, and people recover in Sherman, Texas, and around the nation, and

WHEREAS, preventing and overcoming substance use disorders is essential to achieving healthy lifestyles, and purposefully contributing to our community, and

WHEREAS, we must encourage all citizens in Sherman to recognize the signs of a substance use problem, to implement preventive measures through education and community awareness, and guide those in need to appropriate treatment and recovery support services, and

WHEREAS, citizens of all ages, genders, socioeconomic classes, and ethnicities in Sherman, Texas are affected by substance use disorders, and

WHEREAS, to help more people achieve and sustain long-term recovery, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, and Texoma Community Center's Substance Use Treatment Program invite all residents of Sherman, Texas to participate in "National Recovery Month."

NOW THEREFORE, I, David Plyler, Mayor of the City of Sherman, Texas, by the authority vested in me, do hereby proclaim September, 2018 as

NATIONAL RECOVERY MONTH

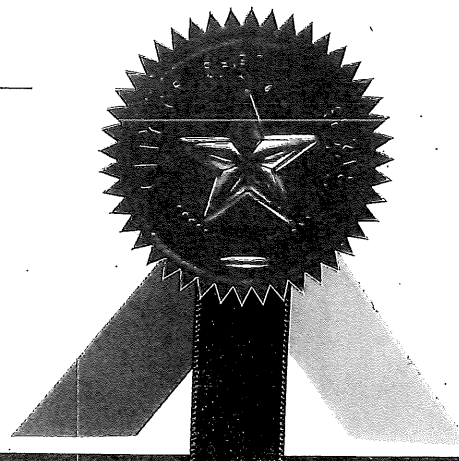
in the City of Sherman and call upon the people of Sherman to observe this month with compassion for those suffering, dignity and respect for people seeking treatment and professionals providing treatment, attention to the needs of our friends, families, and colleagues, and referrals to substance use treatment when needed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Sherman to be affixed, this the 4th day of September, 2018.

Mayor

ATTEST:

Sinda Ashby
City Clerk





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

B.2.

Meeting Date: 09/04/2018

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

PROCLAMATION

"Constitution Week" – September 16-22, 2018

Issue:

To present a proclamation recognizing the anniversary of the framing of the Constitution of the United States of America

Background:

Each year, the Daughters of the American Revolution celebrate "Constitution Week" in honor of the framing of the Constitution. The Preston Trail Chapter of the Daughters of the American Revolution hold an annual event in Grayson County celebrating "Constitution Week" with a special ceremony and public reading of the Constitution.

Origination:

The request originated with the Preston Trail Chapter of the Daughters of the American Revolution.

Financial Consideration:

There is no financial consideration to the City.

Staff Recommendation:

It is the recommendation of the staff to present a proclamation designating September 16 through 22, 2018 as "Constitution Week" in Sherman.

Alternatives:

The Council could choose not to present the proclamation.

Attachments

"Constitution Week" Proclamation



Proclamation

WHEREAS, the Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law, and

WHEREAS, September 17, 2018 marks the two hundred and thirty-first anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention, and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it, and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 16 through 22 as Constitution Week.

NOW THEREFORE, I, David Plyler, Mayor of the City of Sherman, Texas, by the authority vested in me, do hereby proclaim September 16 through 22, 2018

CONSTITUTION WEEK

in the City of Sherman and ask all citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Sherman to be affixed this the 4th day of September, 2018.

Mayor

ATTEST:

Sinda Ashby
City Clerk





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

C.1.

Meeting Date: 09/04/2018

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

SECOND PUBLIC HEARING OF ORDINANCE NO. 6145

Providing for the Levy of Ad Valorem Taxes for the City of Sherman, Texas, for the Tax Year 2018; Distributing the Same Among the Various Funds; Providing for a Penalty and Interest for Failure to Pay the Taxes Levied within the Time Provided by Law

Issue:

To hold the second and final public hearing on the Ad Valorem Tax Rate proposed for the upcoming fiscal year, as required by the Texas Tax Code and Local Government Code

Background:

The effective tax rate is the rate that yields the same amount of revenue as the prior year on property that is taxed in both years. This year's effective tax rate is \$0.406938/\$100, with a rollback rate of \$0.495310/\$100 (with sales tax-in-lieu-of property tax adjustment). The actual total tax rate of \$0.42730/\$100 is the same as last year's actual tax rate of \$0.42730/\$100. The tax rate is split between a debt service component called Interest and Sinking (I&S) and a Maintenance & Operations (M&O) component. The debt rate is \$0.107740/\$100; and the M&O rate is \$0.319560/\$100.

Origination:

Director of Finance

Financial Consideration:

The proposed tax rate will generate approximately \$13.4 million in property tax revenues.

Staff Recommendation:

Based on the Budget Workshop and discussion of the draft budget, the staff recommends adoption of the tax rates as indicated above at the September 17th Council meeting. Action requested of the City Council for this meeting:

1. Hold the second public hearing on the tax rate ordinance.
2. **Announce that the City Council will consider the adoption of the tax rate ordinance at the regular meeting scheduled for 5:00 p.m. on Monday, September 17, 2018, at Sherman City Hall, 220 West Mulberry Street, Sherman, Texas.**

Alternatives:

No other alternatives are offered at this time since the notice has already been published; and changing the proposed rates would require re-publication of the notice and setting additional public hearings.

Attachments

Ordinance No. 6145

Chapter 140 Notice FY 2019

ORDINANCE NO. 6145

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR THE LEVY OF AD VALOREM TAXES FOR THE CITY OF SHERMAN, TEXAS, FOR THE TAX YEAR 2018; DISTRIBUTING THE SAME AMONG THE VARIOUS FUNDS; PROVIDING FOR A PENALTY AND INTEREST FOR FAILURE TO PAY THE TAXES LEVIED WITHIN THE TIME PROVIDED BY LAW; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That there be, and there is hereby, levied and shall be collected a Maintenance and Operations (M&O) ad valorem tax of \$0.319560/\$100 Dollars (\$0.319560) and a debt service ad valorem tax of \$0.107740/\$100 Dollars (\$0.107740) on all taxable property situated within the corporate limits of the City of Sherman on the first day of January, A.D., 2018, and not exempt from taxation by the constitution and laws of the State of Texas, apportioned as follows, to-wit:

FOR GENERAL FUND EXPENDITURES, \$0.319560 on each One Hundred Dollars (\$100.00) assessed valuation of such property.

FOR DEBT SERVICE EXPENDITURES, \$0.107740 on each One Hundred Dollars (\$100.00) assessed valuation of such property.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 33.7 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$20.36.

SECTION 2. That a penalty shall be charged and collected from all persons who do not pay their taxes prior to the first day of February, 2019. Penalty charges shall be in accordance with the following schedule.

If paid in February, 2019	6%
If paid in March, 2019	7%
If paid in April, 2019	8%
If paid in May, 2019	9%
If paid in June, 2019	10%
If paid on or after July 1, 2019	12%

All delinquent taxes shall accrue interest from the date of delinquency at the rate of one percent (1%) for each month or portion of a month the tax remains unpaid. Pursuant to Section 33.07 of the Texas Property Tax Code, an additional penalty of 15% of the amount of taxes, penalty and interest that remain due after July 1, 2019, shall be assessed to defray the cost of collection.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2018.

ADOPTED on this the _____ day of _____, 2018.

EFFECTIVE DATE on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**

NOTICE OF 2018 TAX YEAR PROPOSED PROPERTY TAX RATE FOR THE CITY OF SHERMAN

A tax rate of \$.4273 per \$100 valuation has been proposed for adoption by the City Council of the City of Sherman. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate. The governing body of the City of Sherman proposes to use the revenue attributable to the tax rate increase for debt service on Certificates of Obligation issued in fiscal year 2018.

PROPOSED TAX RATE	\$0.427300
PRECEDING YEAR'S TAX RATE	\$0.427300
EFFECTIVE TAX RATE	\$0.406938
ROLLBACK TAX RATE	\$0.495310

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for the City of Sherman from the same properties in both the 2017 tax year and the 2018 tax year.

The rollback tax rate is the highest tax rate that the City of Sherman may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE CALCULATED AS
FOLLOWS:

$$\text{property tax amount} = (\text{rate}) \times (\text{taxable value of your property}) / 100$$

For assistance or detailed information about tax calculations, please contact:

Mary Lawrence
Director of Finance, City of Sherman
405 N. Rusk St.
Sherman, TX 75090
903-892-7309
maryl@ci.sherman.tx.us
www.ci.sherman.tx.us

You are urged to attend and express your views at the following public hearings on the proposed tax rate:

First Hearing: August 20, 2018, 5:00 pm at City Council Chambers, 220 W. Mulberry, Sherman, Texas

Second Hearing: September 4, 2018, 5:00 pm at City Council Chambers, 220 W. Mulberry, Sherman, Texas



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

C.2.

Meeting Date: 09/04/2018

Prepared By: Brandon Shelby, City Attorney

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6147

Approving a Negotiated Settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division, Regarding the Company's 2018 Rate Review Mechanism Filings; Declaring Existing Rates to be Unreasonable; Adopting Tariffs that Reflect Rate Adjustments Consistent with the Negotiated Settlement; Finding the Rates to be Set by the Settlement Tariffs to be Just and Reasonable and in the Public Interest; Approving an Attached Exhibit Establishing a Benchmark for Pensions and Retiree Medical Benefits; Approving an Attached Exhibit Regarding Amortization of Regulatory Liability; Requiring the Company to Reimburse ACSC's Reasonable Ratemaking Expenses; Declaring an Effective Date; Requiring Delivery of this Ordinance to the Company and the ACSC's Legal Counsel

Issue:

Ratification of a Negotiated Settlement between Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company")

Background:

The Rate Review Mechanism ("RRM") tariff was approved by ACSC Cities as part of the settlement agreement to resolve the Atmos Mid-Tex 2007 system-wide rate filing at the Railroad Commission. The RRM allows cities to conduct a more comprehensive review of all of the information regarding changes to Atmos's revenues and expenses, as well as its invested capital. In early 2013, the City adopted a renewed RRM tariff for an additional five years. ACSC and Atmos have reached a negotiated resolution addressing Atmos's fifth filing (the 2018 RRM rate increases) pursuant to the renewed RRM tariff.

The Ordinance reflects a negotiated settlement of Atmos's 2018 RRM filing, a rate increase of \$24.9 million on a system-wide basis (a \$17.8 million increase to cities), approximately \$17.1 million less than what the Company would have been entitled to receive under the Gas Reliability Infrastructure Program ("GRIP"), the statute that allows Atmos to bypass the City's rate regulatory authority to increase its rates annually to recover capital investments. The settlement also produces a result that is better than what would have been expected if the Company had appealed its case to the Railroad Commission. The Ordinance includes the new tariffs (Exhibit A), a revised schedule for Pensions and Benefits (Exhibit B), and an amortization schedule for the treatment of deferred taxes (Exhibit C).

The ACSC General Counsel recommends the City adopt the proposed ordinance approving the negotiated settlement agreement resolving the 2018 RRM filing and implementing the rate changes to take effect October 1, 2018.

Origination:

Geoffrey M. Gay, General Counsel to the ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C.

Financial Consideration:

Approval of this ordinance will result in rates that implement a \$17.8 million increase in Atmos's revenues effective October 1, 2018, and a monthly increase of \$1.06, or about 1.94%, for the average residential customer.

Staff Recommendation:

It is recommended that the City Council adopt the ordinance and approve the Negotiated Settlement with Atmos Mid-Tex.

Alternatives:

As the ACSC Negotiation Team has negotiated the most beneficial settlement, no other alternatives are recommended.

Attachments

Ordinance No. 6147
Exhibits A, B and C to Ordinance
Staff Report with Attachments

ORDINANCE NO. 6147

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION, REGARDING THE COMPANY’S 2018 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; DECLARING AN EFFECTIVE DATE; REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Sherman, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of similarly-situated cities served by Atmos Mid-Tex (“ACSC Cities”) that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a new Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, the RRM tariff was adopted by the City in a rate ordinance at the February 19, 2018 City Council meeting; and

WHEREAS, on or about April 1, 2018, Atmos Mid-Tex filed its 2018 RRM rate request with ACSC Cities based on a test year ending December 31, 2017; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2018 RRM filing through its Executive Committee, assisted by ACSC's attorneys and consultants, to resolve issues identified in the Company's RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$24.9 million on a system-wide basis (\$17.8 million of which is applicable to ACSC members); and

WHEREAS, the attached tariffs (Exhibit A) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the Exhibit A rate tariffs incorporate the federal income tax rates that became effective January 1, 2018; and

WHEREAS, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Exhibit B); and

WHEREAS, the settlement agreement establishes an amortization schedule for regulatory liability (Exhibit C); and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the findings set forth in this Ordinance are hereby in all things approved.

SECTION 2. That the City Council finds that the settled amount of an increase in revenues of \$24.9 million on a system-wide basis represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2018 RRM filing, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

SECTION 3. That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Exhibit A, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$24.9 million in revenue on a system-wide basis over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

SECTION 4. That the ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Exhibit B, attached hereto and incorporated herein.

SECTION 5. That amortization of regulatory liability shall be consistent with the schedule found in Exhibit C, attached hereto and incorporated herein.

SECTION 6. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2018 RRM filing.

SECTION 7. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

SECTION 8. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

SECTION 9. That consistent with the City Ordinance that established the RRM process, this Ordinance shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after October 1, 2018.

SECTION 10. That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LJB Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

SECTION 11. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2018.

ADOPTED on this the _____ day of _____, 2018.

EFFECTIVE DATE on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**

Exhibit A

Rate Tariffs Effective
October 1, 2018

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2018	PAGE: 12

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 18.85 per month
Rider CEE Surcharge	\$ 0.03 per month ¹
Total Customer Charge	\$ 18.88 per month
Commodity Charge – All <u>Ccf</u>	\$0.14846 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2018.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2018	PAGE: 13

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 43.50 per month
Rider CEE Surcharge	\$ (0.03) per month ¹
Total Customer Charge	\$ 43.47 per month
Commodity Charge – All Ccf	\$ 0.09165 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹ Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2018.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2018	PAGE: 14

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 784.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.3312 per MMBtu
Next 3,500 MMBtu	\$ 0.2425 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0520 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION****RRC Tariff No:**

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
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Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2018	PAGE: 16

Exhibit A

The rates were effective for the following Cities on **3/15/2018**:

ABILENE	DENISON	KILLEEN
ADDISON	DENTON	KRUM
ALBANY	DESOTO	LAKE WORTH
ALLEN	DRAPER AKA CORRAL CITY	LAKESIDE
ALVARADO	DUNCANVILLE	LEWISVILLE
ANGUS	EASTLAND	LINCOLN PARK (ANNEXED WITH LITTLE ELM)
ANNA	EDGECLIFF VILLAGE	LITTLE ELM
ARGYLE	EMORY	LORENA
ARLINGTON	ENNIS	MADISONVILLE
AUBREY	EULESS	MALAKOFF
AZLE	EVERMAN	MANSFIELD
BEDFORD	FAIRVIEW	MCKINNEY
BELLMEAD	FARMERS BRANCH	MELISSA
BENBROOK	FARMERSVILLE	MESQUITE
BEVERLY HILLS	FATE	MIDLOTHIAN
BLOSSOM	FLOWER MOUND	MURPHY
BLUE RIDGE	FOREST HILL	NEWARK
BOWIE	FORNEY	NOCONA
BOYD	FORT WORTH	NORTH RICHLAND HILLS
BRIDGEPORT	FRISCO	NORTHLAKE
BROWNWOOD	FROST	OAK LEAF
BUFFALO	GAINSVILLE	OVILLA
BURKBURNETT	GARLAND	PALESTINE
BURLESON	GARRETT	PANTEGO
CADDO MILLS	GRAND PARAIRIE	PARIS
CANTON	GRAPEVINE	PARKER
CARROLLTON	GUNTER	PECAN HILL
CEDAR HILL	HALTOM CITY	PETROLIA
CELESTE	HARKER HEIGHTS	PLANO
CELINA	HASKELL	PONDER
CENTERVILLE	HASLET	POTTSBORO
CISCO	HEWITT	PROSPER
CLARKSVILLE	HIGHLAND PARK	QUITMAN
CLEBURNE	HIGHLAND VILLAGE	RED OAK
CLYDE	HONEY GROVE	RENO (PARKER COUNTY)
COLLEGE STATION	HURST	RHOME
COLLEYVILLE	IOWA PARK	RICHARDSON
COLORADO CITY	IRVING	RICHLAND
COMANCHE	JUSTIN	RICHLAND HILLS
COOLIDGE	KAUFMAN	RIVER OAKS
COPPELL	KEENE	ROANOKE
CORINTH	KELLER	ROBINSON
CRANDALL	KEMP	ROCKWALL
CROWLEY	KENNEDALE	ROSCOE
DALWORTHINGTON GARDENS	KERRVILLE	ROWLETT

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2018	PAGE: 17

Cities with Rate Effective 3/15/2018 (Continued)

ROYSE CITY	SULPHUR SPRINGS	WATAUGA
SACHSE	SWEETWATER	WAXAHACHIE
SAGINAW	TEMPLE	WESTLAKE
SANSOM PARK	TERRELL	WESTOVER HILLS
SEAGOVILLE	THE COLONY	WHITE SETTLEMENT
SHERMAN	TROPHY CLUB	WHITESBORO
SNYDER	TYLER	WICHITA FALLS
SOUTHLAKE	UNIVERSITY PARK	WOODWAY
SPRINGTOWN	VENUS	WYLIE
STAMFORD	VERNON	
STEPHENVILLE	WACO	

The rates were effective for the following Cities on 4/01/2018:

ABBOTT	BRUCEVILLE-EDDY	DEPORT
ALBA	BRYAN	DETROIT
ALMA	BUCKHOLTS	DODD CITY
ALVORD	BUFFALO GAP	DOUBLE OAK
ANNONA	BURNET	DUBLIN
ANSON	BYERS	EARLY
ARCHER CITY	CALDWELL	ECTOR
ATHENS	CALVERT	EDOM
AURORA	CAMERON	ELECTRA
AUSTIN	CAMPBELL	EMHOUSE
AVERY	CARBON	EUSTACE
BAIRD	CASHION COMMUNITY	EVANT
BALCH SPRINGS	CEDAR PARK	FAIRFIELD
BALLINGER	CHANDLER	FERRIS
BANDERA	CHICO	FRANKLIN
BANGS	CHILDRESS	FRANKSTON
BARDWELL	CHILLICOTHE	FREDERICKSBURG
BARRY	CLIFTON	GATESVILLE
BARTLETT	COCKRELL HILL	GEORGETOWN
BARTONVILLE	COLEMAN	GLEN ROSE
BELLEVUE	COLLINSVILLE	GLENN HEIGHTS
BELLS	COMMERCE	GODLEY
BELTON	COMO	GOLDTHWAITE
BENJAMIN	COOPER	GOODLOW
BERTRAM	COPPER CANYON	GORDON
BLACKWELL	COPPERAS COVE	GOREE
BLANKET	CORSICANA	GORMAN
BLOOMING GROVE	COVINGTON	GRANBURY
BLUE MOUND	COYOTE FLATS	GRANDVIEW
BLUM	CRAWFORD	GRANGER
BOGATA	CROSS ROADS	GREENVILLE
BONHAM	CUMBY	GROESBECK
BREMOND	DAWSON	GUSTINE
BRONTE	DECATUR	HAMLIN
BROWNSBORO	DELEON	HAMILTON

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2018	PAGE: 18

Cities with Rate Effective 4/01/2018 (Continued)

HAWLEY	MALONE	RANGER
HEARNE	MANOR	RAVENNA
HEATH	MARBLE FALLS	RENO (LAMAR COUNTY)
HEBRON	MARLIN	RETREAT
HENRIETTA	MART	RICE
HICKORY CREEK	MAYPEARL	RIESEL
HICO	MCGREGOR	RIO VISTA
HILLSBORO	MCLENDON-CHISHOLM	ROBERT LEE
HOLLAND	MEGARGEL	ROBY
HOLLIDAY	MERIDIAN	ROCHESTER
HOWE	MERKEL	ROCKDALE
HUBBARD	MEXIA	ROGERS
HUTCHINS	MIDWAY	ROSEBUD
HUTTO	MILES	ROSS
IMPACT	MILFORD	ROTAN
IREDELL	MILLSAP	ROUND ROCK
ITALY	MOBILE CITY	ROXTON
ITASCA	MOODY	RULE
JEWETT	MORAN	RUNAWAY BAY
JOSEPHINE	MORGAN	SADLER
JOSHUA	MUENSTER	SAINT JO
KERENS	MUNDAY	SAN ANGELO
KNOLLWOOD	MURCHISON	SAN SABA
KNOX CITY	NEVADA	SANCTUARY
KOSSE	NEW CHAPEL HILL	SANGER
KURTEN	NEWCASTLE	SANTA ANNA
LACY-LAKEVIEW	NOLANVILLE	SAVOY
LADONIA	NORMANGEE	SCURRY
LAKE DALLAS	NOVICE	SEYMOUR
LAKEPORT	OAK POINT	SHADY SHORES
LAMPASAS	OAKWOOD	SOMERVILLE
LANCASTER	O'BRIEN CO-OP GIN	SOUTH MOUNTAIN
LAVON	OGLESBY	SOUTHMAYD
LAWN	OLNEY	STAR HARBOR
LEANDER	PALMER	STOCKTON BEND
LEONA	PARADISE	STRAWN
LEONARD	PECAN GAP	STREETMAN
LEXINGTON	PENELOPE	SUN VALLEY
LINDSAY	PFLUGERVILLE	SUNNYVALE
LIPAN	PILOT POINT	TALTY
LITTLE RIVER ACADEMY	PLEASANT VALLEY	TAYLOR
LLANO	POINT	TEAGUE
LOMETA	POST OAK BEND	TEHUACANA
LONE OAK	POWELL	THORNDALE
LONGVIEW	POYNOR	THORNTON
LORAIN	PRINCETON	THRALL
LOTT	PUTNAM	THROCKMORTON
LUEDERS	QUANAH	TIOGA
MABANK	QUINLAN	TOCO

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RRC Tariff No:

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2018	PAGE: 19

Cities with Rate Effective 4/01/2018 (Continued)

TOM BEAN	VALLEY VIEW	WHITNEY
TRENT	VAN ALSTYNE	WILMER
TRENTON	WALNUT SPRINGS	WINDOM
TRINIDAD	WEINERT	WINTERS
TROY	WEST	WIXON VALLEY
TUSCOLA	WESTWORTH VILLAGE	WOLFE CITY
TYE	WHITEHOUSE	WORTHAM
VALLEY MILLS	WHITEWRIGHT	YANTIS

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2018	PAGE: 16

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 784.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.3312 per MMBtu
Next 3,500 MMBtu	\$ 0.2425 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0520 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2018	PAGE: 17

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2018	PAGE: 18

Exhibit A

The rates were effective for the following Cities on 3/15/2018:

ABILENE	DENISON	KILLEEN
ADDISON	DENTON	KRUM
ALBANY	DESOTO	LAKE WORTH
ALLEN	DRAPER AKA CORRAL CITY	LAKESIDE
ALVARADO	DUNCANVILLE	LEWISVILLE
ANGUS	EASTLAND	LINCOLN PARK (ANNEXED WITH LITTLE ELM)
ANNA	EDGECLIFF VILLAGE	LITTLE ELM
ARGYLE	EMORY	LORENA
ARLINGTON	ENNIS	MADISONVILLE
AUBREY	EULESS	MALAKOFF
AZLE	EVERMAN	MANSFIELD
BEDFORD	FAIRVIEW	MCKINNEY
BELLMEAD	FARMERS BRANCH	MELISSA
BENBROOK	FARMERSVILLE	MESQUITE
BEVERLY HILLS	FATE	MIDLOTHIAN
BLOSSOM	FLOWER MOUND	MURPHY
BLUE RIDGE	FOREST HILL	NEWARK
BOWIE	FORNEY	NOCONA
BOYD	FORT WORTH	NORTH RICHLAND HILLS
BRIDGEPORT	FRISCO	NORTHLAKE
BROWNWOOD	FROST	OAK LEAF
BUFFALO	GAINSVILLE	OVILLA
BURKBURNETT	GARLAND	PALESTINE
BURLESON	GARRETT	PANTEGO
CADDO MILLS	GRAND PARAIRIE	PARIS
CANTON	GRAPEVINE	PARKER
CARROLLTON	GUNTER	PECAN HILL
CEDAR HILL	HALTOM CITY	PETROLIA
CELESTE	HARKER HEIGHTS	PLANO
CELINA	HASKELL	PONDER
CENTERVILLE	HASLET	POTTSBORO
CISCO	HEWITT	PROSPER
CLARKSVILLE	HIGHLAND PARK	QUITMAN
CLEBURNE	HIGHLAND VILLAGE	RED OAK
CLYDE	HONEY GROVE	RENO (PARKER COUNTY)
COLLEGE STATION	HURST	RHOME
COLLEYVILLE	IOWA PARK	RICHARDSON
COLORADO CITY	IRVING	RICHLAND
COMANCHE	JUSTIN	RICHLAND HILLS
COOLIDGE	KAUFMAN	RIVER OAKS
COPPELL	KEENE	ROANOKE
CORINTH	KELLER	ROBINSON
CRANDALL	KEMP	ROCKWALL
CROWLEY	KENNEDALE	ROSCOE
DALWORTHINGTON GARDENS	KERRVILLE	ROWLETT

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2018	PAGE: 19

Cities with Rate Effective 3/15/2018 (Continued)

ROYSE CITY	SULPHUR SPRINGS	WATAUGA
SACHSE	SWEETWATER	WAXAHACHIE
SAGINAW	TEMPLE	WESTLAKE
SANSOM PARK	TERRELL	WESTOVER HILLS
SEAGOVILLE	THE COLONY	WHITE SETTLEMENT
SHERMAN	TROPHY CLUB	WHITESBORO
SNYDER	TYLER	WICHITA FALLS
SOUTHLAKE	UNIVERSITY PARK	WOODWAY
SPRINGTOWN	VENUS	WYLIE
STAMFORD	VERNON	
STEPHENVILLE	WACO	

The rates were effective for the following Cities on 4/01/2018:

ABBOTT	BRUCEVILLE-EDDY	DEPORT
ALBA	BRYAN	DETROIT
ALMA	BUCKHOLTS	DODD CITY
ALVORD	BUFFALO GAP	DOUBLE OAK
ANNONA	BURNET	DUBLIN
ANSON	BYERS	EARLY
ARCHER CITY	CALDWELL	ECTOR
ATHENS	CALVERT	EDOM
AURORA	CAMERON	ELECTRA
AUSTIN	CAMPBELL	EMHOUSE
AVERY	CARBON	EUSTACE
BAIRD	CASHION COMMUNITY	EVANT
BALCH SPRINGS	CEDAR PARK	FAIRFIELD
BALLINGER	CHANDLER	FERRIS
BANDERA	CHICO	FRANKLIN
BANGS	CHILDRESS	FRANKSTON
BARDWELL	CHILlicothe	FREDERICKSBURG
BARRY	CLIFTON	GATESVILLE
BARTLETT	COCKRELL HILL	GEORGETOWN
BARTONVILLE	COLEMAN	GLEN ROSE
BELLEVUE	COLLINSVILLE	GLENN HEIGHTS
BELLS	COMMERCE	GODLEY
BELTON	COMO	GOLDTHWAITE
BENJAMIN	COOPER	GOODLOW
BERTRAM	COPPER CANYON	GORDON
BLACKWELL	COPPERAS COVE	GOREE
BLANKET	CORSICANA	GORMAN
BLOOMING GROVE	COVINGTON	GRANBURY
BLUE MOUND	COYOTE FLATS	GRANDVIEW
BLUM	CRAWFORD	GRANGER
BOGATA	CROSS ROADS	GREENVILLE
BONHAM	CUMBY	GROESBECK
BREMOND	DAWSON	GUSTINE
BRONTE	DECATUR	HAMLIN
BROWNSBORO	DELEON	HAMILTON

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2018	PAGE: 20

Cities with Rate Effective 4/01/2018 (Continued)

HAWLEY	MALONE	RANGER
HEARNE	MANOR	RAVENNA
HEATH	MARBLE FALLS	RENO (LAMAR COUNTY)
HEBRON	MARLIN	RETREAT
HENRIETTA	MART	RICE
HICKORY CREEK	MAYPEARL	RIESEL
HICO	MCGREGOR	RIO VISTA
HILLSBORO	MCLENDON-CHISHOLM	ROBERT LEE
HOLLAND	MEGARGEL	ROBY
HOLLIDAY	MERIDIAN	ROCHESTER
HOWE	MERKEL	ROCKDALE
HUBBARD	MEXIA	ROGERS
HUTCHINS	MIDWAY	ROSEBUD
HUTTO	MILES	ROSS
IMPACT	MILFORD	ROTAN
IREDELL	MILLSAP	ROUND ROCK
ITALY	MOBILE CITY	ROXTON
ITASCA	MOODY	RULE
JEWETT	MORAN	RUNAWAY BAY
JOSEPHINE	MORGAN	SADLER
JOSHUA	MUENSTER	SAINT JO
KERENS	MUNDAY	SAN ANGELO
KNOLLWOOD	MURCHISON	SAN SABA
KNOX CITY	NEVADA	SANCTUARY
KOSSE	NEW CHAPEL HILL	SANGER
KURTEN	NEWCASTLE	SANTA ANNA
LACY-LAKEVIEW	NOLANVILLE	SAVOY
LADONIA	NORMANGEE	SCURRY
LAKE DALLAS	NOVICE	SEYMOUR
LAKEPORT	OAK POINT	SHADY SHORES
LAMPASAS	OAKWOOD	SOMERVILLE
LANCASTER	O'BRIEN CO-OP GIN	SOUTH MOUNTAIN
LAVON	OGLESBY	SOUTHMAYD
LAWN	OLNEY	STAR HARBOR
LEANDER	PALMER	STOCKTON BEND
LEONA	PARADISE	STRAWN
LEONARD	PECAN GAP	STREETMAN
LEXINGTON	PENELOPE	SUN VALLEY
LINDSAY	PFLUGERVILLE	SUNNYVALE
LIPAN	PILOT POINT	TALTY
LITTLE RIVER ACADEMY	PLEASANT VALLEY	TAYLOR
LLANO	POINT	TEAGUE
LOMETA	POST OAK BEND	TEHUACANA
LONE OAK	POWELL	THORNDALE
LONGVIEW	POYNOR	THORNTON
LORAIN	PRINCETON	THRALL
LOTT	PUTNAM	THROCKMORTON
LUEDERS	QUANAH	TIOGA
MABANK	QUINLAN	TOCO

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RRC Tariff No:

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2018	PAGE: 21

Cities with Rate Effective 4/01/2018 (Continued)

TOM BEAN	VALLEY VIEW	WHITNEY
TRENT	VAN ALSTYNE	WILMER
TRENTON	WALNUT SPRINGS	WINDOM
TRINIDAD	WEINERT	WINTERS
TROY	WEST	WIXON VALLEY
TUSCOLA	WESTWORTH VILLAGE	WOLFE CITY
TYE	WHITEHOUSE	WORTHAM
VALLEY MILLS	WHITEWRIGHT	YANTIS

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2018	PAGE:

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification

$WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf

R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.

HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class

NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.

ADD = billing cycle actual heating degree days.

BL_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j th customer in i th rate schedule is computed as:

$$WNA_i = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the j th customer in i th rate schedule.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2018	PAGE:

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>
Abilene	9.77	0.1201	99.33	0.5737
Austin	10.38	0.1493	201.46	0.8942
Dallas	13.17	0.2062	183.71	1.0046
Waco	9.26	0.1323	124.57	0.6398
Wichita Falls	11.62	0.1278	114.97	0.5226

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

Exhibit B

Pensions and Retiree Medical Benefits

**ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2017**

Line No.	Description	Shared Services		Mid-Tex Direct			Adjustment Total
		Pension Account Plan	Post-Employment Benefit Plan	Pension Account Plan	Supplemental Executive Benefit Plan	Post-Employment Benefit Plan	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Fiscal Year 2018 Willis Towers Watson Report, as adjusted	\$ 4,082,906	\$ 2,703,898	\$ 6,964,307	\$ 188,360	\$ 3,724,168	
2	Allocation to Mid-Tex	43.55%	43.55%	71.24%	100.00%	71.24%	
3	Fiscal Year 2018 Actuarially Determined Benefit Costs (Ln 1 x Ln 2)						
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	Fiscal Year 2018 Willis Towers Watson Benefit Costs To Approve (Excluding Removed Cost Centers) (Ln 3 x Ln 4)	\$ 1,778,092	\$ 1,177,539	\$ 4,961,241	\$ 188,360	\$ 2,653,027	\$ 10,758,260
6							
7							
8	Summary of Costs to Approve (1):						
9							
10	O&M Expense Factor (WP_F-2.3, Ln 2)	80.15%	80.15%	40.05%	19.03%	40.05%	
11							
12							
13	Total Pension Account Plan	\$ 1,425,108		\$ 1,987,133			\$ 3,412,241
14	Total Post-Employment Benefit Plan		\$ 943,775			\$ 1,062,621	2,006,396
15	Total Supplemental Executive Benefit Plan				\$ 35,837		35,837
16	Total (Ln 13 + Ln 14 + Ln 15)	\$ 1,425,108	\$ 943,775	\$ 1,987,133	\$ 35,837	\$ 1,062,621	\$ 5,454,474

18 Note:

19 1. Mid-Tex is proposing that the fiscal year 2018 Willis Towers Watson actuarial amounts shown on WP_F-2.3 and WP_F-2.3.1, be approved by the RRM Cities as the
20 benchmark amounts to be used to calculate the regulatory asset or liability for future periods. The Company is requesting that the benchmark amount approved by the
21 RRM Cities for future periods include only the expense amount. The amount attributable to capital would continue to be recorded to utility plant through the overhead
22 process as described in the CAM.

Exhibit C

Amortization of Regulatory Liability

**ATMOS ENERGY CORP., MID-TEX DIVISION
RATE BASE ADJUSTMENTS
TEST YEAR ENDING DECEMBER 31, 2017
AMORTIZATION OF REGULATORY LIABILITY**

Line No.	Year Ended Dec. 31	Beginning of Year Rate Base Adjustment Amount	Annual Amortization (1)	End of Year Rate Base Adjustment Amount	Balance as of December 31, 2017
	(a)	(b)	(c)	(d)	(e)
1	2017			\$ 289,813,479	\$ 289,813,479
2	2018	\$ 289,813,479	\$ 12,075,562	277,737,918	
3	2019	277,737,918	12,075,562	265,662,356	
4	2020	265,662,356	12,075,562	253,586,795	
5	2021	253,586,795	12,075,562	241,511,233	
6	2022	241,511,233	12,075,562	229,435,671	
7	2023	229,435,671	12,075,562	217,360,110	
8	2024	217,360,110	12,075,562	205,284,548	
9	2025	205,284,548	12,075,562	193,208,986	
10	2026	193,208,986	12,075,562	181,133,425	
11	2027	181,133,425	12,075,562	169,057,863	
12	2028	169,057,863	12,075,562	156,982,301	
13	2029	156,982,301	12,075,562	144,906,740	
14	2030	144,906,740	12,075,562	132,831,178	
15	2031	132,831,178	12,075,562	120,755,616	
16	2032	120,755,616	12,075,562	108,680,055	
17	2033	108,680,055	12,075,562	96,604,493	
18	2034	96,604,493	12,075,562	84,528,932	
19	2035	84,528,932	12,075,562	72,453,370	
20	2036	72,453,370	12,075,562	60,377,808	
21	2037	60,377,808	12,075,562	48,302,247	
22	2038	48,302,247	12,075,562	36,226,685	
23	2039	36,226,685	12,075,562	24,151,123	
24	2040	24,151,123	12,075,562	12,075,562	
25	2041	12,075,562	12,075,562	(0)	

26
27 Note:

28 1. The annual amortization of a 24 year recovery period is based on the
29 Reverse South Georgia Method.

August 24, 2018

STAFF REPORT

BACKGROUND AND SUMMARY

The City, along with 171 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC”). In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism (“RRM”), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members earlier this year. On or about April 1, 2018, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2017, entitled it to additional system-wide revenues of \$42.0 million. Application of the standards set forth in ACSC’s RRM Tariff required Atmos to reduce its request to \$27.4 million. After review of the consultants’ report, the Company offered to settle for a system-wide increase of \$25.9 million. Following further negotiations, ACSC’s Executive Committee agreed to recommend a system-wide rate increase of \$24.9 million. That increase when allocated to ACSC members results in an increase of \$17.8 million. The Effective Date for new rates is October 1, 2018. ACSC members should take action approving the Ordinance before the end of September.

PROOF OF REVENUES

Atmos generated proof that the rate tariffs attached to the Ordinance will generate \$24.9 million in additional revenues on a system-wide basis. That proof is attached as Attachment 1 to this Staff Report. ACSC consultants have agreed that Atmos' Proof of Revenues is accurate.

BILL IMPACT

Given the fact that ACSC demanded that Atmos reflect reduced federal income taxes in its cost-of-service, as reflected in the RRM Tariff adopted earlier this year, Atmos reduced its rates in March. The rate increase associated with the Ordinance is largely offset by the lowered federal income tax rates, such that out-of-pocket expense to consumers should be roughly the same under new rates as what was experienced by consumers last winter. A bill impact comparison is attached as Attachment 2.

SUMMARY OF ACSC'S OBJECTION TO THE UTILITIES CODE SECTION 104.301 GRIP PROCESS

ACSC strongly opposed the GRIP process because it constitutes piecemeal ratemaking by ignoring declining expenses and increasing revenues while rewarding the Company for increasing capital investment on an annual basis. The GRIP process does not allow any review of the reasonableness of capital investment and does not allow cities to participate in the Railroad Commission's review of annual GRIP filings or allow recovery of Cities' rate case expenses. The Railroad Commission undertakes a mere administrative review of GRIP filings (instead of a full hearing) and rate increases go into effect without any material adjustments. In ACSC's view, the GRIP process unfairly raises customers' rates without any regulatory oversight. In contrast, the RRM process has allowed for a more comprehensive rate review and annual evaluation of expenses and revenues, as well as capital investment.

EXPLANATION OF "BE IT ORDAINED" PARAGRAPHS

1. This section approves all findings in the Ordinance.

2. This section adopts the RRM rate tariffs and finds the adoption of the new rates to be just, reasonable, and in the public interest.
3. This section finds that existing rates are unreasonable. Such finding is a necessary predicate to establishment of new rates. The new tariffs will permit Atmos Mid-Tex to recover an additional \$24.9 million on a system-wide basis. Settling Cities will be responsible for \$17.8 million of the \$24.9 million.
4. This section approves an exhibit that establishes a benchmark for pensions and retiree medical benefits to be used in future rate cases or RRM filings.
5. This section approves an exhibit to be used in future rate cases or RRM filings regarding recovery of regulatory liabilities, such as excess deferred income taxes.
6. This section requires the Company to reimburse the City for expenses associated with review of the RRM filing, settlement discussions, and adoption of the Ordinance approving new rate tariffs.
7. This section repeals any ordinance or ordinance that is inconsistent with the Ordinance.
8. This section is a savings clause, which provides that if any section is later found to be unconstitutional or invalid, that finding shall not affect, impair, or invalidate the remaining provisions of this Ordinance. This section further directs that the remaining provisions of the Ordinance are to be interpreted as if the offending section or clause never existed.
9. This section provides for an effective date upon passage.
10. This section directs that a copy of the signed Ordinance be sent to a representative of the Company and legal counsel for ACSC.
11. This section finds that the meeting was conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

CONCLUSION

The Legislature's GRIP process allowed gas utilities to receive annual rate increases associated with capital investments. The RRM process has proven to result in a more efficient and less costly (both from a consumer rate impact perspective and from a ratemaking perspective) than the GRIP process. Given Atmos Mid-Tex's claim that its historic cost of service should entitle it to recover \$42 million in additional system-wide revenues, the RRM settlement at \$24.9 million reflects savings of \$17.1 million. ACSC's consultants produced a report indicating that Atmos had justified increased revenues of at least \$21.7 million. Settlement at \$24.9 million is fair and reasonable. The ACSC Executive Committee consisting of city employees of 18 ACSC members urges all ACSC members to pass the Ordinance before September 30, 2018. New rates become effective October 1, 2018.

ATMOS ENERGY CORP., MID-TEX DIVISION
 PROPOSED TARIFF STRUCTURE (BEFORE RATE CASE EXPENSE RECOVERY)
 TEST YEAR ENDING DECEMBER 31, 2017

Line No.	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)
1	Proposed Change In Rates:		\$ 24,900,000		Schedule A						
2	Proposed Change In Rates without Revenue Related Taxes:		\$ 23,357,466		Ln 1 divided by Tax factor on WP_F-5.1						
3											
4											
5											
6		Revenue Requirements	Allocations								
7	Residential	\$ 338,431,486	77.95%		Per GUD 10170 Final Order						
8	Commercial	84,223,622	19.40%		Per GUD 10170 Final Order						
9	Industrial and Transportation	11,490,316	2.65%		Per GUD 10170 Final Order						
10	Net Revenue Requirements GUD No. 10170	\$ 434,145,424	100.00%								
11											
12											
13											
14											
15											
16	Increase to Customer Classes per GUD 10170 Final Order:					Customer Charges Rounded Off and residential base charge increase for 2018 limited to \$0.60 per RRM tariff:					
17											
18	Customer Charges	Current	Prospecti ve	Revenues				Proposed Change In	Proposed		
19								Revenues	Rates	Proposed Revenues	
20	Residential Base Charge	\$ 18.35	\$ 0.50	\$ 9,103,979			\$ 0.50	\$ 9,156,798	\$ 18.85	\$ 345,211,285	
21	Residential Consumption Charge	\$ 0.13734	\$ 0.01118	9,103,979			\$ 0.01112	9,051,844	\$ 0.14846	120,848,626	
22	Commercial Base Charge	\$ 41.95	\$ 1.54	2,265,658			\$ 1.55	2,278,481	\$ 43.50	63,944,478	
23	Commercial Consumption Charge	\$ 0.08746	\$ 0.00421	2,265,658			\$ 0.00419	2,253,573	\$ 0.09165	49,293,546	
24	I&T Base Charge	\$ 752.00	\$ 32.12	309,095			\$ 32.00	307,968	\$ 784.00	7,545,216	
25	I&T Consumption Charge Tier 1 MMBTU	\$ 0.3172	\$ 0.0140	144,188			\$ 0.0140	144,244	\$ 0.3312	3,412,408	
26	I&T Consumption Charge Tier 2 MMBTU	\$ 0.2322	\$ 0.0102	118,338			\$ 0.0103	118,980	\$ 0.2425	2,801,237	
27	I&T Consumption Charge Tier 3 MMBTU	\$ 0.0498	\$ 0.0022	46,570			\$ 0.0022	46,631	\$ 0.0520	1,102,180	
28	Total			\$ 23,357,466				\$ 23,358,519		\$ 594,158,976	
29											

Line							October 1, 2018		
1	Rate R @ 45 Ccf						CURRENT	PROPOSED	CHANGE
2	Customer charge						\$ 18.35		
3	Consumption charge	45.0	CCF	X	\$ 0.13734	=	6.18		
4	Rider GCR Part A	45.0	CCF	X	\$ 0.28533	=	12.84		
5	Rider GCR Part B	45.0	CCF	X	\$ 0.30630	=	13.78		
6	Subtotal						\$ 51.15		
7	Rider FF & Rider TAX		\$ 51.15	X	0.06604	=	3.38		
8	Total						\$ 54.53		
9									
10	Customer charge							\$ 18.85	
11	Consumption charge	45.0	CCF	X	\$ 0.14846	=	6.68		
12	Rider GCR Part A	45.0	CCF	X	\$ 0.28533	=	12.84		
13	Rider GCR Part B	45.0	CCF	X	\$ 0.30630	=	13.78		
14	Subtotal						\$ 52.15		
15	Rider FF & Rider TAX		\$ 52.15	X	0.06604	=	3.44		
16	Total						\$ 55.59	\$ 1.06	
17									
18									
19	Rate C @ 346.5 Ccf						CURRENT	PROPOSED	CHANGE
20	Customer charge						\$ 41.95		
21	Consumption charge	346.5	CCF	X	\$ 0.08746	=	30.31		
22	Rider GCR Part A	346.5	CCF	X	\$ 0.28533	=	98.88		
23	Rider GCR Part B	346.5	CCF	X	\$ 0.22105	=	76.60		
24	Subtotal						\$ 247.74		
25	Rider FF & Rider TAX		\$ 247.74	X	0.06604	=	16.36		
26	Total						\$ 264.10		
27									
28	Customer charge							\$ 43.50	
29	Consumption charge	346.5	CCF	X	\$ 0.09165	=	31.76		
30	Rider GCR Part A	346.5	CCF	X	\$ 0.28533	=	98.88		
31	Rider GCR Part B	346.5	CCF	X	\$ 0.22105	=	76.60		
32	Subtotal						\$ 250.74		
33	Rider FF & Rider TAX		\$ 250.74	X	0.06604	=	16.56		
34	Total						\$ 267.30	\$ 3.20	
35									

						CURRENT	PROPOSED	CHANGE
36	<u>Rate I @ 3907 MMBTU</u>							
37	Customer charge					\$ 752.00		
38	Consumption charge	1,500	MMBTU	X \$ 0.3172	=	475.80		
39	Consumption charge	2,407	MMBTU	X \$ 0.2322	=	558.79		
40	Consumption charge	0	MMBTU	X \$ 0.0498	=	-		
41	Rider GCR Part A	3,907	MMBTU	X \$ 0.2922	=	1,141.41		
42	Rider GCR Part B	3,907	MMBTU	X \$ 0.4881	=	1,906.68		
43	Subtotal					\$ 4,834.68		
44	Rider FF & Rider TAX		\$ 4,834.68	X 0.06604	=	319.28		
45	Total					\$ 5,153.96		
46								
47	Customer charge						\$ 784.00	
48	Consumption charge	1,500	MMBTU	X \$ 0.3312	=		496.80	
49	Consumption charge	2,407	MMBTU	X \$ 0.2425	=		583.58	
50	Consumption charge	0	MMBTU	X \$ 0.0520	=		-	
51	Rider GCR Part A	3,907	MMBTU	X \$ 0.2922	=		1,141.41	
52	Rider GCR Part B	3,907	MMBTU	X \$ 0.4881	=		1,906.68	
53	Subtotal						\$ 4,912.47	
54	Rider FF & Rider TAX		\$ 4,912.47	X 0.06604	=		324.42	
55	Total						\$ 5,236.89	\$ 82.93
56								1.61%
57	<u>Rate T @ 3907 MMBTU</u>							
58	Customer charge					\$ 752.00		
59	Consumption charge	1,500	MMBTU	X \$ 0.3172	=	475.80		
60	Consumption charge	2,407	MMBTU	X \$ 0.2322	=	558.79		
61	Consumption charge	0	MMBTU	X \$ 0.0498	=	-		
62	Rider GCR Part B	3,907	MMBTU	X \$ 0.4881	=	1,906.68		
63	Subtotal					\$ 3,693.27		
64	Rider FF & Rider TAX		\$ 3,693.27	X 0.06604	=	243.90		
65	Total					\$ 3,937.17		
66								
67	Customer charge						\$ 784.00	
68	Consumption charge	1,500	MMBTU	X \$ 0.3312	=		496.80	
69	Consumption charge	2,407	MMBTU	X \$ 0.2425	=		583.58	
70	Consumption charge	0	MMBTU	X \$ 0.0520	=		-	
71	Rider GCR Part B	3,907	MMBTU	X \$ 0.4881	=		1,906.68	
72	Subtotal						\$ 3,771.06	
73	Rider FF & Rider TAX		\$ 3,771.06	X 0.06604	=		249.04	
74	Total						\$ 4,020.10	\$ 82.93
75								2.11%



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

C.3.

Meeting Date: 09/04/2018

Prepared By: Cathy Perkins, Human Resources Manager

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6148

Amending Chapter 9 of the Code of Ordinances, entitled "Personnel", Article 9.05, entitled "Civil Service for Firefighters and Police Officers", at Section 9.05.026, entitled "Authorized Number of Positions", to Revise the Number of Authorized Positions in the Fire and Police Departments

Issue:

The City Council is required by state law to establish by ordinance the job titles and number of positions in each rank for members of the classified service in the City's Fire and Police Departments.

Background:

The Texas Local Government Code Chapter 143, "Municipal Civil Service for Firefighters and Police Officers", Section 143.014 states the following:

(b) If approved by the governing body of the municipality by resolution or ordinance, the head of a fire or police department in the municipality in which at least four classifications exist below the classification of department head may appoint each person occupying an authorized position in the classification immediately below that of department head, as prescribed by this section. The classification immediately below that of department head may include a person who has a different title but has the same pay grade.

(c) In a police department, the total number of persons appointed to the classification immediately below that of department head may not exceed the total number of persons, plus one, serving in that classification on January 1, 1983. In a fire department in a municipality having fewer than 300 certified fire fighters, the department head may appoint not more than one person to the classification immediately below that of department head.

Fire Department Titles	Current No. Positions	Proposed 10/01/2018
Firefighter	40	40
Engineer	15	15
Captain	17	17
Battalion Chief	3	3

Division Chief	4	3
Assistant Chief (<i>appointed</i>)	0	1
Chief	1	1

Police Department Titles	Current No. Positions	Proposed 10/01/2018
Patrolman	47	52
Corporal	5	5
Sergeant	9	9
Lieutenant	5	5
Assistant Chief (<i>appointed</i>)	3	3
Chief	1	1

Fire – Request is to reduce the number of Division Chief positions by one and add one Assistant Chief Position. The Assistant Chief position will be the one Chief-appointed position. If the SAFER grant is awarded to the City, which would add federal funding for six additional firefighters, City staff will come back with an ordinance to add those positions to what is being requested.

Police – Request to increase the number of positions from 70 to 75 to accommodate the needed manpower. However, the recently adopted FY2019 budget includes funding for only 71 total positions, an increase of one position over FY2018. The additional positions being requested for approval are to allow for the possibility of expansion of the Sherman ISD school resource officer program (SRO) during FY2019, and also for temporary overstaffing due to regular vacancies and attrition that occur within the department.

Origination:

Mayor and City Council
City Manager Robby Hefton
Fire Chief Danny Jones
Police Chief Zachary Flores

Financial Consideration:

The fiscal year (FY) 2019 budget, adopted at the August 20th City Council meeting, includes the funding necessary to staff at these levels.

Staff Recommendation:

Staff recommends adopting the proposed ordinance.

Alternatives:

The City Council could choose not to adopt the proposed ordinance, leaving unchanged staffing in the Police and Fire Departments.

Attachments

Ordinance No. 6148

ORDINANCE NO. 6148

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES, ENTITLED “PERSONNEL”, ARTICLE 9.05, ENTITLED “CIVIL SERVICE FOR FIREFIGHTERS AND POLICE OFFICERS”, AT SECTION 9.05.026, ENTITLED “AUTHORIZED NUMBER OF POSITIONS”, TO REVISE THE NUMBER OF AUTHORIZED POSITIONS IN THE FIRE AND POLICE DEPARTMENTS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That Chapter 9, Article 9.05 of the Code of Ordinances of the City of Sherman, be and is hereby amended at Section 9.05.026 so that such section shall read as follows:

Sec. 9.05.026 Authorized number of positions

The number of allocated positions for each job title in the fire and police departments are set forth below in order of ranking:

(1) Fire department

<u>Title</u>	<u>No. Positions</u>
Firefighter	40
Engineer	15
Captain	17
Battalion Chief	3
Division Chief	4 3
<i>Assistant Chief</i>	<i>1</i>
Fire Chief	1

- (a) Active staffing in the “engineer” position greater than the number allocated shall be considered overstaffed and said position shall not be filled upon the occurrence of vacancy due to promotion, demotion, attrition, termination, retirement, or any other reason.

- (b) Staffing in the “firefighter” position shall be increased with each occurrence of the number of active “engineer” positions being eliminated until the total number of “engineer” positions meets the number of allocated positions set forth in subsection (1) above.
- (c) Once the number of active “engineer” positions is reduced to meet the number of allocated positions set forth in subsection (1) above. The number of active “firefighter” positions shall be increased to meet the number of allocated positions set forth in subsection (1) above.

(2) Police department

<u>Title</u>	<u>No. Positions</u>
Patrolman	47 52
Corporal	5
Sergeant	9
Lieutenant	5
Assistant Chief-Appointed	3
Chief	1

SECTION 2. That it is the intention of the City Council of the City of Sherman, Texas, that the provisions of this ordinance shall become part of the Code of Ordinances of the City of Sherman, Texas, and that sections of this ordinance may be renumbered or re-lettered to accomplish such intention.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given all as required by law.

INTRODUCED this the _____ day of _____, 2018.

ADOPTED on this the _____ day of _____, 2018.

EFFECTIVE DATE on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

C.4.

Meeting Date: 09/04/2018

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 6147 and 6148

Issue:

C. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6147

Approving a Negotiated Settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division, Regarding the Company's 2018 Rate Review Mechanism Filings; Declaring Existing Rates to be Unreasonable; Adopting Tariffs that Reflect Rate Adjustments Consistent with the Negotiated Settlement; Finding the Rates to be Set by the Settlement Tariffs to be Just and Reasonable and in the Public Interest; Approving an Attached Exhibit Establishing a Benchmark for Pensions and Retiree Medical Benefits; Approving an Attached Exhibit Regarding Amortization of Regulatory Liability; Requiring the Company to Reimburse ACSC's Reasonable Ratemaking Expenses; Declaring an Effective Date; Requiring Delivery of this Ordinance to the Company and the ACSC's Legal Counsel

C. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6148

Amending Chapter 9 of the Code of Ordinances, entitled "Personnel", Article 9.05, entitled "Civil Service for Firefighters and Police Officers", at Section 9.05.026, entitled "Authorized Number of Positions", to Revise the Number of Authorized Positions in the Fire and Police Departments



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

C.5.

Meeting Date: 09/04/2018

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

CONSENT AGENDA

Asterisked (*) items are considered to be routine and will be enacted in one motion without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately

Issue:

D. 2. * RESOLUTION NO. 6400

Authorizing Submission of a Joint Grant Application with the City of Denison and Grayson County for, and the Acceptance of, a Grant Awarded under the 2018 Justice Assistance Grant Program – CFDA #16.738

D. 3. * RESOLUTION NO. 6401

Authorizing Execution of an Interlocal Agreement between the City of Sherman, the City of Denison, and Grayson County for Grant Funding to be Awarded by the U.S. Department of Justice under the 2018 Justice Assistance Grant Program – CFDA #16.738

D. 5. * RESOLUTION NO. 6403

Accepting the Contract with We Build, Inc. dba HWH Industrial as Complete for All Equipment, Materials and Construction of the City of Sherman Wastewater Treatment Plant Biosolids Dewatering Project

D. 6. * RESOLUTION NO. 6404

Accepting the Contract with Landmark Structures Management, Inc. as Complete for All Equipment, Materials and Construction of the City of Sherman Southwest 1.5 M.G. Elevated Tank Project

D. 7. * RESOLUTION NO. 6405

Revoking and Replacing Resolution No. 6261; Establishing Salary Structures and Incentive/Certification Pay Schedules for Firefighters and Police Officers; Establishing Special Longevity Pay Schedules for Newly Hired Firefighters and Police Officers; Providing for an Effective Date

D. 8. * RESOLUTION NO. 6406

Authorizing the Execution of Agreements with the Sherman Housing Authority, the Grayson County Crisis Center, the Grayson County Shelter, Inc., Child & Family Guidance Center of Texoma, and Boys & Girls Club of Sherman, Inc. for the Use of Community Development Block Grant Funds

E. 2. * CHANGE ORDER NO. 3

Approving Greater Texoma Utility Authority's Intent to Execute Change Order No. 3; Sherman Southwest Elevated 1.5 M.G. Elevated Tank; Landmark Structures Management, Inc.; \$5,117.00 Decrease

F. 2. * OTHER BUSINESS

Consider Request of the Grayson Hispanic Heritage Council of Sherman to Temporarily Close Certain Streets and Use Certain City Facilities and Services for the "Annual Hispanic Heritage Festival" on Saturday, September 8, 2018

F. 3. * OTHER BUSINESS

Consider Request of the Sherman Independent School District and the Sherman High School Student Council to Temporarily Close Certain Streets for the "2018 Sherman High School Homecoming Parade" on Monday, September 10, 2018



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

D.1.

Meeting Date: 09/04/2018

Prepared By: Nate Strauch, Community & Support Services Manager

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6399

Amending Resolution No. 6063 to Expand the Membership of the Sherman Main Street Advisory Committee

Issue:

To consider expanding the Sherman Main Street Advisory Committee from six members to ten members

Background:

During the March 7, 2016 meeting of the Sherman City Council, Resolution No. 6063 was passed by a unanimous vote to create the Sherman Main Street Advisory Committee, provide for its membership and terms of office, and allow for its organization and structure. The resolution was passed following the City of Sherman's successful application to the Texas Historical Commission to be included in the State of Texas's Main Street Program.

In the intervening years, the Committee has expanded its mission and vision, hosting quarterly events in downtown Sherman and establishing sub-committees to address each of the Texas Main Street Program's suggested areas of emphasis – Organization, Promotion, Economy, and Design. Beginning with the 2019 Budget Year, the Committee will be provided with a standing budget with which to grow its events further still. City staff envisions this growth encompassing Committee recommendations on grant proposals submitted to the City.

The Main Street Advisory Committee is currently composed of six voting members and two ex-officio members. The Committee has asked the Council to amend the original resolution to expand its ranks from six to ten voting members. The goals of this change are twofold: to provide the Committee with more stakeholders interested in growing downtown Sherman and to provide additional persons to staff the aforementioned sub-committees.

Origination:

Sherman Main Street Advisory Committee

Financial Consideration:

None

Staff Recommendation:

Staff recommends amending Resolution No. 6063 to provide for ten voting members on the Sherman Main Street Advisory Committee, and appointing Lindsey Manley, Diana Salas, Courtney Mitchell, and Bill Mory to fill the newly created positions on the board.

Alternatives:

As directed by Council

Attachments

Resolution No. 6399

Resolution No. 6063 approved March 7, 2016

Lindsey Manley Application

Diana Salas Application

Courtney Mitchell Application

Bill Mory Application

RESOLUTION NO. 6399

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING RESOLUTION NO. 6063 TO EXPAND THE MEMBERSHIP OF THE SHERMAN MAIN STREET ADVISORY COMMITTEE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Sherman, Texas, desired to create a Main Street Advisory Committee to encourage participation in the Main Street revitalization/preservation program, to establish goals and priorities for the Main Street Program, to review design appropriateness for the purpose of participation in incentive grant projects, and to advise, partner with, and support the Main Street Manager; and

WHEREAS, at the March 7, 2016 meeting, the City Council approved Resolution No. 6063 to create the Main Street Advisory Committee of the City of Sherman, Texas, provide for its membership and terms of office, and allow for its organization and structure; and

WHEREAS, the Sherman Main Street Advisory Committee wishes to expand its current membership to provide the Committee with more stakeholders interested in growing Downtown Sherman and to provide additional persons to staff subcommittees;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That there is hereby created the Main Street Advisory Committee of the City of Sherman, Texas, which shall consist of ~~six (6)~~ *ten (10)* members at-large, in addition to a Representative of the Sherman City Council and the President of Downtown Sherman Preservation & Revitalization, each of whom shall serve *ex officio*. Each member shall be a voting member. Each at-large member shall be subject to the limitation on number and duration of terms provided by the Sherman City Charter and Code of Ordinances; provided, however that, at the Committee's organizational meeting, the at-large members shall draw lots to establish the duration of the initial terms, with four (4) at-large members serving an initial term of one year. The expiration date of all at-large terms shall be March 31st of the year corresponding with the results of the drawing of lots.

SECTION 2. That the Committee shall elect its own officers, may establish its own procedural rules, and may adopt by-laws for the conducting of its business, to the extent that such by-laws do not conflict with the Charter and Code of Ordinances of the City of Sherman. Further, the Committee shall establish the term of office for its members that does not exceed the three (3) year limit set forth in the Sherman City Charter and Code of Ordinances.

SECTION 3. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this the ____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**

RESOLUTION NO. 6063

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CREATING A MAIN STREET ADVISORY COMMITTEE; PROVIDING FOR ITS MEMBERSHIP AND TERMS OF OFFICE; ALLOWING ITS ORGANIZATION AND STRUCTURE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Sherman, Texas, desires to create a Main Street Advisory Committee to encourage participation in the Main Street revitalization/preservation program, to establish goals and priorities for the Main Street Program, to review design appropriateness for the purpose of participation in incentive grant projects, and to advise, partner with, and support the Main Street Manager;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

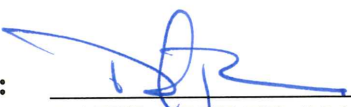
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SECTION 3. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this the 7th day of March, 2016.

CITY OF SHERMAN, TEXAS

BY: 
DAVID PLYLER, MAYOR

ATTEST:

BY: 
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: 
**BRANDON S. SHELBY,
CITY ATTORNEY**



CITY OF SHERMAN APPLICATION FOR BOARD OR COMMISSION MEMBERSHIP

Return completed application to:

City Clerk's Office
220 W. Mulberry
P.O. Box 1106
Sherman, TX 75091
Fax: (903) 892-7394

Please type or use black ink

Please complete one application for each board or commission membership

Please limit attachments to two pages

For questions or additional information, call the City Clerk's Office, (903) 892-7206

Name: _____
(Please print legal name and your name as you wish it to appear, if different.)

Name of Board
or Commission: _____

☐ Yes, I would be interested in serving on subcommittees that may be formed.

Personal Information	Occupational Information
Home Address: _____	Business Name: _____
Mailing Address: _____	Occupation: _____
Telephone: _____ Fax: _____	Address: _____
E-Mail: _____	Telephone: _____ Fax: _____
Sherman Resident for _____ years County: _____	E-Mail: _____
Drivers License No.: _____	
voter Registration No.: _____	

Which Council District do you live in? (see attached map) _____

Prior work experience: (please include dates)

Educational Achievement:

High School Graduate? ☐ Yes ☐ No Year Graduated/Left School? _____

Business College, Correspondence School, Adult Education, Other? _____

Name of College/University: _____ ☐ Bachelor's ☐ Master's ☐ PhD

Volunteer Work: (please include dates)

Have you ever been convicted of a crime (except for minor traffic offenses that resulted only in a fine)? ☐ Yes ☐ No

If yes, please explain in complete detail. State the nature and approximate date of the conviction, the sentence imposed, whether the sentence has been completed, and any other information you consider to be relevant.

Application held for 12 months from date received

Are you presently serving on a City board or commission? ☐ Yes ☐ No

If so, which one? _____

Why do you want to become a member of this particular board or commission (*how would you use this experience to benefit the City*)?

Briefly explain what you believe are the three most important issues facing this board or commission and how you believe this board or commission should address each issue?

1) _____

2) _____

3) _____

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:

Please specify any business or personal relationships with the City or other activities, which might create a serious conflict of interest or affect your ability to serve if you should be appointed to this board or commission:

Have you attended a meeting of the board/commission you are applying to or talked to anyone currently on the board? ☐ Yes ☐ No
Comments: _____

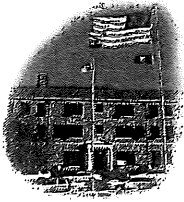
Statement of Intent

I am aware of the requirements of the City regarding conflicts of interest of appointees to the City of Sherman Boards and Commissions, as noted in the overview. I am aware of meeting dates and times of the Board/Commission for which I have applied, and that Board/Commission members are expected to attend a minimum of 75 percent of regularly scheduled meetings annually of their Board/Commission. If appointed, I agree to serve on the Board/Commission for which I have applied. Applications, including those received after the posted deadline, will remain on file for one year from the date of receipt.

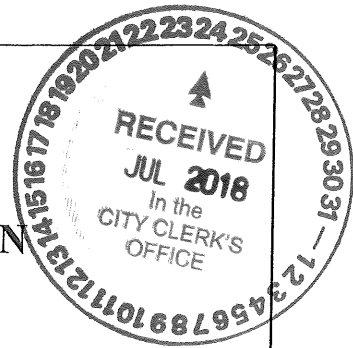
Signature: _____ Date: _____

In compliance with Chapter 552, Vernon's Texas Codes Annotated (Open Records Law), information provided on this application may be available to the public, upon request.

Sherman
CLASSIC TOWN. BROAD HORIZON.



CITY OF SHERMAN
APPLICATION FOR BOARD OR COMMISSION
MEMBERSHIP



Return completed application to:

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220 W. Mulberry
P.O. Box 1106
Sherman, TX 75091
Fax: (903) 892-7394

Please type or use black ink

Please complete one application for each board or commission membership

Please limit attachments to two pages

For questions or additional information, call the City Clerk's Office, (903) 892-7206

Name:

Lindsey Manley

(Please print legal name and your name as you wish it to appear, if different.)

Name of Board
or Commission:

Main Street

☒ Yes, I would be interested in serving on subcommittees that may be formed.

Personal Information

Home Address: 1506 N. Alexander St.
Mailing Address: 1506 N. Alexander St.
Telephone: 214.212.3358 Fax: _____
E-Mail: lindsey@cbccreative.com
Sherman Resident for 3 years County: Grayson
Drivers License No.: 26778782
Voter Registration No.: 1148780194 ✓

Occupational Information

Business Name: CBC Creative
Occupation: CEO / owner
Address: 100 N. Travis St. Suite 205
Telephone: 877.932.6373 Fax: _____
E-Mail: lindsey@CBCcreative.com

Which Council District do you live in? (see attached map) 1 (one) ✓

Prior work experience: (please include dates)

Account Executive: cue creative June 2013 - July 2014 Tyler, TX
Marketing Coordinator: Tx Financial Retirement June 2012 - June 2013 Tyler, TX
Omnicom Media Group: media Strategist June 2007 - October 2011 Irving, TX

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? 2002
Business College, Correspondence School, Adult Education, Other? _____
Name of College/University: University of Oklahoma ☒ Bachelor's ☐ Master's ☐ PhD

Volunteer Work: (please include dates)

Board member of Crisis Center of Grayson Co.

Have you ever been convicted of a crime (except for minor traffic offenses that resulted only in a fine)? ☐ Yes ☒ No

If yes, please explain in complete detail. State the nature and approximate date of the conviction, the sentence imposed, whether the sentence has been completed, and any other information you consider to be relevant.

Application held for 12 months from date received

Taxes - No

Are you presently serving on a City board or commission? ☐ Yes ☒ No

If so, which one? _____

Why do you want to become a member of this particular board or commission (how would you use this experience to benefit the City)?

I believe my experience can help achieve the board's goals in promoting the city and its events.

Briefly explain what you believe are the three most important issues facing this board or commission and how you believe this board or commission should address each issue?

1) _____

2) _____

3) _____

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:

marketing and advertising by using several different mediums- traditional and non-traditional.

Please specify any business or personal relationships with the City or other activities, which might create a serious conflict of interest or affect your ability to serve if you should be appointed to this board or commission:

CBC creative does some work with the Tourism office. This should not create any serious conflict of interest.

Have you attended a meeting of the board/commission you are applying to or talked to anyone currently on the board? ☐ Yes ☒ No
Comments: _____

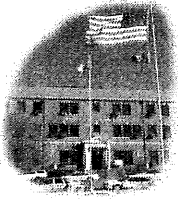
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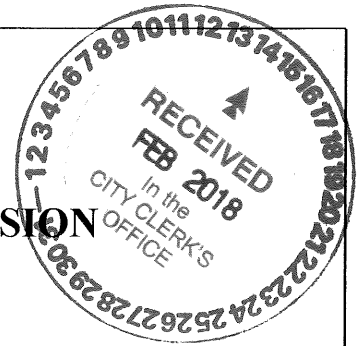
Signature: *Jindsey Manley* Date: *7/23/18*

In compliance with Chapter 552, Vernon's Texas Codes Annotated (Open Records Law), information provided on this application may be available to the public, upon request.

Sherman
CLASSIC TOWN. BROAD HORIZON.



CITY OF SHERMAN APPLICATION FOR BOARD OR COMMISSION MEMBERSHIP



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Name: Diana Salas Diana Salas Agency - Farmers Insurance
(Please print legal name and your name as you wish it to appear, if different.)

Name of Board
or Commission: Main Street Board

☐ Yes, I would be interested in serving on subcommittees that may be formed.

Personal Information

Home Address: 1241 W. Hull St
Mailing Address: 1401 S. Sam Rayburn Hwy 300
Telephone: 903 771 2323 Fax: 903 771 2773
E-Mail: diana salas agency@yahoo.com
Sherman Resident for 17 years County: grayson
Drivers License No.: 10A9324
Voter Registration No.: _____

Occupational Information

Business Name: Diana Salas Agency - Farmers Insurance
Occupation: Agent - Insurance
Address: 1401 S. Sam Rayburn Hwy 300
Telephone: 903 771 2323 Fax: 903 771 2773
E-Mail: diana salas agency@yahoo.com

Which Council District do you live in? (see attached map) _____

Prior work experience: (please include dates)

Farmers Insurance - 2011 - Present
Synovate Insurance - 2005 - 2011

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? 2000

Business College, Correspondence School, Adult Education, Other? _____

Name of College/University: _____

☐ Bachelor's ☐ Master's ☐ PhD

Volunteer Work: (please include dates)

Hispanic Heritage Sept festival 2011-2017
SEF Run 2017 - Sherman Art Fest 2016
SEF Circle of Success 2017 - United Way Run 2016

Have you ever been convicted of a crime (except for minor traffic offenses that resulted only in a fine)? ☐ Yes ☒ No

If yes, please explain in complete detail. State the nature and approximate date of the conviction, the sentence imposed, whether the sentence has been completed, and any other information you consider to be relevant.

Are you presently serving on a City board or commission? ☐ Yes ☒ No

If so, which one? _____

Why do you want to become a member of this particular board or commission (how would you use this experience to benefit the City)?

pay it forward in helping out our community

Briefly explain what you believe are the three most important issues facing this board or commission and how you believe this board or commission should address each issue? At this moment in time there are no issues

1) _____

2) _____

3) _____

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:

Bilingual in Spanish - great in helping our community

Please specify any business or personal relationships with the City or other activities, which might create a serious conflict of interest or affect your ability to serve if you should be appointed to this board or commission:

President of HHC
Board member of SEF - Advisory board
Board member of TWC

Have you attended a meeting of the board/commission you are applying to or talked to anyone currently on the board? ☐ Yes ☐ No

Comments: _____

Statement of Intent

I am aware of the requirements of the City regarding conflicts of interest of appointees to the City of Sherman Boards and Commissions, as noted in the overview. I am aware of meeting dates and times of the Board/Commission for which I have applied, and that Board/Commission members are expected to attend a minimum of 75 percent of regularly scheduled meetings annually of their Board/Commission. If appointed, I agree to serve on the Board/Commission for which I have applied. Applications, including those received after the posted deadline, will remain on file for one year from the date of receipt.

Signature: _____

Date: _____

2/14/18

In compliance with Chapter 552, Vernon's Texas Codes Annotated (Open Records Law), information provided on this application may be available to the public, upon request.

Sherman
CLASSIC TOWN. BROAD HORIZON.



CITY OF SHERMAN
APPLICATION FOR BOARD OR COMMISSION
MEMBERSHIP

RECEIVED

JUN 27 2018

In The
CITY CLERK'S OFFICE

Return completed application to:

City Clerk's Office
220 W. Mulberry
P.O. Box 1106
Sherman, TX 75091
Fax: (903) 892-7394

Please type or use black ink

Please complete one application for each board or commission membership

Please limit attachments to two pages

For questions or additional information, call the City Clerk's Office, (903) 892-7206

Name: Courtney Mitchell

(Please print legal name and your name as you wish it to appear, if different.)

Name of Board

or Commission: Sherman Main Street

☒ Yes, I would be interested in serving on subcommittees that may be formed.

Personal Information

Home Address: 1000 Yorkshire Drive, Sherman 75092

Mailing Address: 217 S. Travis, Sherman 75090

Telephone: 9038141618 Fax: _____

E-Mail: courtney@courtneymitchellphotography.com

Sherman Resident for 18 years County: Grayson

Drivers License No.: _____

Voter Registration No.: 1025355361 ✓

Occupational Information

Business Name: Courtney Mitchell Photography

Occupation: Certified Professional Photographer

Address: 217 S. Travis Sherman 75090

Telephone: 9034872865 Fax: _____

E-Mail: courtney@courtneymitchellphotography.com

Which Council District do you live in? (see attached map) District 1 ✓

Prior work experience: (please include dates)

self employed photographer 9 years to date, First Methodist Sherman Communications Director 2015-2017, Republican Party of Texas Exec. Assist. to the Exec. Director 1999-2000

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? 1994

Business College, Correspondence School, Adult Education, Other? _____

Name of College/University: Southwestern University ☒ Bachelor's ☐ Master's ☐ PhD

Volunteer Work: (please include dates)

VBS at First Methodist, many years. SAY counselor 3 years. SYSA Cheer Coach 4 years. Sherman Cheer Booster Vice Pres, current.

Have you ever been convicted of a crime (except for minor traffic offenses that resulted only in a fine)? ☐ Yes ☒ No

If yes, please explain in complete detail. State the nature and approximate date of the conviction, the sentence imposed, whether the sentence has been completed, and any other information you consider to be relevant.

Taxes - No ✓

Application held for 12 months from date received

Are you presently serving on a City board or commission? ☐ Yes ☒ No

If so, which one? _____

Why do you want to become a member of this particular board or commission (*how would you use this experience to benefit the City*)?
To represent property/business owners throughout downtown as a whole. Bringing the streets surrounding the square into the fold of what is Main Street and Downtown Sherman.

Briefly explain what you believe are the three most important issues facing this board or commission and how you believe this board or commission should address each issue?

- 1) Promotion. The board needs to work to make more people aware of what downtown has to offer. This means people both in and out of Sherman. We need to make businesses aware of the opportunities here as well as possibly look at incentives for locating in downtown.
- 2) Working with the city to help improve infrastructure issues in order to make downtown more attractive to new businesses. Including working with property owners to update and restore existing buildings rather than passing those things on to tenants. This would also include working together to improve downtown parking with the possible addition or renovation of parking lots.
- 3) Creating a cohesive group of business owners, property owners, employees and downtown residents to work together to develop and beautify the downtown area.

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:

Certified Professional Photographer, I have been a part of coordinating and executing State and National Political Conventions as well as assisted in a yearly week long photography school held in Dallas for the past 4 years. I personally want to see downtown Sherman reach its full potential.

Please specify any business or personal relationships with the City or other activities, which might create a serious conflict of interest or affect your ability to serve if you should be appointed to this board or commission:

Have you attended a meeting of the board/commission you are applying to or talked to anyone currently on the board? ☐ Yes ☒ No
Comments: _____

Statement of Intent

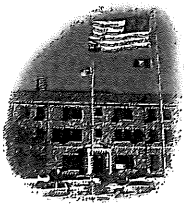
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Signature: _____

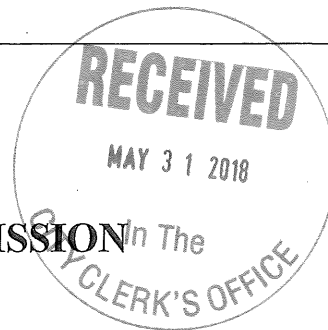
Date: _____

In compliance with Chapter 552, Vernon's Texas Codes Annotated (Open Records Law), information provided on this application may be available to the public, upon request.

Sherman
CLASSIC TOWN. BROAD HORIZON.



CITY OF SHERMAN
APPLICATION FOR BOARD OR COMMISSION
MEMBERSHIP



Return completed application to:

City Clerk's Office
220 W. Mulberry
P.O. Box 1106
Sherman, TX 75091
Fax: (903) 892-7394

Please type or use black ink

Please complete one application for each board or commission membership

Please limit attachments to two pages

For questions or additional information, call the City Clerk's Office, (903) 892-7206

Name: William Paul Mory (Bill)
(Please print legal name and your name as you wish it to appear, if different.)

Name of Board
or Commission: Main Street Advisory Board

☒ Yes, I would be interested in serving on subcommittees that may be formed.

Personal Information	Occupational Information
Home Address: <u>51 Hughes Drive, Pottsboro TX</u>	Business Name: <u>Mory Therapy</u>
Mailing Address: <u>same</u>	Occupation: <u>Marriage & Family Therapist</u>
Telephone: <u>903 624 3960</u> Fax: <u>800 906 1038</u>	Address: <u>219 S. Travis Sherman TX</u>
E-Mail: <u>morytherapy@gmail.com</u>	Telephone: <u>903 624 3960</u> Fax: <u>800 906 1038</u>
Sherman Resident for <u>25</u> years County: <u>Grayson</u>	E-Mail: <u>morytherapy@gmail.com</u>
Drivers License No.: <u>03632934</u>	
Voter Registration No.: _____	

Which Council District do you live in? (see attached map) Grayson County Precinct 4 / Property-Office Practice
in District 3

Prior work experience: (please include dates)
Private practice in downtown Sherman since 1994, (25 years) to present.

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? 1975
Business College, Correspondence School, Adult Education, Other? _____

Name of College/University: Birmingham-Southern College ☒ Bachelor's ☐ Master's ☐ PhD ☒ Ed.S
University of Alabama @ Birmingham

Volunteer Work: (please include dates)

Lions Club 1991-1993

American Red Cross 1976-1978

Mental Health Association 1989-1991

Have you ever been convicted of a crime (except for minor traffic offenses that resulted only in a fine)? ☐ Yes ☒ No

If yes, please explain in complete detail. State the nature and approximate date of the conviction, the sentence imposed, whether the sentence has been completed, and any other information you consider to be relevant.

N/A

Application held for 12 months from date received

Are you presently serving on a City board or commission? ☐ Yes ☒ No

If so, which one? NA

Why do you want to become a member of this particular board or commission (how would you use this experience to benefit the City)?

To help develop a sustainable and renewable strategic plan that will grow and deepen the business, cultural and family aspects of downtown Sherman. Help develop initiatives that serve to create ongoing interest and value to businesses and families while preserving Sherman's history.

Briefly explain what you believe are the three most important issues facing this board or commission and how you believe this board or commission should address each issue?

1) Revitalization of downtown in a way that attracts a wide variety of the local population on a regular basis, and in a way that capitalizes on the strengths of Grayson County as a whole.

2) Ongoing renewable funding, for historic preservation and marketing of the value of Sherman's history. Finding ways to 'marry' the history with the more modern aspects of downtown.

3) Widen the group of community volunteers who support the Main Street Project so as to rotate volunteers and educate more of the general population.

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:

I am a very effective networker, able to speak to groups and motivate and teach/share new ideas and encourage others to work together.

Please specify any business or personal relationships with the City or other activities, which might create a serious conflict of interest or affect your ability to serve if you should be appointed to this board or commission:

None

Have you attended a meeting of the board/commission you are applying to or talked to anyone currently on the board? ☐ Yes ☒ No

Comments: _____

Statement of Intent

I am aware of the requirements of the City regarding conflicts of interest of appointees to the City of Sherman Boards and Commissions, as noted in the overview. I am aware of meeting dates and times of the Board/Commission for which I have applied, and that Board/Commission members are expected to attend a minimum of 75 percent of regularly scheduled meetings annually of their Board/Commission. If appointed, I agree to serve on the Board/Commission for which I have applied. Applications, including those received after the posted deadline, will remain on file for one year from the date of receipt.

Signature: _____

Bill V

Date: _____

5/31/18

In compliance with Chapter 552, Vernon's Texas Codes Annotated (Open Records Law), information provided on this application may be available to the public, upon request.

Sherman
CLASSIC TOWN. BROAD HORIZON.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

D.2.

Meeting Date: 09/04/2018

Prepared By: Zachary Flores, Police Chief

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6400**

Authorizing Submission of a Joint Grant Application with the City of Denison and Grayson County for, and the Acceptance of, a Grant Awarded under the 2018 Justice Assistance Grant Program – CFDA #16.738

Issue:

Seeking approval to submit a joint grant application with the City of Denison and Grayson County for the 2018 Justice Assistance Grant (JAG) Program and approval to accept the award.

Background:

This is a companion resolution to the Interlocal Agreement with the City of Denison and Grayson County, also on the September 4th agenda. This resolution authorizes the City to apply for and accept 2018 JAG funding to be used by the Sherman Police Department. The total grant will be \$11,058.00, divided as follows: City of Sherman - \$5,494.00; City of Denison - \$3,220.00; and Grayson County - \$2,344.00. The 2018 allocations are based on current project needs for each entity.

The Sherman Police Department plans to use its portion of 2018 JAG funding towards the purchase of police shields. The City of Denison plans to use its portion of 2018 JAG funding towards tasers and scene guard photography barriers. Grayson County plans to use its portion of 2018 funding towards the purchase of detention officer hand-held radios.

Origination:

Sherman Police Department

Financial Consideration:

There are no matching requirements for this grant.

Staff Recommendation:

The staff recommends submitting the 2018 JAG application and accepting the funding if awarded.

Alternatives:

The Council could decline this grant opportunity.

Attachments

Resolution No. 6400

2018 JAG Local Solicitation

RESOLUTION NO. 6400

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING SUBMISSION OF A JOINT GRANT APPLICATION WITH THE CITY OF DENISON AND GRAYSON COUNTY FOR, AND THE ACCEPTANCE OF, A GRANT AWARDED UNDER THE 2018 JUSTICE ASSISTANCE GRANT PROGRAM – CFDA #16.738; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the City Manager be and is hereby authorized, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, seeking approval to submit a joint grant application with the City of Denison and Grayson County for an award of a portion of a total Eleven Thousand Fifty-Eight Dollars and No Cents (\$11,058.00) under the 2018 Justice Assistance Grant, as set forth below and in accordance with the terms and provisions of the Interlocal Agreement attached hereto and incorporated herein for all purposes:

- An award to Grayson County of Two Thousand Three Hundred Forty-Four Dollars and No Cents (\$2,344.00) for the purchase of detention officer hand-held radios; and
- An award to the City of Denison of Three Thousand Two Hundred Twenty Dollars and No Cents (\$3,220.00) for the purchase of tasers and scene guard photography barriers; and
- An award to the City of Sherman of Five Thousand Four Hundred Ninety-Four Dollars and No Cents (\$5,494.00) for the purchase of patrol shields for the Sherman Police Department.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this the ____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM AND
CONTENT:**

BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance



The [U.S. Department of Justice](#) (DOJ), [Office of Justice Programs](#) (OJP), [Bureau of Justice Assistance](#) (BJA) is seeking applications for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. This program furthers the Department's mission by assisting state, local, and tribal efforts to prevent or reduce crime and violence.

Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2018 Local Solicitation

Applications Due: August 22, 2018

Eligibility

Only units of local government may apply under this solicitation. By law, for purposes of the JAG Program, the term "units of local government" includes a town, township, village, parish, city, county, borough, or other general purpose political subdivision of a state; or, it may be a federally recognized Indian tribal government that performs law enforcement functions (as determined by the Secretary of the Interior). A unit of local government also may be any law enforcement district or judicial enforcement district established under applicable state law with authority to independently establish a budget and impose taxes; for example, in Louisiana, a unit of local government means a district attorney or parish sheriff.

A JAG application is not complete, and a unit of local government may not access award funds, unless the chief executive of the applicant unit of local government (e.g., a mayor) properly executes, and the unit of local government submits, the "Certifications and Assurances by Chief Executive of Applicant Government" attached to this solicitation as [Appendix A](#).

In addition, as discussed further [below](#), in order to validly accept a Fiscal Year (FY) 2018 JAG award, the chief legal officer of the applicant unit of local government must properly execute, and the unit of local government must submit, the specific certifications regarding compliance with certain federal laws attached to this solicitation as [Appendix B](#) and [Appendix C](#). (Note: this requirement does not apply to Indian tribal governments.) (The text of the relevant federal laws appears in [Appendix D](#).)

Eligible allocations under JAG are posted annually on the [JAG web page](#).

All recipients and subrecipients (including any for-profit organization) must forgo any profit or management fee.

Deadline

Applicants must register in the OJP Grants Management System (GMS) at <https://grants.ojp.usdoj.gov> prior to submitting an application under this solicitation. All applicants must register, even those that previously registered in GMS. Select the “Apply Online” button associated with the solicitation title. All registrations and applications are due by 5 p.m. eastern time on August 22, 2018.

For additional information, see [How to Apply](#) in [Section D. Application and Submission Information](#).

Contact Information

For technical assistance with submitting an application, contact the Grants Management System Support Hotline at 888-549-9901, option 3, or via email at GMS.HelpDesk@usdoj.gov. The GMS Support Hotline operates 24 hours a day, 7 days a week, including on federal holidays.

An applicant that experiences unforeseen GMS technical issues beyond its control that prevent it from submitting its application by the deadline must email the National Criminal Justice Reference Service (NCJRS) Response Center at grants@ncjrs.gov **within 24 hours after the application deadline** in order to request approval to submit its application. Additional information on reporting technical issues appears under “Experiencing Unforeseen GMS Technical Issues” in [How to Apply](#) in [Section D. Application and Submission Information](#).

For assistance with any other requirement of this solicitation, applicants may contact the NCJRS Response Center by telephone at 1-800-851-3420; via TTY at 301-240-6310 (hearing impaired only); by email at grants@ncjrs.gov; by fax to 301-240-5830, or by web chat at <https://webcontact.ncjrs.gov/ncjchat/chat.jsp>. The NCJRS Response Center hours of operation are 10:00 a.m. to 6:00 p.m. eastern time, Monday through Friday, and 10:00 a.m. to 8:00 p.m. eastern time on the solicitation close date. Applicants also may contact the appropriate BJA [State Policy Advisor](#).

Release date: July 20, 2018

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Edward Byrne Memorial Justice Assistance (JAG) Grant Program FY 2018 Local Solicitation CFDA #16.738

A. Program Description

Overview

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of federal criminal justice funding to states and units of local government. BJA will award JAG Program funds to eligible units of local government under this FY 2018 JAG Program Local Solicitation. (A separate solicitation will be issued for applications to BJA directly from states.)

Statutory Authority: The JAG Program statute is Subpart I of Part E of Title I of the Omnibus Crime Control and Safe Streets Act of 1968. Title I of Pub. L. No. 90-351 (generally codified at 34 U.S.C. 10151-10158), including subpart 1 of part E (codified at 34 U.S.C. 10151 - 10158); see also 28 U.S.C. 530C(a).

Program-specific Information

Permissible uses of JAG Funds – In general

In general, JAG funds awarded to a unit of local government under this FY 2018 solicitation may be used to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for **criminal justice**, including any one or more of the following:

- Law enforcement programs
- Prosecution and court programs
- Prevention and education programs
- Corrections and community corrections programs
- Drug treatment and enforcement programs
- Planning, evaluation, and technology improvement programs
- Crime victim and witness programs (other than compensation)
- Mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams

Additionally, JAG funds awarded to a unit of local government under this FY 2018 solicitation may be used for any purpose indicated in [Appendix F](#).

In connection with all of the above purposes (including those indicated in the appendix), it should be noted that the statute defines “criminal justice” as “activities pertaining to crime

prevention, control, or reduction, or the enforcement of the criminal law, including, but not limited to, police efforts to prevent, control, or reduce crime or to apprehend criminals, including juveniles, activities of courts having criminal jurisdiction, and related agencies (including but not limited to prosecutorial and defender services, juvenile delinquency agencies and pretrial service or release agencies), activities of corrections, probation, or parole authorities and related agencies assisting in the rehabilitation, supervision, and care of criminal offenders, and programs relating to the prevention, control, or reduction of narcotic addiction and juvenile delinquency.”

Under the JAG Program, units of local government may also use award funds for broadband deployment and adoption activities as they relate to criminal justice activities.

Limitations on the use of JAG funds

Prohibited uses of funds – JAG funds may not be used (whether directly or indirectly) for any purpose prohibited by federal statute or regulation, including those purposes specifically prohibited by the JAG Program statute as set out at 34 U.S.C. § 10152.

JAG funds may not be used (directly or indirectly) for security enhancements or equipment for nongovernmental entities not engaged in criminal justice or public safety. Additionally, **JAG funds may not be used (directly or indirectly) to pay for any of the following items unless the BJA Director certifies that extraordinary and exigent circumstances exist, making them essential to the maintenance of public safety and good order:**

- Vehicles, vessels, or aircraft*
- Luxury items
- Real estate
- Construction projects (other than penal or correctional institutions)
- Any similar items

***Police cruisers, police boats, and police helicopters are allowable vehicles under JAG and do not require BJA certification.**

For information related to requesting a waiver to obtain BJA certification for a listed prohibited item, or for examples of allowable vehicles that do not require BJA certification, refer to the [JAG FAQs](#).

Cap on use of JAG award funds for administrative costs – Up to 10 percent of a JAG award, including up to 10 percent of any earned interest, may be used for costs associated with administering the award.

Prohibition of supplanting; no use of JAG funds as match – JAG funds may not be used to supplant state or local funds but must be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities. See the [JAG FAQs](#) for examples of supplanting.

Although supplanting is prohibited, as discussed under [What An Application Should Include](#), the leveraging of federal funding is encouraged.

Absent specific federal statutory authority to do so, JAG award funds may not be used as a match for the purposes of other federal awards.

Other restrictions on use of funds – If a unit of local government chooses to use its FY 2018 JAG funds for particular, defined types of expenditures, it must satisfy certain preconditions:

- **Body-Worn Cameras (BWC)**

A unit of local government that proposes to use FY 2018 JAG award funds to purchase BWC equipment, or to implement or enhance BWC programs, must provide OJP with a certification(s) that each unit of local government law enforcement agency receiving the equipment or implementing the program has policies and procedures in place related to BWC equipment usage, data storage and access, privacy considerations, and training. The certification form related to BWC policies and procedures can be found at: <https://www.bja.gov/Funding/BodyWornCameraCert.pdf>.

A unit of local government that proposes to use JAG funds for BWC-related expenses will have funds withheld until the required certification is submitted and approved by OJP. If the unit of local government proposes to change project activities to utilize JAG funds for BWC-related expenses after the award is accepted, the unit of local government must submit the signed certification to OJP at that time.

Further, before making any subaward for BWC-related expenses, the unit of local government JAG recipient must collect a completed BWC certification from the proposed subrecipient. Any such certifications must be maintained by the unit of local government JAG recipient, and made available to OJP upon request.

The BJA [BWC Toolkit](#) provides model BWC policies and best practices to assist departments in implementing BWC programs.

Apart from the JAG Program, BJA provides funds under the Body-Worn Camera Policy and Implementation Program (BWC Program). The BWC Program allows jurisdictions to develop and implement policies and practices required for effective program adoption and address program factors, including the purchase, deployment, and maintenance of camera systems and equipment; data storage and access; and privacy considerations. Interested units of local government may wish to refer to the [BWC web page](#) for more information. Units of local government should note, however, that JAG funds may not be used as any part of the 50 percent match required by the BWC Program.

- **Body Armor**

Body armor purchased with FY 2018 JAG funds may be purchased at any threat level designation, make, or model from any distributor or manufacturer, as long as the body armor has been tested and found to comply with the latest applicable [National Institute of Justice \(NIJ\) ballistic or stab standards](#). Further, body armor purchased with FY 2018 JAG funds must be made in the United States, and must be “uniquely fitted.” See 34 U.S.C. § 10202(c)(1)(A). For a definition of “uniquely fitted” and more information about requirements associated with body armor purchases, see the [JAG FAQs](#).

A unit of local government that proposes to use FY 2018 JAG award funds to purchase body armor must provide OJP with a certification(s) that each unit of local government law enforcement agency receiving body armor has a written “mandatory wear” policy in effect. See 34 U.S.C. § 10202(c). The certification form related to mandatory wear can be found at: www.bja.gov/Funding/BodyArmorMandatoryWearCert.pdf.

A unit of local government that proposes to use JAG funds to purchase body armor will have funds withheld until the required certification is submitted and approved by OJP. If the unit of local government proposes to change project activities to utilize JAG funds to purchase body armor after the award is accepted, the unit of local government must submit the signed certification to OJP at that time.

Further, before making any subaward for the purchase of body armor, the unit of local government JAG recipient must collect a completed mandatory wear certification from the proposed subrecipient. Any such certifications must be maintained by the unit of local government JAG recipient, and made available to OJP upon request.

A mandatory wear concept and issues paper and a model policy are available at the BVP Customer Support Center, at vests@usdoj.gov or toll free at 1-877-758-3787. Additional information and FAQs related to the mandatory wear policy and certifications can be found at <https://www.bja.gov/Funding/JAGFAQ.pdf>.

Apart from the JAG program, BJA provides funds under the Bulletproof Vest Partnership (BVP) Program. The BVP Program is designed to provide a critical resource to state and local law enforcement agencies for the purchase of ballistic-resistant and stab-resistant body armor. For more information on the BVP Program, including eligibility and application, refer to the [BVP web page](#). Units of local government should note, however, that JAG funds may not be used as any part of the 50 percent match required by the BVP Program. *It is also important to note that eligibility for the BVP Program is impacted by a local jurisdiction's use of funds under a local JAG award to purchase body armor.* For additional information on the BVP Program, and eligibility restrictions related to receipt of JAG funding, review the [BVP FAQs](#).

- Interoperable Communications

Units of local government (and subrecipients) that use FY 2018 JAG funds to support emergency communications activities (including the purchase of interoperable communications equipment and technologies such as voice-over-internet protocol bridging or gateway devices, or equipment to support the build out of wireless broadband networks in the 700 MHz public safety band under the Federal Communications Commission Waiver Order) should review [FY 2018 SAFECOM Guidance](#). The SAFECOM Guidance is updated annually to provide current information on emergency communications policies, eligible costs, best practices, and technical standards for state, local, tribal, and territorial grantees investing federal funds in emergency communications projects. Additionally, emergency communications projects funded with FY 2018 JAG funds should support the Statewide Communication Interoperability Plan (SCIP) and be coordinated with the fulltime Statewide Interoperability Coordinator (SWIC) in the state of the project. As the central coordination point for their state's interoperability effort, the SWIC plays a critical role, and can serve as a valuable resource. SWICs are responsible for the implementation of SCIP through coordination and collaboration with the emergency response community. The U.S. Department of Homeland Security Office of Emergency Communications maintains a list of SWICs for each of the states and territories. Contact OEC@hq.dhs.gov. All communications equipment purchased with FY 2018 JAG Program funding should be identified during quarterly performance metrics reporting.

Further, information sharing projects funded with FY 2018 JAG funds must comply with DOJ's [Global Justice Information Sharing Initiative](#) guidelines, as applicable, in order to

promote information sharing and enable interoperability among disparate systems across the justice and public safety community. Recipients (and subrecipients) must conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: https://www.it.ojp.gov/gsp_grantcondition. Recipients (and subrecipients) will be required to document planned approaches to information sharing and describe compliance to the GSP and an appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

For JAG applicants considering implementing communications technology projects, it is worthwhile to consider the First Responder Network Authority (FirstNet) program. The Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. §§ 1401 *et seq.*) established FirstNet as an independent authority within the National Telecommunications and Information Administration. FirstNet's statutory mission is to take all actions necessary to ensure the establishment of a nationwide public safety broadband network (NPSBN). The NPSBN will use the 700 MHz D block spectrum to provide Long-Term Evolution (LTE)-based broadband services and applications to public safety entities. The network is based on a single, national network architecture that will evolve with technological advances and initially consist of a core network and radio access network. While mission critical voice communications will continue to occur on land mobile radio, in time, FirstNet is expected to provide the public safety entities with mission critical broadband data capabilities and services including, but not limited to: messaging; image sharing; video streaming; group text; voice; data storage; applications; location-based services; and quality of service, priority, and preemption. This reliable, highly secure, interoperable, and innovative public safety communications platform will bring 21st century tools to public safety agencies and first responders, allowing them to get more information quickly and helping them to make faster and better decisions. For more information on FirstNet services, the unique value of the FirstNet network to public safety, and how to subscribe for the FirstNet service once your state or territory opts in, visit www.FirstNet.gov. To learn about FirstNet's programs and activities, including its consultation and outreach with public safety, the state plan's process, FirstNet's history and promise, and how it plans to ensure the FirstNet network meets the needs of public safety—every day and in every emergency—visit www.FirstNet.gov or contact info@firstnet.gov.

- DNA Testing of Evidentiary Materials and Upload of DNA Profiles to a Database
If JAG Program funds will be used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System (CODIS, the national DNA database operated by the FBI) by a government DNA lab with access to CODIS. No profiles generated with JAG funding may be entered into any other non-governmental DNA database without prior express written approval from BJA.

In addition, funds may not be used for purchase of DNA equipment and supplies when the resulting DNA profiles from such technology are not acceptable for entry into CODIS.

- Entry of Records into State Repositories
As appropriate and to the extent consistent with law, a condition may be imposed that would require the following: With respect to any “program or activity” that receives federal financial assistance under this solicitation that is likely to generate or upgrade court dispositions or other records that are relevant to National Instant Background Check System (NICS) determinations, a system must be in place to ensure that all such

NICS-relevant dispositions or records that are generated or upgraded are made available in timely fashion to state repositories/databases that are accessed by NICS.

Requirements specific to “disparate” jurisdictions

According to the JAG program statute, a “disparity” may exist between the funding eligibility of a county and its associated municipalities. See 34 U.S.C. § 10156(d)(4). Three different types of disparities may exist:

- The first type is a zero-county disparity. This situation exists when one or more municipalities within a county are eligible for a direct award but the county is not; yet the county is responsible for providing criminal justice services (such as prosecution and incarceration) for the municipality. In this case, the county is entitled to part of the municipality’s award because it shares the cost of criminal justice operations, although it may not report crime data to the FBI. This is the most common type of disparity.
- A second type of disparity exists when both a county and a municipality within that county qualify for a direct award, but the award amount for the municipality exceeds 150 percent of the county’s award amount.
- The third type of disparity occurs when a county and multiple municipalities within that county are all eligible for direct awards, but the sum of the awards for the individual municipalities exceeds 400 percent of the county’s award amount.

Jurisdictions identified by BJA as disparate must identify a fiscal agent that will submit a joint application for the aggregate eligible allocation to all disparate municipalities. The joint application must determine and specify the award distribution to each unit of local government and the purposes for which the funds will be used. A memorandum of understanding (MOU) that identifies which jurisdiction will serve as the applicant or fiscal agent for joint funds must be completed and signed by the authorized representative for each participating jurisdiction. The signed MOU should be attached to the application. For a sample MOU, go to:

www.bja.gov/Funding/JAGMOU.pdf.

Once an award is made, the fiscal agent will be responsible for distributing award funds to the other jurisdictions in the disparate group through subawards that include all appropriate award conditions. Unless specified differently, any reference in this solicitation to “applicant” or “recipient” includes each fiscal agent applying on behalf of a disparate group. Further, “subrecipients” includes those disparate jurisdictions that receive award funding from the fiscal agent, rather than directly from OJP.

Required compliance with applicable federal laws

By law, the chief executive (e.g., the mayor) of each unit of local government that applies for an FY 2018 JAG award must certify that the unit of local government will “comply with all provisions of [the JAG Program statute] and all other applicable Federal laws.” To satisfy this requirement, each unit of local government applicant must submit three properly executed certifications using the forms shown in Appendices A, B, and C.

All applicants should understand that OJP awards, including certifications provided in connection with such awards, are subject to review by DOJ, including by OJP and by the DOJ Office of the Inspector General. Applicants also should understand that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in a

certification submitted to OJP in support of an application may be the subject of criminal prosecution, and also may result in civil penalties and administrative remedies for false claims or otherwise. Administrative remedies that may be available to OJP with respect to an FY 2018 award include suspension or termination of the award, placement on the DOJ high risk grantee list, disallowance of costs, and suspension or debarment of the recipient.

National Incident-Based Reporting System (NIBRS) 3 percent set-aside

In FY 2016, the Federal Bureau of Investigation (FBI) formally announced its intention to sunset the Uniform Crime Reporting (UCR) Program's traditional Summary Reporting System (SRS) and replace it with the UCR Program's National Incident-Based Reporting System (NIBRS). By January 1, 2021, the FBI intends for NIBRS to be the law enforcement crime data reporting standard for the nation.

By statute, JAG Program awards are calculated using summary Part 1 violent crime data from the FBI's UCR Program. See 34 U.S.C. § 10156. Once SRS has been replaced by NIBRS, JAG award amounts will be calculated using NIBRS data. In preparation for the FBI's 2021 NIBRS compliance deadline, beginning in FY 2018, BJA is requiring, through the application of a special condition, that direct JAG award recipients not certified by their state (or, as applicable, the FBI) as NIBRS compliant to dedicate 3 percent of their JAG award toward achieving full compliance with the FBI's NIBRS data submission requirements under the UCR Program. The 3 percent requirement will assist state and local jurisdictions in working toward compliance to ensure they continue to have critical criminal justice funding available through JAG when SRS is replaced by NIBRS in FY 2021.

The requirement for a NIBRS set-aside will be applicable to all jurisdictions in a disparate group, but will not otherwise be applied to subawards. That is, the unit of local government serving as fiscal agent for a disparate group will be required by special condition to require each of the other jurisdictions in the disparate group to set aside 3 percent of FY 2018 JAG funds received by that jurisdiction to be used for NIBRS compliance activities, unless that jurisdiction receives a waiver from the BJA Director, as described below. Units of local government must clearly indicate in their application narratives and budgets what projects will be supported with this 3 percent set-aside.

The following are examples of costs and projects that relate to NIBRS implementation at the state or local level that could be funded under the JAG Program: software, hardware, and labor that directly support or enhance a state or agency's technical capacity for collecting, processing, and analyzing data reported by local law enforcement (LE) agencies and then submitting NIBRS data to the FBI; training personnel responsible for the state's Incident Based Reporting (IBR) program on receiving, processing, analyzing, and validating incident-based data from local LE agencies in their state; training local agencies in how to collect and submit NIBRS data; and technical assistance for LE agency personnel responsible for (1) managing the agency's crime incident data, (2) processing and validating the data, and (3) extracting and submitting IBR data to the state UCR Program, according to the states, and/or directly to the FBI, according to the NIBRS standard.

Units of local government that have been certified as NIBRS compliant by their state, or directly by the FBI, may submit a waiver to the BJA Director requesting an exemption from the 3 percent set-aside requirement. The waiver request from an appropriate local official must clearly state that the unit of local government has been certified as NIBRS compliant by their state, or directly by the FBI, and should be submitted with the application, or, as appropriate, through request for a Grant Adjustment Notice after an award is made. In any instance in which a waiver

request is submitted, the unit of local government must retain documentation on file that demonstrates the state or FBI certification of NIBRS-compliance. Such documentation must be made available for BJA review, upon request. The BJA Director will review all requests for waivers. If approved, states will not be subject to the 3 percent set-aside requirement.

Note: U.S. Territories and tribal jurisdictions will not be subject to the 3 percent set-aside for NIBRS-compliance until FY 2019. Tribal jurisdictions and the five U.S. territories are strongly encouraged to dedicate a portion of JAG funding to NIBRS conversion; however, this is not a requirement for FY 2018 JAG funding. Utilizing this phased-in approach will allow the territories and tribal jurisdictions to plan for the change in funding direction and provide BJA with time to coordinate or provide any necessary technical assistance surrounding this topic.

BJA Areas of Emphasis

BJA recognizes that many state and local criminal justice systems currently face challenging fiscal environments, and that an important, cost-effective way to relieve those pressures is to share or leverage resources through cooperation between federal, state, and local law enforcement. BJA intends to focus much of its work on the areas of emphasis described below, and encourages each recipient of an FY 2018 JAG award to join federal law enforcement agencies in addressing these challenges.

Reducing Violent Crime – Recognizing that crime problems, including felonious possession and use of a firearm and/or gang violence, illegal drug sales and distribution, human trafficking, and other related violent crime, vary from community to community, BJA encourages states to tailor their programs to the local crime issues, and to be data-informed in their work. States should consider investing JAG funds in programs to combat gun violence, and to improve the process for ensuring that persons prohibited from purchasing guns (see, e.g., 18 U.S.C. § 922(g)) are prevented from doing so, by utilizing technology such as eTrace and NIBIN to analyze evidence as well as by enhancing complete, accurate, and timely reporting to the FBI's NICS. States are also encouraged to coordinate with United States Attorneys Offices and Project Safe Neighborhood (PSN) grantees in order to leverage funding for violence reduction projects, and to coordinate their law enforcement activities with those of federal law enforcement agencies, such as the FBI, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, the Drug Enforcement Administration, and the Department of Homeland Security.

Officer Safety and Wellness – The issue of law enforcement safety and wellness is an important priority for BJA and DOJ. According to the *Preliminary 2017 Law Enforcement Officer Fatalities Report*, released by the National Law Enforcement Officers Memorial Fund (NLEOMF), as of December 28, 2017, there were 128 law enforcement line-of-duty deaths nationwide in 2017. Firearms-related deaths were the second leading cause of law enforcement deaths (44) in 2017, according to the NLEOMF report. Of those deaths, the leading circumstance was officers shot while responding to a domestic disturbance (7), followed by traffic enforcement, investigative activities, and dealing with a suspicious person or vehicle—6 instances in each circumstance. Additionally, deaths due to circumstances other than firearms- or traffic-related deaths increased by 61 percent in 2017, with 37 deaths compared to 23 in 2016. Sixteen of those deaths were due to job-related illnesses, including 10 due to heart attacks.

Based on the latest reports (2016 and 2015) from the FBI's *Law Enforcement Officers Killed and Assaulted* (LEOKA) data, there appeared to be a continuing increase in assaults between 2015 and 2016. There were 57,180 assaults in 2016 versus 50,212 in 2015. Of those, 16,535 resulted in officer injuries in 2016 compared to 14,281 in 2015. The 2016 LEOKA reports that

there were 17 officers killed in ambush situations, which is an increase from 2015 when 4 officers were killed in ambush situations.

BJA sees a vital need to focus not only on tactical officer safety concerns, but also on health and wellness as they affect officer performance and safety. It is important for law enforcement to have the tactical skills necessary, and also be physically and mentally well, to perform, survive, and be resilient in the face of the demanding duties of the profession. BJA encourages states to use JAG funds to address these needs by providing training, and paying for tuition and travel expenses related to attending trainings such as those available through the [BJA VALOR Initiative](#), as well as funding for health and wellness programs for law enforcement officers.

Border Security – Securing U.S. borders (and internationally accessible waterways and -airports) is critically important to the reduction and prevention of transnational drug-trafficking networks and combating all forms of human trafficking within the United States (including sex and labor trafficking of foreign nationals and U.S. citizens of all sexes and ages). Smuggling and trafficking operations to, from and within the United States contribute to a significant increase in violent crime and U.S. deaths. BJA encourages units of local government to enhance border, waterway, and port security by using JAG funds to support law enforcement hiring, training, and technology enhancement, as well as cooperation and coordination among federal, state, local, and tribal law enforcement agencies.

Collaborative Prosecution and Law Enforcement – BJA supports strong partnerships between prosecutors and law enforcement, at all levels of government, in order to help take violent offenders off the street. BJA strongly encourages state and local law enforcement agencies to foster strong partnerships with federal law enforcement agencies, and with their own prosecutors, as well as federal prosecutors, to adopt new, cost-effective, collaborative strategies to reduce crime, particularly violent crime. (BJA's Innovative Prosecution Solutions Initiative is a related effort to promote partnerships between prosecutors and researchers to develop and deliver effective, data-driven, evidence-based strategies to solve chronic problems and fight crime.)

Objectives and Deliverables

In general, the FY 2018 JAG Program is designed to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice. Although the JAG Program provides assistance directly to states, through pass-through (and similar) requirements, the JAG Program also is designed to assist units of local government with respect to criminal justice.

As discussed in more detail in the [General Information about Post-federal Award Reporting Requirements](#) discussion, a state that receives an FY 2018 JAG award will be required to produce various types of reports and to submit data related to performance measures and accountability. The objectives and deliverables are directly related to the JAG Program accountability measures at <https://bjapmt.ojp.gov/help/jagdocs.html>.

Evidence-based Programs or Practices

OJP strongly emphasizes the use of data and evidence in policy making and program development in criminal justice, juvenile justice, and crime victim services. OJP is committed to:

- Improving the quantity and quality of evidence OJP generates.

- Integrating evidence into program, practice, and policy decisions within OJP and the field.
- Improving the translation of evidence into practice.

OJP considers programs and practices to be evidence-based when their effectiveness has been demonstrated by causal evidence, generally obtained through one or more outcome evaluations. Causal evidence documents a relationship between an activity or intervention (including technology) and its intended outcome, including measuring the direction and size of a change, and the extent to which a change may be attributed to the activity or intervention. Causal evidence depends on the use of scientific methods to rule out, to the extent possible, alternative explanations for the documented change. The strength of causal evidence, based on the factors described above, will influence the degree to which OJP considers a program or practice to be evidence-based. The OJP CrimeSolutions.gov website at <https://www.crimesolutions.gov/> is one resource that applicants may use to find information about evidence-based programs in criminal justice, juvenile justice, and crime victim services.

A useful matrix of evidence-based policing programs and strategies is available through BJA's Matrix Demonstration Project. BJA offers a number of program models designed to effectively implement promising and evidence-based strategies through the BJA "Innovation Suite" of programs including Innovations in Policing, Prosecution, Supervision, Reentry, and others (see <https://www.bja.gov/Programs/CRPPE/innovationssuite.html>). BJA encourages states to use JAG funds to support these "crime innovation" strategies, including effective partnerships with universities and research partners and with non-traditional criminal justice partners.

Information Regarding Potential Evaluation of Programs and Activities

The Department of Justice has prioritized the use of evidence-based programming and deems it critical to continue to build and expand the evidence informing criminal and juvenile justice programs and crime victim services to reach the highest level of rigor possible. Therefore, applicants should note that OJP may conduct or support an evaluation of the programs and activities funded under this solicitation. Recipients and subrecipients will be expected to cooperate with program-related assessments or evaluation efforts, including through the collection and provision of information or data requested by OJP (or its designee) for the assessment or evaluation of any activities and/or outcomes of those activities funded under this solicitation. The information or data requested may be in addition to any other financial or performance data already required under this program.

BJA Success Stories

The BJA-sponsored [Success Stories](#) web page features projects that have demonstrated success or shown promise in reducing crime and positively impacting communities. This web page is a valuable resource for states, localities, territories, tribes, and criminal justice professionals who seek to identify and learn about JAG and other successful BJA-funded projects linked to innovation, crime reduction, and evidence-based practices. **BJA strongly encourages the recipient to submit success stories annually (or more frequently).**

If a state has a success story it would like to submit, it may be submitted through [My BJA account](#), using "add a Success Story" and the Success Story Submission form. Register for a My BJA account using this [registration](#) link.

B. Federal Award Information

BJA estimates that it will make up to 1,147 local awards totaling an estimated \$84,500,000.

Awards of at least \$25,000 are 4 years in length, and performance periods will be from October 1, 2017 through September 30, 2021. Extensions beyond this period may be made on a case-by-case basis at the discretion of BJA and must be requested via GMS no fewer than 30 days prior to the grant end date.

Awards of less than \$25,000 are 2 years in length, and performance periods will be from October 1, 2017 through September 30, 2019. Extensions of up to 2 years can be requested for these awards via GMS no fewer than 30 days prior to the grant end date, and will be automatically granted upon request.

All awards are subject to the availability of appropriated funds and to any modifications or additional requirements that may be imposed by statute.

Type of Award

BJA expects that any award under this solicitation will be in the form of a grant. See [Statutory and Regulatory Requirements; Award Conditions](#), under [Section F. Federal Award Administration Information](#), for a brief discussion of important statutes, regulations, and award conditions that apply to many (or in some cases, all) OJP grants.

JAG awards are based on a statutory formula as described below:

Once each fiscal year's overall JAG Program funding level is determined, BJA works with the Bureau of Justice Statistics (BJS) to begin a four-step grant award calculation process, which, in general, consists of:

- (1) Computing an initial JAG allocation for each state, based on its share of violent crime and population (weighted equally).
- (2) Reviewing the initial JAG allocation amount to determine if the state allocation is less than the minimum award amount defined in the JAG legislation (0.25 percent of the total). If this is the case, the state is funded at the minimum level, and the funds required for this are deducted from the overall pool of JAG funds. Each of the remaining states receives the minimum award plus an additional amount based on its share of violent crime and population.
- (3) Dividing each state's final award amount (except for the territories and District of Columbia) between the state and its units of local governments at a rate of 60 and 40 percent, respectively.
- (4) Determining unit of local government award allocations, which are based on their proportion of the state's 3-year violent crime average. If the "eligible award amount" for a particular unit of local government, as determined on this basis, is \$10,000 or more, then the unit of local government is eligible to apply directly to OJP (under the JAG Local solicitation) for a JAG award. If the "eligible award amount" to a particular unit of local government, as determined on this basis, is less than \$10,000, however, the funds are not made available for a direct award to that particular unit of local government, but

instead are added to the amount that otherwise would have been awarded to the state. (Additional requirements related to “disparate” jurisdictions are summarized [above](#)).

Financial Management and System of Internal Controls

Award recipients and subrecipients (including recipients or subrecipients that are pass-through entities¹) must, as described in the Part 200 Uniform Requirements² as set out at 2 C.F.R. 200.303:

- (a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that [the recipient (and any subrecipient)] is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States and the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
- (b) Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.
- (c) Evaluate and monitor [the recipient’s (and any subrecipient’s)] compliance with statutes, regulations, and the terms and conditions of Federal awards.
- (d) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
- (e) Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or [the recipient (or any subrecipient)] considers sensitive consistent with applicable Federal, State, local, and tribal laws regarding privacy and obligations of confidentiality.

To help ensure that applicants understand the administrative requirements and cost principles, OJP encourages prospective applicants to enroll, at no charge, in the DOJ Grants Financial Management Online Training, available at <https://ojpfgm.webfirst.com/>. (This training is required for all OJP award recipients.)

Also, applicants should be aware that OJP collects information from applicants on their financial management and systems of internal controls (among other information) which is used to make award decisions. Under [Section D. Application and Submission Information](#), applicants may access and review the OJP Financial Management and System of Internal Controls Questionnaire (<https://ojp.gov/funding/Apply/Resources/FinancialCapability.pdf>) that OJP requires **all** applicants (other than an individual applying in his/her personal capacity) to download, complete, and submit as part of the application.

¹ For purposes of this solicitation, the phrase “pass-through entity” includes any recipient or subrecipient that provides a subaward (“subgrant”) to carry out part of the funded award or program.

² The “Part 200 Uniform Requirements” refers to the DOJ regulation at 2 C.F.R. Part 2800, which adopts (with certain modifications) the provisions of 2 C.F.R. Part 200.

Budget and Financial Information

Trust Fund – Units of local government may draw down JAG funds either in advance or on a reimbursement basis. Non-federal entities must maintain advance payments of federal awards in interest-bearing accounts, unless regulatory exclusions apply (2 CFR 200.305(b)(8)).

Subrecipients that draw down JAG funds in advance are subject to the same requirement and must first establish an interest-bearing account.

Tracking and reporting regarding JAG funds used for administrative costs – As indicated earlier, up to 10 percent of a JAG award, including up to 10 percent of any earned interest, may be used for costs associated with administering the award. Administrative costs (when utilized) must be tracked separately; a recipient must report in separate financial status reports (SF-425) those expenditures that specifically relate to each particular JAG award during any particular reporting period.

No commingling – Both the unit of local government recipient and all subrecipients of JAG funds are prohibited from commingling funds on a program-by-program or project-by-project basis.

For this purpose, use of the administrative JAG funds to perform work across all active awards in any one year is not considered commingling.

Cost Sharing or Match Requirement

The JAG Program does not require a match. However, if a successful application proposes a voluntary match amount, and OJP approves the budget, the total match amount incorporated into the approved budget becomes mandatory and subject to audit.

For additional cost sharing and match information, see the DOJ Grants Financial Guide at <https://ojp.gov/financialguide/DOJ/index.htm>.

Pre-agreement Costs (also known as Pre-award Costs)

Pre-agreement costs are costs incurred by the applicant prior to the start date of the period of performance of the grant award.

OJP does **not** typically approve pre-agreement costs. An applicant must request and obtain the prior written approval of OJP for any such costs. All such costs incurred prior to award and prior to approval of the costs are incurred *at the sole risk* of the applicant. (Generally, no applicant should incur project costs *before* submitting an application requesting federal funding for those costs.)

Should there be extenuating circumstances that make it appropriate for OJP to consider approving pre-agreement costs, the applicant may contact the point of contact listed on the title page of this solicitation for the requirements concerning written requests for approval. If approved in advance by OJP, award funds may be used for pre-agreement costs, consistent with the recipient's approved budget and applicable cost principles. See the section on Costs Requiring Prior Approval in the DOJ Grants Financial Guide at <https://ojp.gov/financialguide/DOJ/index.htm> for more information.

Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs

OJP strongly encourages every applicant that proposes to use award funds for any conference-, meeting-, or training-related activity (or similar event) to review carefully—before submitting an application—the OJP and DOJ policy and guidance on approval, planning, and reporting of such

events, available at:

<https://www.ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm>. OJP policy and guidance (1) encourage minimization of conference, meeting, and training costs; (2) require prior written approval (which may affect project timelines) of most conference, meeting, and training costs for cooperative agreement recipients, as well as some conference, meeting, and training costs for grant recipients; and (3) set cost limits, which include a general prohibition of all food and beverage costs.

Costs Associated with Language Assistance (if applicable)

If an applicant proposes a program or activity that would deliver services or benefits to individuals, the costs of taking reasonable steps to provide meaningful access to those services or benefits for individuals with limited English proficiency may be allowable. Reasonable steps to provide meaningful access to services or benefits may include interpretation or translation services, where appropriate.

For additional information, see the “Civil Rights Compliance” section under “[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards](#)” in the OJP Funding Resource Center at <https://ojp.gov/funding/index.htm>.

C. Eligibility Information

For information on eligibility, see the title page.

Note that, as discussed in more detail below, the certifications regarding compliance with certain federal laws. (See Appendices B and C) must be executed and submitted before a unit of local government (other than an Indian tribal government) can make a valid award acceptance. Also, a unit of local government may not access award funds (and its award will include a condition that withholds funds) until it submits a properly executed “Certifications and Assurances by Chief Executive of Applicant Government.” (See Appendix A).

D. Application and Submission Information

What an Application Should Include

This section describes in detail what an application should include. An applicant should anticipate that if it fails to submit an application that contains all of the specified elements, it may negatively affect the review of its application; and, should a decision be made to make an award, it may result in the inclusion of award conditions that preclude the recipient from accessing or using award funds until the recipient satisfies the conditions and OJP makes the funds available.

NOTE: OJP has combined the Budget Detail Worksheet and Budget Narrative in a single document collectively referred to as the Budget Detail Worksheet. See “Budget Information and Associated Documentation” below for more information about the Budget Detail Worksheet and where it can be accessed.

OJP strongly recommends that applicants use appropriately descriptive file names (e.g., “Program Narrative,” “Budget Detail Worksheet,” “Timelines,” “Memoranda of Understanding,”

“Résumés”) for all attachments. Also, OJP recommends that applicants include résumés in a single file.

Please review the “Note on File Names and File Types” under [How to Apply](#) to be sure applications are submitted in permitted formats.

In general, if a unit of local government fails to submit required information or documents, OJP either will return the unit of local government’s application in the Grants Management System (GMS) for submission of the missing information or documents, or will attach a condition to the award that will withhold award funds until the necessary information and documents are submitted. (As discussed elsewhere in this solicitation, the certification regarding compliance with certain federal laws—which are set out at [Appendix B](#) and [Appendix C](#)—will be handled differently. Unless and until those certifications are submitted, the unit of local government (other than an Indian tribal government) will be unable to make a valid acceptance of the award.)

1. Information to Complete the Application for Federal Assistance (SF-424)

The SF-424 is a required standard form used as a cover sheet for submission of pre-applications, applications, and related information. GMS takes information from the applicant’s profile to populate the fields on this form.

To avoid processing delays, an applicant must include an accurate legal name on its SF-424. Current OJP award recipients, when completing the field for “Legal Name,” should use the same legal name that appears on the prior year award document, which is also the legal name stored in OJP’s financial system. On the SF-424, enter the Legal Name in box 5 and Employer Identification Number (EIN) in box 6 exactly as it appears on the prior year award document. An applicant with a current, active award(s) must ensure that its GMS profile is current. If the profile is not current, the applicant should submit a Grant Adjustment Notice updating the information on its GMS profile prior to applying under this solicitation.

A new applicant entity should enter its official legal name, its address, its EIN, and its Data Universal Numbering System (DUNS). A new applicant entity should attach official legal documents to its application (e.g., articles of incorporation, 501(c)(3) status documentation, organizational letterhead) to confirm the legal name, address, and EIN entered into the SF-424. OJP will use the System for Award Management (SAM) to confirm the legal name and DUNS number entered in the SF-424; therefore, an applicant should ensure that the information entered in the SF-424 matches its current registration in SAM. See the [How to Apply](#) section for more information on SAM and DUNS numbers.

Intergovernmental Review:

This solicitation (“funding opportunity”) is subject to [Executive Order 12372](#). An applicant may find the names and addresses of State Single Points of Contact (SPOCs) at the following website: https://www.whitehouse.gov/wp-content/uploads/2017/11/Intergovernmental_-Review-_SPOC_01_2018_OFFM.pdf. If the state appears on the SPOC list, the applicant must contact the state SPOC to find out about, and comply with, the state’s process under E.O. 12372. In completing the SF-424, an applicant whose state appears on the SPOC list is to make the appropriate selection in response to question 16 once the applicant has complied with its State E.O. 12372 process. (An applicant whose state does not appear on the SPOC list should answer question 16 by

selecting the response that the “Program is subject to E.O. 12372 but has not been selected by the State for review.”)

2. Project Identifiers

Applications should identify at least three and no more than ten project identifiers that would be associated with proposed project activities. The list of identifiers can be found at www.bja.gov/funding/JAGIdentifiers.pdf.

3. Program Narrative

The following sections **should** be included as part of the program narrative³:

- a. Description of the Issues – Identify the unit of local government’s strategy/funding priorities for the FY 2018 JAG funds, the subgrant award process and timeline, and a description of the programs to be funded over the grant period. Units of local government are strongly encouraged to prioritize the funding on evidence-based projects.
- b. Project Design and Implementation – Describe the unit of local government’s strategic planning process, if any, that guides its priorities and funding strategy. This should include a description of how the local community is engaged in the planning process and the data and analysis utilized to support the plan; it should identify the stakeholders currently participating in the strategic planning process, the gaps in the needed resources for criminal justice purposes, and how JAG funds will be coordinated with state and related justice funds.
- c. Capabilities and Competencies – Describe any additional strategic planning/coordination efforts in which the units of local government participates with other criminal justice criminal/juvenile justice agencies in the state.
- d. Plan for Collecting the Data Required for this Solicitation’s Performance Measures – OJP will require each successful applicant to submit specific performance measures that demonstrate the results of the work carried out under the award (see “[General Information about Post-Federal Award Reporting Requirements](#)” in [Section F. Federal Award Administration Information](#)). The performance measures data directly relate to the objectives and deliverables identified under [Objectives and Deliverables](#) in [Section A. Program Description](#).

Applicants should visit OJP’s performance measurement page at www.ojp.gov/performance for an overview of performance measurement activities at OJP.

Post award, recipients will be required to submit quarterly performance metrics through BJA’s Performance Measurement Tool (PMT), located at: <https://bjapmt.ojp.gov>. The application should describe the applicant’s plan for collection of all of the performance measures data listed in the JAG Program accountability measures at: <https://bjapmt.ojp.gov/help/jagdocs.html>.

³ For information on subawards (including the details on proposed subawards that should be included in the application), see “Budget and Associated Documentation” under [Section D. Application and Submission Information](#).

The application should demonstrate the applicant's understanding of the performance data reporting requirements for this grant program and detail how the applicant will gather the required data should it receive funding.

Please note that applicants are **not** required to submit performance data with the application. Performance measures information is included as an alert that successful applicants will be required to submit performance data as part of the reporting requirements under an award.

Note on Project Evaluations

An applicant that proposes to use award funds through this solicitation to conduct project evaluations should be aware that certain project evaluations (such as systematic investigations designed to develop or contribute to generalizable knowledge) may constitute "research" for purposes of applicable DOJ human subjects protection regulations. However, project evaluations that are intended only to generate internal improvements to a program or service, or are conducted only to meet OJP's performance measure data reporting requirements, likely do not constitute "research." Each applicant should provide sufficient information for OJP to determine whether the particular project it proposes would either intentionally or unintentionally collect and/or use information in such a way that it meets the DOJ regulatory definition of research that appears at 28 C.F.R. Part 46 ("Protection of Human Subjects").

Research, for the purposes of human subjects protection for OJP-funded programs, is defined as "a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge." 28 C.F.R. 46.102(d).

For additional information on determining whether a proposed activity would constitute research for purposes of human subjects protection, applicants should consult the decision tree in the "Research and the Protection of Human Subjects" section of the "Requirements related to Research" web page of the "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards](https://ojp.gov/funding/index.htm)" available through the OJP Funding Resource Center at <https://ojp.gov/funding/index.htm>. Every prospective applicant whose application may propose a research or statistical component also should review the "Data Privacy and Confidentiality Requirements" section on that web page.

4. Budget and Associated Documentation

The Budget Detail Worksheet and the Budget Narrative are now combined in a single document collectively referred to as the Budget Detail Worksheet. The Budget Detail Worksheet is a user-friendly, fillable, Microsoft Excel-based document designed to calculate totals. Additionally, the Excel workbook contains worksheets for multiple budget years that can be completed as necessary. **All applicants should use the Excel version when completing the proposed budget in an application, except in cases where the applicant does not have access to Microsoft Excel or experiences technical difficulties.** If an applicant does not have access to Microsoft Excel or experiences technical difficulties with the Excel version, then the applicant should use the 508-compliant accessible Adobe Portable Document Format (PDF) version.

Both versions of the Budget Detail Worksheet can be accessed at <https://ojp.gov/funding/Apply/Forms/BudgetDetailWorksheet.htm>.

a. Budget Detail Worksheet

The Budget Detail Worksheet should provide the detailed computation for each budget line item, listing the total cost of each and showing how it was calculated by the applicant. For example, costs for personnel should show the annual salary rate and the percentage of time devoted to the project for each employee paid with grant funds. The Budget Detail Worksheet should present a complete itemization of all proposed costs.

For questions pertaining to budget and examples of allowable and unallowable costs, see the DOJ Grants Financial Guide at <https://ojp.gov/financialguide/DOJ/index.htm>.

b. Budget Narrative

The budget narrative should thoroughly and clearly describe every category of expense listed in the proposed budget detail worksheet. OJP expects proposed budgets to be complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities). **This narrative should include a full description of all costs, including funds set aside for NIBRS project(s) and administrative costs (if applicable).**

An applicant should demonstrate in its budget narrative how it will maximize cost effectiveness of award expenditures. Budget narratives should generally describe cost effectiveness in relation to potential alternatives and the objectives of the project. For example, a budget narrative should detail why planned in-person meetings are necessary, or how technology and collaboration with outside organizations could be used to reduce costs, without compromising quality.

The budget narrative should be mathematically sound and correspond clearly with the information and figures provided in the Budget Detail Worksheet. The narrative should explain how the applicant estimated and calculated all costs, and how those costs are necessary to the completion of the proposed project. The narrative may include tables for clarification purposes, but need not be in a spreadsheet format. As with the Budget Detail Worksheet, the budget narrative should describe costs by year

c. Information on Proposed Subawards (if any), as well as on Proposed Procurement Contracts (if any)

Applicants for OJP awards typically may propose to make “subawards.” Applicants also may propose to enter into procurement “contracts” under the award.

Whether an action—for federal grants administrative purposes—is a subaward or procurement contract is a critical distinction as significantly different rules apply to subawards and procurement contracts. If a recipient enters into an agreement that is a subaward of an OJP award, specific rules apply—many of which are set by federal statutes and DOJ regulations; others by award conditions. These rules place particular responsibilities on an OJP recipient for any subawards the OJP recipient may make. The rules determine much of what the written subaward agreement itself must require or provide. The rules also determine much of what an OJP recipient must do both before and after it makes a subaward. If a recipient enters into an agreement that is a

procurement contract under an OJP award, a substantially different set of federal rules applies.

OJP has developed the following guidance documents to help clarify the differences between subawards and procurement contracts under an OJP award and outline the compliance and reporting requirements for each. This information can be accessed online at <https://ojp.gov/training/training.htm>.

- [Subawards under OJP Awards and Procurement Contracts under Awards: A Toolkit for OJP Recipients.](#)
- [Checklist to Determine Subrecipient or Contractor Classification.](#)
- [Sole Source Justification Fact Sheet and Sole Source Review Checklist.](#)

In general, the central question is the relationship between what the third-party will do under its agreement with the recipient and what the recipient has committed (to OJP) to do under its award to further a public purpose (e.g., services the recipient will provide, products it will develop or modify, research or evaluation it will conduct). If a third party will provide some of the services the recipient has committed (to OJP) to provide, will develop or modify all or part of a product the recipient has committed (to OJP) to develop or modify, or conduct part of the research or evaluation the recipient has committed (to OJP) to conduct, OJP will consider the agreement with the third party a subaward for purposes of federal grants administrative requirements.

This will be true **even if** the recipient, for internal or other non-federal purposes, labels or treats its agreement as a procurement, a contract, or a procurement contract. Neither the title nor the structure of an agreement determines whether the agreement—for purposes of federal grants administrative requirements—is a “subaward” or is instead a procurement “contract” under an award. The substance of the relationship should be given greater consideration than the form of agreement between the recipient and the outside entity.

1. Information on proposed subawards and required certifications regarding certain federal laws from certain subrecipients

General requirement for federal authorization of any subaward; statutory authorizations of subawards under the JAG Program statute. Generally, a recipient of an OJP award may not make subawards (“subgrants”) unless the recipient has specific federal authorization to do so. Unless an applicable statute or DOJ regulation specifically authorizes (or requires) particular subawards, a recipient must have authorization from OJP before it may make a subaward.

JAG subawards that are required or specifically authorized by statute (see 34 U.S.C. § 10152(a) and 34 U.S.C. § 10156) do not require prior approval to authorize subawards. This includes subawards made by units of local government under the JAG Program.

A particular subaward may be authorized by OJP because the recipient included a sufficiently detailed description and justification of the proposed subaward in the application as approved by OJP. If, however, a particular subaward is not authorized by federal statute or regulation and is not sufficiently described and justified in the

application as approved by OJP, the recipient will be required, post award, to request and obtain written authorization from OJP before it may make the subaward.

If an applicant proposes to make one or more subawards to carry out the federal award and program, and those subawards are not specifically authorized (or required) by statute or regulation, the applicant should: (1) identify (if known) the proposed subrecipient(s), (2) describe in detail what each subrecipient will do to carry out the federal award and federal program, and (3) provide a justification for the subaward(s), with details on pertinent matters such as special qualifications and areas of expertise. Pertinent information on subawards should appear not only in the Program Narrative, but also in the Budget Detail Worksheet and Budget Narrative.

Required certifications, generally relating to various federal statutes, from any proposed subrecipient that is a state or local government entity. Before a unit of local government may subaward FY 2018 award funds to another unit of local government or to a public institution of higher education, it will be required (by specific award condition, the terms of which will govern) to obtain a properly executed certification, generally relating to various specific federal laws, from the proposed subrecipient. (This requirement regarding these federal laws will not apply to subawards to Indian tribes). The specific certification the unit of local government must require from another unit of local government will vary somewhat from the specific certification it must require from a public institution of higher education. The forms will be posted and available for download at: <https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm>.

2. Information on proposed procurement contracts (with specific justification for proposed noncompetitive contracts over \$150,000)

Unlike a recipient contemplating a subaward, a recipient of an OJP award generally does not need specific prior federal authorization to enter into an agreement that—for purposes of federal grants administrative requirements—is considered a procurement contract, **provided that** (1) the recipient uses its own documented procurement procedures and (2) those procedures conform to applicable federal law, including the Procurement Standards of the (DOJ) Part 200 Uniform Requirements (as set out at 2 C.F.R. 200.317 - 200.326). The Budget Detail Worksheet and budget narrative should identify proposed procurement contracts. (As discussed above, subawards must be identified and described separately from procurement contracts.)

The Procurement Standards in the Part 200 Uniform Requirements, however, reflect a general expectation that agreements that (for purposes of federal grants administrative requirements) constitute procurement “contracts” under awards will be entered into on the basis of full and open competition. All noncompetitive (sole source) procurement contracts must meet the OJP requirements outlined at <https://ojp.gov/training/subawards-procurement.htm>. If a proposed procurement contract would exceed the simplified acquisition threshold—currently, \$150,000—a recipient of an OJP award may not proceed without competition unless and until the recipient receives specific advance authorization from OJP to use a non-competitive approach for the procurement. An applicant that (at the time of its application) intends—without competition—to enter into a procurement contract that would exceed \$150,000 should include a detailed justification that explains to OJP why, in the particular circumstances, it is appropriate to proceed without competition.

If the applicant receives an award, sole source procurements that do not exceed the Simplified Acquisition Threshold (currently \$150,000) must have written justification for the noncompetitive procurement action maintained in the procurement file. If a procurement file does not have the documentation that meets the criteria outlined in 2 C.F.R. 200, the procurement expenditures may not be allowable. Sole source procurement over the \$150,000 Simplified Acquisition Threshold must have prior approval from OJP using a Sole Source Grant Adjustment Notice (GAN). Written documentation justifying the noncompetitive procurement must be submitted with the GAN and maintained in the procurement file.

d. Pre-Agreement Costs

For information on pre-agreement costs, see [Section B. Federal Award Information](#).

5. Indirect Cost Rate Agreement (if applicable)

Indirect costs may be charged to an award only if:

- (a) The recipient has a current (unexpired), federally approved indirect cost rate; or
- (b) The recipient is eligible to use, and elects to use, the "de minimis" indirect cost rate described in the (DOJ) Part 200 Uniform Requirements, as set out at 2 C.F.R. 200.414(f).

Note: This rule does not eliminate or alter the JAG-specific restriction in federal law that charges for administrative costs may not exceed 10 percent of the award amount, regardless of the approved indirect cost rate.

An applicant with a current (unexpired) federally approved indirect cost rate is to attach a copy of the indirect cost rate agreement to the application. An applicant that does not have a current federally approved rate may request one through its cognizant federal agency, which will review all documentation and approve a rate for the applicant entity, or, if the applicant's accounting system permits, applicants may propose to allocate costs in the direct cost categories.

For assistance with identifying the appropriate cognizant federal agency for indirect costs, please contact the OCFO Customer Service Center at 1-800-458-0786 or at ask.ocfo@usdoj.gov. If DOJ is the cognizant federal agency, applicants may obtain information needed to submit an indirect cost rate proposal at: www.ojp.gov/funding/Apply/Resources/IndirectCosts.pdf.

Certain OJP recipients have the option of electing to use the "de minimis" indirect cost rate. An applicant that is eligible to use the "de minimis" rate that wishes to use the "de minimis" rate should attach written documentation to the application that advises OJP of both-- (1) the applicant's eligibility to use the "de minimis" rate, and (2) its election to do so. If an eligible applicant elects the "de minimis" rate, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. The "de minimis" rate may no longer be used once an approved federally-negotiated indirect cost rate is in place. (No entity that ever has had a federally-approved negotiated indirect cost rate is eligible to use the "de minimis" rate.) For the "de minimis" rate requirements (including additional information on eligibility to elect to use the rate), see Part 200 Uniform Requirements, at [2 C.F.R. 200.414\(f\)](#).

6. Tribal Authorizing Resolution

A tribe, tribal organization, or third party that proposes to provide direct services or assistance to residents on tribal lands should include in its application a resolution, letter, affidavit, or other documentation, as appropriate, that demonstrates (as a legal matter) that the applicant has the requisite authorization from the tribe(s) to implement the proposed project on tribal lands. In those instances when an organization or consortium of tribes applies for an award on behalf of a tribe or multiple specific tribes, the application should include appropriate legal documentation, as described above, from all tribes that would receive services or assistance under the award. A consortium of tribes for which existing consortium bylaws allow action without support from all tribes in the consortium (i.e., without an authorizing resolution or comparable legal documentation from each tribal governing body) may submit, instead, a copy of its consortium bylaws with the application.

7. Financial Management and System of Internal Controls Questionnaire (including applicant disclosure of high risk status)

Every OJP applicant is to download, complete, and submit the OJP Financial Management and System of Internal Controls Questionnaire (Questionnaire) located at <https://ojp.gov/funding/Apply/Resources/FinancialCapability.pdf> as part of its application. The Questionnaire helps OJP assess the financial management and internal control systems, and the associated potential risks of an applicant as part of the pre-award risk assessment process.

The Questionnaire should only be completed by financial staff most familiar with the applicant's systems, policies, and procedures in order to ensure that the correct responses are recorded and submitted to OJP. The responses on the Questionnaire directly impact the pre-award risk assessment and should accurately reflect the applicant's financial management and internal control system at the time of the application. The pre-award risk assessment is only one of multiple factors and criteria used in determining funding. However, a pre-award risk assessment that indicates that an applicant poses a higher risk to OJP may affect the funding decision and/or result in additional reporting requirements, monitoring, special conditions, withholding of award funds, or other additional award requirements.

Among other things, the form requires each applicant to disclose whether it currently is designated "high risk" by a federal grant-making agency outside of DOJ. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the applicant's past performance, or other programmatic or financial concerns with the applicant. If an applicant is designated high risk by another federal awarding agency, the applicant must provide the following information:

- The federal awarding agency that currently designates the applicant high risk.
- The date the applicant was designated high risk.
- The high risk point of contact at that federal awarding agency (name, phone number, and email address).
- The reasons for the high risk status, as set out by the federal awarding agency.

OJP seeks this information to help ensure appropriate federal oversight of OJP awards. An applicant that is considered "high risk" by another federal awarding agency is not automatically disqualified from receiving an OJP award. OJP may, however, consider the

information in award decisions, and may impose additional OJP oversight of any award under this solicitation (including through the conditions that accompany the award document).

8. Disclosure of Lobbying Activities

Each applicant must complete and submit a [Disclosure of Lobbying Activities form \(SF-LLL\)](#). An applicant that expends any funds for lobbying activities is to provide all of the information requested on the form. An applicant that does not expend any funds for lobbying activities is to enter "N/A" in the text boxes for item 10 ("a. Name and Address of Lobbying Registrant" and "b. Individuals Performing Services").

9. Certifications and Assurances by the Chief Executive of the Applicant Government

A JAG application is not complete, and a unit of local government may not access award funds, unless the chief executive of the applicant unit of local government (e.g., the mayor) properly executes, and the unit of local government submits, the "Certifications and Assurances by the Chief Executive of the Applicant Government" attached to this solicitation as [Appendix A](#).

OJP will not deny an application for an FY 2018 award for failure to submit these "Certifications and Assurances by the Chief Executive of the Applicant Government" by the application deadline, but a unit of local government will not be able to access award funds (and its award will include a condition that withholds funds) until it submits these certifications and assurances, properly executed by the chief executive of the unit of local government (e.g., the mayor).

10. Certifications by the Chief Legal Officer of the Applicant Government

The chief legal officer of an applicant unit of local government (e.g., the City Attorney) is to carefully review the two certifications attached to this solicitation as [Appendix B](#) and [Appendix C](#). If the chief legal officer determines that he or she may execute the certifications, the unit of local government is to submit the certification as part of its application. (Note: this requirement does not apply to Indian tribal governments.)

As discussed further in the [Federal Award Notices](#) section, a unit of local government (other than an Indian tribal government) applicant will be **unable to make a valid award acceptance** of an FY 2018 JAG award unless and until both properly executed certifications by its chief legal officer are received by OJP on or before the day the unit of local government submits an executed award document.

11. Additional Attachments

a. Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)

Each applicant must provide responses to the following questions as an attachment to the application:

- (1) Does your jurisdiction have any laws, policies, or practices related to whether, when, or how employees may communicate with DHS or ICE?
- (2) Is your jurisdiction subject to any laws from a superior political entity (e.g., a state law that binds a city) that meet the description in question 1?
- (3) If yes to either:
 - Please provide a copy of each law or policy;

- Please describe each practice; and
- Please explain how the law, policy, or practice complies with section 1373.

See [Appendix E](#) for a template that applicants may use to prepare this attachment.

Note: Responses to these questions must be provided by the applicant as part of the JAG application. Further, the requirement to provide this information applies to all tiers of JAG funding, for all subawards made to state or local government entities, including public institutions of higher education. All subrecipient responses must be collected and maintained by the direct recipient of JAG funding and must be made available to DOJ upon request. Responses to these questions are not required from subrecipients that are either a tribal government/organization, a nonprofit organization, or a private institution of higher education.

OJP will not deny an application for an FY 2018 award for failure to submit these required responses by the application deadline, but a unit of local government will not be able to access award funds (and its award will include a condition that withholds funds) until it submits these responses.

b. Applicant Disclosure of Pending Applications

Each applicant is to disclose whether it has (or is proposed as a subrecipient under) any pending applications for federally funded grants or cooperative agreements that (1) include requests for funding to support the same project being proposed in the application under this solicitation and (2) would cover identical cost items outlined in the budget submitted to OJP as part of the application under this solicitation. The applicant is to disclose applications made directly to federal awarding agencies, and also applications for subawards of federal funds (e.g., applications to state agencies that will subaward ("subgrant") federal funds).

OJP seeks this information to help avoid any inappropriate duplication of funding. Leveraging multiple funding sources in a complementary manner to implement comprehensive programs or projects is encouraged and is not seen as inappropriate duplication.

Each applicant that has one or more pending applications as described above is to provide the following information about pending applications submitted within the last 12 months:

- The federal or state funding agency
- The solicitation name/project name
- The point of contact information at the applicable federal or state funding agency

Federal or State Funding Agency	Solicitation Name/Project Name	Name/Phone/Email for Point of Contact at Federal or State Funding Agency
DOJ/Office of Community Oriented Policing Services (COPS)	COPS Hiring Program	Jane Doe, 202/000-0000; jane.doe@usdoj.gov
Health & Human Services/ Substance Abuse and Mental Health Services Administration	Drug-Free Communities Mentoring Program/ North County Youth Mentoring Program	John Doe, 202/000-0000; john.doe@hhs.gov

Each applicant should include the table as a separate attachment to its application. The file should be named "Disclosure of Pending Applications." The applicant Legal Name on the application must match the entity named on the disclosure of pending applications statement.

Any applicant that does not have any pending applications as described above is to submit, as a separate attachment, a statement to this effect: "[Applicant Name on SF-424] does not have (and is not proposed as a subrecipient under) any pending applications submitted within the last 12 months for federally funded grants or cooperative agreements (or for subawards under federal grants or cooperative agreements) that request funding to support the same project being proposed in this application to OJP and that would cover identical cost items outlined in the budget submitted as part of this application."

c. Research and Evaluation Independence and Integrity (if applicable)

If an application involves research (including research and development) and/or evaluation, the applicant must demonstrate research/evaluation independence and integrity, including appropriate safeguards, before it may receive award funds. The applicant must demonstrate independence and integrity regarding both this proposed research and/or evaluation, and any current or prior related projects.

Each application should include an attachment that addresses **both** i. and ii. below.

- i. For purposes of this solicitation, each applicant is to document research and evaluation independence and integrity by including one of the following two items:
 - a. A specific assurance that the applicant has reviewed its application to identify any actual or potential apparent conflicts of interest (including through review of pertinent information on the principal investigator, any co-principal investigators, and any subrecipients), and that the applicant has identified no such conflicts of interest—whether personal or financial or organizational (including on the part of the applicant entity or on the part of staff, investigators, or subrecipients)—that could affect the

independence or integrity of the research, including the design, conduct, and reporting of the research.

OR

- b. A specific description of actual or potential apparent conflicts of interest that the applicant has identified—including through review of pertinent information on the principal investigator, any co-principal investigators, and any subrecipients—that could affect the independence or integrity of the research, including the design, conduct, or reporting of the research. These conflicts may be personal (e.g., on the part of investigators or other staff), financial, or organizational (related to the applicant or any subrecipient entity). Some examples of potential investigator (or other personal) conflict situations are those in which an investigator would be in a position to evaluate a spouse's work product (actual conflict), or an investigator would be in a position to evaluate the work of a former or current colleague (potential apparent conflict). With regard to potential organizational conflicts of interest, as one example, generally an organization would not be given an award to evaluate a project, if that organization had itself provided substantial prior technical assistance to that specific project or a location implementing the project (whether funded by OJP or other sources), because the organization in such an instance might appear to be evaluating the effectiveness of its own prior work. The key is whether a reasonable person understanding all of the facts would be able to have confidence that the results of any research or evaluation project are objective and reliable. Any outside personal or financial interest that casts doubt on that objectivity and reliability of an evaluation or research product is a problem and must be disclosed.
- ii. In addition, for purposes of this solicitation, each applicant is to address possible mitigation of research integrity concerns by including, at a minimum, one of the following two items:
 - a. If an applicant reasonably believes that no actual or potential apparent conflicts of interest (personal, financial, or organizational) exist, then the applicant should provide a brief narrative explanation of how and why it reached that conclusion. The applicant also is to include an explanation of the specific processes and procedures that the applicant has in place, or will put in place, to identify and prevent (or, at the very least, mitigate) any such conflicts of interest pertinent to the funded project during the period of performance. Documentation that may be helpful in this regard may include organizational codes of ethics/conduct and policies regarding organizational, personal, and financial conflicts of interest. There is no guarantee that the plan, if any, will be accepted as proposed.

OR

- b. If the applicant has identified actual or potential apparent conflicts of interest (personal, financial, or organizational) that could affect the independence and integrity of the research, including the design, conduct,

or reporting of the research, the applicant is to provide a specific and robust mitigation plan to address each of those conflicts. At a minimum, the applicant is expected to explain the specific processes and procedures that the applicant has in place, or will put in place, to identify and eliminate (or, at the very least, mitigate) any such conflicts of interest pertinent to the funded project during the period of performance. Documentation that may be helpful in this regard may include organizational codes of ethics/conduct and policies regarding organizational, personal, and financial conflicts of interest. There is no guarantee that the plan, if any, will be accepted as proposed.

OJP will assess research and evaluation independence and integrity based on considerations such as the adequacy of the applicant's efforts to identify factors that could affect the objectivity or integrity of the proposed staff and/or the applicant entity (and any subrecipients) in carrying out the research, development, or evaluation activity; and the adequacy of the applicant's existing or proposed remedies to control any such factors.

d. Local Governing Body Review

Applicants must submit information via the Certification and Assurances by the Chief Executive (See [Appendix A](#)) which documents that the JAG application was made available for review by the governing body of the unit of local government, or by an organization designated by that governing body, for a period that was not less than 30 days before the application was submitted to BJA. The same Chief Executive Certification will also specify that an opportunity to comment on this application was provided to citizens prior to the application submission to the extent applicable law or established procedures make such opportunity available. In the past, this has been accomplished via submission of specific review dates; now, OJP will only accept a chief executive's certification to attest to these facts. Units of local government may continue to submit actual dates of review, should they wish to do so, in addition to the submission of the Chief Executive Certification.

How to Apply

An applicant must submit its application through the [Grants Management System \(GMS\)](#), which provides support for the application, award, and management of awards at OJP. Each applicant entity **must register in GMS for each specific funding opportunity** and should **register promptly** to meet the GMS registration deadline for this funding opportunity, especially if this is the first time the applicant is using the system. Find complete instructions on how to register and submit an application in GMS at www.ojp.gov/gmscbt/. An applicant that experiences technical difficulties during this process should email GMS.HelpDesk@usdoj.gov or call 888-549-9901 (option 3), available 24 hours a day, 7 days a week, including on federal holidays. OJP recommends that each applicant **register promptly** to prevent delays in submitting an application package by the deadline.

Note on File Types: GMS does not accept executable file types as application attachments. These disallowed file types include, but are not limited to, the following extensions: “.com,” “.bat,” “.exe,” “.vbs,” “.cfg,” “.dat,” “.db,” “.dbf,” “.dll,” “.ini,” “.log,” “.ora,” “.sys,” and “.zip.” GMS may reject applications with files that use these extensions. It is important to allow time to change the type of file(s) if the application is rejected.

Unique Entity Identifier (DUNS Number) and System for Award Management (SAM)

Every applicant entity must comply with all applicable System for Award Management (SAM) and unique entity identifier (currently, a Data Universal Numbering System [DUNS] number) requirements. SAM is the repository for certain standard information about federal financial assistance applicants, recipients, and subrecipients. A DUNS number is a unique nine-digit identification number provided by the commercial company Dun and Bradstreet. More detailed information about SAM and the DUNS number is in the numbered sections below.

If an applicant entity has not fully complied with the applicable SAM and unique identifier requirements by the time OJP makes award decisions, OJP may determine that the applicant is not qualified to receive an award and may use that determination as a basis for making the award to a different applicant.

If the applicant entity already has an Employer Identification Number (EIN), the SAM registration will take **up to two weeks to process**. If the entity does not have an EIN, then **the applicant should allow two to five weeks for obtaining the information from IRS when requesting the EIN via phone, fax, mail or Internet**. For more information about EIN, visit <https://www.irs.gov/individuals/international-taxpayers/taxpayer-identification-numbers-tin>.

Registration and Submission Steps

All applicants should complete the following steps:

1. **Acquire a unique entity identifier (DUNS number).** In general, the Office of Management and Budget requires every applicant for a federal award (other than an individual) to include a “unique entity identifier” in each application, including an application for a supplemental award. Currently, a DUNS number is the required unique entity identifier.

This unique entity identifier is used for tracking purposes, and to validate address and point of contact information for applicants, recipients, and subrecipients. It will be used throughout the life cycle of an OJP award. Obtaining a DUNS number is a free, one-time activity. Call Dun and Bradstreet at 866–705–5711 to obtain a DUNS number or apply online at www.dnb.com/. A DUNS number is usually received within 2 business days.

2. **Acquire or maintain registration with SAM.** Any applicant for an OJP award creating a **new** entity registration (or updating or renewing a registration) in SAM.gov must submit an original, signed notarized letter appointing the authorized Entity Administrator within thirty (30) days of the registration activation. **Notarized letters must be submitted via U.S. Postal Service Mail. Read the Alert at www.sam.gov to learn more about what is required in the notarized letter, and read the Frequently Asked Questions (FAQs) at www.gsa.gov/samupdate to learn more about this process change.**

All applicants for OJP awards (other than individuals) must maintain current registrations in the SAM database. Applicants will need the authorizing official of the organization and an Employer Identification Number (EIN).

Information about SAM registration procedures can be accessed at <https://www.sam.gov/>.

3. **Acquire a GMS username and password.** New users must create a GMS profile by selecting the “First Time User” link under the sign-in box of the [GMS](http://www.gms.gov) home page. For more information on how to register in GMS, go to www.ojp.gov/gmscbt. Previously registered

applicants should ensure, prior to applying, that the user profile information is up-to-date in GMS (including, but not limited to, address, legal name of agency and authorized representative) as this information is populated in any new application.

4. **Verify the SAM (formerly CCR) registration in GMS.** OJP requires each applicant to verify its SAM registration in GMS. Once logged into GMS, click the “CCR Claim” link on the left side of the default screen. Click the submit button to verify the SAM (formerly CCR) registration.
5. **Search for the funding opportunity on GMS.** After logging into GMS or completing the GMS profile for username and password, go to the “Funding Opportunities” link on the left side of the page. Select “BJA” and “**FY 18 Edward Byrne Memorial Local Justice Assistance Grant (JAG) Program.**”
6. **Register by selecting the “Apply Online” button associated with the funding opportunity title.** The search results from step 5 will display the “funding opportunity” (solicitation) title along with the registration and application deadlines for this solicitation. Select the “Apply Online” button in the “Action” column to register for this solicitation and create an application in the system.
7. **Follow the directions in GMS to submit an application consistent with this solicitation.** Once the application is submitted, GMS will display a confirmation screen stating the submission was successful. **Important:** In some instances, applicants must wait for GMS approval before submitting an application. OJP urges each applicant to submit its application **at least 72 hours prior** to the application due date.

Note: Application Versions

If an applicant submits multiple versions of the same application, OJP will review **only** the most recent system-validated version submitted.

Experiencing Unforeseen GMS Technical Issues

An applicant that experiences unforeseen GMS technical issues beyond its control that prevent it from submitting its application by the deadline may contact the [GMS Help Desk](#) or the SAM Help Desk (Federal Service Desk) at <https://www.fsd.gov/fsd-gov/home.do> to report the technical issue and receive a tracking number. The applicant must email the NCJRS Response Center identified in the Contact Information section on the title page **within 24 hours after the application deadline** to request approval to submit its application after the deadline. The applicant's email must describe the technical difficulties, and must include a timeline of the applicant's submission efforts, the complete grant application, the applicant's DUNS number, and any GMS Help Desk or SAM tracking number(s).

Note: OJP does not automatically approve requests to submit a late application. After OJP reviews the applicant's request, and contacts the GMS Help Desk to verify the reported technical issues, OJP will inform the applicant whether the request to submit a late application has been approved or denied. If OJP determines that the untimely application submission was due to the applicant's failure to follow all required procedures, OJP will deny the applicant's request to submit its application.

The following conditions generally are insufficient to justify late submissions to OJP solicitations:

- Failure to register in SAM or GMS in sufficient time (SAM registration and renewal can take as long as 10 business days to complete.)
- Failure to follow GMS instructions on how to register and apply as posted on the GMS website
- Failure to follow each instruction in the OJP solicitation
- Technical issues with the applicant's computer or information technology environment such as issues with firewalls

E. Application Review Information

Review Process

OJP is committed to ensuring a fair and open process for making awards. BJA reviews the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with the solicitation. BJA will also review applications to help ensure that JAG program-statute requirements have been met.

Pursuant to the Part 200 Uniform Requirements, before award decisions are made, OJP also reviews information related to the degree of risk posed by applicants. Among other things, to help assess whether an applicant that has one or more prior federal awards has a satisfactory record with respect to performance, integrity, and business ethics, OJP checks whether the applicant is listed in SAM as excluded from receiving a federal award.

In addition, if OJP anticipates that an award will exceed \$150,000 in federal funds, OJP also must review and consider any information about the applicant that appears in the non-public segment of the integrity and performance system accessible through SAM (currently, the Federal Awardee Performance and Integrity Information System; "FAPIIS").

Important note on FAPIIS: An applicant, at its option, may review and comment on any information about itself that currently appears in FAPIIS and was entered by a federal awarding agency. OJP will consider any such comments by the applicant, in addition to the other information in FAPIIS, in its assessment of the risk posed by the applicant. The evaluation of risks goes beyond information in SAM, however. OJP itself has in place a framework for evaluating risks posed by applicants. OJP takes into account information pertinent to matters such as:

- (1) Applicant financial stability and fiscal integrity
- (2) Quality of the management systems of the applicant, and the applicant's ability to meet prescribed management standards, including those outlined in the DOJ Grants Financial Guide
- (3) Applicant's history of performance under OJP and other DOJ awards (including compliance with reporting requirements and award conditions), as well as awards from other federal agencies
- (4) Reports and findings from audits of the applicant, including audits under the (DOJ) Part 200 Uniform Requirements
- (5) Applicant's ability to comply with statutory and regulatory requirements, and to effectively implement other award requirements

Absent explicit statutory authorization or written delegation of authority to the contrary, the Assistant Attorney General will make all final award decisions.

F. Federal Award Administration Information

Federal Award Notices

Award notifications are expected to be made by September 30, 2018. OJP sends award notifications by email through GMS to the individuals listed in the application as the point of contact and the authorizing official. The email notification includes detailed instructions on how to access and view the award documents, and steps to take in GMS to start the award acceptance process. GMS automatically issues the notifications at 9:00 p.m. eastern time on the award date.

NOTE: In order to validly accept an award under the FY 2018 JAG Program, a unit of local government (other than an Indian tribal government) must submit to GMS the certification by its chief legal officer regarding compliance with certain federal laws, executed using the forms that appear in [Appendices B and C](#). (The forms also may be downloaded at <https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm>.) Unless the executed certifications either (1) are submitted to OJP together with the signed award document or (2) are uploaded in GMS no later than the day the signed award document is submitted, **OJP will reject as invalid** any submission by a unit of local government (other than an Indian tribal government) that purports to accept an award under this solicitation.

Rejection of an initial submission as an invalid award acceptance is not a denial of the award. Consistent with award requirements, once the unit of local government **does** submit the necessary certification regarding compliance with certain federal laws, the unit of local government **will** be permitted to submit an award document executed by the unit of local government on or after the date of those certifications.

Also, in order for an applicant validly to accept an award under the FY 2018 JAG program, an individual with the necessary authority to bind the applicant will be required to log in; execute a set of legal certifications and a set of legal assurances; designate a financial point of contact; thoroughly review the award, including **all** award conditions; and sign and accept the award. The award acceptance process requires physical signature of the award document by the authorized representative and the scanning of the fully-executed award document (along with the required certifications regarding compliance with certain federal laws, if not already uploaded in GMS) to OJP.

Statutory and Regulatory Requirements; Award Conditions

If selected for funding, in addition to implementing the funded project consistent with the OJP-approved application, the recipient must comply with award conditions, as well as all applicable requirements of federal statutes and regulations (including applicable requirements referred to in the assurances and certifications executed at the time of award acceptance). OJP strongly encourages prospective applicants to review information on post-award legal requirements and common OJP award conditions **prior** to submitting an application.

Applicants should consult the [“Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards,”](#) available in the OJP Funding Resource Center at <https://ojp.gov/funding/index.htm>. In addition, applicants should examine the

following two legal documents, as each successful applicant must execute both documents in GMS before it may receive any award funds. (An applicant is not required to submit these documents as part of an application.)

- [Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements](#)
- [Certified Standard Assurances](#)

The web pages accessible through the “[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards](#)” are intended to give applicants for OJP awards a general overview of important statutes, regulations, and award conditions that apply to many (or in some cases, all) OJP grants and cooperative agreements awarded in FY 2018. Individual OJP awards typically also will include additional award conditions. Those additional conditions may relate to the particular statute, program, or solicitation under which the award is made; to the substance of the funded application; to the recipient's performance under other federal awards; to the recipient's legal status (e.g., as a for-profit entity); or to other pertinent considerations.

Individual FY 2018 awards made pursuant to this solicitation will, as appropriate and to the extent consistent with law, include conditions that will require the recipient (and any subrecipient) that accepts the award to do various things, with respect to the “program or activity” that would receive federal financial assistance thereunder. **Although the specific terms of each of those conditions are what will govern the awards**, included among such conditions will be some that, **generally speaking**, will require the recipient (and any subrecipient) that accepts the award to do some or all of the following:

- Not to violate 8 U.S.C. § 1373 (prohibiting restrictions on—
 - (1) communication to/from the Department of Homeland Security (“DHS”) of information regarding the citizenship or immigration status of any individual; and
 - (2) maintaining, or exchanging with any government entity, information regarding the immigration status of any individual).
- Not to violate 8 U.S.C. § 1644 (prohibiting restrictions on communication to/from DHS of information regarding the immigration status of an alien).
- Not to violate, or aid or abet any violation of, 8 U.S.C. § 1324(a) (forbidding any “person,” in “knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law,” to “conceal, harbor, or shield from detection, or attempt to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation” or to “engage in any conspiracy to commit any of the preceding acts ... “or aid or abet the commission of any of the preceding acts”).
- Not to impede the exercise of the authority of the federal government under 8 U.S.C. § 1266(a) & (c) (authorizing arrest and detention of certain aliens and providing that the federal government “shall take into custody” certain criminal aliens “when the alien is released”) and 8 U.S.C. § 1231(a)(4) (relating to removal from the United States of aliens after detention/confinement at the federal, state, and local level), specifically by requiring such recipients to provide (where feasible) at least 48 hours’ advance notice to DHS regarding the

scheduled release date and time of an alien in the recipient's custody when DHS requests such notice in order to take custody of the alien pursuant to the Immigration and Nationality Act.

- Not to impede the exercise by DHS agents, “anywhere in or outside the United States” (8 C.F.R. § 287.5(a)(1)), of their authority under 8 U.S.C. § 1357(a)(1) to “interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States,” specifically by requiring such recipients to permit DHS agents to have access to any correctional facility in order to meet with an alien (or an individual believed to be an alien) and inquire as to his right to be or remain in the United States.

The reasonable costs (to the extent not reimbursed under any other federal program) of complying with these conditions, including honoring any duly authorized requests from DHS that is encompassed by these conditions, will be allowable costs under the award.

General Information about Post-federal Award Reporting Requirements

In addition to the deliverables described in [Section A. Program Description](#), any recipient of an award under this solicitation will be required to submit the following reports and data.

Required reports. Recipients typically must submit quarterly financial status reports, semi-annual progress reports, final financial and progress reports, and, if applicable, an annual audit report in accordance with the Part 200 Uniform Requirements or specific award conditions. Future awards and fund drawdowns may be withheld if reports are delinquent. (In appropriate cases, OJP may require additional reports.)

Awards that exceed \$500,000 will include an additional condition that, under specific circumstances, will require the recipient to report (to FAPIIS) information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either the OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Additional information on this reporting requirement appears in the text of the award condition posted on the OJP website at: <https://ojp.gov/funding/FAPIS.htm>.

Data on performance measures. In addition to required reports, each award recipient also must provide data that measure the results of the work done under the award. To demonstrate program progress and success, as well as to assist DOJ with fulfilling its responsibilities under the Government Performance and Results Act of 1993 (GPRA), Public Law 103-62, and the GPRA Modernization Act of 2010, Public Law 111-352, OJP will require any award recipient, post award, to provide accountability metrics data as part of regular progress reporting. Accountability metrics data must be submitted through BJA's Performance Measurement Tool (PMT), available at <https://bjapmt.ojp.gov>. The accountability measures are available at: <https://bjapmt.ojp.gov/help/jagdocs.html>. (Note: if a law enforcement agency receives JAG funds from a state, the state must submit quarterly accountability metrics data related to training that officers have received on use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.) Successful applicants will be required to access OJP's performance measurement page at www.ojp.gov/performance for an overview of performance measurement activities at OJP.

OJP may restrict access to award funds if a recipient of an OJP award fails to report the required accountability metrics data in a timely manner.

G. Federal Awarding Agency Contact(s)

For OJP contact(s), see the title page.

For contact information for GMS, see the title page.

H. Other Information

Freedom of Information Act and Privacy Act (5 U.S.C. § 552 and 5 U.S.C. § 552a)

All applications submitted to OJP (including all attachments to applications) are subject to the federal Freedom of Information Act (FOIA) and to the Privacy Act. By law, DOJ may withhold information that is responsive to a request pursuant to FOIA if DOJ determines that the responsive information either is protected under the Privacy Act or falls within the scope of one of nine statutory exemptions under FOIA. DOJ cannot agree in advance of a request pursuant to FOIA not to release some or all portions of an application.

In its review of records that are responsive to a FOIA request, OJP will withhold information in those records that plainly falls within the scope of the Privacy Act or one of the statutory exemptions under FOIA. (Some examples include certain types of information in budgets, and names and contact information for project staff other than certain key personnel.) In appropriate circumstances, OJP will request the views of the applicant/recipient that submitted a responsive document.

For example, if OJP receives a request pursuant to FOIA for an application submitted by a nonprofit or for-profit organization or an institution of higher education, or for an application that involves research, OJP typically will contact the applicant/recipient that submitted the application and ask it to identify—quite precisely—any particular information in the application that applicant/recipient believes falls under a FOIA exemption, the specific exemption it believes applies, and why. After considering the submission by the applicant/recipient, OJP makes an independent assessment regarding withholding information. OJP generally follows a similar process for requests pursuant to FOIA for applications that may contain law-enforcement sensitive information.

Provide Feedback to OJP

To assist OJP in improving its application and award processes, OJP encourages applicants to provide feedback on this solicitation, the application submission process, and/or the application review process. Provide feedback to OJPSolicitationFeedback@usdoj.gov.

IMPORTANT: This email is for feedback and suggestions only. OJP does **not** reply to messages it receives in this mailbox. A prospective applicant that has specific questions on any program or technical aspect of the solicitation **must** use the appropriate telephone number or email listed on the front of this solicitation document to obtain information. These contacts are provided to help ensure that prospective applicants can directly reach an individual who can address specific questions in a timely manner.

If you are interested in being a reviewer for other OJP grant applications, please email your résumé to ojpprsupport@usdoj.gov. (Do not send your résumé to the OJP Solicitation Feedback email account.) **Note:** Neither you nor anyone else from your organization or entity can be a

peer reviewer in a competition in which you or your organization/entity has submitted an application.

Appendix A

Certifications and Assurances by the Chief Executive of the Applicant Government

Template for use by chief executive of the unit of local government (e.g., the mayor)

Visit <https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm> to download the most up-to-date version.

Note: By law, for purposes of the JAG Program, the term “unit of local government ” includes a town, township, village, parish, city, county, borough, or other general purpose political subdivision of a state; or, it may be a federally recognized Indian tribal government that performs law enforcement functions (as determined by the Secretary of the Interior). A unit of local government may be any law enforcement district or judicial enforcement district established under applicable state law with authority to independently establish a budget and impose taxes; for example, in Louisiana, a unit of local government means a district attorney or parish sheriff.

**U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS**

Edward Byrne Justice Assistance Grant Program FY 2018 Local Solicitation

Certifications and Assurances by the Chief Executive of the Applicant Government

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2018 Edward Byrne Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify under penalty of perjury to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.
2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.
3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (e.g., city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.
4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.
5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.
6. I certify that— (a) the programs to be funded by the award (if any) that OJP makes based on the application described above meet all the requirements of the JAG Program statute (34 U.S.C. §§ 10151-10158); (b) all the information contained in that application is correct; (c) in connection with that application, there has been appropriate coordination with affected agencies; and (d) in connection with that award (if any), the applicant unit of local government will comply with all provisions of the JAG Program statute and all other applicable federal laws.
7. I have examined certification entitled "State or Local Government: FY 2018 Certification of Compliance with 8 U.S.C. §§ 1373 & 1644" executed by the chief legal officer of the applicant government with respect to the FY 2018 JAG program and submitted in support of the application described above, and I hereby adopt that certification as my own on behalf of that government. (This provision is not applicable to Indian tribal government applicants.)
8. I have examined certification entitled "State or Local Government: FY 2018 Certification Relating to 8 U.S.C. §§ 1226(a) & (c), 1231(a)(4), 1357(a), & 1366(1) & (3)" executed by the chief legal officer of the applicant government with respect to the FY 2018 JAG program and submitted in support of the application described above, and I hereby adopt that certification as my own on behalf of that government. (This provision is not applicable to Indian tribal government applicants.)

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the applicant unit of local government to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and §§ 3801-3812). I also acknowledge that OJP awards, including certifications provided in connection with such awards, are subject to review by USDOJ, including by OJP and by the USDOJ Office of the Inspector General.

Signature of Chief Executive of the Applicant Unit of
Local Government

Date of Certification

Printed Name of Chief Executive

Title of Chief Executive

Name of Applicant Unit of Local Government

Appendix B

State or Local Government:

Certification of Compliance with 8 U.S.C. §§ 1373 and 1644

Template for use by the chief legal officer of the unit of local government (e.g., the city attorney)

Visit <https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm> to download the most up-to-date version.

Note: This Certification is not required by Indian tribal government applicants.

**U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS**

Local Government: FY 2018 Certification of Compliance with 8 U.S.C. §§ 1373 & 1644

On behalf of the applicant government entity named below, and in support of its application, I certify under penalty of perjury to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

- (1) I am the chief legal officer of the State or local government of which the applicant entity named below is a part ("the jurisdiction"), and I have the authority to make this certification on behalf of the jurisdiction and the applicant entity (that is, the entity applying directly to OJP). I understand that OJP will rely upon this certification as a material representation in any decision to make an award to the applicant entity.
- (2) I have carefully reviewed 8 U.S.C. §§ 1373(a) & (b), and 1644, including the prohibitions on certain actions by State and local government entities, -agencies, and -officials regarding information on citizenship and immigration status. I also have reviewed the provisions set out at (or referenced in) 8 U.S.C. § 1551 note ("Abolition ... and Transfer of Functions"), pursuant to which references to the "Immigration and Naturalization Service" in 8 U.S.C. §§ 1373 & 1644 are to be read, as a legal matter, as references to particular components of the U.S. Department of Homeland Security.
- (3) I (and also the applicant entity) understand that the U.S. Department of Justice will require States and local governments (and agencies or other entities thereof) to comply with 8 U.S.C. §§ 1373 & 1644, with respect to any "program or activity" funded in whole or in part with the federal financial assistance provided through the FY 2018 OJP program under which this certification is being submitted (the "FY 2018 OJP Program" identified below), specifically including any such "program or activity" of a governmental entity or -agency that is a subrecipient (at any tier) of funds under the FY 2018 OJP Program.
- (4) I (and also the applicant entity) understand that, for purposes of this certification, "program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. § 2000d-4a), and that terms used in this certification that are defined in 8 U.S.C. § 1101 mean what they mean under that section 1101, except that the term "State" also shall include American Samoa (cf. 34 U.S.C. § 10251(a)(2)). Also, I understand that, for purposes of this certification, neither a "public" institution of higher education (*i.e.*, one that is owned, controlled, or directly funded by a State or local government) nor an Indian tribe is considered a State or local government entity or -agency.
- (5) I have conducted (or caused to be conducted for me) a diligent inquiry and review concerning both—
 - (a) the "program or activity" to be funded (in whole or in part) with the federal financial assistance sought by the applicant entity under this FY 2018 OJP Program; and
 - (b) any prohibitions or restrictions potentially applicable to the "program or activity" sought to be funded under the FY 2018 OJP Program that deal with sending to, requesting or receiving from, maintaining, or exchanging information of the types described in 8 U.S.C. §§ 1373(a) & (b), and 1644, whether imposed by a State or local government entity, -agency, or -official.
- (6) As of the date of this certification, neither the jurisdiction nor any entity, agency, or official of the jurisdiction has in effect, purports to have in effect, or is subject to or bound by, any prohibition or any restriction that would apply to the "program or activity" to be funded in whole or in part under the FY 2018 OJP Program (which, for the specific purpose of this paragraph 6, shall not be understood to include any such "program or activity" of any subrecipient at any tier), and that deals with either— (1) a government entity or -official sending or receiving information regarding citizenship or immigration status as described in 8 U.S.C. §§ 1373(a) & 1644; or (2) a government entity or -agency sending to, requesting or receiving from, maintaining, or exchanging information of the types (and with respect to the entities) described in 8 U.S.C. § 1373(b).

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. § 10271-10273), and also may subject me and the applicant entity to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and §§ 3801-3812). I also acknowledge that OJP awards, including certifications provided in connection with such awards, are subject to review by USDOJ, including by OJP and by the USDOJ Office of the Inspector General.

Signature of Chief Legal Officer of the Jurisdiction

Printed Name of Chief Legal Officer

Date of Certification

Title of Chief Legal Officer of the Jurisdiction

Name of Applicant Government Entity (*i.e.*, the applicant to the FY 2018 OJP Program identified below)

FY 2018 OJP Program: Byrne Justice Assistance Grant (JAG) Program: Local

Appendix C

State or Local Government:

Certification of Compliance with 8 U.S.C. §§ 1226(a) & (c), 1231(a)(4), 1324(a), 1357(a), and 1366(1) & (3)

Template for use by chief legal officer of the unit of local government (e.g., the city attorney)

Visit <https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm> to download the most up-to-date version.

Note: This Certification is not required by Indian tribal government applicants.

**U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS**

**Local Government: FY 2018 Certification Relating to
8 U.S.C. §§ 1226(a) & (c), 1231(a)(4), 1324(a), 1357(a), & 1366(1) & (3)**

On behalf of the applicant government entity named below, and in support of its application, I certify under penalty of perjury to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief legal officer of the unit of local government of which the applicant entity named below is a part ("the jurisdiction"), and I have the authority to make this certification on behalf of the jurisdiction and the applicant entity (that is, the entity applying directly to OJP). I understand that OJP will rely upon this certification as a material representation in any decision to make an award to the applicant entity.
2. I have carefully reviewed each of the following sections of title 8, United States Code:
 - a. § 1226(a) & (c) (authorizing arrest and detention of certain aliens and providing that the federal government "shall take into custody" certain criminal aliens "when the alien is released");
 - b. § 1231(a)(4) (federal government may not "remove an alien who is sentenced to imprisonment until the alien is released from imprisonment");
 - c. § 1324(a) (forbidding any "person," in "knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law," to "conceal[], harbor[], or shield[]" from detection, or attempt[] to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation" or to "engage in any conspiracy to commit any of the preceding acts ... or aid[] or abet[] the commission of any of the preceding acts");
 - d. § 1357(a) (authorizing immigration officers, "anywhere in or outside the United States" (see 8 C.F.R. § 287.5(a)), to "interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States"); and
 - e. § 1366(1) & (3) (requiring the Attorney General annually to submit to Congress "a report detailing ... (1) the number of illegal aliens incarcerated in Federal and State prisons for having committed felonies, stating the number incarcerated for each type of offense; [and] (3) programs and plans underway in the Department of Justice to ensure the prompt removal from the United States of criminal aliens subject to removal").
3. I (and also the applicant entity) understand that USDOJ will require States and local governments (including State and local government entities, -agencies, and -officials), with respect to any "program or activity" funded in whole or in part with the federal financial assistance provided through the FY 2018 OJP program under which this certification is being submitted (the "FY 2018 OJP Program" identified below), specifically including any such "program or activity" of a governmental entity or -agency that is a subrecipient (at any tier) of funds under the FY 2018 OJP Program, not to violate, or to aid or abet any violation of, 8 U.S.C. § 1324(a), and not to impede the exercise by federal officers of authority under 8 U.S.C. § 1357(a) or relating to 8 U.S.C. § 1366(1) & (3) or 8 U.S.C. § 1226(a) & (c).
4. I (and also the applicant entity) understand that, for purposes of this certification, "program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. § 2000d-4a), and that terms used in this certification that are defined in 8 U.S.C. § 1101 mean what they mean under that section 1101, except that the term "State" also shall include American Samoa (*cf.* 34 U.S.C. § 10251(a)(2)). Also, I understand that, for purposes of this certification, neither a "public" institution of higher education (*i.e.*, one that is owned, controlled, or directly funded by a State or local government) nor an Indian tribe is considered a State or local government entity or -agency.
5. I have conducted (or caused to be conducted for me) a diligent inquiry and review concerning both—
 - a. the "program or activity" to be funded (in whole or in part) with the federal financial assistance sought by the applicant entity under this FY 2018 OJP Program; and
 - b. any laws, rules, policies, or practices potentially applicable to the "program or activity" sought to be funded under the FY 2018 OJP Program that implicate any of the requirements relating to 8 U.S.C. §§ 1226(a) & (c), 1324(a), 1357(a), & 1366(1) & (3) that are described in ¶ 3 of this certification, whether imposed by a State or local government entity, -agency, or -official.
6. As of the date of this certification, neither the jurisdiction nor any entity, agency, or official of the jurisdiction has in effect, purports to have in effect, or is subject to or bound by, any law, rule, policy, or practice that would apply to the "program or activity" to be funded in whole or in part under the FY 2018 OJP Program (which, for the specific purpose of this paragraph 6, shall not be understood to include any such "program or activity" of any subrecipient at any tier), and that would or does— (1) violate, or aid or abet any violation of, 8 U.S.C. § 1324(a); (2) impede the exercise by federal officers of authority under 8 U.S.C. § 1357(a); (3) impede the exercise by federal officers of authority relating to 8 U.S.C. § 1366(1) & (3); or (4) impede the exercise by federal officers of authority relating to 8 U.S.C. § 1226(a) & (c).

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the applicant entity to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and §§ 3801-3812). I also acknowledge that OJP awards, including associated certifications, are subject to review by USDOJ, including by OJP and the USDOJ Office of the Inspector General.

Signature of Chief Legal Officer of the Jurisdiction

Printed Name of Chief Legal Officer

Date of Certification

Title of Chief Legal Officer of the Jurisdiction

Name of Applicant Government Entity (*i.e.*, the applicant to the FY 2018 OJP Program identified below)

FY 2018 OJP Program: Byrne Justice Assistance Grant (JAG) Program: Local

Appendix D

Certain relevant federal laws, as in effect on June 7, 2018

8 U.S.C. § 1373

Communication between government agencies and the Immigration and Naturalization Service

(a) In general

Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

(b) Additional authority of government entities

Notwithstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:

- (1)** Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service.
- (2)** Maintaining such information.
- (3)** Exchanging such information with any other Federal, State, or local government entity.

(c) Obligation to respond to inquiries

The Immigration and Naturalization Service shall respond to an inquiry by a Federal, State, or local government agency, seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law, by providing the requested verification or status information.

8 U.S.C. § 1644

Communication between State and local government agencies and Immigration and Naturalization Service

Notwithstanding any other provision of Federal, State, or local law, no State or local government entity may be prohibited, or in any way restricted, from sending to or receiving from the Immigration and Naturalization Service information regarding the immigration status, lawful or unlawful, of an alien in the United States.

8 U.S.C. § 1226(a) & (c)

Apprehension and detention of aliens

(a) Arrest, detention, and release

On a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States. Except as provided in subsection (c) and pending such decision, the Attorney General--

- (1) may continue to detain the arrested alien; and
- (2) may release the alien on--
 - (A) bond of at least \$1,500 with security approved by, and containing conditions prescribed by, the Attorney General; or
 - (B) conditional parole; but
- (3) may not provide the alien with work authorization (including an "employment authorized" endorsement or other appropriate work permit), unless the alien is lawfully admitted for permanent residence or otherwise would (without regard to removal proceedings) be provided such authorization.

(c) Detention of criminal aliens

(1) Custody

The Attorney General shall take into custody any alien who--

- (A) is inadmissible by reason of having committed any offense covered in section 1182(a)(2) of this title,
- (B) is deportable by reason of having committed any offense covered in section 1227(a)(2)(A)(ii), (A)(iii), (B), (C), or (D) of this title,
- (C) is deportable under section 1227(a)(2)(A)(i) of this title on the basis of an offense for which the alien has been sentence¹ to a term of imprisonment of at least 1 year, or
- (D) is inadmissible under section 1182(a)(3)(B) of this title or deportable under section 1227(a)(4)(B) of this title,

when the alien is released, without regard to whether the alien is released on parole, supervised release, or probation, and without regard to whether the alien may be arrested or imprisoned again for the same offense.

(2) Release

The Attorney General may release an alien described in paragraph (1) only if the Attorney General decides pursuant to section 3521 of Title 18 that release of the alien from custody is necessary to provide protection to a witness, a potential witness, a person cooperating with an investigation into major criminal activity, or an immediate family member or close associate of a witness, potential witness, or person cooperating with such an investigation, and the alien satisfies the Attorney General that the alien will not pose a danger to the safety of other persons or of property and is likely to appear for any scheduled proceeding. A decision relating to such release shall take place in accordance with a procedure that considers the severity of the offense committed by the alien.

8 U.S.C. § 1231(a)(4)

(a) Detention, release, and removal of aliens ordered removed

4) Aliens imprisoned, arrested, or on parole, supervised release, or probation

(A) In general

Except as provided in section 259(a) of title 42 and paragraph (2), the Attorney General may not remove an alien who is sentenced to imprisonment until the alien is released from imprisonment. Parole, supervised release, probation, or possibility of arrest or further imprisonment is not a reason to defer removal.

(B) Exception for removal of nonviolent offenders prior to completion of sentence of imprisonment

The Attorney General is authorized to remove an alien in accordance with applicable procedures under this chapter before the alien has completed a sentence of imprisonment-

- i. in the case of an alien in the custody of the Attorney General, if the Attorney General determines that (I) the alien is confined pursuant to a final conviction for a nonviolent offense (other than an offense related to smuggling or harboring of aliens or an offense described in section 1101(a)(43)(B), (C), (E), (I), or (L) of this title and (II) the removal of the alien is appropriate and in the best interest of the United States; or
- ii. in the case of an alien in the custody of a State (or a political subdivision of a State), if the chief State official exercising authority with respect to the incarceration of the alien determines that (I) the alien is confined pursuant to a final conviction for a nonviolent offense (other than an offense described in section 1101(a)(43)(C) or (E) of this title), (II) the removal is appropriate and in the best interest of the State, and (III) submits a written request to the Attorney General that such alien be so removed.

(C) Notice

Any alien removed pursuant to this paragraph shall be notified of the penalties under the laws of the United States relating to the reentry of deported aliens, particularly the expanded penalties for aliens removed under subparagraph (B).

(D) No private right

No cause or claim may be asserted under this paragraph against any official of the United States or of any State to compel the release, removal, or consideration for release or removal of any alien.

8 U.S.C. § 1324(a)

Bringing in and harboring certain aliens

(a) Criminal penalties

(1)(A) Any person who—

- i. knowing that a person is an alien, brings to or attempts to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien;
- ii. knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law;
- iii. knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation;

- iv. encourages or induces an alien to come to, enter, or reside in the United States, knowing or in reckless disregard of the fact that such coming to, entry, or residence is or will be in violation of law; or
 - v. (v)(I) engages in any conspiracy to commit any of the preceding acts, or
 - vi. (II) aids or abets the commission of any of the preceding acts, shall be punished as provided in subparagraph (B).
- (B) A person who violates subparagraph (A) shall, for each alien in respect to whom such a violation occurs—
- I. in the case of a violation of subparagraph (A)(i) or (v)(I) or in the case of a violation of subparagraph (A)(ii), (iii), or (iv) in which the offense was done for the purpose of commercial advantage or private financial gain, be fined under title 18, imprisoned not more than 10 years, or both;
 - II. in the case of a violation of subparagraph (A)(ii), (iii), (iv), or (v)(II), be fined under title 18, imprisoned not more than 5 years, or both;
 - III. in the case of a violation of subparagraph (A)(i), (ii), (iii), (iv), or (v) during and in relation to which the person causes serious bodily injury (as defined in section 1365 of title 18) to, or places in jeopardy the life of, any person, be fined under title 18, imprisoned not more than 20 years, or both; and
 - IV. in the case of a violation of subparagraph (A)(i), (ii), (iii), (iv), or (v) resulting in the death of any person, be punished by death or imprisoned for any term of years or for life, fined under title 18, or both.
- (C) It is not a violation of clauses (ii) or (iii) of subparagraph (A), or of clause (iv) of subparagraph (A) except where a person encourages or induces an alien to come to or enter the United States, for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least one year.

(2) Any person who, knowing or in reckless disregard of the fact that an alien has not received prior official authorization to come to, enter, or reside in the United States, brings to or attempts to bring to the United States in any manner whatsoever, such alien, regardless of any official action which may later be taken with respect to such alien shall, for each alien in respect to whom a violation of this paragraph occurs-

(A) be fined in accordance with title 18 or imprisoned not more than one year, or both; or

(B) in the case of-

(i) an offense committed with the intent or with reason to believe that the alien unlawfully brought into the United States will commit an offense against the United States or any State punishable by imprisonment for more than 1 year,

(ii) an offense done for the purpose of commercial advantage or private financial gain, or

(iii) an offense in which the alien is not upon arrival immediately brought and presented to an appropriate immigration officer at a designated port of entry,

be fined under title 18 and shall be imprisoned, in the case of a first or second violation of subparagraph (B)(iii), not more than 10 years, in the case of a first or second violation of

subparagraph (B)(i) or (B)(ii), not less than 3 nor more than 10 years, and for any other violation, not less than 5 nor more than 15 years.

(3)(A) Any person who, during any 12-month period, knowingly hires for employment at least 10 individuals with actual knowledge that the individuals are aliens described in subparagraph (B) shall be fined under title 18 or imprisoned for not more than 5 years, or both.

(B) An alien described in this subparagraph is an alien who-

- (i) is an unauthorized alien (as defined in [section 1324a\(h\)\(3\) of this title](#)), and
- (ii) has been brought into the United States in violation of this subsection.

(4) In the case of a person who has brought aliens into the United States in violation of this subsection, the sentence otherwise provided for may be increased by up to 10 years if-

- (A) the offense was part of an ongoing commercial organization or enterprise;
- (B) aliens were transported in groups of 10 or more; and
- (C)(i) aliens were transported in a manner that endangered their lives; or
- (ii) the aliens presented a life-threatening health risk to people in the United States.

8 U.S.C. § 1357(a)

Powers of immigration officers and employees

(a) Any officer or employee of the Service authorized under regulations prescribed by the Attorney General shall have power without warrant—

- (1) to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States;
- (2) to arrest any alien who in his presence or view is entering or attempting to enter the United States in violation of any law or regulation made in pursuance of law regulating the admission, exclusion, expulsion, or removal of aliens, or to arrest any alien in the United States, if he has reason to believe that the alien so arrested is in the United States in violation of any such law or regulation and is likely to escape before a warrant can be obtained for his arrest, but the alien arrested shall be taken without unnecessary delay for examination before an officer of the Service having authority to examine aliens as to their right to enter or remain in the United States;
- (3) within a reasonable distance from any external boundary of the United States, to board and search for aliens any vessel within the territorial waters of the United States and any railway car, aircraft, conveyance, or vehicle, and within a distance of twenty-five miles from any such external boundary to have access to private lands, but not dwellings, for the purpose of patrolling the border to prevent the illegal entry of aliens into the United States;
- (4) to make arrests for felonies which have been committed and which are cognizable under any law of the United States regulating the admission, exclusion, expulsion, or removal of aliens, if he has reason to believe that the person so arrested is guilty of such felony and if there is likelihood of the person escaping before a warrant can be obtained for his arrest, but the person arrested shall be taken without unnecessary delay before the nearest available officer empowered to commit persons charged with offenses against the laws of the United States; and
- (5) to make arrests-
- (6) for any offense against the United States, if the offense is committed in the officer's or employee's presence, or

- (7) for any felony cognizable under the laws of the United States, if the officer or employee has reasonable grounds to believe that the person to be arrested has committed or is committing such a felony,
- (8) if the officer or employee is performing duties relating to the enforcement of the immigration laws at the time of the arrest and if there is a likelihood of the person escaping before a warrant can be obtained for his arrest.

Under regulations prescribed by the Attorney General, an officer or employee of the Service may carry a firearm and may execute and serve any order, warrant, subpoena, summons, or other process issued under the authority of the United States. The authority to make arrests under paragraph (5)(B) shall only be effective on and after the date on which the Attorney General publishes final regulations which (i) prescribe the categories of officers and employees of the Service who may use force (including deadly force) and the circumstances under which such force may be used, (ii) establish standards with respect to enforcement activities of the Service, (iii) require that any officer or employee of the Service is not authorized to make arrests under paragraph (5)(B) unless the officer or employee has received certification as having completed a training program which covers such arrests and standards described in clause (ii), and (iv) establish an expedited, internal review process for violations of such standards, which process is consistent with standard agency procedure regarding confidentiality of matters related to internal investigations.

8 U.S.C. § 1366(1) & (3)

Annual report on criminal aliens

Not later than 12 months after September 30, 1996, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a report detailing—

- (1) the number of illegal aliens incarcerated in Federal and State prisons for having committed felonies, stating the number incarcerated for each type of offense;

- (3) programs and plans underway in the Department of Justice to ensure the prompt removal from the United States of criminal aliens subject to removal;

***.

Appendix E

Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)

Each applicant must provide responses to the following questions as an attachment to the application:

- (1) Does your jurisdiction have any laws, policies, or practices related to whether, when, or how employees may communicate with DHS or ICE?
- (2) Is your jurisdiction subject to any laws from a superior political entity (e.g., a state law that binds a city) that meet the description in question 1?
- (3) If yes to either:
 - Please provide a copy of each law or policy;
 - Please describe each practice; and
 - Please explain how the law, policy, or practice complies with section 1373.

Note: Responses to these questions must be provided by the applicant to BJA as part of the JAG application. Further, the requirement to provide this information applies to all tiers of JAG funding, for all subawards made to state or local government entities, including public institutions of higher education. All subrecipient responses must be collected and maintained by the direct recipient of JAG funding and must be made available to DOJ upon request. Responses to these questions are not required from subrecipients that are either a tribal government/organization, a nonprofit organization, or a private institution of higher education.

Appendix F

Additional purposes for which JAG funds awarded to a state under this FY 2018 solicitation may be used:

(a) To enforce state and local laws that establish offenses similar to offenses established in 21 U.S.C. § 801 et seq., to improve the functioning of the **criminal justice** system, with emphasis on violent crime and serious offenders, by means including providing additional personnel, equipment, training, technical assistance, and information systems for the more widespread apprehension, prosecution, adjudication, detention, and rehabilitation of persons who violate these laws, and to assist the victims of such crimes (other than compensation), including—

- (1) demand-reduction education programs in which law enforcement officers participate;
- (2) multi-jurisdictional task-force programs that integrate federal, state, and local drug-law-enforcement agencies and prosecutors for the purpose of enhancing inter-agency co-ordination and intelligence, and facilitating multi-jurisdictional investigations;
- (3) programs designed to target the domestic sources of controlled and illegal substances, such as precursor chemicals, diverted pharmaceuticals, clandestine laboratories, and cannabis cultivations;
- (4) providing community and neighborhood programs that assist citizens in preventing and controlling crime, including special programs that address the problems of crimes committed against the elderly and special programs for rural jurisdictions;
- (5) disrupting illicit commerce in stolen goods and property;
- (6) improving the investigation and prosecution of white-collar crime, organized crime, public-corruption crimes, and fraud against the government, with priority attention to cases involving drug-related official corruption;
- (7)(A) improving the operational effectiveness of law enforcement through the use of crime-analysis techniques, street-sales enforcement, schoolyard-violator programs, and gang-related and low-income-housing drug-control programs; and
- (B) developing and implementing anti-terrorism plans for deep-draft ports, international airports, and other important facilities;
- (8) career-criminal prosecution programs, including the development of proposed model drug-control legislation;
- (9) financial investigative programs that target the identification of money-laundering operations and assets obtained through illegal drug trafficking, including the development of proposed model legislation, financial investigative training, and financial information-sharing systems;
- (10) improving the operational effectiveness of the court process, by expanding prosecutorial, defender, and judicial resources, and implementing court-delay-reduction programs;
- (11) programs designed to provide additional public correctional resources and improve the corrections system, including treatment in prisons and jails, intensive-supervision programs, and long-range corrections and sentencing strategies;
- (12) providing prison-industry projects designed to place inmates in a realistic working and training environment that will enable them to acquire

marketable skills and to make financial payments for restitution to their victims, for support of their own families, and for support of themselves in the institution;

(13) providing programs that identify and meet the treatment needs of adult and juvenile drug-dependent and alcohol-dependent offenders;

(14) developing and implementing programs that provide assistance to jurors and witnesses, and assistance (other than compensation) to victims of crimes;

(15)(A) developing programs to improve drug-control technology, such as pretrial drug-testing programs, programs that provide for the identification, assessment, referral to treatment, case-management and monitoring of drug-dependent offenders, and enhancement of state and local forensic laboratories; and

(B) developing programs to improve **criminal justice** information systems (including automated fingerprint identification systems) to assist law enforcement, prosecution, courts, and corrections organizations;

(16) innovative programs that demonstrate new and different approaches to enforcement, prosecution, and adjudication of drug offenses and other serious crimes;

(17) addressing the problems of drug trafficking and the illegal manufacture of controlled substances in public housing;

(18) improving the criminal and juvenile justice system's response to domestic and family violence, including spouse abuse, child abuse, and abuse of the elderly;

(19) drug-control evaluation programs that the state and units of local government may utilize to evaluate programs and projects directed at state drug-control activities;

(20) providing alternatives to prevent detention, jail, and prison for persons who pose no danger to the community;

(21) programs of which the primary goal is to strengthen urban enforcement and prosecution efforts targeted at street drug sales;

(22) programs for the prosecution of driving while intoxicated charges and the enforcement of other laws relating to alcohol use and the operation of motor vehicles;

(23) programs that address the need for effective bindover systems for the prosecution of violent 16- and 17-year-old juveniles, in courts with jurisdiction over adults, for the crimes of—

(A) murder in the first degree;

(B) murder in the second degree;

(C) attempted murder;

(D) armed robbery when armed with a firearm;

(E) aggravated battery or assault when armed with a firearm;

(F) criminal sexual penetration when armed with a firearm; and

(G) drive-by shootings as described 18 U.S.C. § 36;

(24) law-enforcement and prevention programs relating to gangs or to youth who are involved or at risk of involvement in gangs;

(25) developing or improving, in a forensic laboratory, a capability to analyze DNA for identification purposes; and

(26) developing and implementing anti-terrorism training programs and procuring equipment for use by local law-enforcement authorities; and

- (b)** To reduce crime and improve public safety, including but not limited to, the following:
- (1)(A) hiring, training, and employing on a continuing basis new, additional law enforcement officers and necessary support personnel;
 - (B) paying overtime to presently-employed law enforcement officers and necessary support personnel for the purpose of increasing the number of hours worked by such personnel; and
 - (C) procuring equipment, technology, and other material directly related to basic law-enforcement functions;
 - (2) enhancing security measures—
 - (A) in and around schools; and
 - (B) in and around any other facility or location that is considered by the unit of local government to have a special risk for incidents of crime;
 - (3) establishing crime-prevention programs that may, though not exclusively, involve law-enforcement officials and that are intended to discourage, disrupt, or interfere with the commission of criminal activity, including neighborhood-watch and citizen-patrol programs, sexual-assault and domestic-violence programs, and programs intended to prevent juvenile crime;
 - (4) establishing or supporting drug courts;
 - (5) establishing early-intervention and -prevention programs for juveniles, in order to reduce or eliminate crime;
 - (6) enhancing the adjudication process of cases involving violent offenders, including violent juvenile offenders;
 - (7) enhancing programs under **(a)**, above;
 - (8) establishing co-operative task forces between adjoining units of local government to work co-operatively to prevent and combat criminal activity, particularly criminal activity that is exacerbated by drug- or gang-related involvement; and
 - (9) establishing a multi-jurisdictional task force, particularly in rural areas, composed of law-enforcement officials representing units of local government, that works with Federal law-enforcement officials to prevent and control crime.

Appendix G Application Checklist

Edward Byrne Memorial Justice Assistance Grant (JAG) Program: FY 2018 Local Solicitation

This application checklist has been created as an aid in developing an application.

What an Applicant Should Do:

Prior to Registering in GMS:

- _____ Acquire a DUNS Number (see page 31)
- _____ Acquire or renew registration with SAM (see page 32)

To Register with GMS:

- _____ For new users, acquire a GMS username and password* (see page 32)
- _____ For existing users, check GMS username and password* to ensure account access (see page 32)
- _____ Verify SAM registration in GMS (see page 32)
- _____ Search for correct funding opportunity in GMS (see page 32)
- _____ Select correct funding opportunity in GMS (see page 32)
- _____ Register by selecting the “Apply Online” button associated with the funding opportunity title (see page 32)
- _____ Read OJP policy and guidance on conference approval, planning, and reporting available at ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm (see page 17)
- _____ If experiencing technical difficulties in GMS, contact the NCJRS Response Center (see pages 2 and 33)

*Password Reset Notice – GMS users are reminded that while password reset capabilities exist, this function is only associated with points of contact designated within GMS at the time the account was established. Neither OJP nor the GMS Help Desk will initiate a password reset unless requested by the authorized official or a designated point of contact associated with an award or application.

Overview of Post-Award Legal Requirements:

- _____ Review the “[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards](https://ojp.gov/funding/index.htm)” in the OJP Funding Resource Center at <https://ojp.gov/funding/index.htm>.

Scope Requirement:

- _____ The federal amount requested is within the allowable limit(s) of the FY 2018 JAG Allocations List as listed on BJA’s [JAG web page](#).

Eligibility Requirement: Only units of local government may apply under this solicitation. By law, for purposes of the JAG Program, the term “units of local government” includes a town, township, village, parish, city, county, borough, or other general purpose political subdivision of

a state; or, it may be a federally recognized Indian tribal government that performs law enforcement functions (as determined by the Secretary of the Interior). A unit of local government also may be any law enforcement district or judicial enforcement district established under applicable state law with authority to independently establish a budget and impose taxes.

What an Application Should Include:

_____ Application for Federal Assistance (SF-424)	(see page 19)
_____ Intergovernmental Review	(see page 19)
_____ Project Identifiers	(see page 19)
_____ Program Narrative	(see page 20)
_____ Budget Detail Worksheet	(see page 21)
_____ Budget Narrative	(see page 22)
_____ Indirect Cost Rate Agreement (if applicable)	(see page 25)
_____ Tribal Authorizing Resolution (if applicable)	(see page 26)
_____ Financial Management and System of Internal Controls Questionnaire	(see page 26)
_____ Disclosure of Lobbying Activities (SF-LLL) (if applicable)	(see page 27)
_____ Certifications and Assurances by Chief Executive	(see page 27)
_____ Certification of Compliance with 8 U.S.C. § 1373 by Chief Legal Officer (Note: this requirement does not apply to Indian tribal governments.)	(see page 27)
_____ OJP Certified Standard Assurances	(see pages 39–44)
_____ Additional Attachments	
_____ Applicant Disclosure of Pending Applications	(see page 28)
_____ Research and Evaluation Independence and Integrity (if applicable)	(see page 29)



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

D.3.

Meeting Date: 09/04/2018

Prepared By: Zachary Flores, Police Chief

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6401**

Authorizing Execution of an Interlocal Agreement between the City of Sherman, the City of Denison, and Grayson County for Grant Funding to be Awarded by the U.S. Department of Justice under the 2018 Justice Assistance Grant Program – CFDA #16.738

Issue:

Approving an Interlocal Agreement (ILA) with the City of Denison and Grayson County for Justice Assistance Grant (JAG) funding

Background:

This is a companion resolution to a separate agenda item authorizing submission of an application for the 2018 JAG grant, which is also on the September 4th agenda. Execution of an ILA with the City of Denison and Grayson County is one of the required components of the joint grant application to be submitted under the U.S. Department of Justice's 2018 Justice Assistance Grant Program. The total grant award would be \$11,058.00 of which the City of Denison's portion would be \$3,220.00 towards the purchase of tasers and scene guard photography barriers; Grayson County's portion would be \$2,344.00 for the purchase of detention officer hand-held radios; and Sherman's portion would be \$5,494.00 to be used for the purchase of a patrol shields.

Origination:

Sherman Police Department

Financial Consideration:

There are no matching requirements for this grant. The City of Denison's and Grayson County's portions of the total grant would be passed through to them.

Staff Recommendation:

The staff recommends approval of this Interlocal Agreement.

Alternatives:

None are recommended.

Attachments

Resolution No. 6401
Interlocal Agreement

RESOLUTION NO. 6401

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN, THE CITY OF DENISON, AND GRAYSON COUNTY FOR GRANT FUNDING TO BE AWARDED BY THE U.S. DEPARTMENT OF JUSTICE UNDER THE 2018 JUSTICE ASSISTANCE GRANT PROGRAM – CFDA #16.738; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the City Manager be and is hereby authorized, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an Interlocal Agreement with the City of Denison and Grayson County for an award of a portion of a total Eleven Thousand Fifty-Eight Dollars and No Cents (\$11,058.00) under the 2018 Justice Assistance Grant, as set forth below and in accordance with the terms and provisions of the Interlocal Agreement attached hereto and incorporated herein for all purposes:

- An award to Grayson County of Two Thousand Three Hundred Forty-Four Dollars and No Cents (\$2,344.00) for the purchase of detention officer hand-held radios; and
- An award to the City of Denison of Three Thousand Two Hundred Twenty Dollars and No Cents (\$3,220.00) for the purchase of tasers and scene guard photography barriers; and
- An award to the City of Sherman of Five Thousand Four Hundred Ninety-Four Dollars and No Cents (\$5,494.00) for the purchase of patrol shields for the Sherman Police Department.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this the ____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM AND
CONTENT:**

BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**

THE STATE OF TEXAS §
 § **KNOW ALL BY THESE PRESENTS:**
COUNTY OF GRAYSON §

**INTERLOCAL AGREEMENT BETWEEN
THE CITY OF SHERMAN, TEXAS,
THE CITY OF DENISON, TEXAS
AND GRAYSON COUNTY, TEXAS**

2018 JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD – CFDA 16.738

THIS AGREEMENT is made and entered into this the ____ day of _____, 2018, by and between the **CITY OF SHERMAN, TEXAS**, acting by and through its governing body, the City Council, hereinafter referred to as “SHERMAN”, the **CITY OF DENISON, TEXAS**, acting by and through its governing body, the City Council, hereinafter referred to as “DENISON” and the **COUNTY OF GRAYSON, TEXAS**, hereinafter referred to as “GRAYSON” of Grayson County, State of Texas;

W I T N E S S E T H:

WHEREAS, this Agreement is made under the authority of the Interlocal Cooperation Act, Sections 791.001-791.033, Texas Government Code; and

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement; and

WHEREAS, SHERMAN agrees to provide DENISON Three Thousand Two Hundred Twenty Dollars and No Cents (\$3,220.00) from the 2018 JAG Program award for the purchase of tasers and scene guard photography barriers; and

WHEREAS, SHERMAN agrees to provide GRAYSON Two Thousand Three Hundred Forty-Four Dollars and No Cents (\$2,344.00) from the 2018 JAG Program award to be used for the purchase of detention officer hand-held radios; and

WHEREAS, SHERMAN, DENISON and GRAYSON believe it to be in their best interests to reallocate the 2018 JAG funds;

NOW, THEREFORE, SHERMAN, DENISON and GRAYSON agree as follows:

Section 1. SHERMAN agrees to pay DENISON a total of Three Thousand Two Hundred Twenty Dollars and No Cents (\$3,220.00) of 2018 JAG funds.

Section 2. DENISON agrees to use Three Thousand Two Hundred Twenty Dollars and No Cents (\$3,220.00) for the purchase of tasers and scene guard photography barriers.

Section 3. DENISON agrees that, in the event of loss or misuse of the 2018 JAG Program Award funds, as determined by SHERMAN, DENISON assures that the funds will be returned to SHERMAN in full for return to the U.S. Department of Justice.

Section 4. SHERMAN agrees to pay GRAYSON a total of Two Thousand Three Hundred Forty-Four Dollars and No Cents (\$2,344.00) of 2018 JAG funds.

Section 5. GRAYSON agrees to use Two Thousand Three Hundred Forty-Four Dollars and No Cents (\$2,344.00) for the purchase of detention officer hand-held radios.

Section 6. GRAYSON agrees that, in the event of loss or misuse of the 2018 JAG Program Award funds, as determined by SHERMAN, GRAYSON assures that the funds will be returned to SHERMAN in full for return to the U.S. Department of Justice.

Section 7. Nothing in the performance of this Agreement shall impose any liability for claims against DENISON other than claims for which liability may be imposed by the Texas Tort Claims Act.

Section 8. Nothing in the performance of this Agreement shall impose any liability for claims against GRAYSON other than claims for which liability may be imposed by the Texas Tort Claims Act.

Section 9. Nothing in the performance of this Agreement shall impose any liability for claims against SHERMAN other than claims for which liability may be imposed by the Texas Tort Claims Act.

Section 10. Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 11. The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 12. By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

Section 13. This Agreement is authorized under and governed by the laws of the State of Texas. Venue for any action arising under this Agreement shall lie in state district court, Grayson County, Texas.

Section 14. If, by reason of Force Majeure as hereinafter defined, any party to this Agreement shall be rendered wholly or partially unable to carry out its obligations under this Agreement, then such party shall give written notice of the particulars of such Force Majeure to the other parties within a reasonable time after the occurrence thereof. The obligations of the party giving such notice, to the extent affected by such Force Majeure, shall be suspended during the continuance of the inability claimed and for no longer period, and such party shall, in good faith, exercise its best efforts to remove and overcome such inability. The term "Force Majeure" as utilized in this Agreement shall mean and refer to Acts of God; strikes, lockouts or other industrial disturbances; acts of public enemies; orders of any kind of the government of the United States, the State of Texas, or any other civil or military authority; insurrections, riots, epidemics, landslides, earthquakes, lightning, fires, hurricanes, storms, floods, washouts, or other natural disasters; arrest; restraint of government and people; civil disturbances; explosions; breakage or accidents to machinery, pipelines or canals; or other causes not necessarily within the control of the party claiming such inability.

Section 15. This Agreement is subject to all applicable federal, state and local laws, ordinances, rules and regulations, including but not limited to all provisions of SHERMAN'S Charter and Ordinances, as amended.

Section 16. The failure of any party to insist upon the performance of any term or provision of this Agreement or to exercise any right granted hereunder shall not constitute a waiver of that party's right to insist upon appropriate performance or to assert any such right on any future occasion.

Section 17. It is expressly understood and agreed that, in the execution of this agreement, no party waives, nor shall hereby be deemed to waive, any immunity or defense that would otherwise be available to it against claims arising during the exercise of governmental powers and functions.

CITY OF SHERMAN, TEXAS

CITY OF DENISON, TEXAS

BY: _____
Robby Hefton, City Manager

BY: _____
Jud Rex, City Manager

ATTEST:

ATTEST:

BY: _____
Linda Ashby, City Clerk

BY: _____
**Christine Wallentine,
City Clerk/Court Administrator**

APPROVED AS TO FORM:

APPROVED AS TO FORM:

BY: _____
Brandon S. Shelby,
Sherman City Attorney

BY: _____
Julie Fort,
Denison Interim City Attorney

COUNTY OF GRAYSON, TEXAS

BY: _____
Bill Magers, County Judge

ATTEST:

BY: _____
Wilma Bush,
Grayson County Clerk

APPROVED AS TO FORM:

BY: _____
Craig Price,
Attorney for Grayson County



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

D.4.

Meeting Date: 09/04/2018

Prepared By: Clint Philpott, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6402

Authorizing the Acceptance of a Conveyance Document from Panda Sherman Power, LLC for the Conveyance and Acquisition of Right of Way for West Travis Street, Phase 3, being 5.2933 acres of land in the Elizabeth Jones Survey, Abstract No. 625, being more particularly described in the Exhibit "A" attached hereto and made a part hereof for all purposes, property being located in the City of Sherman, County of Grayson, State of Texas

Issue:

Authorizing the acquisition of property for Right of Way (ROW) purposes for West Travis Street, Phase 3 in the City of Sherman, Texas

Background:

Acquisition of this 5.2933 acres of ROW is necessary to complete the West Travis Street project, which will ultimately connect F.M. 1417 to U.S. Highway 75 along the current O.B. Groner Road alignment. The ROW is being purchased from Panda Sherman Power, LLC. West Travis Street will be a four-lane median-divided road, with Phase 3 being a section east of the existing O.B. Groner Road from Moore Street east to Northgate. The Sherman Independent School District (SISD) has begun construction of their high school facilities; and the construction of this section of roadway is expected to be completed by August 2020.

Origination:

Engineering Department

Financial Consideration:

The total acquisition costs of this portion of land is \$58,226.00 as well as the relocation of an existing five-strand barbed-wire fence to be moved to the proposed property line before construction of West Travis Street begins along the Grantor's property. The estimated cost of fence relocation is approximately \$25,000.00.

Staff Recommendation:

Staff recommends that the City Council approve the resolution to authorize the acquisition of the subject property.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 6402

Right-of-Way Dedication Deed

Exhibit "A" as noted in both documents

Aerial Location Map

RESOLUTION NO. 6402

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE ACCEPTANCE OF A CONVEYANCE DOCUMENT FROM PANDA SHERMAN POWER, LLC FOR THE CONVEYANCE AND ACQUISITION OF RIGHT OF WAY FOR WEST TRAVIS STREET, PHASE 3, BEING 5.2933 ACRES OF LAND IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, BEING MORE PARTICULARLY DESCRIBED IN THE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES, PROPERTY BEING LOCATED IN THE CITY OF SHERMAN, COUNTY OF GRAYSON, STATE OF TEXAS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the City Manager be and is hereby authorized, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to accept a Conveyance Document from Panda Sherman Power, LLC for the conveyance and acquisition of right of way for West Travis Street, Phase 3, being 5.2933 acres of land in the Elizabeth Jones Survey, Abstract No. 625, being more particularly described in the Exhibit "A" attached hereto and made a part hereof for all purposes, property being located in the City of Sherman, County of Grayson, State of Texas.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this the ____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

RIGHT-OF-WAY DEDICATION DEED

STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS: COUNTY OF**
GRAYSON §

That **PANDA SHERMAN POWER, LLC** ("Grantor"), a Texas limited liability company, whose address is 5001 Spring Valley Road, Suite 1150 West, Dallas, TX 75244-3946, for and in consideration of the sum of Fifty Eight Thousand Two Hundred Twenty Six Dollars and Thirty Cents (\$58,226.30) and the cost of fence relocation to the new property line prior to removal of existing fence and other good and valuable consideration in hand paid by the **CITY OF SHERMAN, TEXAS**, ("Grantee"), whose mailing address is P.O. Box 1106, Sherman, Texas 75091, the receipt and sufficiency of which consideration is hereby acknowledged, has DEDICATED, GRANTED, SOLD AND CONVEYED, and by these presents does DEDICATE, GRANT, SELL AND CONVEY unto Grantee as right of way for public street and utility purposes, including the right of ingress and egress, and regress therein, and easements to construct, maintain, public streets and utilities, or any other public purpose authorized by Local Government Code § 273.1 and deemed necessary by Grantee into and through all that certain real property located in the County of Grayson, State of Texas, being a tract or parcel of land situated in the Elizabeth Jones Survey, Abstract No. 625, containing 5.2933 acres of land, more or less, and being more particularly described in Exhibit "A" attached hereto and for all purposes.

TO HAVE AND TO HOLD the above described property for said public street, utility, and other valid public purpose unto Grantee, its successors and assigns, forever, and Grantor does hereby bind itself, its successors and assigns, to warrant and forever defend, all and singular, the said premises unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

SIGNED and effective this _____ day of _____, 2018.

ATTEST:

GRANTEE:
CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
BRANDON SHELBY, CITY ATTORNEY

GRANTOR:

PANDA SHERMAN POWER, LLC

BY: _____

TITLE: _____

ACKNOWLEDGEMENT

THE STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this the _____ day of _____, 2018.

NOTARY PUBLIC, STATE OF TEXAS

Notary's commission expires: _____

AFTER RECORDING, RETURN TO
City of Sherman
Office of the City Attorney
P. O. Box 1106
Sherman, TX 75091-1106

RIGHT-OF-WAY DEDICATION

A Portion of a 147.5 Acre Tract
Elizabeth Jones Survey, Abstract No. 625
City of Sherman, Grayson County, Texas

BEING a 5.2933 acre tract of land situated in the Elizabeth Jones Survey, Abstract No. 625, being a part of that tract of land conveyed to Panda Sherman Power LLC by General Warranty Deed, recorded in Volume 5125, Page 388 of the Deed Records of Grayson County, Texas (D.R.G.C.T.), said tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron rod found for the South corner of said Panda Sherman Power LLC tract, same being the West corner of a tract of land conveyed to Munson Realty Company by Warranty Deed, recorded in Volume 1460, Page 722 (D.R.G.C.T.), said corner also being in the southeast line of a tract of land conveyed to Walter H. & Mary T. Deronde by Warranty Deed with Vendor's Lien, recorded in Volume 4038, Page 911 and Correction Deed, recorded in Volume 4134, Page 565 (D.R.G.C.T.);

THENCE N00°46'36"E, along the common southwest line of said Panda Sherman Power LLC tract and the northeast line of said Walter H. & Mary T. Deronde tract, a distance of 80.04 feet to a 1/2-inch iron rod found for corner;

THENCE N14°47'13"W, a distance of 9.30 feet to a 5/8-inch steel rebar with yellow plastic cap stamped "BDD" set for corner;

THENCE N74°10'24"E, departing the common southwest line of said Panda Sherman Power LLC tract and the northeast line of said Walter H. & Mary T. Deronde tract, a distance of 2113.62 feet to a 5/8-inch steel rebar with yellow plastic cap stamped "BDD" set for corner at the beginning of a tangent curve to the left;

THENCE along said tangent curve to the left, through a central angle of 17°52'53", having an arc distance of 311.15 feet, a radius of 997.00 feet and a chord bearing and distance of N65°13'58"E, 309.89 feet to a 5/8-inch steel rebar with yellow plastic cap stamped "BDD" set for corner at the beginning of a reverse curve to the right;

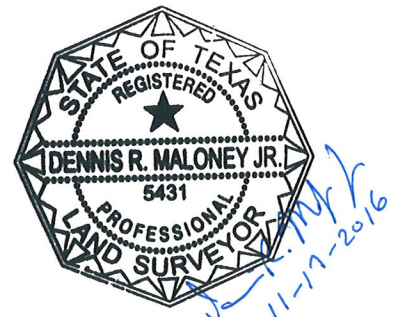
THENCE along said reverse curve to the right, through a central angle of 09°56'26", having an arc distance of 187.90 feet, a radius of 1083.00 feet and a chord bearing and distance of N61°15'45"E, 187.66 feet to a 5/8-inch steel rebar with yellow plastic cap stamped "BDD" set for corner in the South line of a tract of land conveyed to SSCGC Holdings by Special Warranty Deed, recorded in Volume 5232, Page 220 (D.R.G.C.T.);

THENCE S73°04'32"E, along the South line of said SSCGC Holdings tract, a distance of 140.68 feet to a 5/8-inch steel rebar with yellow plastic cap stamped "BDD" set for corner at the beginning of a non-tangent curve to the left;

THENCE along said non-tangent curve to the left, through a central angle of 16°04'57", having an arc distance of 279.85 feet, a radius of 997.00 feet and a chord bearing and distance of S64°20'00"W, 278.93 feet to a 5/8-inch steel rebar with yellow plastic cap stamped "BDD" set for corner at the beginning of a reverse curve to the right;

THENCE along said reverse curve to the right, through a central angle of 17°52'53", having an arc distance of 337.99 feet, a radius of 1083.00 feet and a chord bearing and distance of S65°13'58"W, 336.62 feet to a 5/8-inch steel rebar with yellow plastic cap stamped "BDD" set for corner in the northwest line of the aforementioned Munson Realty Company tract;

THENCE S74°10'24"W, along the common southeast line of said Panda Sherman Power LLC tract and the northwest line of said Munson Realty Company tract, a distance of 2136.66 feet to the POINT OF BEGINNING, containing 230,577 square feet or 5.2933 acres of land, more or less.



BROCKETTE · DAVIS · DRAKE, inc.
consulting engineers

Civil & Structural Engineering Surveying
4144 North Central Expressway, Suite 1100 Dallas, Texas 75204
(214)824-3647, fax (214) 824-7064

BASIS OF BEARING:

Bearings are based upon the Texas State Plane Coordinate System, North American Datum of 1983 (NAD83), North Central Zone 4202.

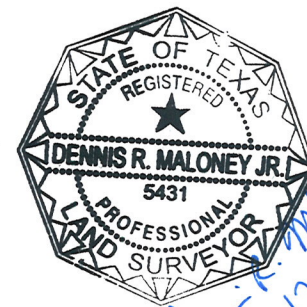
NOVEMBER, 2016

SHEET 1 OF 3

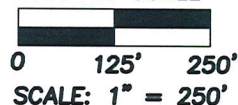
C16035

RIGHT-OF-WAY DEDICATION

A Portion of a 147.5 Acre Tract
Elizabeth Jones Survey, Abstract No. 625
City of Sherman, Grayson County, Texas



GRAPHIC SCALE

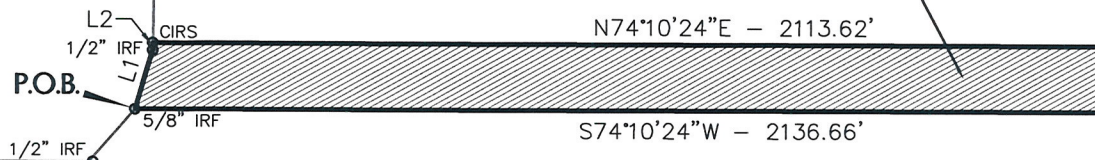


Line Table		
Line #	Direction	Length
L1	N00°46'36"E	80.04
L2	N14°47'13"W	9.30
L3	S73°04'32"E	140.68

WALTER H. &
MARY T. DERONDE
VOL. 4038, PG. 911
VOL. 4134, PG. 565
D.R.G.C.T.

PANDA SHERMAN
POWER LLC
VOL. 5125, PG. 388
D.R.G.C.T.

RIGHT-OF-WAY
DEDICATION
230,577 SQ. FT.
5.2933 ACRES



MUNSON
REALTY CO.
VOL. 925, PG. 261
D.R.G.C.T.

MUNSON
REALTY CO.
VOL. 1460, PG. 722
D.R.G.C.T.

LEGEND

IRF	iron rod found
CIRS	"BDD" capped iron rod set
C.M.	controlling monument
R.O.W.	right-of-way
VOL., PG.	Volume, Page
P.O.C.	Point of Commencing
P.O.B.	Point of Beginning
P.R.G.C.T.	Plat Records, Grayson County, Texas
D.R.G.C.T.	Deed Records, Grayson County, Texas

BASIS OF BEARING:

Bearings are based upon the Texas State Plane Coordinate System,
North American Datum of 1983 (NAD83), North Central Zone 4202.

BROCKETTE · DAVIS · DRAKE, inc.
consulting engineers

Civil & Structural Engineering · Surveying
4144 North Central Expressway, Suite 1100 Dallas, Texas 75204
(214)824-3647, fax (214) 824-7064

RIGHT-OF-WAY DEDICATION

A Portion of a 147.5 Acre Tract
Elizabeth Jones Survey, Abstract No. 625
City of Sherman, Grayson County, Texas



GRAPHIC SCALE

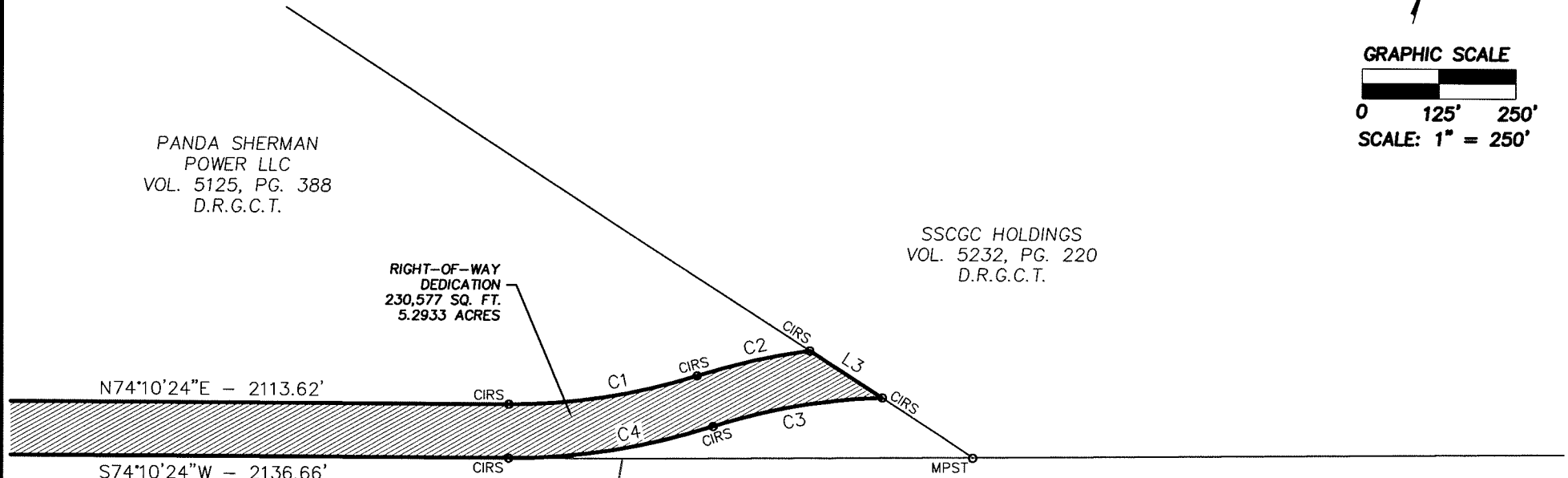


0 125' 250'
SCALE: 1" = 250'

PANDA SHERMAN
POWER LLC
VOL. 5125, PG. 388
D.R.G.C.T.

SSCGC HOLDINGS
VOL. 5232, PG. 220
D.R.G.C.T.

RIGHT-OF-WAY
DEDICATION
230,577 SQ. FT.
5.2933 ACRES



N74°10'24"E - 2113.62'

S74°10'24"W - 2136.66'

MUNSON
REALTY CO.
VOL. 1460, PG. 722
D.R.G.C.T.

SHERMAN ECONOMIC
DEVELOPMENT CORP.
VOL. 2660, PG. 656
D.R.G.C.T.

LEGEND

IRF iron rod found
CIRS "BDD" capped
iron rod set
C.M. controlling monument
R.O.W. right-of-way
VOL., PG. Volume, Page
P.O.C. Point of Commencing
P.O.B. Point of Beginning
P.R.G.C.T. Plat Records,
Grayson County, Texas
D.R.G.C.T. Deed Records,
Grayson County, Texas

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	311.15	997.00	017°52'53"	N65°13'58"E	309.89
C2	187.90	1083.00	009°56'26"	N61°15'45"E	187.66
C3	279.85	997.00	016°04'57"	S64°20'00"W	278.93
C4	337.99	1083.00	017°52'53"	S65°13'58"W	336.62

BROCKETTE · DAVIS · DRAKE, Inc.
consulting engineers

Civil & Structural Engineering Surveying
4144 North Central Expressway, Suite 1100 Dallas, Texas 75204
(214)824-3647, fax (214) 824-7064

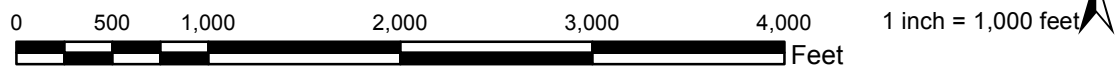
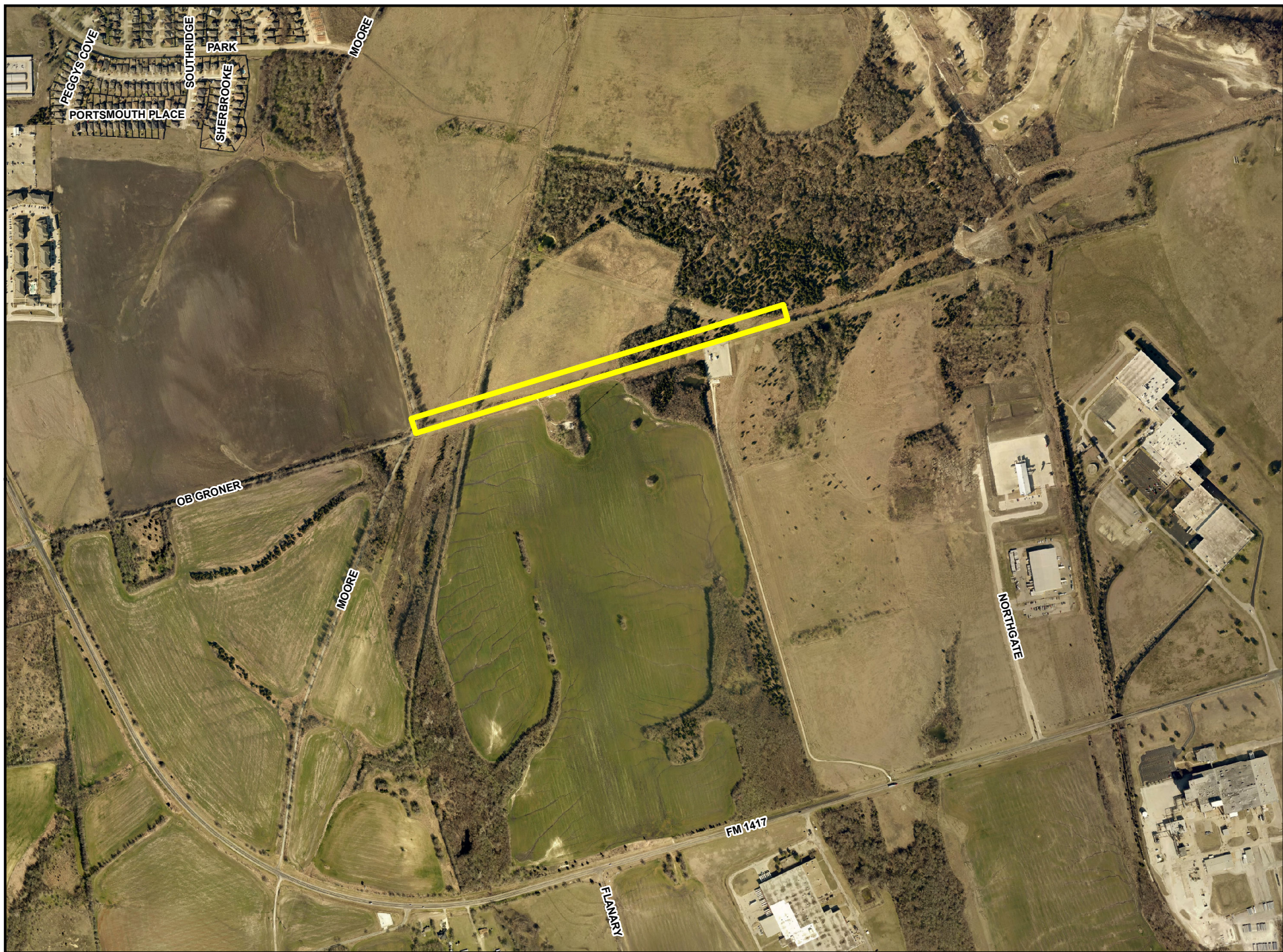
BASIS OF BEARING:

Bearings are based upon the Texas State Plane Coordinate System,
North American Datum of 1983 (NAD83), North Central Zone 4202.

NOVEMBER, 2016

SHEET 3 OF 3

C16035





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

D.5.

Meeting Date: 09/04/2018

Prepared By: Mark Gibson, Director of Utilities

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6403**

Accepting the Contract with We Build, Inc. dba HWH Industrial as Complete for All Equipment, Materials and Construction of the City of Sherman Wastewater Treatment Plant Biosolids Dewatering Project

Issue:

To consider and act upon a resolution approving the Greater Texoma Utility Authority's (GTUA) acceptance of the contract with We Build, Inc. dba HWH Industrial (HWH) as complete for all equipment, materials and construction of the City of Sherman Wastewater Treatment Plant (WWTP) Biosolids Dewatering Project

Background:

The City's Capital Improvement Program contained a project to finance and construct a Biosolids Dewatering Project for the City's WWTP. The project has been completed and is ready for formal acceptance by the City.

Origination:

Utilities Administration 710

Financial Consideration:

The staff recommends accepting the contract with HWH as complete for all equipment, materials and construction of the City of Sherman WWTP Biosolids Dewatering Project.

Staff Recommendation:

It is recommended that the City Council approve the resolution and accept the contract as complete for this project.

Alternatives:

As may be directed by the Council

Attachments

Resolution No. 6403

GTUA's Agenda Communication dated August 8, 2018

Aerial Location Map

RESOLUTION NO. 6403

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ACCEPTING THE CONTRACT WITH WE BUILD, INC. DBA HWH INDUSTRIAL AS COMPLETE FOR ALL EQUIPMENT, MATERIALS AND CONSTRUCTION OF THE CITY OF SHERMAN WASTEWATER TREATMENT PLANT BIOSOLIDS DEWATERING PROJECT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Sherman, Texas, has entered into a Contract for Water Supply and Sewer Service with the Greater Texoma Utility Authority; and

WHEREAS, the Greater Texoma Utility Authority has entered into a contract with We Build, Inc. dba HWH Industrial for all equipment, materials and construction of the City of Sherman Wastewater Treatment Plant (WWTP) Biosolids Dewatering Project for the City of Sherman, Texas; and

WHEREAS, representatives of the City of Sherman, the Greater Texoma Utility Authority, and the project engineer have inspected the City of Sherman WWTP Biosolids Dewatering Project and found it to be complete;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the City Council of the City of Sherman, Texas, hereby formally accepts the contract with We Build, Inc. dba HWH Industrial for all equipment, materials and construction of the City of Sherman WWTP Biosolids Dewatering Project as complete.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**



GREATER TEXOMA UTILITY AUTHORITY AGENDA COMMUNICATION

DATE: August 8, 2018

SUBJECT: AGENDA ITEM NO. XIII

**CONSIDER AND ACT UPON A RESOLUTION BY THE BOARD OF DIRECTORS OF THE
GREATER TEXOMA UTILITY AUTHORITY ACCEPTING THE CONTRACT WITH
HARRISON, WALKER, HARPER INDUSTRIAL (HWH) FOR THE CITY OF SHERMAN WWTP
BIOSOLIDS DEWATERING PROJECT AS COMPLETE**

ISSUE

Consider and act upon a resolution accepting the contract with Harrison, Walker, Harper Industrial (HWH) for the City of Sherman WWTP Biosolids Dewatering Project as complete.

BACKGROUND

The City of Sherman requested the Authority's assistance in financing and constructing a Biosolids Dewatering Project for the City's Wastewater Treatment Plant. The project enables the City to dewater their wastewater sludge with City personnel as opposed to contracting this task, as was required prior to the project. The new process is expected to save the City money by now using their own forces and equipment to dewater their sludge.

This project was bid in a different manner than a typical Authority project. The dewatering press equipment bids were received at the same time as the general contractor bids. These were bid separately so that the engineer could provide an evaluated bid that takes into account operating costs over the life of the equipment as well as the amount of liquid the units were capable of removing. The general contractor bids all contained allowances for the dewatering equipment that were determined by the engineer prior to the bid opening. Because the allowances provided by the engineer were not accurate, nor were they expected to be, a change order was necessary to modify the initial general contract at the beginning of the project to reflect the actual amounts for the dewatering equipment. Change Order No. 1 was a deduction of \$266,360.00 resulting in a revised contract amount of \$1,832,019.

Change Order No. 2 resulted in an increase of \$9,387.46 resulting in a revised contract amount of \$1,841,406.46. Change Order No. 2 consisted of 10 separate items with some being additions and some being reductions in the contract amount.

Shortly after substantial completion of the project, one of the belt presses began having technical issues that resulted in the manufacturer, Andritz, having to become involved. The project has been substantially complete for several months now, but we have been waiting to propose closeout of the project until the issues with the belt press were resolved completely. It is worth noting that the system has been operational since substantial completion and that the manufacturer has been very responsive.

CONSIDERATIONS

The project is now complete and a final walk through has been performed. The Project Engineers, Freeman-Millican, have informed the Authority staff the project is ready for closeout. The City of Sherman will consider confirming the Authority Board's action at their August 20, 2018 council meeting.



GREATER TEXOMA UTILITY AUTHORITY AGENDA COMMUNICATION

PAGE 2

STAFF RECOMMENDATIONS

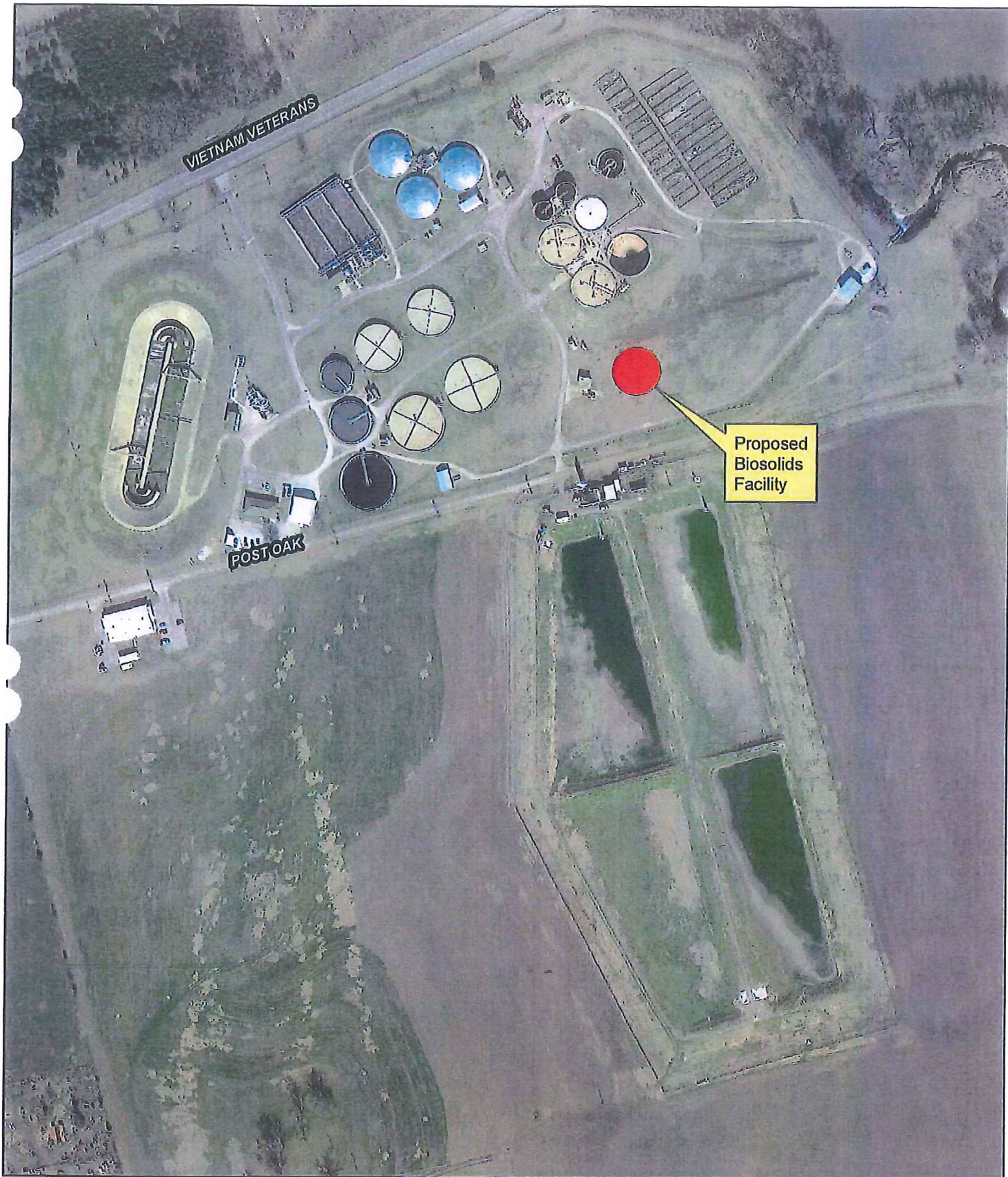
The Authority staff recommends that the Board accept the contract with Harrison, Walker, Harper Industrial as complete for the City of Sherman WWTP Biosolids Dewatering Project. This action would be contingent upon receipt of close out documentation, and the City of Sherman taking similar action.

ATTACHMENTS:

Resolution

PREPARED AND SUBMITTED BY:

Drew Satterwhite, P.E., General Manager



Sherman
ENGINEERING DEPT.
220 W. MULBERRY
SHERMAN, TX 75090

Wastewater Treatment Plant

1 inch = 300 feet





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

D.6.

Meeting Date: 09/04/2018

Prepared By: Mark Gibson, Director of Utilities

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6404**

Accepting the Contract with Landmark Structures Management, Inc. as Complete for All Equipment, Materials and Construction of the City of Sherman Southwest 1.5 M.G. Elevated Tank Project

Issue:

To consider and act upon a resolution approving the Greater Texoma Utility Authority's (GTUA) acceptance of the contract with Landmark Structures Management, Inc. as complete for all equipment, materials and construction of the City of Sherman Southwest 1.5 M.G. Elevated Tank

Background:

The City's Capital Improvement Program contained a project to finance and construct a new elevated storage tank in southwest Sherman. The project has been completed and is ready for formal acceptance by the City.

Origination:

Utilities Administration 710

Financial Consideration:

The staff recommends accepting the contract with Landmark Structures Management, Inc. as complete for all equipment, materials and construction of the City of Sherman Southwest 1.5 M.G. Elevated Tank Project.

Staff Recommendation:

It is recommended that the City Council approve the resolution and accept the contract as complete for this project.

Alternatives:

As may be directed by the Council

Attachments

Resolution No. 6404

GTUA's Agenda Communication dated August 2, 2018

Change Order No. 3

Aerial Location Map

RESOLUTION NO. 6404

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ACCEPTING THE CONTRACT WITH LANDMARK STRUCTURES MANAGEMENT, INC. AS COMPLETE FOR ALL EQUIPMENT, MATERIALS AND CONSTRUCTION OF THE CITY OF SHERMAN SOUTHWEST 1.5 M.G. ELEVATED TANK PROJECT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Sherman, Texas, has entered into a Contract for Water Supply and Sewer Service with the Greater Texoma Utility Authority; and

WHEREAS, the Greater Texoma Utility Authority has entered into a contract with Landmark Structures Management, Inc. for all equipment, materials and construction of the City of Sherman Southwest 1.5 M.G. Elevated Tank Project for the City of Sherman, Texas; and

WHEREAS, representatives of the City of Sherman, the Greater Texoma Utility Authority, and the project engineer have inspected the City of Sherman Southwest 1.5 M.G. Elevated Tank Project and found it to be complete;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the City Council of the City of Sherman, Texas, hereby formally accepts the contract with Landmark Structures Management, Inc. for all equipment, materials and construction of the City of Sherman Southwest 1.5 M.G. Elevated Tank Project as complete.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**



GREATER TEXOMA UTILITY AUTHORITY AGENDA COMMUNICATION

DATE: August 2, 2018

SUBJECT: AGENDA ITEM NO. XII

**CONSIDER AND ACT UPON CHANGE ORDER NO. 3 AND A RESOLUTION BY THE BOARD OF DIRECTORS
OF THE GREATER TEXOMA UTILITY AUTHORITY ACCEPTING THE CONTRACT WITH LANDMARK
STRUCTURES FOR THE CITY OF SHERMAN SOUTHWEST 1.5 M.G. ELEVATED TANK PROJECT AS
COMPLETE**

ISSUE

Consideration of Change Order No.3 and the closeout of the contract with Landmark Structures for the City of Sherman Elevated Storage Tank Project.

BACKGROUND

The City of Sherman requested the Authority's assistance in obtaining funding through the Texas Water Development Board ("TWDB") Drinking Water State Revolving Fund Program ("DWSRF") to fund the construction of a new elevated water storage tank with accessories and electrical/SCADA work at the new tank site, as well as the existing Gallagher elevated storage tank. The elevated storage tank is a 1.5 million gallon tank on the southwest section of the City of Sherman's system. This elevated storage tank project will enable the City of Sherman to continue to grow in this section of the City as well as provide a redundancy to the pressure plane.

At the December 2015 meeting, the board authorized award of contract to Landmark Structures in the amount of \$2,352,000.

Change Order No. 1 resulted in a decrease of \$36,715, resulting in a revised contract amount of \$2,315,285 to the contract with Landmark Structures. In late November, it was noted that Landmark Structures was unable to purchase the mixing valves specified in the contract, due to ongoing litigation between the two companies. The alternative that the project engineer developed was for GTUA/Sherman to purchase the mixing valves directly from Tideflex and supply the valves to Landmark. Landmark Structures agreed to this approach and also agreed to reduce their contract by the amount quoted from Tideflex. The result was no change in the overall cost of the project.

Change Order No. 2 added a 16" motor operated butterfly valve, a 12" double door check valve and ductile iron piping needed to accommodate the change. This change is needed to facilitate mixing of water flowing into the tank with existing stored water to improve water quality and reduce water age. This change allows the City to turn over the water in each of their two tanks on an individual basis. Change Order No. 2 increased the contract price by \$35,502.00, resulting in a revised contract amount of \$2,350,760.00.

The proposed Change Order No. 3 is for changing the type of light fixtures that were incorporated in the project. The contractor and engineer felt the prices for the original lights were unreasonable which resulted in the search for equivalent and cheaper fixtures. Change Order No. 3 would decrease the contract price by \$5,117.00, resulting in a revised contract amount of \$2,345,670.00.



GREATER TEXOMA UTILITY AUTHORITY AGENDA COMMUNICATION

PAGE 2

CONSIDERATIONS

The Southwest Elevated Storage tank has been constructed and in operation for over a year. However, the project also included electrical work at the Gallagher elevated storage tank site which was unable to get done until the rehabilitation work was completed on that tower.

The engineer has reviewed and recommended authorizing Change Order No. 3. The engineer, inspector and contractor are planning a final walk through on August 13, 2018. The City of Sherman will consider this at their August 20, 2018 council meeting.

STAFF RECOMMENDATIONS

The Authority staff recommends authorizing Change Order No. 3 in the amount of \$5,117.00, resulting in a revised contract amount of \$2,345,670.00 to the contract and approving the Resolution accepting the contract with Landmark Structures as complete for the City of Sherman Elevated Storage Tank Project. Closeout will be contingent upon receipt of closeout documents and the City of Sherman taking similar action accepting the contract with Landmark Structures as complete.

ATTACHED

Change Order No. #3
Resolution

PREPARED AND SUBMITTED BY:

Drew Satterwhite, P.E., General Manager



FREEMAN-MILLICAN, INC.
ENGINEERS - ARCHITECTS - PLANNERS

TERRY MILLICAN, R.P.L.S.
VICTOR ACUY, P.E.
RICHARD A. DORMIER, P.E.
JOHN D. GATTIS, A.I.A.
DAMIR LULO, P.E.
MICHAEL K. STACEY, P.E.
LARRY J. FREEMAN, P.E.

August 10, 2018

Mr. Drew Satterwhite, P.E.
General Manager
Greater Texoma Utility Authority
5100 Airport Drive
Denison, Texas 75020

**Re: Sherman Southwest 1.5 M.G. Elevated Tank Project
Construction Change Order #3**

Dear Mr. Satterwhite:

This proposed change order #3 replaces Lumenpulse floodlight with Lithonia floodlights and replaces Appleton VA1075G-M ladder light fixtures with a new Appleton OLVTWM Series Omnidirectional LED fixtures all of equality. This change is needed to reduce the extremely high prices bid by Lumenpulse and new more cost effective light fixtures models from Appleton.

The attached proposed change order #3 decreases the contract price by \$5,117.00 for the above noted items.

We recommend that the Greater Texoma Utility Authority approve the proposed change order #3 decreasing the contract price with Landmark Structures Management, Inc. to \$2,345,670.00

Sincerely,

FREEMAN - MILLICAN, INC.

David E. Gattis, P.E.

Enclosure & Copy: Sherman, Mark Gibson, Director of Utilities

CHANGE ORDER NO. #3

PROJECT: Southwest 1.5 M.G. Elevated Tank Project
OWNER: Greater Texoma Utility Authority for City of Sherman, Tex.
CONTRACTOR: Landmark Structures Management, Inc.
ENGINEER: Freeman - Millican, Inc.
Dallas, Texas
DATE: July 30, 2018

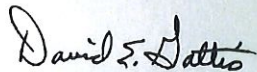
TO THE CONTRACTOR: You are hereby authorized, subject to the Contract provisions,
to make the following changes per your letter of January 5, 2017 & attached proposal:
Total cost decrease (\$5,117.00)

Original Contract Amount:	\$2,352,000.00
Revised Contract Amount after C.O. #2	\$2,350,787.00
Addition/(Reduction) - This Change Order #3	(\$5,117.00)
Revised Contract Amount	\$2,345,670.00

Original Contract Time:	450 Days
Time Extension/(Reduction) - Change Order No. 1	56 Days

Revised Contract Time:	506 Days
------------------------	----------

RECOMMENDED:

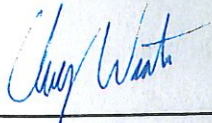


Freeman - Millican, Inc.

July 30, 2018

Date

APPROVED:



Contractor

8/8/2017

Date

Owner

Date

Owner Change Order No.

Job Name:

Job Number:

Internal CO Number:

Description:

1
Southwest 1.5MG Elevated Tank
1533

Light Fixture Change

		AMOUNT DETAIL						Notes
	ITEM DESCRIPTION	QTY		UNIT		UNIT RATE	EXTENDED AMOUNT	TOTAL AMOUNT
45	SUBCONTRACT						-	-\$6,020.00
46								
47	Original Fixture A	10.00		1.00		\$1,485.00	(14,850.00)	
48	Revised Fixture A	10.00		1.00		\$935.00	9,350.00	
49								
50	Original Fixture B	16.00		1.00		\$149.50	(2,392.00)	
51	Revised Fixture B	16.00		1.00		\$117.00	1,872.00	
52							-	
53							-	
54							-	
55							-	
56							-	
57	CHANGE ORDER AMOUNT SUMMARY							\$0.00
58								
63							SUBCONTRACT	-\$6,020.00
64							Sub-Total	-\$6,020.00
	Subcontractor Overhead/Profit					OVERHEAD & FEE @ 10%		\$602.00
65	Contractor Overhead/Profit					OVERHEAD & FEE @ 5%		\$301.00
66						TOTAL VALUE OF THIS CHANGE ORDER		-\$5,117.00
67								
68								
69								
70								
71	JOB COMPLETION TIME IMPACT DUE TO THIS CHANGE ORDER							
72	Current Substantial Completion Date						15-May-16	
73	Current Final Completion Date						13-Jun-16	
74								
75	Days Added with this Change						0 Days	
76								
77	Revised Substantial Completion Date (with this CO)						15-May-16	
78	Revised Final Completion Date (with this CO)						13-Jun-16	
79								
80	CHANGE ORDER SUMMARY							
81	Total Amount of this change							-\$5,117.00
82	Amount of Increase of Time To Complete							0 Days
83	Revised Substantial Completion Date Due to This Change							16-May-16
84	Revised Final Completion Date Due to This Change							13-Jun-16
85								
86								
87								
88								
89								



BUTLER SUPPLY, INC

QUOTATION

QUOTE NO: _____

DATE: January 3, 2017

JOB NAME: SHERMAN, TX LIGHTING CHANGE REQUEST

COMPANY: ALELCO

ATTN: CHARLIE

WE ARE PLEASED TO QUOTE THE ABOVE REFERENCED PROJECT AS FOLLOWS:

QUANTITY	TYPE	CAT # AND DESCRIPTION	PRICE/EA	TOTAL
OFFER FOR APPROVAL				
10	A LITHONIA	DSXF3LED6P140KMFLMVOLTYKC62 DNAXD W/ FTSCG6DNAXD 15,194 LUMENS	\$ 935.00	\$ 9,350.00
0	NOTE:	LUMENPULSE FIXTURE WAS ONLY 6,735 LUMENS	\$ -	\$ -
0	A LITHONIA	ALT. DSXF2LED6P140KMFLMVOLTYK C62DNAXD W/ FT SCG6DNAXD 7,421 LUMENS	\$ 740.00	\$ -
0			\$ -	\$ -
16	B LITHONIA	OLVTWM WALLMOUNT LED	\$ 117.00	\$ 1,872.00
0	NOTE:	APPLETON DOES NOT OFFER A OLVTWM	\$ -	\$ -
0			\$ -	\$ -
0			\$ -	\$ -
0			\$ -	\$ -
0			\$ -	\$ -
0			\$ -	\$ -
0			\$ -	\$ -
0			\$ -	\$ -
0			\$ -	\$ -
0			\$ -	\$ -
0			\$ -	\$ -
0			\$ -	\$ -
			GRAND TOTAL	\$ 11,222.00

ALL QUOTATIONS ARE SUBJECT TO APPROVAL

LAMPS ARE NOT INCLUDED UNLESS NOTED OTHERWISE

PRICES ARE FIRM FOR ORDER ENTRY IN 30 DAYS AND FOR SHIPMENT WITHIN 90 DAYS

PROJECTS FUNDED WITH FEDERAL STIMULUS MONEY MAY REQUIRE A RE-QUOTE AND PRICE ADJUSTMENTS DUE TO MANUFACTURING REQUIREMENTS MANDATED BY THE US GOVERNMENT.

BUTLER SUPPLY DOES NOT ASSUME ANY RESPONSIBILITY FOR QUANTITIES, ANY ITEMS NOT LISTED ON QUOTATION ARE TO BE CONSIDERED EXTRA AND WILL BE PRICED UPON REQUEST.

FIXTURE VOLTAGES ARE THE RESPONSIBILITY OF THE ORDERING CONTRACTOR
BUTLER SUPPLY DOES NOT ASSUME ANY RESPONSIBILITY FOR VOLTAGES.

MATERIAL PURCHASED FROM THIS QUOTATION MAY NOT BE RETURNABLE, AND, IF RETURNABLE IS SUBJECT TO RE-STOCKING CHARGES.

TERMS: NET 30 DAYS

FREIGHT:

	FREIGHT ALLOWED ON \$
	FREIGHT ALLOWED ON \$
	FREIGHT ALLOWED ON \$
	FREIGHT ALLOWED ON \$
	FREIGHT ALLOWED ON \$

BY: _____



FEATURES & SPECIFICATIONS

INTENDED USE

Provides years of maintenance-free illumination for indoor or outdoor use in residential & commercial applications.

CONSTRUCTION

Cast-aluminum housing with corrosion-resistant paint in an industrial grey finish.

Sealed gasket protects against moisture and dust.

OPTICS

4000K CCT LEDs.

Frosted glass diffuser provides even light distribution.

LUMEN MAINTENANCE

LEDs will deliver 70% of their initial lumens at 50,000 hour average LED life. See Lighting Facts label on page 2 for performance details.

ELECTRICAL

MVOLT driver operates on any line voltage from 120-277V

Operating temperature -40°C to 40°C.

4kV surge protection standard.

INSTALLATION

Mounts to ceiling or wall with surface mount junction box (included).

LISTINGS

UL Listed to U.S. and Canadian safety standards for wet locations.

Tested in accordance with IESNA LM-79 and LM-80 standards.

WARRANTY

Five-year limited warranty. Full warranty terms located at www.AcuityBrands.com/CustomerResources/Terms_and_Conditions.aspx

Actual performance may differ as a result of end-user environment and application.

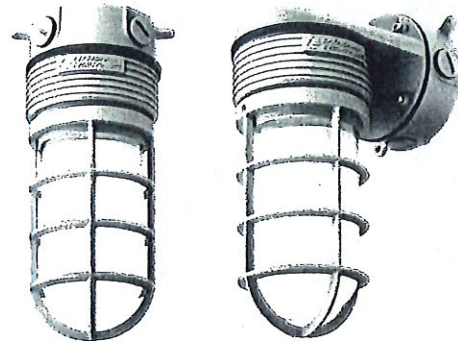
All values are design or typical values, measured under laboratory conditions at 25 °C.

Note: Specifications are subject to change without notice.

Catalog Number	OLVTWM
Notes	
Type	B

Outdoor General Purpose

OLVTCM & OLVTWM

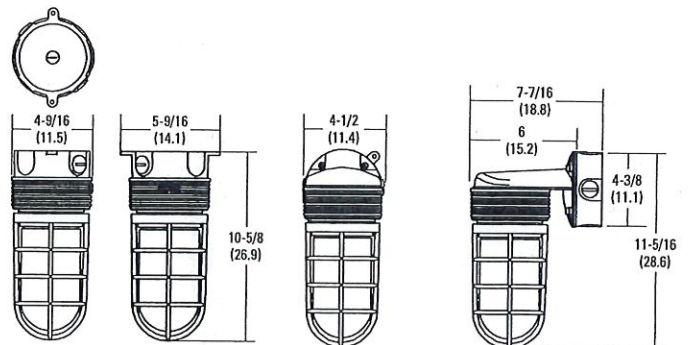


LED VAPORTIGHT



Specifications

All dimensions are inches (centimeters)



ORDERING INFORMATION

For shortest lead times, configure products using **bolded options**.

Example: OLVTCM

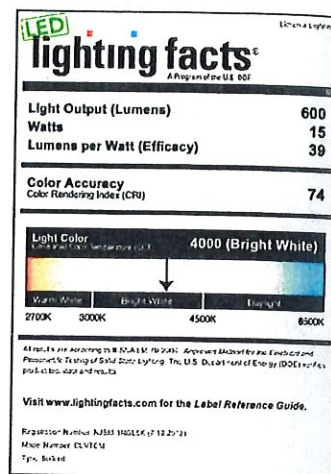
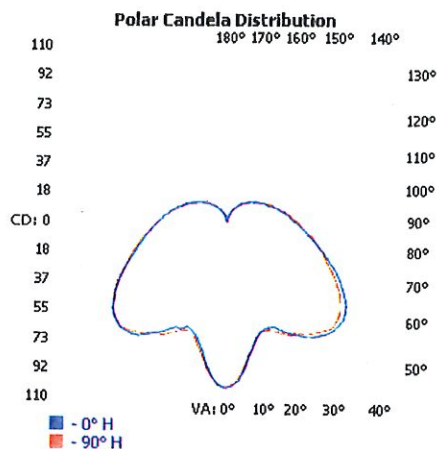
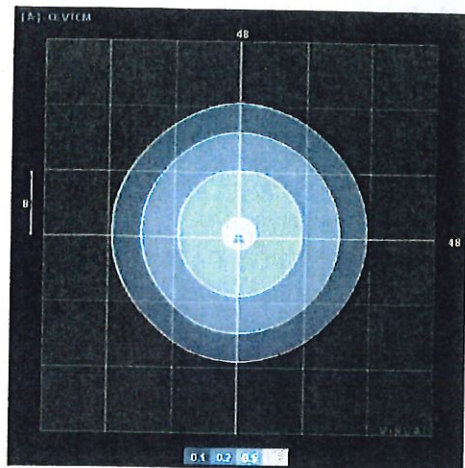
Series	Color temperature	Voltage	Finish
OLVTCM Ceiling MT	(blank) 4000K	(blank) MVOLT (120V-277V)	(blank) Grey
OLVTWM Wall MT			

OLVTCM & OLVTWM LED Vaportight

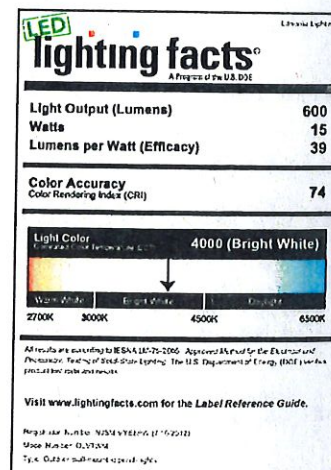
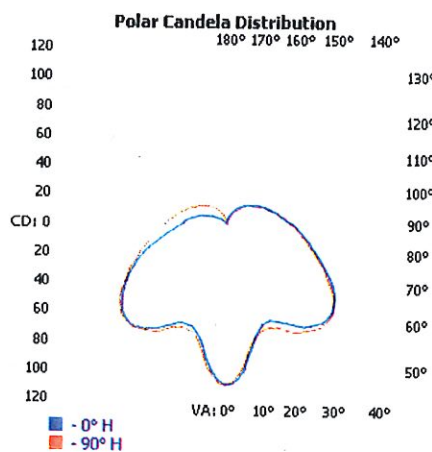
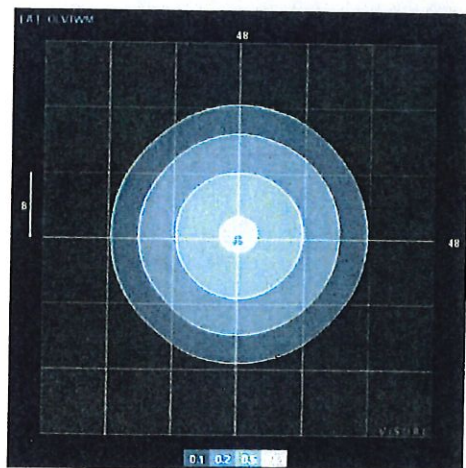
PHOTOMETRICS

To see complete photometric reports or download .ies files for this product, visit Lithonia Lighting's Outdoor LED homepage
Tested in accordance with IESNA LM-79 and LM-80 standards.

OLVTCM



OLVTWM





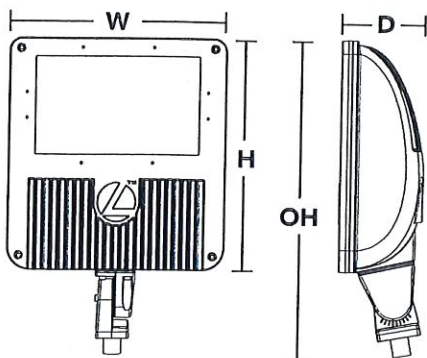
D-Series Size 3 LED Flood Luminaire



d-series

Specifications

EPA:	1.4 ft ² (0.13 m ²)
Depth:	5" (12.7 cm)
Width:	13" (33.0 cm)
Height:	13-5/8" (34.6 cm)
Overall Height:	17-1/2" (44.5 cm)
Weight:	21 lbs (9.5 kg)



Catalog Number	DSXF3 LED 6 P1 40K MFL MVOLT
Notes	
Type	A

Introduction

The D-Series Size 3 Flood features precision optics to beautifully illuminate a variety of applications as its sleek, compact styling blends seamlessly with its environment.

The D-Series Flood reflector systems and cutting-edge chip-on-board LED technology produce low field-to-beam ratios for minimal spill light and incredible photometric performance. It's the ideal long-life replacement for 250 - 400W metal halide floods, with typical energy savings of 64% and expected service life of over 100,000 hours.

Ordering Information

EXAMPLE: DSXF3 LED 6 P2 40K FL MVOLT THK DDBXD

DSXF3 LED

Series	Light Engines	Performance Package	Color Temperature	Distribution	Voltage	Mounting
DSXF3 LED	6 Six COB engines	P1 P2	30K 3000 K 40K 4000 K 50K 5000 K	NSP Narrow spot MSP Medium spot MFL Medium flood FL Flood WFL Wide flood WFR Wide flood, rectangular HMF Horizontal medium flood	MVOLT ¹ 120 ¹ 208 ¹ 240 ¹ 277 ¹ 347 480	Shipped included THK Knuckle with 3/4" NPT threaded pipe YKC62 Yoke with 16-3 SO cord IS Integral slipfitter (fits 2-3/8" O.D. tenon) Shipped separately² FTS CG6 Tenon slipfitter (fits 2-3/8" to 2-7/8" O.D. tenon. YKC62 required)

Options

Shipped installed	Shipped installed	Shipped separately ⁸	Finish (required)
PER NEMA twist-lock receptacle only (no controls) ³	PNMTDD3 Part night, dim till dawn ⁶	UBV Upper/bottom visor (universal)	DDBXD Dark bronze
PER5 Five-wire receptacle only (no controls) ^{3,4}	PNMT5D3 Part night, dim 5 hrs. ⁶	FV Full visor	DBLXD Black
DMG 0-10V dimming driver (no controls)	PNMT6D3 Part night, dim 6 hrs. ⁶	VG Vandal guard	DNAXD Natural aluminum
SF Single fuse (120, 277, 347V) ⁵	PNMT7D3 Part night, dim 7 hrs. ⁶	WG Wire guard	DWHXD White
DF Double fuse (208, 240, 480V) ⁵	BL30 Bi-level switched dimming, 30% ⁷		
WTB Utility terminal block	BL50 Bi-level switched dimming, 50% ⁷		

Accessories

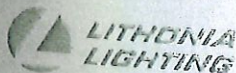
Ordered and shipped separately.

FTS CG6 DDBXD U	Slipfitter for 2-3/8" to 2-7/8" O.D. tenons; mates with yoke mount (specify finish)
FRWB DDBXD U	Radius wall bracket, 2-3/8" O.D. tenon (specify finish)
FSPB DDBXD U	Steel square pole bracket, 2-3/8" O.D. tenon (specify finish)
DSXF3UBV DDBXD U	Upper/bottom visor accessory (specify finish)
DSXF3FV DDBXD U	Full visor accessory (specify finish)
DSXF3VG U	Vandal guard accessory
DSXF3WG DDBXD U	Wire guard accessory
DLL127F 1.5 JU	Photocell - SSL twist-lock (120-277V) ⁹
DLL347F 1.5 CUL JU	Photocell - SSL twist-lock (347V) ⁹
DLL480F 1.5 CUL JU	Photocell - SSL twist-lock (480V) ⁹
DSH0RT SBK U	Shorting cap ⁹

NOTES

- MVOLT driver operates on any line voltage from 120-277V. Specify 120, 208, 240 or 277 options only when ordering with fusing (SF, DF options).
- Must be ordered as an accessory; see Accessories information at left.
- For units with a photocontrol receptacle, the mounting must be restricted to $\pm 45^\circ$ from horizontal aim per ANSI C136.10-2010.
- Specifies a ROAM[®] enabled luminaire with 0-10V dimming capability; PER5 option required. Additional hardware and services required for ROAM[®] deployment; must be purchased separately. Call 1-800-442-6745 or email: sales@roomservices.net.
- Single fuse (SF) requires 120, 277 or 347 voltage option. Double fuse (DF) requires 208, 240 or 480 voltage option.
- Dimming driver standard. MVOLT only. Not available with 347V, 480V, PER5, BL30 or BL50.
- Requires an additional switched circuit. Dimming driver standard. MVOLT only. Not available with 347V, 480V, or PER5.
- Also available as separate accessories; see Accessories information at left.
- Requires luminaire to be specified with PER option. Must be ordered and shipped as a separate line item from Acuity Controls.

For more mounting options, visit our www.lithonia.com pages.
For more control options, visit www.lithonia.com and www.lithonia.com online.



One Lithonia Way • Conyers, Georgia 30012 • Phone: 800.279.8041 • Fax: 770.918.1209 • www.lithonia.com
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DSXF3-LED
Rev. 08/09/16
Page 1 of 3

Performance Data

Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

Light Engines	Performance Package	System Watts	Dist. Type	Field Angle		Beam Angle		30K (3000 K, 70 CRI)			40K (4000 K, 70 CRI)			50K (5000 K, 70 CRI)		
				H	V	H	V	Max Cd	Lumens	LPW	Max Cd	Lumens	LPW	Max Cd	Lumens	LPW
6	P1	129	NSP	38	35	18	18	84476	13510	105	88800	14201	110	88800	14201	110
			MSP	53	52	27	27	49237	12774	99	51757	13428	104	51757	13428	104
			MFL	59	59	45	45	22746	12986	101	23911	13650	106	23911	13650	106
			FL	84	90	61	71	11658	13952	108	12255	14666	114	12255	14666	114
			WFL	104	105	73	76	9435	14454	112	9918	15194	118	9918	15194	118
			WFR	104	91	80	72	9546	14377	111	10035	15113	117	10035	15113	117
			HMF	121	67	94	55	10455	13238	103	10991	13916	108	10991	13916	108
			NSP	38	35	18	18	105595	16887	92	111000	17751	97	111000	17751	97
	P2	183	MSP	53	52	27	27	61546	15968	87	64696	16785	92	64696	16785	92
			MFL	59	59	45	45	28433	16232	89	29888	17063	93	29888	17063	93
			FL	84	90	61	71	14573	17440	95	15319	18333	100	15319	18333	100
			WFL	104	105	73	76	11794	18067	99	12397	18992	104	12397	18992	104
			WFR	104	91	80	72	11933	17972	98	12543	18891	103	12543	18891	103
			HMF	121	67	94	55	13069	16548	90	13738	17395	95	13738	17395	95

Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-35°C (32-95°F).

Ambient		Lumen Multiplier
0°C	32°F	1.08
0°C	50°F	1.05
20°C	68°F	1.02
25°C	77°F	1.00
30°C	86°F	0.98
35°C	95°F	0.95

Projected LED Lumen Maintenance

Data references the extrapolated performance projections for the DSXF3 LED 6 P2 platform based on 13,000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM-21-11).

To calculate LLF, use the lumen maintenance factor that corresponds to the desired number of operating hours below. For other lumen maintenance values, contact factory.

Operating Hours	0	25,000	50,000	100,000
Lumen Maintenance Factor	1.0	0.97	0.97	0.96

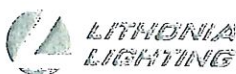
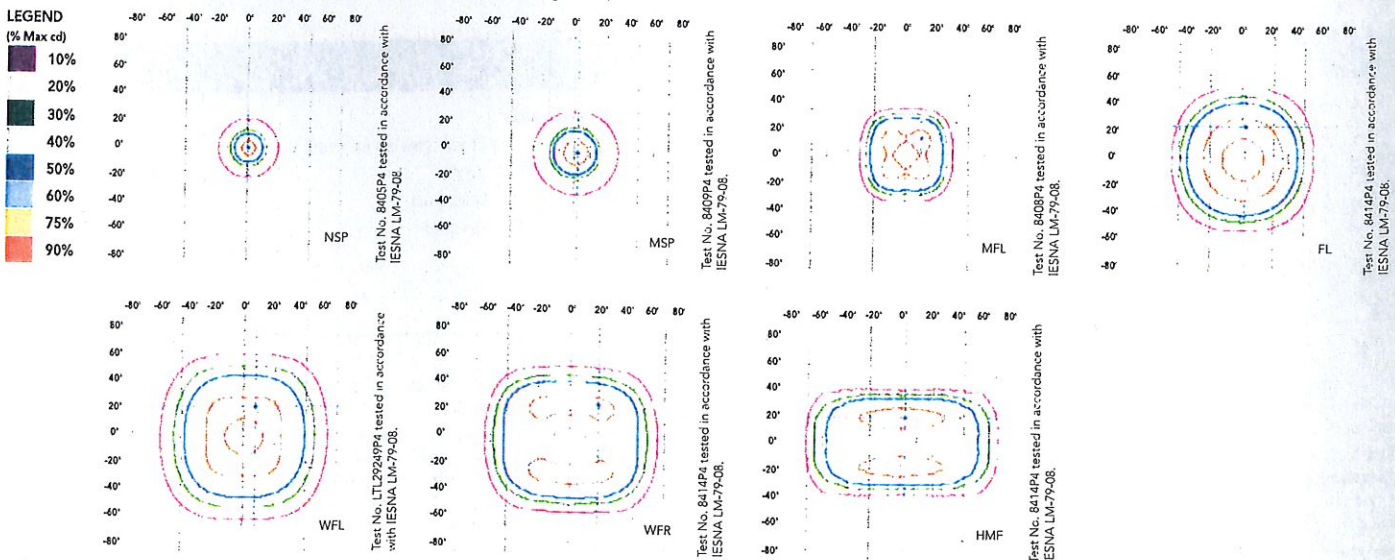
Electrical Load

Performance Package	System Watts	Current (A)					
		120V	208V	240V	277V	347V	480V
P1	129	1.08	0.62	0.54	0.47	0.38	0.29
P2	183	1.54	0.87	0.75	0.65	0.53	0.40

Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit Lithonia Lighting's [D-Series Flood Size 3 homepage](#).

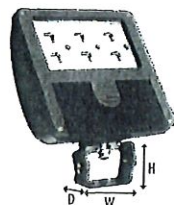
Iscandala plots for the DSXF3 LED 6 P2 40K. Distances are in units of mount height (20ft).



Mounting, Options and Accessories



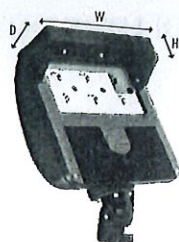
**THK - Knuckle with
3/4" NPT
threaded pipe**



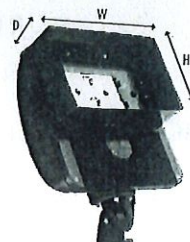
YKC62 - Yoke with SO cord
W= 5" (12.7 cm)
H= 3-1/2" (8.8 cm)
D= 2" (5.0 cm)



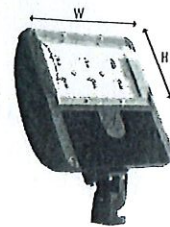
IS - Integral slipfitter
H= 4-1/2" (11.4 cm)
ID= 2-3/8" (6.0 cm)
OD= 3-1/2" (8.8 cm)



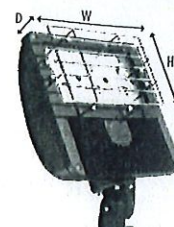
UBV - Upper/bottom visor
W= 12" (30.4 cm)
H= 7-1/5" (19.0 cm)
D= 3" (7.6 cm)



FV - Full visor
W= 12" (30.4 cm)
H= 7-1/5" (19.0 cm)
D= 3" (7.6 cm)



VG - Vandal guard
W= 10-1/2" (26.6 cm)
H= 7-1/2" (19.0 cm)



WG - Wire guard
W= 10-1/2" (26.6 cm)
H= 7-1/2" (19.0 cm)
D= 1-1/5" (3.8 cm)

FEATURES & SPECIFICATIONS

INTENDED USE

The sleek design of the D-Series Size 3 Flood reflects the embedded high performance LED technology. It is ideal for wallwash, security and general area lighting in many commercial and institutional applications.

CONSTRUCTION

Die-cast aluminum housing has integral heat sink fins to optimize thermal management through conductive and convective cooling. The LED driver is mounted in direct contact with the casting to promote low operating temperature and long life. Housing is completely sealed against moisture and environmental contaminants (IP66). Low EPA (1.4 ft²) for optimized wind loading.

FINISH

Exterior parts are protected by a zinc-infused Super Durable TGIC thermoset powder coat finish that provides superior resistance to corrosion and weathering. A tightly controlled multi-stage process ensures a minimum 3 mils thickness for a finish that can withstand extreme climate changes without cracking or peeling.

OPTICS

A variety of precision-molded vacuum-metallized specular reflectors are engineered for superior field-to-beam ratios, uniformity and spacing. Light engines are available in 3000 K (70 CRI min.), 4000 K (70 CRI min.) or 5000 K (70 CRI min.) configurations. Optional visors offer additional versatility.

ELECTRICAL

Light engines consist of chip-on-board (COB) LEDs directly coupled to the housing to maximize heat dissipation and promote long life (100,000 hrs, L80). Class 1 electronic driver has a power factor >90%, THD <20%, and has an expected life of 100,000 hours with <1% failure rate. Surge protection meets a minimum Category C Low operation (per ANSI/IEEE C62.41.2).

INSTALLATION

Integral adjustable knuckle with 3/4-14 NPT threaded pipe, or yoke mounting, facilitates quick and easy installation to a variety of mounting accessories. This secure connection enables the D-Series Size 3 to withstand up to a 1.5 G vibration load rating per ANSI C136.31.

LISTINGS

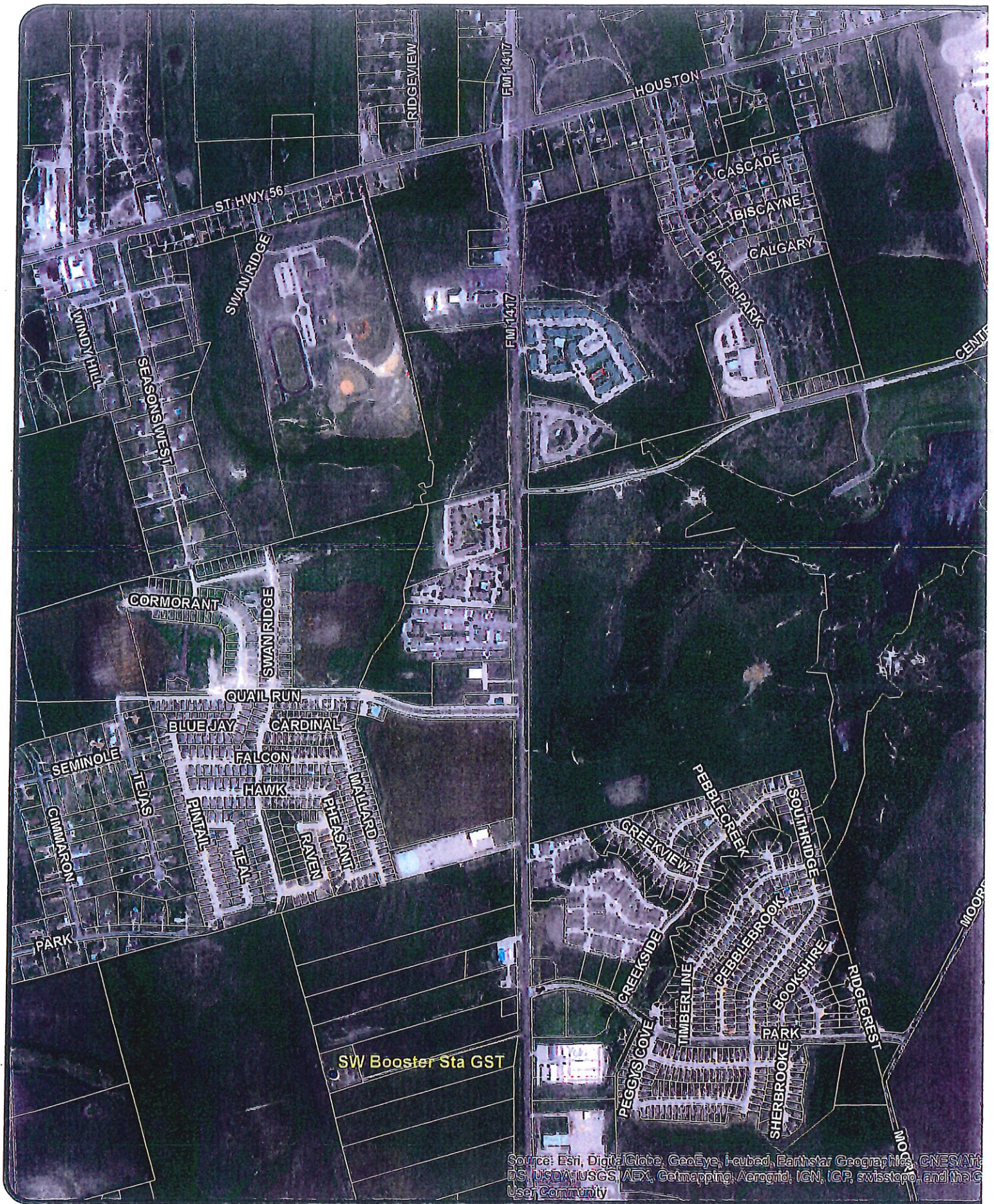
CSA certified to U.S. and Canadian standards. Luminaire is IP66 rated. Rated for -40°C minimum ambient.

DesignLights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.designlights.org to confirm which versions are qualified.

WARRANTY

5-year limited warranty. Complete warranty terms located at: www.acuitybrands.com/CustomerResources/Termsandconditions.aspx.

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.



Sherman
CLASSIC TOWN. BROAD HORIZON.
ENGINEERING. DESIGN. CONSTRUCTION.

SW BOOSTER STATION GST

1 inch = 1,000 feet





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

D.7.

Meeting Date: 09/04/2018

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6405**

Revoking and Replacing Resolution No. 6261; Establishing Salary Structures and Incentive/Certification Pay Schedules for Firefighters and Police Officers; Establishing Special Longevity Pay Schedules for Newly Hired Firefighters and Police Officers; Providing for an Effective Date

Issue:

The City Council is required by state law to establish salary structures and incentive/certification pay schedules for members of the classified service.

Background:

The City Council has authorized base salary, certification, and incentive pay for certain positions within the Police and Fire Departments. This resolution implements pay increases for fiscal year (FY) 2018-2019.

Origination:

City Council

Financial Consideration:

Funds are available in the FY 2018-2019 budget for these pay amounts for Police and Fire Department personnel.

Staff Recommendation:

Staff recommends approval of the resolution.

Alternatives:

The City Council could choose not to approve the resolution, leaving unchanged the fire and police pay schedules adopted on September 5, 2017 by Resolution No. 6261.

Attachments

Resolution No. 6405

Resolution No. 6261 approved at the September 5, 2017 City Council Meeting

RESOLUTION NO. 6405

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REVOKING AND REPLACING RESOLUTION NO. 6261; ESTABLISHING SALARY STRUCTURES AND INCENTIVE/CERTIFICATION PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; ESTABLISHING SPECIAL LONGEVITY PAY SCHEDULES FOR NEWLY HIRED FIREFIGHTERS AND POLICE OFFICERS; PROVIDING FOR AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That Resolution No. 6261, passed and approved on the 5th day of September, 2017, is hereby revoked.

SECTION 2. That, from and after the effective date of the 1st day of October, 2018, the following salary structures and incentive/certification pay schedules will be adopted for the Sherman Fire Department and the Sherman Police Department:

FIRE DEPARTMENT CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY STEP PAY	TOTAL
FIREFIGHTER			
Entry	\$4,123.33	N/A	\$4,123.33
1 Year	\$4,123.33	\$ 424.85	\$4,548.18
2 Year	\$4,123.33	\$ 487.73	\$4,611.05
3 Year	\$4,123.33	\$ 550.60	\$4,673.92
4 Year	\$4,123.33	\$ 608.39	\$4,731.71
5 Year	\$4,123.33	\$ 745.37	\$4,868.69
ENGINEER			
Entry	\$5,248.87	N/A	\$5,248.87
1 Year	\$5,248.87	\$ 66.08	\$5,314.95
2 Year	\$5,248.87	\$ 132.70	\$5,381.57
CAPTAIN			
Entry	\$5,879.19	N/A	\$5,879.19
1 Year	\$5,879.19	\$ 72.77	\$5,951.96
BATTALION CHIEF			
Entry	\$6,481.96	N/A	\$6,481.96
1 Year	\$6,481.96	\$ 104.34	\$6,586.30

DIVISION CHIEF	\$7,335.18	N/A	\$7,335.18
ASSISTANT CHIEF	\$8,126.87	N/A	\$8,126.87
POLICE DEPARTMENT CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY STEP PAY	TOTAL
PATROLMAN			
Entry – Non-Certified	\$4,009.20	N/A	\$4,009.20
Entry – Certified	\$4,323.04	N/A	\$4,323.04
1 Year	\$4,323.04	\$ 54.18	\$4,377.22
2 Year	\$4,323.04	\$ 226.47	\$4,549.51
3 Year	\$4,323.04	\$ 685.04	\$5,008.08
4 Year	\$4,323.04	\$ 810.65	\$5,133.69
5 Year	\$4,323.04	\$ 952.38	\$5,275.42
10 Year	\$4,323.04	\$ 1,067.87	\$5,390.91
20 Year	\$4,323.04	\$1,183.36	\$5,506.40
CORPORAL	\$5,746.76	N/A	\$5,746.76
SERGEANT	\$6,232.88	N/A	\$6,232.88
LIEUTENANT	\$6,757.06	N/A	\$6,757.06
ASSISTANT CHIEF	\$8,056.00	N/A	\$8,056.00

SECTION 3. That, from and after the effective date of the 1st day of October, 2018, the following incentive/certification pay schedules shall be adopted for the Sherman Fire Department:

- (a) Each employee certified by the Texas Department of State Health Services as a Paramedic and who meets the Sherman Medical Director's prescribed Medical Standards for Medical Authorization shall receive \$125.00 per month Incentive/Certification Pay.
- (b) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Intermediate Firefighter shall receive \$104.00 per month Incentive/Certification Pay.
- (c) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Advanced Firefighter shall receive \$218.40 per month Incentive/Certification Pay.

- (d) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as a Master Firefighter shall receive \$318.40 per month Incentive/Certification Pay.
- (e) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Fire Protection Personnel Standards and Education Certification achieved.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.
- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$75.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$175.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 4. That, from and after the effective date of the 1st day of October, 2018, the following incentive/certification pay schedules shall be adopted for the Sherman Police Department:

- (a) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Intermediate Peace Officer shall receive \$75.00 per month Incentive/Certification Pay.
- (b) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Advanced Peace Officer shall receive \$175.00 per month Incentive/Certification Pay.
- (c) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as a Master Peace Officer shall receive \$275.00 per month Incentive/Certification Pay.
- (d) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Law Enforcement Officer Standards and Education Certification achieved.
- (e) Each employee who speaks Spanish as a second language, as certified and designated by the Police Chief, shall receive \$100.00 per month Incentive/Certification Pay.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.

- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$100.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$500.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 5. That eligible pay types are authorized by the City Council below for patrolmen and firefighters.

(a) Seniority Pay – Lateral Entry (prior Police Experience):

1. Seniority Pay is authorized by Chapter 143.041 (c)(1) of the Texas Local Government Code.
2. Applicants for patrolmen positions who are hired after February 17, 2014 shall be eligible for Special Seniority Pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified peace officer, or comparable Military Police experience as approved by the Chief of Police, with the authority to enforce laws, investigate crimes, make arrests, respond to calls for service, carry a firearm, and use discretion as part of their assigned duties. A lateral entry applicant shall not have more than a two-year break in service from the time the applicant left employment as a certified peace officer, or Military Police service and, as of the last date, applications are accepted.
3. Starting Pay: The starting pay for lateral entry patrolmen with prior qualifying law enforcement experience will be determined based on the number of years of prior qualified service as of the last date applications are accepted.
 - i. Lateral entry patrolmen who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Police Department pay schedule.
 - ii. Lateral entry patrolmen who have at least three (3) years of prior qualified service will start at three (3) years of service according to the Sherman Police Department pay schedule.
 - iii. Previous Sherman Police Patrolmen who are reappointed as patrolmen will be placed in the same salary step that they held at the time of their separation unless the applicant for reappointment separated employment while at a classification higher than

patrolman. If the applicant for reappointment separated from service with the Sherman Police Department while at a classification higher than patrolman, then the reappointed patrolman's pay shall correspond with the reappointed patrolman's total prior service years but shall not exceed the top pay of the patrolman classification.

4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior law enforcement work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Department seniority for lateral patrolmen and reappointed patrolmen will begin on their most recent Civil Service hire date with the Sherman Police Department.
5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by police policies and Local Civil Service Commission Rules and Regulations. The Chief of Police shall make the final determination as to whether an applicant meets the criteria for the Police Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
6. Longevity Pay: Sworn police employees shall be paid Longevity Pay in accordance with City policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.

(b) Seniority Pay – Lateral Entry (prior Fire Experience):

1. Seniority Pay is authorized by Chapter 143.041(c)(1) of the Texas Local Government Code.
2. Applicants for firefighter positions who are hired after July 1, 2015 shall be eligible for Special Longevity pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified firefighter as approved by the Fire Chief. A lateral entry applicant shall not have more than one year break in service from the time the applicant left employment as a certified firefighter as of the last date applications are accepted.
3. Starting Pay: The starting pay for a lateral entry firefighter with prior qualifying firefighting experience will be determined based on the number of years of prior qualified service as of the last date applications are accepted.

- i. Lateral entry firefighters who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Fire Department pay schedule.
 - ii. Lateral entry firefighters who have at least three (3) years of prior qualified service will start at three (3) years of service according to the Sherman Fire Department pay schedule.
4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-Section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior fire work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Departmental seniority for lateral entry firefighters will begin on their most recent Civil Service hire date with the Sherman Fire Department.
5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by fire department policies and Local Civil Service Commission Rules and Regulations. The Fire Chief shall make the final determination as to whether an applicant meets the criteria for the Fire Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
6. Longevity Pay: Fire department employees shall be paid Longevity Pay in accordance with City Policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.
7. Base pay for incumbent firefighters, hired prior to the adoption date of this Resolution who have at least two (2) years of prior qualified service will be increased to two (2) years of service according to the Sherman Fire Department pay schedule.
8. Base pay for incumbent firefighters, hired prior to the adoption date of this Resolution who have at least three (3) years of prior qualified service will be increased to three (3) years of service according to the Sherman Fire Department pay schedule.

SECTION 6. That detailed rules and regulations for qualifying standards, eligibility and administration of such pay types may be stated within the City and/or Police Department policies and/or Fire Department policies, and/or Local Civil Service Commission Rules and Regulations. Such policies are subject to change as needed and approved by the City Manager for purposes of City policies or by the Chief of Police for purposes for Police Department policies, by the Fire Chief for purposes of Fire Department policies, or by the Local Civil Service Commission for the purposes of Local Civil Service Commission Rules and Regulations.

SECTION 7. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**

RESOLUTION NO. 6261

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REVOKING AND REPLACING RESOLUTION NO. 6130; ESTABLISHING SALARY STRUCTURES AND INCENTIVE/CERTIFICATION PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; ESTABLISHING SPECIAL LONGEVITY PAY SCHEDULES FOR NEWLY HIRED FIREFIGHTERS AND POLICE OFFICERS; PROVIDING FOR AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That Resolution No. 6130, passed and approved on the 6th day of September, 2016, is hereby revoked.

SECTION 2. That, from and after the effective date of the 1st day of October, 2017, the following salary structures and incentive/certification pay schedules will be adopted for the Sherman Fire Department and the Sherman Police Department:

CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY SENIORITY PAY	TOTAL
FIREFIGHTER			
Entry	\$3,926.98	N/A	\$3,926.98
1 Year	\$3,926.98	\$ 404.62	\$4,331.60
2 Year	\$3,926.98	\$ 464.50	\$4,391.48
3 Year	\$3,926.98	\$ 524.38	\$4,451.36
4 Year	\$3,926.98	\$ 579.42	\$4,506.39
5 Year	\$3,926.98	\$ 709.87	\$4,636.85
ENGINEER			
Entry	\$4,998.92	N/A	\$4,998.92
1 Year	\$4,998.92	\$ 62.94	\$5,061.86
2 Year	\$4,998.92	\$ 126.38	\$5,125.30
CAPTAIN			
Entry	\$5,599.23	N/A	\$5,599.23
1 Year	\$5,599.23	\$ 69.31	\$5,668.54
BATTALION CHIEF			
Entry	\$6,173.29	N/A	\$6,173.29
1 Year	\$6,173.29	\$ 99.37	\$6,272.67

DIVISION CHIEF	\$6,985.89	N/A	\$6,985.89
CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY SENIORITY PAY	TOTAL
PATROLMAN			
Entry – Non-Certified	\$3,855.00	N/A	\$3,855.00
Entry – Certified	\$4,156.77	N/A	\$4,156.77
1 Year	\$4,156.77	\$ 52.10	\$4,208.87
2 Year	\$4,156.77	\$ 217.76	\$4,374.53
3 Year	\$4,156.77	\$ 658.69	\$4,815.46
4 Year	\$4,156.77	\$ 779.47	\$4,936.24
5 Year	\$4,156.77	\$ 915.75	\$5,072.52
10 Year	\$4,156.77	\$ 1,026.80	\$5,183.57
20 Year	\$4,156.77	\$1,137.84	\$5,294.61
CORPORAL	\$5,525.73	N/A	\$5,525.73
SERGEANT	\$5,993.15	N/A	\$5,993.15
LIEUTENANT	\$6,497.17	N/A	\$6,497.17
ASSISTANT CHIEF	\$7,746.15	N/A	\$7,746.15

SECTION 3. That, from and after the effective date of the 1st day of October, 2017, the following incentive/certification pay schedules shall be adopted for the Sherman Fire Department:

- (a) Each employee certified by the Texas Department of State Health Services as a Paramedic and who meets the Sherman Medical Director's prescribed Medical Standards for Medical Authorization shall receive \$125.00 per month Incentive/Certification Pay.
- (b) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Intermediate Firefighter shall receive \$104.00 per month Incentive/Certification Pay.
- (c) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Advanced Firefighter shall receive \$218.40 per month Incentive/Certification Pay.
- (d) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as a Master Firefighter shall receive \$318.40 per month Incentive/Certification Pay.

- (e) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Fire Protection Personnel Standards and Education Certification achieved.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.
- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$75.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$175.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 4. That, from and after the effective date of the 1st day of October, 2017, the following incentive/certification pay schedules shall be adopted for the Sherman Police Department:

- (a) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Intermediate Peace Officer shall receive \$75.00 per month Incentive/Certification Pay.
- (b) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Advanced Peace Officer shall receive \$175.00 per month Incentive/Certification Pay.
- (c) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as a Master Peace Officer shall receive \$275.00 per month Incentive/Certification Pay.
- (d) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Law Enforcement Officer Standards and Education Certification achieved.
- (e) Each employee who speaks Spanish as a second language, as certified and designated by the Police Chief, shall receive \$100.00 per month Incentive/Certification Pay.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.
- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$100.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.

- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$500.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 5. That eligible pay types are authorized by the City Council below for patrolmen and firefighters.

(a) Seniority Pay – Lateral Entry (prior Police Experience):

1. Seniority Pay is authorized by Chapter 143.04 (c)(1) of the Texas Local Government Code.
2. Applicants for patrolmen positions who are hired after February 17, 2014 shall be eligible for Special Seniority Pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified peace officer, or comparable Military Police experience as approved by the Chief of Police, with the authority to enforce laws, investigate crimes, make arrests, respond to calls for service, carry a firearm, and use discretion as part of their assigned duties. A lateral entry applicant shall not have more than a two-year break in service from the time the applicant left employment as a certified peace officer, or Military Police service and, as of the last date, applications are accepted.
3. Starting Pay: The starting pay for lateral entry patrolmen with prior qualifying law enforcement experience will be determined based on the number of years of prior qualified service as of the last date applications are accepted.
 - i. Lateral entry patrolmen who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Police Department pay schedule.
 - ii. Lateral entry patrolmen who have at least three (3) years of prior qualified service will start at three (3) years of service according to the Sherman Police Department pay schedule.
 - iii. Previous Sherman Police Patrolmen who are reappointed as patrolmen will be placed in the same salary step that they held at the time of their separation unless the applicant for reappointment separated employment while at a classification higher than patrolman. If the applicant for reappointment separated from service with the Sherman Police Department while at a classification higher than patrolman, then the reappointed patrolman's pay shall correspond with the reappointed patrolman's total prior service years but shall not exceed the top pay of the patrolman classification.

4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior law enforcement work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Department seniority for lateral patrolmen and reappointed patrolmen will begin on their most recent Civil Service hire date with the Sherman Police Department.
5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by police policies and Local Civil Service Commission Rules and Regulations. The Chief of Police shall make the final determination as to whether an applicant meets the criteria for the Police Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
6. Longevity Pay: Sworn police employees shall be paid Longevity Pay in accordance with City policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.

(b) Seniority Pay – Lateral Entry (prior Fire Experience):

1. Seniority Pay is authorized by Chapter 143.041(c)(1) of the Texas Local Government Code.
2. Applicants for firefighter positions who are hired after July 1, 2015 shall be eligible for Special Longevity pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified firefighter as approved by the Fire Chief. A lateral entry applicant shall not have more than one year break in service from the time the applicant left employment as a certified firefighter as of the last date applications are accepted.
3. Starting Pay: The starting pay for a lateral entry firefighter with prior qualifying firefighting experience will be determined based on the number of years of prior qualified service as of the last date applications are accepted.
 - i. Lateral entry firefighters who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Fire Department pay schedule.
 - ii. Lateral entry firefighters who have at least three (3) years of prior qualified service will start at three (3) years of service according to the Sherman Fire Department pay schedule.

4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-Section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior fire work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Departmental seniority for lateral entry firefighters will begin on their most recent Civil Service hire date with the Sherman Fire Department.
5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by fire department policies and Local Civil Service Commission Rules and Regulations. The Fire Chief shall make the final determination as to whether an applicant meets the criteria for the Fire Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
6. Longevity Pay: Fire department employees shall be paid Longevity Pay in accordance with City Policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.
7. Base pay for incumbent firefighters, hired prior to the adoption date of this Resolution who have at least two (2) years of prior qualified service will be increased to two (2) years of service according to the Sherman Fire Department pay schedule.
8. Base pay for incumbent firefighters, hired prior to the adoption date of this Resolution who have at least three (3) years of prior qualified service will be increased to three (3) years of service according to the Sherman Fire Department pay schedule.

SECTION 6. That detailed rules and regulations for qualifying standards, eligibility and administration of such pay types may be stated within the City and/or Police Department policies and/or Fire Department policies, and/or Local Civil Service Commission Rules and Regulations. Such policies are subject to change as needed and approved by the City Manager for purposes of City policies or by the Chief of Police for purposes for Police Department policies, by the Fire Chief for purposes of Fire Department policies, or by the Local Civil Service Commission for the purposes of Local Civil Service Commission Rules and Regulations.

SECTION 7. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this the 5th day of September, 2017.

CITY OF SHERMAN, TEXAS

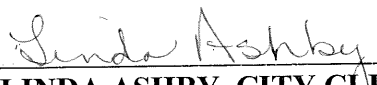
BY:



DAVID PLYLER, MAYOR

ATTEST:

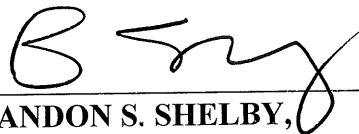
BY:



LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM
AND CONTENT:

BY:



BRANDON S. SHELBY,
CITY ATTORNEY

RESOLUTION NO. 6130

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REVOKING AND REPLACING RESOLUTION NO. 6004; ESTABLISHING SALARY STRUCTURES AND INCENTIVE/CERTIFICATION PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; ESTABLISHING SPECIAL LONGEVITY PAY SCHEDULES FOR NEWLY HIRED FIREFIGHTERS AND POLICE OFFICERS; PROVIDING FOR AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That Resolution No. 6004, passed and approved on the 8th day of September, 2015, is hereby revoked.

SECTION 2. That, from and after the effective date of the 1st day of October, 2016, the following salary structures and incentive/certification pay schedules will be adopted for the Sherman Fire Department and the Sherman Police Department:

CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY SENIORITY PAY	TOTAL
FIREFIGHTER			
Entry	\$3,739.98	N/A	\$3,739.98
1 Year	\$3,739.98	\$ 385.36	\$4,125.34
2 Year	\$3,739.98	\$ 442.38	\$4,182.36
3 Year	\$3,739.98	\$ 499.42	\$4,239.40
4 Year	\$3,739.98	\$ 551.82	\$4,291.80
5 Year	\$3,739.98	\$ 676.08	\$4,416.06
ENGINEER			
Entry	\$4,760.88	N/A	\$4,760.88
1 Year	\$4,760.88	\$ 59.94	\$4,820.82
2 Year	\$4,760.88	\$ 120.36	\$4,881.24
CAPTAIN			
Entry	\$5,332.60	N/A	\$5,332.60
1 Year	\$5,332.60	\$ 66.02	\$5,398.62
BATTALION CHIEF			
Entry	\$5,879.34	N/A	\$5,879.34
1 Year	\$5,879.34	\$ 94.64	\$5,973.98

DIVISION CHIEF	\$6,653.24	N/A	\$6,653.24
CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY SENIORITY PAY	TOTAL
PATROLMAN			
Entry – Non-Certified	\$3,706.74	N/A	\$3,706.74
Entry – Certified	\$3,996.90	N/A	\$3,996.90
1 Year	\$3,996.90	\$ 50.10	\$4,047.00
2 Year	\$3,996.90	\$ 209.38	\$4,206.28
3 Year	\$3,996.90	\$ 633.36	\$4,630.26
4 Year	\$3,996.90	\$ 749.50	\$4,746.40
5 Year	\$3,996.90	\$ 880.54	\$4,877.44
10 Year	\$3,996.90	\$ 987.30	\$4,984.20
20 Year	\$3,996.90	\$1,094.08	\$5,090.98
CORPORAL	\$5,313.20	N/A	\$5,313.20
SERGEANT	\$5,762.64	N/A	\$5,762.64
LIEUTENANT	\$6,247.28	N/A	\$6,247.28
ASSISTANT CHIEF	\$7,448.22	N/A	\$7,448.22

SECTION 3. That, from and after the effective date of the 1st day of October, 2016, the following incentive/certification pay schedules shall be adopted for the Sherman Fire Department:

- (a) Each employee certified by the Texas Department of State Health Services as a Paramedic and who meets the Sherman Medical Director's prescribed Medical Standards for Medical Authorization shall receive \$125.00 per month Incentive/Certification Pay.
- (b) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Intermediate Firefighter shall receive \$104.00 per month Incentive/Certification Pay.
- (c) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Advanced Firefighter shall receive \$218.40 per month Incentive/Certification Pay.
- (d) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as a Master Firefighter shall receive \$318.40 per month Incentive/Certification Pay.

- (e) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Fire Protection Personnel Standards and Education Certification achieved.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.
- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$75.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$175.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 4. That, from and after the effective date of the 1st day of October, 2016, the following incentive/certification pay schedules shall be adopted for the Sherman Police Department:

- (a) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Intermediate Peace Officer shall receive \$75.00 per month Incentive/Certification Pay.
- (b) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Advanced Peace Officer shall receive \$175.00 per month Incentive/Certification Pay.
- (c) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as a Master Peace Officer shall receive \$275.00 per month Incentive/Certification Pay.
- (d) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Law Enforcement Officer Standards and Education Certification achieved.
- (e) Each employee who speaks Spanish as a second language, as certified and designated by the Police Chief, shall receive \$100.00 per month Incentive/Certification Pay.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.
- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$100.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.

- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$500.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 5. Eligible pay types are authorized by the City Council below for patrolmen and Firefighters.

(a) Seniority Pay – Lateral Entry (prior Police Experience):

1. Seniority Pay is authorized by Chapter 143.04 (c)(1) of the Texas Local Government Code.
2. Applicants for patrolmen positions who are hired after February 17, 2014 shall be eligible for Special Seniority Pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified peace officer, or comparable Military Police experience as approved by the Chief of Police, with the authority to enforce laws, investigate crimes, make arrests, respond to calls for service, carry a firearm, and use discretion as part of their assigned duties. A lateral entry applicant shall not have more than a two-year break in service from the time the applicant left employment as a certified peace officer, or Military Police service and, as of the last date, applications are accepted.
3. Starting Pay: The starting pay for lateral entry patrolmen with prior qualifying law enforcement experience will be determined based on the number of years of prior qualified service as of the last date applications are accepted.
 - i. Lateral entry patrolmen who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Police Department pay schedule.
 - ii. Lateral entry patrolmen who have at least three (3) years of prior qualified service will start at three (3) years of service according to the Sherman Police Department pay schedule.
 - iii. Previous Sherman Police Patrolmen who are reappointed as patrolmen will be placed in the same salary step that they held at the time of their separation unless the applicant for reappointment separated employment while at a classification higher than patrolman. If the applicant for reappointment separated from service with the Sherman Police Department while at a classification higher than patrolman, then the reappointed patrolman's pay shall correspond with the reappointed patrolman's

total prior service years but shall not exceed the top pay of the patrolman classification.

4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior law enforcement work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Department seniority for lateral patrolmen and reappointed patrolmen will begin on their most recent Civil Service hire date with the Sherman Police Department.
5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by police policies and Local Civil Service Commission Rules and Regulations. The Chief of Police shall make the final determination as to whether an applicant meets the criteria for the Police Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
6. Longevity Pay: Sworn police employees shall be paid Longevity Pay in accordance with City policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.

(b) Seniority Pay – Lateral Entry (prior Fire Experience):

1. Seniority Pay is authorized by Chapter 143.041(c)(1) of the Texas Local Government Code.
2. Applicants for firefighter positions who are hired after July 1, 2015 shall be eligible for Special Longevity pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified firefighter as approved by the Fire Chief. A lateral entry applicant shall not have more than one year break in service from the time the applicant left employment as a certified firefighter as of the last date applications are accepted.
3. Starting Pay: The starting pay for a lateral entry firefighter with prior qualifying firefighting experience will be determined based on the number of years of prior qualified service as of the last date applications are accepted.
 - i. Lateral entry firefighters who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Fire Department pay schedule.

- ii. Lateral entry firefighters who have at least three (3) years of prior qualified service will start at three (3) years of service according to the Sherman Fire Department pay schedule.
4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-Section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior fire work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Departmental seniority for lateral entry firefighters will begin on their most recent Civil Service hire date with the Sherman Fire Department.
5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by fire department policies and Local Civil Service Commission Rules and Regulations. The Fire Chief shall make the final determination as to whether an applicant meets the criteria for the Fire Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
6. Longevity Pay: Fire department employees shall be paid Longevity Pay in accordance with City Policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.
7. Base pay for incumbent firefighters, hired prior to the adoption date of this Resolution who have at least two (2) years of prior qualified service will be increased to two (2) years of service according to the Sherman Fire Department pay schedule.
8. Base pay for incumbent firefighters, hired prior to the adoption date of this Resolution who have at least three (3) years of prior qualified service will be increased to three (3) years of service according to the Sherman Fire Department pay schedule.

SECTION 6. Detailed rules and regulations for qualifying standards, eligibility and administration of such pay types may be stated within the City and/or Police Department policies and/or Fire Department policies, and/or Local Civil Service Commission Rules and Regulations. Such policies are subject to change as needed and approved by the City Manager for purposes of City policies or by the Chief of Police for purposes for Police Department policies, by the Fire Chief for purposes of Fire Department policies, or by the Local Civil Service Commission for the purposes of Local Civil Service Commission Rules and Regulations.

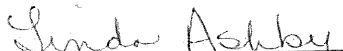
SECTION 7. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this the 6th day of September, 2016.

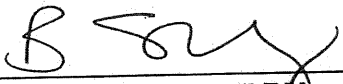
CITY OF SHERMAN, TEXAS

BY: 
DAVID PLYLER, MAYOR

ATTEST:

BY: 
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: 
**BRANDON S. SHELBY,
CITY ATTORNEY**

RESOLUTION NO. 6004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REVOKING AND REPLACING RESOLUTION NO. 5962; ESTABLISHING SALARY STRUCTURES AND INCENTIVE/CERTIFICATION PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; ESTABLISHING SPECIAL LONGEVITY PAY SCHEDULES FOR NEWLY HIRED FIREFIGHTERS AND POLICE OFFICERS; PROVIDING FOR AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That Resolution No. 5962, passed and approved on the 20th day of April, 2015, is hereby revoked.

SECTION 2. That, from and after the effective date of the 1st day of October, 2015, the following salary structures and incentive/certification pay schedules will be adopted for the Sherman Fire Department and the Sherman Police Department:

CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY SENIORITY PAY	TOTAL
FIREFIGHTER			
Entry	\$3,666.80	N/A	\$3,666.80
1 Year	\$3,666.80	\$ 377.62	\$4,044.42
2 Year	\$3,666.80	\$ 433.58	\$4,100.38
3 Year	\$3,666.80	\$ 489.35	\$4,156.15
4 Year	\$3,666.80	\$ 540.84	\$4,207.64
5 Year	\$3,666.80	\$ 662.53	\$4,329.33
ENGINEER			
Entry	\$4,536.49	N/A	\$4,536.49
1 Year	\$4,536.49	\$ 48.67	\$4,585.16
2 Year	\$4,536.49	\$ 98.18	\$4,634.67
CAPTAIN			
Entry	\$4,915.11	N/A	\$4,915.11
1 Year	\$4,915.11	\$ 79.79	\$4,994.90
BATTALION CHIEF			
Entry	\$5,606.08	N/A	\$5,606.08
1 Year	\$5,606.08	\$ 102.67	\$5,708.75

DIVISION CHIEF	\$6,523.08	N/A	\$6,523.08
CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY SENIORITY PAY	TOTAL
PATROLMAN			
Entry – Non-Certified	\$3,563.13	N/A	\$3,563.13
Entry – Certified	\$3,880.00	N/A	\$3,880.00
1 Year	\$3,880.00	\$ 48.73	\$3,928.73
2 Year	\$3,880.00	\$ 163.22	\$4,043.22
3 Year	\$3,880.00	\$ 648.36	\$4,528.36
4 Year	\$3,880.00	\$ 716.28	\$4,596.28
5 Year	\$3,880.00	\$ 785.28	\$4,665.28
10 Year	\$3,880.00	\$ 887.58	\$4,767.58
20 Year	\$3,880.00	\$ 989.68	\$4,869.68
CORPORAL			
Entry	\$4,916.44	N/A	\$4,916.44
1 Year	\$4,916.44	\$ 96.36	\$5,012.80
SERGEANT			
Entry	\$5,550.00	N/A	\$5,550.00
1 Year	\$5,550.00	\$ 100.00	\$5,650.00
LIEUTENANT	\$6,125.00	N/A	\$6,125.00
ASSISTANT CHIEF	\$6,833.33	N/A	\$6,833.33

SECTION 3. That, from and after the effective date of the 1st day of October, 2015, the following incentive/certification pay schedules shall be adopted for the Sherman Fire Department:

- (a) Each employee certified by the Texas Department of State Health Services as a Paramedic and who meets the Sherman Medical Director's prescribed Medical Standards for Medical Authorization shall receive \$125.00 per month Incentive/Certification Pay.
- (b) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Intermediate Firefighter shall receive \$104.00 per month Incentive/Certification Pay.
- (c) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Advanced Firefighter shall receive \$218.40 per month Incentive/Certification Pay.

- (d) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as a Master Firefighter shall receive \$318.40 per month Incentive/Certification Pay.
- (e) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Fire Protection Personnel Standards and Education Certification achieved.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.
- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$75.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$175.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 4. That, from and after the effective date of the 1st day of October, 2015, the following incentive/certification pay schedules shall be adopted for the Sherman Police Department:

- (a) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Intermediate Peace Officer shall receive \$75.00 per month Incentive/Certification Pay.
- (b) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Advanced Peace Officer shall receive \$175.00 per month Incentive/Certification Pay.
- (c) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as a Master Peace Officer shall receive \$275.00 per month Incentive/Certification Pay.
- (d) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Law Enforcement Officer Standards and Education Certification achieved.
- (e) Each employee who speaks Spanish as a second language, as certified and designated by the Police Chief, shall receive \$100.00 per month Incentive/Certification Pay.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.

- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$100.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$500.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 5. Eligible pay types are authorized by the City Council below for patrolmen and Firefighters.

(a) Seniority Pay – Lateral Entry (prior Police Experience):

1. Seniority Pay is authorized by Chapter 143.04 (c)(1) of the Texas Local Government Code.
2. Applicants for patrolmen positions who are hired after February 17, 2014 shall be eligible for Special Seniority Pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified peace officer, or comparable Military Police experience as approved by the Chief of Police, with the authority to enforce laws, investigate crimes, make arrests, respond to calls for service, carry a firearm, and use discretion as part of their assigned duties. A lateral entry applicant shall not have more than a two-year break in service from the time the applicant left employment as a certified peace officer, or Military Police service and, as of the last date, applications are accepted.
3. Starting Pay: The starting pay for lateral entry patrolmen with prior qualifying law enforcement experience will be determined based on the number of years of prior qualified service as of the last date applications are accepted.
 - i. Lateral entry patrolmen who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Police Department pay schedule.
 - ii. Lateral entry patrolmen who have at least three (3) years of prior qualified service will start at three (3) years of service according to the Sherman Police Department pay schedule.

iii. Previous Sherman Police Patrolmen who are reappointed as patrolmen will be placed in the same salary step that they held at the time of their separation unless the applicant for reappointment separated employment while at a classification higher than patrolman. If the applicant for reappointment separated from service with the Sherman Police Department while at a classification higher than patrolman, then the reappointed patrolman's pay shall correspond with the reappointed patrolman's total prior service years but shall not exceed the top pay of the patrolman classification.

4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior law enforcement work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Department seniority for lateral patrolmen and reappointed patrolmen will begin on their most recent Civil Service hire date with the Sherman Police Department.
5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by police policies and Local Civil Service Commission Rules and Regulations. The Chief of Police shall make the final determination as to whether an applicant meets the criteria for the Police Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
6. Longevity Pay: Sworn police employees shall be paid Longevity Pay in accordance with City policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.

(b) Seniority Pay – Lateral Entry (prior Fire Experience):

1. Seniority Pay is authorized by Chapter 143.041(c)(1) of the Texas Local Government Code.
2. Applicants for firefighter positions who are hired after July 1, 2015 shall be eligible for Special Longevity pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified firefighter as approved by the Fire Chief. A lateral entry applicant shall not have more than one year break in service from the time the applicant left employment as a certified firefighter as of the last date applications are accepted.

3. Starting Pay: The starting pay for a lateral entry firefighter with prior qualifying firefighting experience will be determined based on the number of years of prior qualified service as of the last date applications are accepted.
 - i. Lateral entry firefighters who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Fire Department pay schedule.
 - ii. Lateral entry firefighters who have at least three (3) years of prior qualified service will start at three (3) years of service according to the Sherman Fire Department pay schedule.
4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-Section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior fire work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Departmental seniority for lateral entry firefighters will begin on their most recent Civil Service hire date with the Sherman Fire Department.
5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by fire department policies and Local Civil Service Commission Rules and Regulations. The Fire Chief shall make the final determination as to whether an applicant meets the criteria for the Fire Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
6. Longevity Pay: Fire department employees shall be paid Longevity Pay in accordance with City Policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.
7. Base pay for incumbent firefighters, hired prior to the adoption date of this Resolution who have at least two (2) years of prior qualified service will be increased to two (2) years of service according to the Sherman Fire Department pay schedule.
8. Base pay for incumbent firefighters, hired prior to the adoption date of this Resolution who have at least three (3) years of prior qualified service will be increased to three (3) years of service according to the Sherman Fire Department pay schedule.

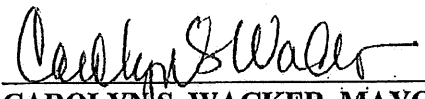
SECTION 6. Detailed rules and regulations for qualifying standards, eligibility and administration of such pay types may be stated within the City and/or Police Department policies and/or Fire Department policies, and/or Local Civil Service Commission Rules and Regulations. Such policies are subject to change as needed and approved by the City Manager for purposes of City policies or by the Chief of Police for purposes for Police Department policies, by the Fire Chief for purposes of Fire Department policies, or by the Local Civil Service Commission for the purposes of Local Civil Service Commission Rules and Regulations.

SECTION 7. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this the 8th day of September, 2015.

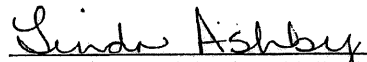
CITY OF SHERMAN, TEXAS

BY:


CAROLYN S. WACKER, MAYOR

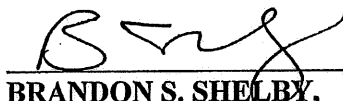
ATTEST:

BY:


LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY:


**BRANDON S. SHELBY,
CITY ATTORNEY**

RESOLUTION NO. 5962

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REVOKING AND REPLACING RESOLUTION NO. 5878; ESTABLISHING SALARY STRUCTURES AND INCENTIVE/CERTIFICATION PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; ESTABLISHING SPECIAL LONGEVITY PAY SCHEDULES FOR SOME NEWLY HIRED FIREFIGHTERS; PROVIDING FOR AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That Resolution No. 5878, passed and approved on the 2nd day of September 2, 2014, is hereby revoked.

SECTION 2. That, from and after the effective date of the 1st day of October, 2014, the following salary structures and incentive/certification pay schedules will be adopted for the Sherman Fire Department and Sherman Police Department:

CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY SENIORITY PAY	TOTAL
FIREFIGHTER			
Entry	\$3,295.80	N/A	\$3,295.80
1 Year	\$3,295.80	\$366.22	\$3,662.02
2 Year	\$3,295.80	\$419.08	\$3,714.88
3 Year	\$3,295.80	\$472.76	\$3,768.56
4 Year	\$3,295.80	\$527.24	\$3,823.04
5 Year	\$3,295.80	\$582.54	\$3,878.34
ENGINEER			
Entry	\$3,982.44	N/A	\$3,982.44
1 Year	\$3,982.44	\$57.72	\$4,040.16
2 Year	\$3,982.44	\$116.26	\$4,098.70
CAPTAIN			
Entry	\$4,348.64	N/A	\$4,348.64
1 Year	\$4,348.64	\$63.22	\$4,411.86
BATTALION CHIEF			
Entry	\$4,669.06	\$352.00	\$5,021.06
1 Year	\$4,669.06	\$442.66	\$5,111.72

DIVISION CHIEF	\$5,182.10	\$805.98	\$5,988.08
PATROLMAN			
Entry – Non-Certified	\$3,489.84	N/A	\$3,489.84
Entry – Certified	\$3,800.00	N/A	\$3,800.00
1 Year	\$3,800.00	\$47.92	\$3,847.92
2 Year	\$3,800.00	\$160.06	\$3,960.06
3 Year	\$3,800.00	\$635.22	\$4,435.22
4 Year	\$3,800.00	\$701.74	\$4,501.74
5 Year	\$3,800.00	\$769.32	\$4,569.32
10 Year	\$3,800.00	\$869.52	\$4,669.52
20 Year	\$3,800.00	\$969.52	\$4,769.52
CORPORAL			
Entry	\$4,815.32	N/A	\$4,815.32
1 Year	\$4,815.32	\$94.38	\$4,909.70
SERGEANT			
Entry	\$5,035.31	\$211.19	\$5,246.50
1 Year	\$5,035.31	\$311.91	\$5,347.22
2 Year	\$5,035.31	\$414.59	\$5,449.90
LIEUTENANT			
Entry	\$5,401.52	\$158.42	\$5,559.94
1 Year	\$5,401.52	\$266.48	\$5,668.00
ASSISTANT CHIEF			
Entry	\$5,676.20	\$527.98	\$6,204.18
1 Year	\$5,676.20	\$641.52	\$6,317.72

SECTION 3. That, from and after the effective date of the 1st day of October, 2014, the following incentive/certification pay schedules shall be adopted for the Sherman Fire Department:

- (a) Each employee certified by the Texas Department of State Health Services as a Paramedic and who meet the Sherman Medical Director's prescribed Medical Standards for Medical Authorization shall receive \$375.00 per month Incentive/Certification Pay.
- (b) Each employee who is certified by the Texas Commission on Fire Protection as an Intermediate Firefighter shall receive \$104.00 per month Incentive/Certification Pay.

- (c) Each employee who is certified by the Texas Commission on Fire Protection as an Advanced Firefighter shall receive \$218.40 per month Incentive/Certification Pay.
- (d) Each employee who is certified by the Texas Commission on Fire Protection as a Master Firefighter shall receive \$318.40 per month Incentive/Certification Pay.
- (e) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Fire Protection Certification achieved.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.
- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$75.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$175.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 4. That, from and after the effective date of the 1st day of October 2014, the following incentive/certification pay schedules shall be adopted for the Sherman Police Department:

- (a) Each employee certified by the Texas Commission on Law Enforcement as an Intermediate Peace Officer shall receive \$75.00 per month Incentive/Certification Pay.
- (b) Each employee certified by the Texas Commission on Law Enforcement as an Advanced Peace Officer shall receive \$175.00 per month Incentive/Certification Pay.
- (c) Each employee certified by the Texas Commission on Law Enforcement as a Master Peace Officer shall receive \$275.00 per month Incentive/Certification Pay.
- (d) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Law Enforcement Certification achieved.
- (e) Each employee who speaks Spanish as a second language, as certified and designated by the Police Chief shall receive \$100.00 per month Incentive/Certification Pay.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.

- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$100.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$500.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 5. Eligible pay types are authorized by the City Council below for Patrolmen and Firefighters:

(a) Seniority Pay – Lateral Entry (prior Police Experience):

1. Seniority Pay is authorized by Chapter 143.04 (c)(1) of the Texas Local Government Code.
2. Applicants for patrolmen positions who are hired after February 17, 2014 shall be eligible for Special Seniority Pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified peace officer, or comparable Military Police experience as approved by the Chief of Police, with the authority to enforce laws, investigate crimes, make arrests, respond to calls for service, carry a firearm, and use discretion as part of their assigned duties. A lateral entry applicant shall not have more than a two-year break in service from the time the applicant left employment as a certified peace officer, or Military Police service and, as of the last date, applications are accepted.
3. Starting Pay: The starting pay for lateral entry patrolmen with prior qualifying law enforcement experience will be determined based on the number of years of prior qualified service as of the last date applications are accepted.
 - i. Lateral entry patrolmen who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Police Department pay schedule.
 - ii. Lateral entry patrolmen who have at least three (3) year of prior qualified service will start at three (3) years of service according to the Sherman Police Department pay schedule.
 - iii. Previous Sherman Police Patrolmen who are reappointed as patrolmen will be placed in the same salary step that they held at the time of their separation unless the applicant for reappointment

separated employment while at a classification higher than patrolman. If the applicant for reappointment separated from service with the Sherman Police Department while at a classification higher than patrolman, then the reappointed patrolman's pay shall correspond with the reappointed patrolman's total prior service years but shall not exceed the top pay of the patrolman classification.

4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior law enforcement work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Departmental seniority for lateral patrolmen and reappointed patrolmen will begin on their most recent Civil Service hire date with the Sherman Police Department.
5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by police policies and Local Civil Service Commission Rules and Regulations. The Chief of Police shall make the final determination as to whether an applicant meets the criteria for the Police Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
6. Longevity Pay: Sworn Police employees shall be paid Longevity Pay in accordance with City policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.

(b) Seniority Pay -- Lateral Entry (prior Fire Experience):

1. Seniority Pay is authorized by Chapter 143.041(c)(1) of the Texas Local Government Code.
2. Applicants for firefighter positions who are hired after July 1, 2015 shall be eligible for Special Seniority Pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified firefighter as approved by the Fire Chief. A lateral entry applicant shall not have more than one year break in service from the time the applicant left employment as a certified firefighter as of the last date applications are accepted.
3. Starting Pay: The starting pay for lateral entry firefighter with prior qualifying firefighting experience will be determined based on the number of years of prior qualified service as of the last date applications are accepted.

- i. Lateral entry firefighter who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Fire Department pay schedule.
 - ii. Lateral entry firefighter who have at least three (3) years of prior qualified service will start at three (3) years of service according to the Sherman Fire Department pay schedule.
4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-Section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior fire work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Departmental seniority for lateral firefighter will begin on their most recent Civil Service hire date with the Sherman Fire Department.
5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by fire department policies and Local Civil Service Commission Rules and Regulations. The Fire chief shall make the final determination as to whether an applicant meets the criteria for the Fire Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
6. Longevity Pay: Fire department employees shall be paid Longevity Pay in accordance with City Policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.
7. Base pay for incumbent firefighter, hired prior to the adoption date of this Resolution who have at least two (2) years of prior qualified service will be increased to two (2) years of service according to the Sherman Fire Department pay schedule.
8. Base pay for incumbent firefighter, hired prior to the adoption date of this Resolution who have at least three (3) years of prior qualified service will be increased to three (3) years of service according to the Sherman Fire Department pay schedule.

SECTION 6. Detailed rules and regulations for qualifying standards, eligibility and administration of such pay types may be stated within the City and/or Police Department policies and/or Fire Department policies, and/or Local Civil Service Commission Rules and Regulations. Such policies are subject to change as needed and approved by the City Manager for purposes of City policies or by the Chief of Police for purposes of Police Department policies, by the Fire

Chief for purposes of Fire Department policies, or by the Local Civil Service Commission for the purposes of Local Civil Service Commission Rules and Regulations.

SECTION 7. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this the 20th day of April, 2015.

CITY OF SHERMAN, TEXAS

BY:

Carolyn S. Wacker
CAROLYN S. WACKER, MAYOR

ATTEST:

BY:

Linda Ashby
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY:

Brandon S. Shelby
**BRANDON S. SHELBY
CITY ATTORNEY**



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

D.8.

Meeting Date: 09/04/2018

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6406**

Authorizing the Execution of Agreements with the Sherman Housing Authority, the Grayson County Crisis Center, the Grayson County Shelter, Inc., Child & Family Guidance Center of Texoma, and Boys & Girls Club of Sherman, Inc. for the Use of Community Development Block Grant Funds

Issue:

Public Service Contracts for the Program Year (PY) 2018 Community Development Block Grant (CDBG) Program

Background:

The PY 2018 CDBG Program, previously adopted by the Sherman City Council via Resolution No. 6379 at the June 4, 2018 meeting, allocated certain CDBG funds to provide various public services through sub-recipient agencies. These agreements are designed to coincide with the CDBG funding cycle and cover the period of October 1, 2018 through September 30, 2019.

Origination:

Michelle Adams, Community Development Coordinator

Financial Consideration:

Funds have been appropriately allocated through the specific public hearing and grant submission process, as required by the U.S. Department of Housing and Urban Development.

Staff Recommendation:

Staff recommends the Sherman City Council approve and authorize the City Manager to execute the required contract documents.

Alternatives:

As directed by the Council

Attachments

Resolution No. 6406

Resolution No. 6379 with Action Plan and Certifications

RESOLUTION NO. 6406

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AGREEMENTS WITH THE SHERMAN HOUSING AUTHORITY, THE GRAYSON COUNTY CRISIS CENTER, THE GRAYSON COUNTY SHELTER, INC., CHILD & FAMILY GUIDANCE CENTER OF TEXOMA, AND BOYS & GIRLS CLUB OF SHERMAN, INC. FOR THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all documents being properly completed and approved as to form by the City Attorney, to execute agreements with the Sherman Housing Authority, the Grayson County Crisis Center, the Grayson County Shelter, Inc., Child & Family Guidance Center of Texoma, and Boys & Girls Club of Sherman, Inc. for the use of Community Development Block Grant Funds in accordance with the terms and provisions of the Agreements to be attached hereto and incorporated herein for all purposes.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**

RESOLUTION NO. 6379

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING PUBLICATION OF THE PROPOSED FINAL STATEMENT/ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR PROGRAM YEAR 2018; AUTHORIZING SUBMISSION OF THE BLOCK GRANT APPLICATION; AUTHORIZING EXECUTION OF CERTIFICATIONS OF COMPLIANCE IN CONNECTION WITH THE ADMINISTRATION AND CONDUCT OF THE COMMUNITY DEVELOPMENT PROGRAM FOR PROGRAM YEAR 2018; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, under the Housing and Community Development Act of 1974, as amended, the City of Sherman is eligible to receive an estimated \$368,334 for program year 2018, to be expended on eligible activities primarily benefiting low/moderate income families and special need populations; and

WHEREAS, the Community Development Block Grant regulations require the opportunity for citizen participation in the development of the final statement and authorizing of the expenditure of such funds; and

WHEREAS, after proper notice was published in the Herald Democrat, a newspaper of general circulation in the City of Sherman, public hearings were held by said Community Development Staff to receive citizen participation and input on March 13, 2018, and April 8, 2018; and

WHEREAS, the City Council, after due consideration of the proposed Community Development Final Statement and of all matters raised at public meetings, is of the opinion that, unless public comment warrants revisions, said final statement should be submitted as the Community Development Application for the City of Sherman for the program year 2018 to the U.S. Department of Housing and Urban Development, in order to secure funding as provided herein;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the Community Development Final Statement, embodying those projects set forth on Attachment "A", attached hereto and made a part hereof for all purposes, is hereby approved and adopted as the Community Development Plan of the City of Sherman, Texas, for the program year 2018.

SECTION 2. That the City Council of the City of Sherman hereby certifies and assures the U.S. Department of Housing and Urban Development that development of this application for funds under the Housing and Community Development Act of 1974, as amended, and the implementation of the Block Grant Program will be conducted in accordance with all applicable provisions of the "Assurances" as required.

SECTION 3. That the City Manager of the City of Sherman is hereby authorized to execute, on behalf of the City of Sherman, the "Certifications" set forth on Attachment "B", attached hereto and made a part hereof for all purposes. These Certifications concern compliance with certain guidelines, regulations, and policies in preparation of this application and in conducting the Community Development Program of the City of Sherman.

SECTION 4. That the City Manager of the City of Sherman is hereby authorized to submit, as the Chief Executive Officer of the City of Sherman, and on behalf of the City of Sherman, the Community Development Final Statement and a certified copy of this resolution and all attachments thereto to the U.S. Department of Housing and Urban Development, in application for funds available to the City of Sherman under the Housing and Community Development Act of 1974, as amended. Said application shall be made on forms required by the U.S. Department of Housing and Urban Development.

SECTION 5. That the City Manager of the City of Sherman is hereby authorized and designated to act as Chief Executive Officer in connection with this application, and is hereby authorized and directed to provide such additional information as may be required in connection with said application.

SECTION 6. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this the ____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**



memorandum

DATE: Friday, May 18, 2018
TO: Robby Hefton, City Manager
FROM: Michelle Adams, Community Development Coordinator
SUBJECT: PY 2018 Final Statement/Action Plan (revised)

The City of Sherman's Proposed Final Statement/Action Plan of Community Development Objectives with projected use of the funds for Program Year 2018 was published in the Herald Democrat on April 8, 2018. The required 30-day public comment period has concluded and public comments received on the Proposed Statement of Objectives can be found in the attached document.

Therefore, we are now ready to proceed with submitting this to the City Council in the form of a Resolution establishing the City of Sherman's PY 2018 Final Statement/Action Plan, with said comments in consideration.

I am requesting that you set this item for public hearing and present the Resolution for consideration and approval by our City Council at the regularly scheduled meeting on June 4, 2018.

During the interim, should you have any questions or desire additional information or clarification, please let me know.

Thank you,

Michelle Adams

City of Sherman
CDBG PY 2018
Public Comments

The following are the public comments received concerning the Proposed 2018 Action Plan published in the Herald Democrat on April 9. The comment period lasted 30 days, per the citizen participation requirements, and concluded on May 8, 2018.

Clarice Hudspeth, rehab program beneficiary, called on April 11 expressing concern about the discontinuation of the Housing Rehab program.

Zella Blanton, rehab program beneficiary, sent a letter on May 3 (received May 9) expressing concern about the discontinuation of the Housing Rehab program.

Glenna Andrews, rehab program beneficiary, called on May 7 expressing concern about the discontinuation of the Housing Rehab program.

Jo Carolyn Terry, rehab program beneficiary, inquired/expressed concern about the discontinuation of the Housing Rehab program while on a call concerning her status on the existing PY 17 wait list on May 8.

This concludes the summary of public comments for the City Manager's and City Council's consideration.

ATTACHMENT A

CITY OF SHERMAN, TEXAS FINAL STATEMENT/ACTION PLAN OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS FOR PROGRAM YEAR 2018

GRANT NO: B-2018-MC-48-0027

The City of Sherman has received notice from the U.S. Department of Housing and Urban Development (HUD) that its entitlement grant for the Community Development Program (CDBG) for fiscal year 2018 is \$368,334.00. These funds will be received on October 1, 2018. Activities that directly benefit low and moderate-income persons will be available citywide. Other activities which have an area benefit will only be available in areas of the city which are populated by a majority of low and moderate-income persons. The City has met citizen participation requirements.

The City of Sherman's Consolidated Plan is a document which is required by the U.S. Department of Housing and Urban Development, and includes the following subjects: (1) Housing and Homeless Needs Assessment - A description of the jurisdiction's estimated housing needs for the ensuing five-year period; (2) Housing Market Analysis - A description of the significant characteristics of the jurisdiction's housing market, including supply, demand, condition and cost of housing and the housing stock and services available (i.e., public and assisted housing, homeless, elderly, frail elderly, persons with disabilities (mental/physical/developmental), persons with alcohol and other drug addictions, and persons with HIV/AIDS and related diseases; (3) Strategic Plan - A description of the five-year strategy and plan to address affordable housing, homelessness, other special needs and non-housing community development plan; and, (4) Action Plan - A description of the jurisdiction's one-year plan of activities to be undertaken during the coming year.

The overall goal of this community development planning and development program is to develop viable urban communities by providing suitable living environments and expanded economic opportunities, principally for low-moderate income persons and special need populations of the City of Sherman. Therefore, based on these objectives, the following use of funds is being proposed:

COMMUNITY DEVELOPMENT PROGRAM ACTION PLAN PROGRAM YEAR 2018

PARK IMPROVEMENTS.....\$183,000

A program to fund projects in parks within low and moderate income target areas, and improve ADA accessibility in parks throughout the city of Sherman, promoting general health and wellness amongst the entire community. Focus will especially be to benefit those living in low-moderate income areas and those with disabilities.

DEMOLITION/CLEARANCE PROGRAM.....\$100,000

A program to demolish vacant, substandard structures and clear property lots which pose a risk to health/safety of low-moderate income target neighborhoods.

PROGRAM ADMINISTRATION.....\$51,034

The City proposes to use the Administration funds for personnel and support for all phases of the application process, environmental reviews, fair labor standard compliance, contract management, fair housing Grantee Performance Report, preparation of annual Action Plan and Performance Report associated with the City of Sherman Five-Year Consolidated Plan and Strategy.

PUBLIC SERVICE ACTIVITIES:

Sherman Housing Authority.....\$10,000

A program to address the problems of drug abuse and associated crime in public housing, Activities include increasing law enforcement services to stop the sell of illegal drugs in and around assisted housing, apprehend sellers of such drugs and an overall reduction of crime in the assisted housing area.

Grayson County Crisis Center.....\$8,000

A program of activities that will provide emergency assistance to homeless women and children of domestic violence, who at one time, resided within the city limits of Sherman.

Grayson County Shelter, Inc......\$5,500

A program of activities that will provide emergency assistance to homeless individuals and families, who at one time, resided within the city limits of Sherman.

Child & Family Guidance Center of Texoma.....	\$6,000
A program to provide counseling services for family dysfunction, alcohol and substance abuse, domestic violence and sexual abuse for the low and moderate income Sherman residents.	
Boys & Girls Club of Sherman, Inc.....	\$4,800
A program to provide scholarships for the low and moderate income Sherman youth. Scholarship funding will provide the opportunity for low/moderate income youth to participate in organized activities that would not otherwise be able to participate.	
TOTAL PROGRAM ALLOCATION.....	\$368,334

The City of Sherman seeks, through the following program objectives, to improve housing conditions, neighborhood appearance, employment opportunities, and the overall quality of life for low and moderate-income citizens. No activities will be undertaken which cause involuntary displacement of persons.

CITY OF SHERMAN COMMUNITY DEVELOPMENT OBJECTIVES

1. Encourage citizen participation and input to obtain maximum public involvement in program activities.
2. Promote the general health and wellness of all members of the community through improved parks & recreational facilities.
3. Eliminate slum and blight through the removal of structures that create unsafe, unsanitary, and hazardous situations for the public.
4. Promote drug elimination programs for low and moderate income assisted housing families/households.
5. Provide support for provision of emergency shelter/assistance to the homeless.
6. Assist in providing counseling services to youth and adults from low and moderate income families.
7. Assist in providing youth activities for children from low and moderate income families.

The Action Plan of Community Development Objectives and Projected Use of Funds for Program Year 2018 are available in the Community Development Office of the City of Sherman. Any citizen or agency interested in commenting on this Final Statement of Objectives is invited to submit written comments c/o Michelle Adams, Community Development Coordinator, City of Sherman P. O. Box 1106, Sherman, TX 75091-1106. Written comments must be received prior to 5:00 p.m. on Monday, July 9, 2018. A summary of comments received will be made a part of the summary of citizen participation of this Plan.

ATTACHMENT B

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing --The jurisdiction will affirmatively further fair housing.

Uniform Relocation Act and Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42 in connection with any activity assisted with funding under the Community Development Block Grant or HOME programs.

Anti-Lobbying --To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction --The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan --The housing activities to be undertaken with Community Development Block Grant, HOME, Emergency Solutions Grant, and Housing Opportunities for Persons With AIDS funds are consistent with the strategic plan in the jurisdiction's consolidated plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 135.

Signature of Authorized Official

Date

Title

Specific Community Development Block Grant Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the CDBG program (i.e., the development of viable urban communities, by providing decent housing and expanding economic opportunities, primarily for persons of low and moderate income) and requirements of 24 CFR Parts 91 and 570.

Following a Plan -- It is following a current consolidated plan that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include CDBG-assisted activities which the grantee certifies are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available (see Optional CDBG Certification).

2. Overall Benefit. The aggregate use of CDBG funds, including Section 108 guaranteed loans, during program year(s) _____ [a period specified by the grantee of one, two, or three specific consecutive program years], shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period.

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

In addition, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

Compliance with Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, Subparts A, B, J, K and R.

Compliance with Laws -- It will comply with applicable laws.

Signature of Authorized Official

Date

Title

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing --The jurisdiction will affirmatively further fair housing.

Uniform Relocation Act and Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42 in connection with any activity assisted with funding under the Community Development Block Grant or HOME programs.

Anti-Lobbying --To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction --The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan --The housing activities to be undertaken with Community Development Block Grant, HOME, Emergency Solutions Grant, and Housing Opportunities for Persons With AIDS funds are consistent with the strategic plan in the jurisdiction's consolidated plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 135.

Signature of Authorized Official

Date

Title

Specific Community Development Block Grant Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the CDBG program (i.e., the development of viable urban communities, by providing decent housing and expanding economic opportunities, primarily for persons of low and moderate income) and requirements of 24 CFR Parts 91 and 570.

Following a Plan -- It is following a current consolidated plan that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include CDBG-assisted activities which the grantee certifies are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available (see Optional CDBG Certification).

2. Overall Benefit. The aggregate use of CDBG funds, including Section 108 guaranteed loans, during program year(s) _____ [a period specified by the grantee of one, two, or three specific consecutive program years], shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period.

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

In addition, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

Compliance with Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, Subparts A, B, J, K and R.

Compliance with Laws -- It will comply with applicable laws.

Signature of Authorized Official

Date

Title



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

E.1.

Meeting Date: 09/04/2018

Prepared By: Steve Ayers, Assistant City Manager

Approved By: Robby Hefton, City Manager

Caption:

CHANGE ORDER

Approving a Comprehensive Change Order of \$77,836.37 for the Sherman Public Library Renovation Project; Schmoldt Construction, Inc. as Construction Manager-at-Risk (CMAR)

Issue:

To consider approval of a change order and final payment for renovations to the Sherman Public Library

Background:

Resolution No. 6238 was approved on July 17, 2017 to award the construction phase of the contract for renovations to the Sherman Public Library to Schmoldt Construction, Inc. as Construction Manager-at-Risk (CMAR). When this contract was awarded, there was no allowance for a contingency included as part of the contract, even though a 3% contingency was built into the project budget. This final reconciliatory change order represents 21 different changes, with the largest changes relating to asbestos found after demolition (that had to be subsequently remediated) and to changes in audio/visual equipment requested by City staff. Overall, the project was about \$14,000.00 over the original budget, or less than 1% of the project cost.

Origination:

Facility and Library Services Departments

Financial Consideration:

The final price for this contract, including change orders of \$77,836.37, is \$1,970,678.30 and is funded through the Capital Improvement Projects fund. A 3% contingency of \$63,681.00 is included in the construction budget, putting construction cost at \$14,155.37, or about .7%, above budget.

Staff Recommendation:

It is recommended that the change order and final payment for this project be approved.

Alternatives:

As may be directed by City Council

Attachments

Change Order #1

Change Order #2

Change Order #3

Aerial Location Map



AIA® Document G701™ – 2017

Change Order

PROJECT: <i>(Name and address)</i> Sherman Library Renovations Sherman, TX 75090	CONTRACT INFORMATION: Contract For: Library Renovations Date: 01-31-2017	CHANGE ORDER INFORMATION: Change Order Number: 001 Date: 11-29-17
OWNER: <i>(Name and address)</i> City of Sherman 220 W. Mulberry St., Sherman TX 75090	ARCHITECT: <i>(Name and address)</i> Hidell and Associates Architects, Inc. 3033 Kellway Dr., Suite 120, Carrollton, TX 75006	CONTRACTOR: <i>(Name and address)</i> Schmoldt Construction, Inc. 7720 Schmoldt Way, Celina, TX 75009

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

PCR # 1 Replace 4" PVC due to condition once pipe was uncovered

PCR # 4 RFI # 7 and RFI # 10

PCR # 5 Wood Nailers

PCR # 7 Floor Ducts

The original Contract Sum was	\$ 1,892,842.00
The net change by previously authorized Change Orders	\$ 0.00
The Contract Sum prior to this Change Order was	\$ 1,892,842.00
The Contract Sum will be increased by this Change Order in the amount of	\$ 25,098.46
The new Contract Sum including this Change Order will be	\$ 1,917,940.46

The Contract Time will be increased by Zero (0) days.

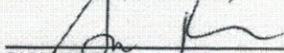
The new date of Substantial Completion will be

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Hidell and Associates Architect

ARCHITECT *(Firm name)*



SIGNATURE

Aaron Babcock

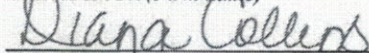
PRINTED NAME AND TITLE

11-29-17

DATE

Schmoldt Construction

CONTRACTOR *(Firm name)*



SIGNATURE

Diana Collins, Controller

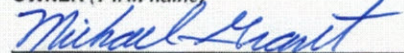
PRINTED NAME AND TITLE

11-29-17

DATE

City of Sherman

OWNER *(Firm name)*



SIGNATURE

Michael Grant

PRINTED NAME AND TITLE

11-29-17

DATE

AIA Document G701™ – 2017

Change Order

PROJECT: <i>(Name and address)</i> Sherman Library Renovations Sherman	CONTRACT INFORMATION: Contract For: Library Renovations Date: 01-31-2017	CHANGE ORDER INFORMATION: Change Order Number: 002 Date: 03-02-18
OWNER: <i>(Name and address)</i> City of Sherman 220 W. Mulberry St., Sherman, TX 75090	ARCHITECT: <i>(Name and address)</i> Hidell and Associates Architects, Inc. 3033 Kellway Dr., Suite 120, Carrollton, TX 75006	CONTRACTOR: <i>(Name and address)</i> Schmoldt Construction, Inc. 7720 Schmoldt Way, Celina, TX 75009

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

PCR # 9 Fire Line Flush - 1,377.00

PCR # 10 Install an RPZ in the riser room, with wall mount FDC \$ 6,821.89

PCR # 11 VE Flooring and new scope \$ 943.71

PCR # 12 Projector, TV and Camera install \$ 14,049.97

PCR # 14 Credit for substituted mechanical screens (\$7000.00)

The original Contract Sum was

\$ 1,892,842.00

The net change by previously authorized Change Orders

\$ 25,098.46

The Contract Sum prior to this Change Order was

\$ 1,917,940.46

The Contract Sum will be increased by this Change Order in the amount of

\$ 16,192.57

The new Contract Sum including this Change Order will be

\$ 1,934,133.03

The Contract Time will be increased by Zero (0) days.

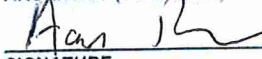
The new date of Substantial Completion will be

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Hidell and Associates Architect

ARCHITECT *(Firm name)*


SIGNATURE

Aaron Babcock

PRINTED NAME AND TITLE

03-02-18

DATE

Schmoldt Construction, Inc.

CONTRACTOR *(Firm name)*


SIGNATURE

Diana Collins, Controller

PRINTED NAME AND TITLE

03-02-18

DATE

City of Sherman

OWNER *(Firm name)*


SIGNATURE

Michael Grant

PRINTED NAME AND TITLE

DATE



AIA® Document G701™ – 2017

Change Order

PROJECT: (Name and address)
Sherman Library Renovations
421 N. Travis Street, Sherman Texas

CONTRACT INFORMATION:
Contract For: General Construction
Date: 01-31-17

CHANGE ORDER INFORMATION:
Change Order Number: 003
Date: 08-16-18

OWNER: (Name and address)
City of Sherman
220 W. Mulberry Street,
Sherman TX 75090

ARCHITECT: (Name and address)
Hidell and Associates Architects
3033 Kellway Dr. Suite 120
Carrollton, TX 75006

CONTRACTOR: (Name and address)
Schmoltdt Construction, Inc.
7720 Schmoltdt Way
Celina, TX 75009

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

PCR # 3 - Additional float prep and skim coat for sbestor floorin found during demo - \$ 7,149.29
PCR #15 - ASI 19 regarding the dip in existing floor slab at door no 100B - \$ 2,532.28
PCR #16 - Breakmetal for exterior curtain wall connection with stocco - \$ 3,933.30
PCR #17 - ASI 21 new snack area 101 - \$ 1,531.91
PCR #18 - ASI 25 Orange Peel texture - \$3,729.38
PCR #19 - ADA sinks - \$734.10
PCR #20 - Breakmetal for bottom of exterior curain wall and texture finish along foundation ASI 27 \$5,705.68
PCR#24 - Wiremolds for columns \$ 1,181.93
PCR#25 - Additional AV Equipment requested by owner \$7,195.45
PCR#26 - Repairs due to City of Sherman utility work \$ 958.64
PCR #27 - Fire riser door not on the plans \$ 1,147.50
PCR#29 - Per owners request install two outlets and two connections for projector and projector screen \$745.88

The original Contract Sum was	\$	1,892,842.00
The net change by previously authorized Change Orders	\$	41,291.03
The Contract Sum prior to this Change Order was	\$	1,934,133.03
The Contract Sum will be increased by this Change Order in the amount of	\$	36,545.34
The new Contract Sum including this Change Order will be	\$	1,970,678.37

The Contract Time will be increased by Zero (0) days.
The new date of Substantial Completion will be

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Hidell and Associates Architect
ARCHITECT (Firm name)

Schmoltdt Construction, Inc
CONTRACTOR (Firm name)

City of Sherman
OWNER (Firm name)

SIGNATURE

SIGNATURE

SIGNATURE

Aaron Babcock
PRINTED NAME AND TITLE

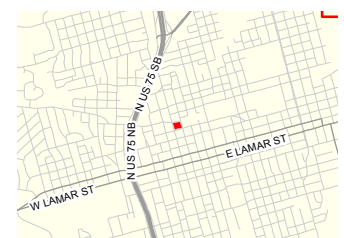
Diana Collins, Controller
PRINTED NAME AND TITLE

Mike Grant
PRINTED NAME AND TITLE

08-16-18
DATE

08-16-18
DATE

08-16-18
DATE





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

E.2.

Meeting Date: 09/04/2018

Prepared By: Mark Gibson, Director of Utilities

Approved By: Robby Hefton, City Manager

Caption:

*** CHANGE ORDER NO. 3**

Approving Greater Texoma Utility Authority's Intent to Execute Change Order No. 3; Sherman Southwest Elevated 1.5 M.G. Elevated Tank; Landmark Structures Management, Inc.; \$5,117.00 Decrease

Issue:

To consider approval of Change Order No. 3 for the Sherman Southwest Elevated 1.5 Million Gallon Tank with Landmark Structures Management, Inc., a decrease of \$5,117.00 in the project cost

Background:

Change Order No.3 decreases the original contract amount by \$5,117.00. The change order revises the light fixtures utilized inside the tank to provide more cost effective lighting fixtures.

Origination:

Utility Administration

Financial Consideration:

The change order results in a \$5,117.00 decrease in the contract amount, yielding a revised contract price of \$2,345,670.00.

Staff Recommendation:

It is recommended that the Greater Texoma Utility Authority's intent to approve Change Order No. 3 be approved.

Alternatives:

As may be directed by the City Council

Attachments

Change Order #3

Engineer's Recommendation letter

Aerial Location Map

CHANGE ORDER NO. #3

PROJECT: Southwest 1.5 M.G. Elevated Tank Project
OWNER: Greater Texoma Utility Authority for City of Sherman, Tex.
CONTRACTOR: Landmark Structures Management, Inc.
ENGINEER: Freeman - Millican, Inc.
Dallas, Texas
DATE: July 30, 2018

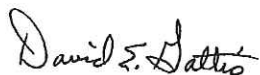
TO THE CONTRACTOR: You are hereby authorized, subject to the Contract provisions,
to make the following changes per your letter of January 5, 2017 & attached proposal:
Total cost decrease (\$5,117.00)

Original Contract Amount:	\$2,352,000.00
Revised Contract Amount after C.O. #2	\$2,350,787.00
Addition/(Reduction) - This Change Order #3	(\$5,117.00)
Revised Contract Amount	\$2,345,670.00

Original Contract Time:	450	Days
Time Extension/(Reduction) - Change Order No. 1	56	Days

Revised Contract Time:	506	Days
------------------------	-----	------

RECOMMENDED:

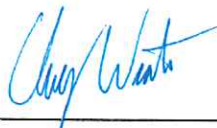


Freeman - Millican, Inc.

July 30, 2018

Date

APPROVED:



Contractor

8/8/2017

Date

Owner

Date

Owner Change Order No.

Job Name:

Job Number:

Internal CO Number:

Description:

1

Southwest 1.5MG Elevated Tank

1533

Light Fixture Change

		AMOUNT DETAIL						
	ITEM DESCRIPTION	QTY		UNIT	UNIT RATE	EXTENDED AMOUNT	TOTAL AMOUNT	Notes
45	SUBCONTRACT							
46							-\$6,020.00	
47	Original Fixture A	10.00		1.00	\$1,485.00	(14,850.00)		
48	Revised Fixture A	10.00		1.00	\$935.00	9,350.00		
49								
50	Original Fixture B	16.00		1.00	\$149.50	(2,392.00)		
51	Revised Fixture B	16.00		1.00	\$117.00	1,872.00		
52								
53								
54								
55								
56								
57	CHANGE ORDER AMOUNT SUMMARY							
58							\$0.00	
63						SUBCONTRACT	-\$6,020.00	
64						Sub-Total	-\$6,020.00	
	Subcontractor Overhead/Profit				OVERHEAD & FEE @ 10%		\$602.00	
65	Contractor Overhead/Profit				OVERHEAD & FEE @ 5%		\$301.00	
66					TOTAL VALUE OF THIS CHANGE ORDER		-\$5,117.00	
67								
68								
69								
70								
71	JOB COMPLETION TIME IMPACT DUE TO THIS CHANGE ORDER							
72	Current Substantial Completion Date					15-May-16		
73	Current Final Completion Date					13-Jun-16		
74								
75	Days Added with this Change					0 Days		
76								
77	Revised Substantial Completion Date (with this CO)					15-May-16		
78	Revised Final Completion Date (with this CO)					13-Jun-16		
79								
80	CHANGE ORDER SUMMARY							
81	Total Amount of this change						-\$5,117.00	
82	Amount of Increase of Time To Complete						0 Days	
83	Revised Substantial Completion Date Due to This Change						15-May-16	
84	Revised Final Completion Date Due to This Change						13-Jun-16	
85								
86								
87								
88								
89								



BUTLER SUPPLY, INC

QUOTATION

QUOTE NO: _____

DATE: January 3, 2017

JOB NAME: SHERMAN, TX LIGHTING CHANGE REQUEST

COMPANY: ALELCO

ATTN: CHARLIE

WE ARE PLEASED TO QUOTE THE ABOVE REFERENCED PROJECT AS FOLLOWS:

QUANTITY	TYPE	CAT # AND DESCRIPTION	PRICE/EA	TOTAL
OFFER FOR APPROVAL				
10	A LITHONIA	DSXF3LED6P140KMFLMVOLTYKC62 DNAXD W/ FTSCG6DNAXD 15,194 LUMENS	\$ 935.00	\$ 9,350.00
0	NOTE:	LUMENPULSE FIXTURE WAS ONLY 6,735 LUMENS	\$ -	\$ -
0	A LITHONIA	ALT. DSXF2LED6P140KMFLMVOLTYK C62DNAXD W/ FT SCG6DNAXD 7,421 LUMENS	\$ 740.00	\$ -
0			\$ -	\$ -
16	B LITHONIA	OLVTWM WALLMOUNT LED	\$ 117.00	\$ 1,872.00
0	NOTE:	APPLETON DOES NOT OFFER A OLVTWM	\$ -	\$ -
0			\$ -	\$ -
0			\$ -	\$ -
0			\$ -	\$ -
0			\$ -	\$ -
0			\$ -	\$ -
0			\$ -	\$ -
0			\$ -	\$ -
0			\$ -	\$ -
0			\$ -	\$ -
0			\$ -	\$ -
0			\$ -	\$ -
ALL QUOTATIONS ARE SUBJECT TO APPROVAL			GRAND TOTAL	\$ 11,222.00

LAMPS ARE NOT INCLUDED UNLESS NOTED OTHERWISE

PRICES ARE FIRM FOR ORDER ENTRY IN 30 DAYS AND FOR SHIPMENT WITHIN 90 DAYS

PROJECTS FUNDED WITH FEDERAL STIMULUS MONEY MAY REQUIRE A RE-QUOTE AND PRICE ADJUSTMENTS DUE TO MANUFACTURING REQUIREMENTS MANDATED BY THE US GOVERNMENT.

BUTLER SUPPLY DOES NOT ASSUME ANY RESPONSIBILITY FOR QUANTITIES, ANY ITEMS NOT LISTED ON QUOTATION ARE TO BE CONSIDERED EXTRA AND WILL BE PRICED UPON REQUEST.

FIXTURE VOLTAGES ARE THE RESPONSIBILITY OF THE ORDERING CONTRACTOR

BUTLER SUPPLY DOES NOT ASSUME ANY RESPONSIBILITY FOR VOLTAGES.

MATERIAL PURCHASED FROM THIS QUOTATION MAY NOT BE RETURNABLE, AND, IF RETURNABLE IS SUBJECT TO RE-STOCKING CHARGES.

TERMS: NET 30 DAYS

FREIGHT:

	FREIGHT ALLOWED ON \$
	FREIGHT ALLOWED ON \$
	FREIGHT ALLOWED ON \$
	FREIGHT ALLOWED ON \$
	FREIGHT ALLOWED ON \$

BY: _____



FEATURES & SPECIFICATIONS

INTENDED USE

Provides years of maintenance-free illumination for indoor or outdoor use in residential & commercial applications.

CONSTRUCTION

Cast-aluminum housing with corrosion-resistant paint in an industrial grey finish.

Sealed gasket protects against moisture and dust.

OPTICS

4000K CCT LEDs.

Frosted glass diffuser provides even light distribution.

LUMEN MAINTENANCE

LEDs will deliver 70% of their initial lumens at 50,000 hour average LED life. See Lighting Facts label on page 2 for performance details.

ELECTRICAL

MVOLT driver operates on any line voltage from 120-277V

Operating temperature -40°C to 40°C.

4kV surge protection standard.

INSTALLATION

Mounts to ceiling or wall with surface mount junction box (included).

LISTINGS

UL Listed to U.S. and Canadian safety standards for wet locations.

Tested in accordance with IESNA LM-79 and LM-80 standards.

WARRANTY

Five-year limited warranty. Full warranty terms located at

www.AcuityBrands.com/CustomerResources/Terms_and_Conditions.aspx

Actual performance may differ as a result of end-user environment and application.

All values are design or typical values, measured under laboratory conditions at 25 °C.

Note: Specifications are subject to change without notice.

Catalog Number	OLVTWM
Notes	
Type	B

Outdoor General Purpose

OLVTCM & OLVTWM

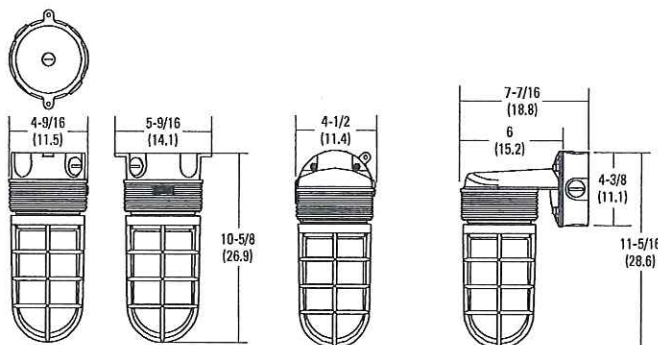


LED VAPORTIGHT



Specifications

All dimensions are inches (centimeters)



ORDERING INFORMATION

For shortest lead times, configure products using **bolded options**.

Example: OLVTCM

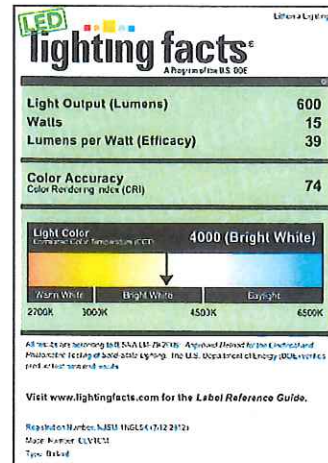
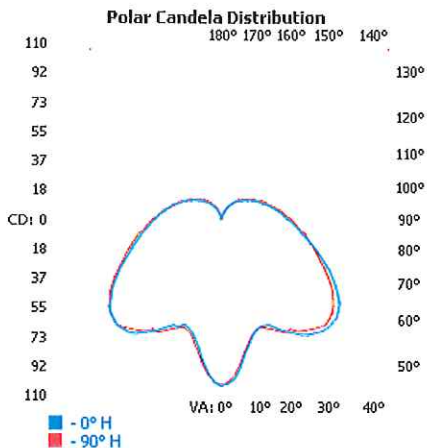
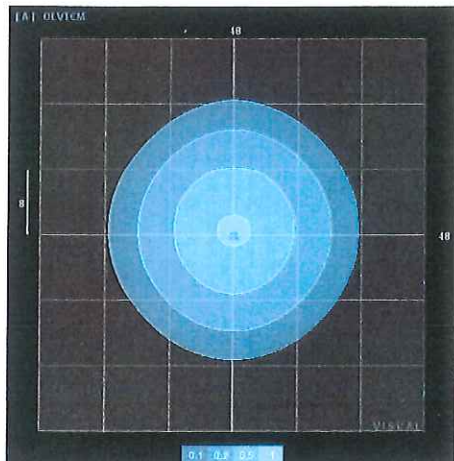
Series	Color temperature	Voltage	Finish
OLVTCM Ceiling MT	(blank) 4000K	(blank) MVOLT (120V-277V)	(blank) Grey
OLVTWM Wall MT			

OLVTCM & OLVTWM LED Vaportight

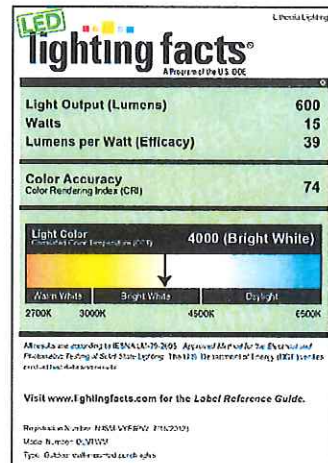
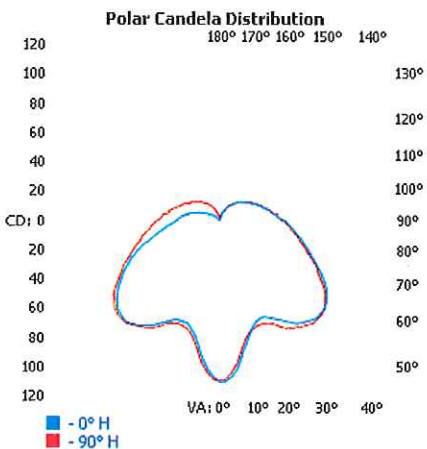
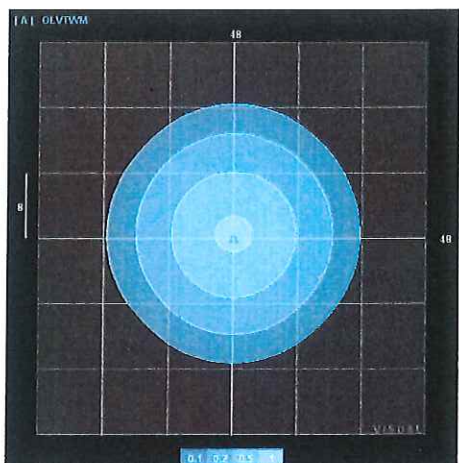
PHOTOMETRICS

To see complete photometric reports or download .ies files for this product, visit Lithonia Lighting's Outdoor LED homepage
Tested in accordance with IESNA LM-79 and LM-80 standards.

OLVTCM



OLVTWM





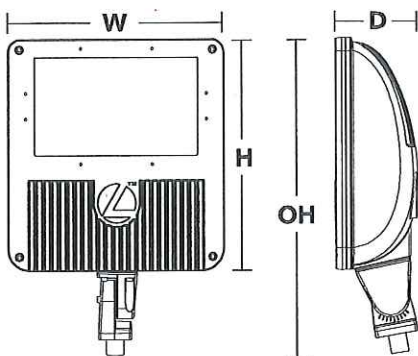
D-Series Size 3 LED Flood Luminaire



d"series

Specifications

EPA:	1.4 ft ² (0.13 m ²)
Depth:	5" (12.7 cm)
Width:	13" (33.0 cm)
Height:	13-5/8" (34.6 cm)
Overall Height:	17-1/2" (44.5 cm)
Weight:	21 lbs (9.5 kg)



Catalog Number	DSXF3 LED 6 P1 40K MFL MVOLT
Notes	
Type	A

Introduction

The D-Series Size 3-Flood features precision optics to beautifully illuminate a variety of applications as its sleek, compact styling blends seamlessly with its environment.

The D-Series Flood reflector systems and cutting-edge chip-on-board LED technology produce low field-to-beam ratios for minimal spill light and incredible photometric performance. It's the ideal long-life replacement for 250 - 400W metal halide floods, with typical energy savings of 64% and expected service life of over 100,000 hours.

Ordering Information

EXAMPLE: DSXF3 LED 6 P2 40K FL MVOLT THK DDBXD

DSXF3 LED

Series	Light Engines	Performance Package	Color Temperature	Distribution	Voltage	Mounting
DSXF3 LED	6 Six COB engines	P1 P2	30K 3000 K 40K 4000 K 50K 5000 K	NSP Narrow spot MSP Medium spot MFL Medium flood FL Flood	WFL Wide flood WFR Wide flood, rectangular HMF Horizontal medium flood	MVOLT ¹ 277 ¹ 120 ¹ 347 208 ¹ 480 240 ¹
						Shipped included THK Knuckle with 3/4" NPT threaded pipe YKC62 Yoke with 16-3 SO cord IS Integral slipfitter (fits 2-3/8" O.D. tenon)
						Shipped separately ² FTS CG6 Tenon slipfitter (fits 2-3/8" to 2-7/8" O.D. tenon. YKC62 required)

Options	Finish (required)
Shipped installed PER NEMA twist-lock receptacle only (no controls) ³ PERS Five-wire receptacle only (no controls) ^{3,4} DMG 0-10V dimming driver (no controls) SF Single fuse (120, 277, 347V) ⁵ DF Double fuse (208, 240, 480V) ⁵ WTB Utility terminal block	Shipped installed PNMTDD3 Part night, dim till dawn ⁶ PNMTSD3 Part night, dim 5 hrs. ⁶ PNMT6D3 Part night, dim 6 hrs. ⁶ PNMT7D3 Part night, dim 7 hrs. ⁶ BL30 Bi-level switched dimming, 30% ⁷ BL50 Bi-level switched dimming, 50% ⁷
Shipped separately ⁸ UBV Upper/bottom visor (universal) FV Full visor VG Vandal guard WG Wire guard	DDBXD Dark bronze DBLXD Black DNAXD Natural aluminum DWHXD White

Accessories

Ordered and shipped separately.

FTS CG6 DDBXD U	Slipfitter for 2-3/8" to 2-7/8" O.D. tenons; mates with yoke mount (specify finish)
FRVB DDBXD U	Radius wall bracket, 2-3/8" O.D. tenon (specify finish)
FSPB DDBXD U	Steel square pole bracket, 2-3/8" O.D. tenon (specify finish)
DSXF3UBV DDBXD U	Upper/bottom visor accessory (specify finish)
DSXF3FV DDBXD U	Full visor accessory (specify finish)
DSXF3VG U	Vandal guard accessory
DSXF3WG DDBXD U	Wire guard accessory
DL1127F 1.5 JU	Photocell - SSL twist-lock (120-277V) ⁹
DL1347F 1.5 CUL JU	Photocell - SSL twist-lock (347V) ⁹
DL1480F 1.5 CUL JU	Photocell - SSL twist-lock (480V) ⁹
DSHORT SBK U	Shorting cap ⁹

NOTES

- MVOLT driver operates on any line voltage from 120-277V. Specify 120, 208, 240 or 277 options only when ordering with fusing (SF, DF options).
- Must be ordered as an accessory; see Accessories information at left.
- For units with a photocontrol receptacle, the mounting must be restricted to ± 45° from horizontal aim per ANSI C136.10-2010.
- Specifies a ROAM® enabled luminaire with 0-10V dimming capability; PERS option required. Additional hardware and services required for ROAM® deployment; must be purchased separately. Call 1-800-442-6745 or email: sales@roomservices.net.
- Single fuse (SF) requires 120, 277 or 347 voltage option. Double fuse (DF) requires 208, 240 or 480 voltage option.
- Dimming driver standard. MVOLT only. Not available with 347V, 480V, PERS, BL30 or BL50.
- Requires an additional switched circuit. Dimming driver standard. MVOLT only. Not available with 347V, 480V, or PERS.
- Also available as separate accessories; see Accessories information at left.
- Requires luminaire to be specified with PER option. Must be ordered and shipped as a separate line item from Acuity Controls.

For more mounting options, visit our [Floodlighting Accessories](#) pages.
For more control options, visit [DTL](#) and [ROAM](#) online.



One Lithonia Way • Conyers, Georgia 30012 • Phone: 800.279.8041 • Fax: 770.918.1209 • www.lithonia.com
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DSXF3-LED
Rev. 08/09/16
Page 1 of 3

Performance Data

Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

Light Engines	Performance Package	System Watts	Opt. Type	Field Angle		Beam Angle		40K (100' x 70' x 8')			40K (70' x 70' x 8')			50K (70' x 70' x 8')		
				H	V	H	V	Watts	Lumen	LPX	Watts	Lumen	LPX	Watts	Lumen	LPX
6	P1	129	NSP	38	35	18	18	84476	13510	105	88800	14201	110	88800	14201	110
			MSP	53	52	27	27	49237	12774	99	51757	13428	104	51757	13428	104
			MFL	59	59	45	45	22746	12986	101	23911	13650	106	23911	13650	106
			FL	84	90	61	71	11658	13952	108	12255	14666	114	12255	14666	114
			WFL	104	105	73	76	9435	14454	112	9918	15194	118	9918	15194	118
			WFR	104	91	80	72	9546	14377	111	10035	15113	117	10035	15113	117
	P2	183	HMF	121	67	94	55	10455	13238	103	10991	13916	108	10991	13916	108
			NSP	38	35	18	18	105595	16887	92	111000	17751	97	111000	17751	97
			MSP	53	52	27	27	61546	15968	87	64696	16785	92	64696	16785	92
			MFL	59	59	45	45	28433	16232	89	29888	17063	93	29888	17063	93
			FL	84	90	61	71	14573	17440	95	15319	18333	100	15319	18333	100
			WFL	104	105	73	76	11794	18067	99	12397	18992	104	12397	18992	104
			WFR	104	91	80	72	11933	17972	98	12543	18891	103	12543	18891	103
			HMF	121	67	94	55	13069	16548	90	13738	17395	95	13738	17395	95

Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-35°C (32-95°F).

Air-Cent		Lumen Multiplier
0°C	32°F	1.08
0°C	50°F	1.05
20°C	68°F	1.02
25°C	77°F	1.00
30°C	86°F	0.98
35°C	95°F	0.96

Projected LED Lumen Maintenance

Data references the extrapolated performance projections for the DSXF3 LED 6 P2 platform based on 13,000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM-21-11).

To calculate LLF, use the lumen maintenance factor that corresponds to the desired number of operating hours below. For other lumen maintenance values, contact factory.

Operating Hours	0	25,000	50,000	100,000
Lumen Maintenance Factor	1.0	0.97	0.97	0.96

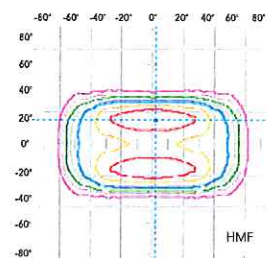
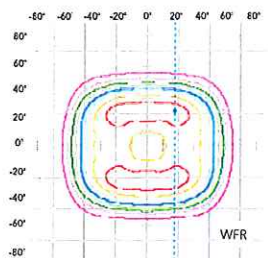
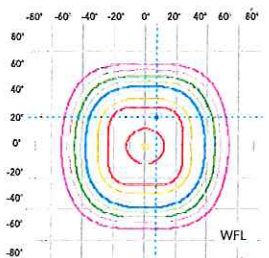
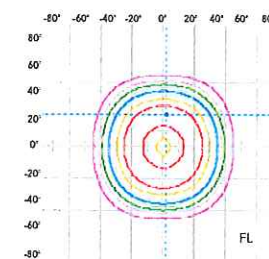
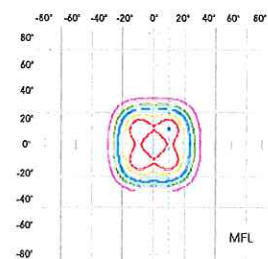
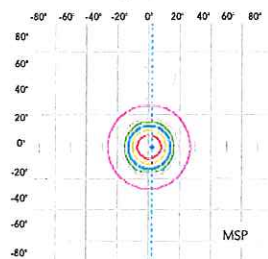
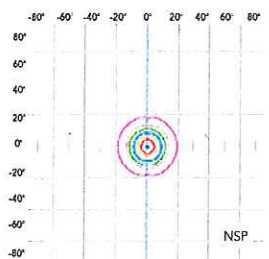
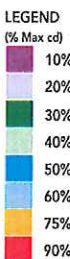
Electrical Load

Light Engine	System Watts	Current (A)					
		120V	208V	240V	277V	347V	480V
P1	129	1.08	0.62	0.54	0.47	0.38	0.29
P2	183	1.54	0.87	0.75	0.65	0.53	0.40

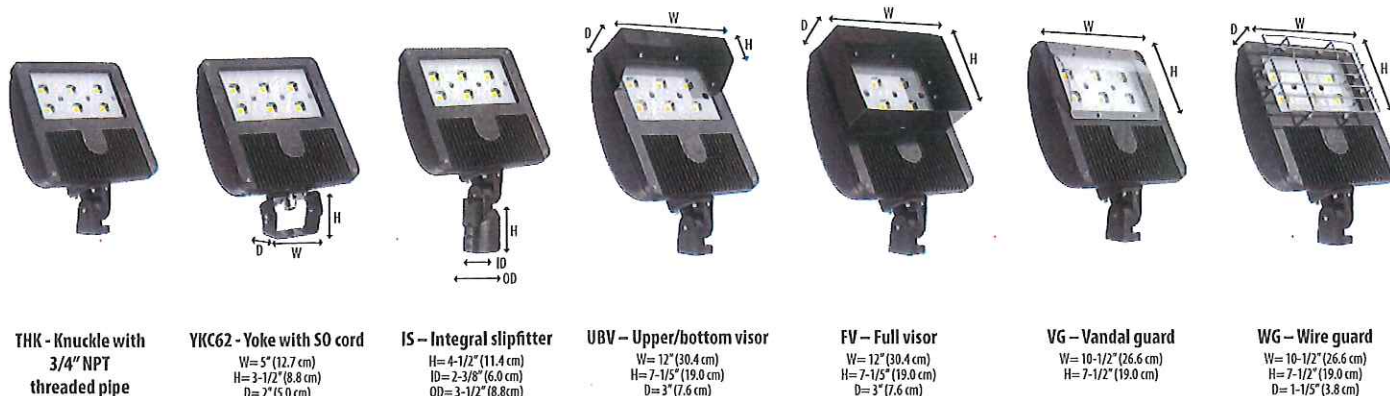
Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit Lithonia Lighting's [D-Series Flood Size 3 homepage](#).

Isocandela plots for the DSXF3 LED 6 P2 40K. Distances are in units of mount height (20ft).



Mounting, Options and Accessories



FEATURES & SPECIFICATIONS

INTENDED USE

The sleek design of the D-Series Size 3 Flood reflects the embedded high performance LED technology. It is ideal for wallwash, security and general area lighting in many commercial and institutional applications.

CONSTRUCTION

Die-cast aluminum housing has integral heat sink fins to optimize thermal management through conductive and convective cooling. The LED driver is mounted in direct contact with the casting to promote low operating temperature and long life. Housing is completely sealed against moisture and environmental contaminants (IP66). Low EPA (1.4 ft²) for optimized wind loading.

FINISH

Exterior parts are protected by a zinc-infused Super Durable TGIC thermoset powder coat finish that provides superior resistance to corrosion and weathering. A tightly controlled multi-stage process ensures a minimum 3 mils thickness for a finish that can withstand extreme climate changes without cracking or peeling.

OPTICS

A variety of precision-molded vacuum-metallized specular reflectors are engineered for superior field-to-beam ratios, uniformity and spacing. Light engines are available in 3000 K (70 CRI min.), 4000 K (70 CRI min.) or 5000 K (70 CRI min.) configurations. Optional visors offer additional versatility.

ELECTRICAL

Light engines consist of chip-on-board (COB) LEDs directly coupled to the housing to maximize heat dissipation and promote long life (100,000 hrs, L80). Class 1 electronic driver has a power factor >90%, THD <20%, and has an expected life of 100,000 hours with <1% failure rate. Surge protection meets a minimum Category C Low operation (per ANSI/IEEE C62.41.2).

INSTALLATION

Integral adjustable knuckle with 3/4-14 NPT threaded pipe, or yoke mounting, facilitates quick and easy installation to a variety of mounting accessories. This secure connection enables the D-Series Size 3 to withstand up to a 1.5 G vibration load rating per ANSI C136.31.

LISTINGS

CSA certified to U.S. and Canadian standards. Luminaire is IP66 rated. Rated for -40°C minimum ambient.

DesignLights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.designlights.org to confirm which versions are qualified.

WARRANTY

5-year limited warranty. Complete warranty terms located at:

www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx.

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.

TERRY MILLICAN, R.P.L.S.
VICTOR ACUY, P.E.
RICHARD A. DORMIER, P.E.
JOHN D. GATTIS, A.I.A.
DAMIR LULO, P.E.
MICHAEL K. STACEY, P.E.
LARRY J. FREEMAN, P.E.

August 10, 2018

Mr. Drew Satterwhite, P.E.
General Manager
Greater Texoma Utility Authority
5100 Airport Drive
Denison, Texas 75020

**Re: Sherman Southwest 1.5 M.G. Elevated Tank Project
Construction Change Order #3**

Dear Mr. Satterwhite:

This proposed change order #3 replaces Lumenpulse floodlight with Lithonia floodlights and replaces Appleton VA1075G-M ladder light fixtures with a new Appleton OLVTWM Series Omnidirectional LED fixtures all of equality. This change is needed to reduce the extremely high prices bid by Lumenpulse and new more cost effective light fixtures models from Appleton.

The attached proposed change order #3 decreases the contract price by \$5,117.00 for the above noted items.

We recommend that the Greater Texoma Utility Authority approve the proposed change order #3 decreasing the contract price with Landmark Structures Management, Inc. to \$2,345,670.00

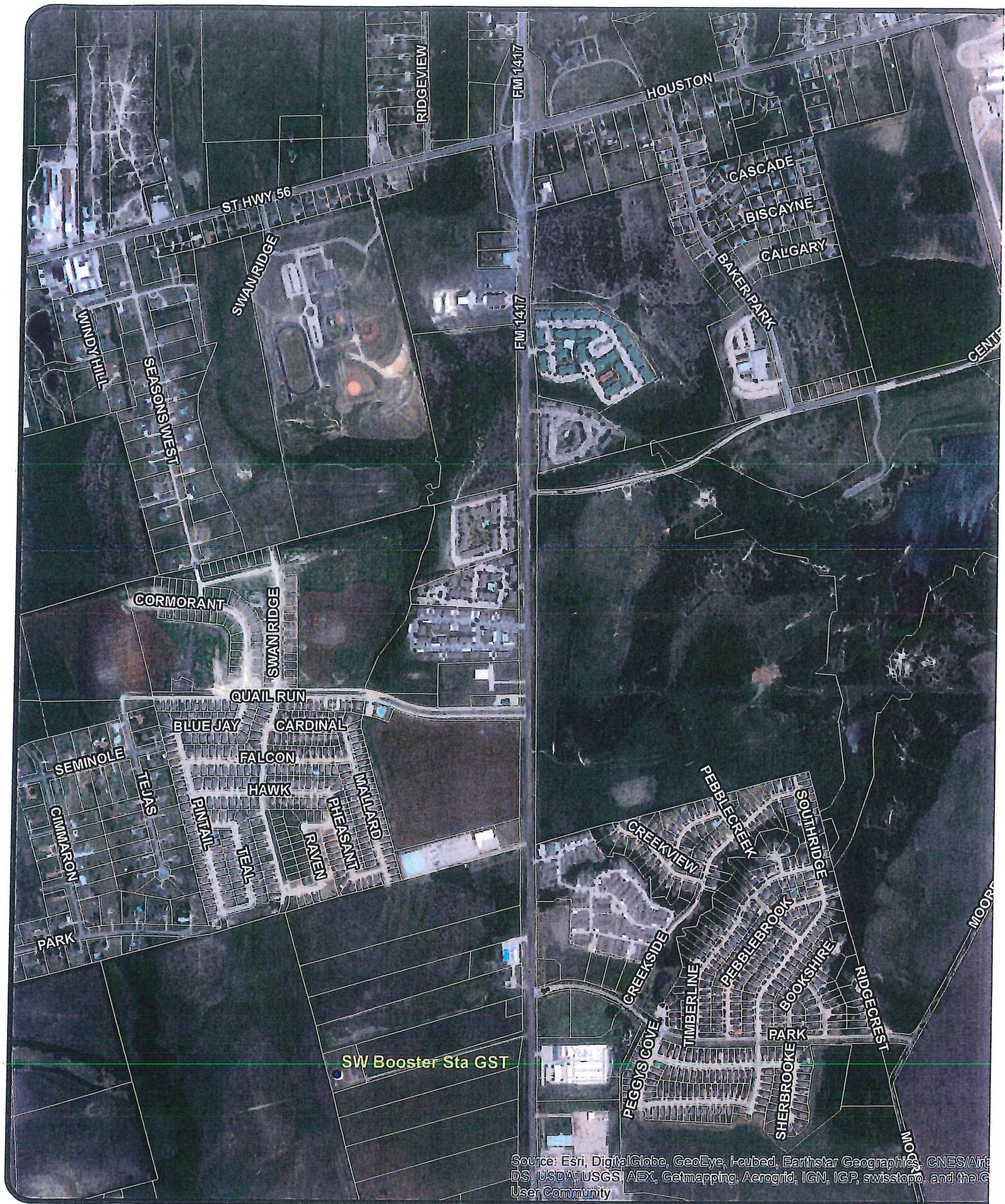
Sincerely,

FREEMAN - MILLICAN, INC.



David E. Gattis, P.E.

Enclosure & Copy: Sherman, Mark Gibson, Director of Utilities





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

F.1.

Meeting Date: 09/04/2018

Prepared By: Kevin Winkler, Public Works Manager

Approved By: Robby Hefton, City Manager

Caption:

OTHER BUSINESS

Receive Update from Public Works Manager Kevin Winkler on the City's Bulk Waste Program

Issue:

Provide an update on the City's Bulk Waste Program and discuss potential ways to improve the program

Background:

The City started the Bulk Waste Program approximately ten years ago. During the 2018-2019 Budget Workshop, the City Council requested an update on the Bulk Waste Program.

Origination:

City Manager

Financial Consideration:

There is no financial impact associated with this presentation.

Staff Recommendation:

As may be directed by the City Council



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

F.2.

Meeting Date: 09/04/2018

Prepared By: Steve Ayers, Director of Community and Support Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Consider Request of the Grayson Hispanic Heritage Council of Sherman to Temporarily Close Certain Streets and Use Certain City Facilities and Services for the "Annual Hispanic Heritage Festival" on Saturday, September 8, 2018

Issue:

Council approval is requested for the street closures and use of City facilities and services to facilitate the annual Hispanic Heritage Festival on Saturday, September 8th from 2:00 p.m. to 9:00 p.m. A request has been made to close the streets around the Municipal Building and to provide additional solid waste containers, cones and barricades.

Background:

In 2010, the Hispanic Heritage Council of Texoma moved their annual Hispanic Heritage Celebration from the Downtown square to the Lucy Kidd-Key Park.

Origination:

Henry Marroquin, President of the Grayson Hispanic Heritage Council of Sherman

Financial Consideration:

The Lucy Kidd-Key Park has been reserved. Labor and equipment to drop-off/pick-up barricades, cones and solid waste containers will be required.

Staff Recommendation:

The organizers have been reminded that no vehicles or trailers are allowed on the municipal lawn.

It is recommended that the City Council approve the request to hold this annual event in the Lucy Kidd-Key Park and that the staff be authorized to use necessary City resources to accommodate this event.

Alternatives:

As may be recommended by the Council

Attachments

Written Request dated August 24, 2018



August 24, 2018

City of Sherman
Director of Public Works
P.O. Box 1106
Sherman, TX 75091

Dear Sir or Madam:

This is a request made by the Hispanic Heritage Council of Texoma regarding the Annual Hispanic Heritage Festival. This year's event will be taking place at the Sherman Municipal Grounds on Saturday, September 8, 2018. The outdoor event is scheduled to take place from 2pm to 9pm.

The following items are being requested from the city of Sherman:

- Request for two city dumpsters to be placed on the South side of the Municipal lawn in the parking lot - (South East corner of the parking lot).
- Request for twenty-four of the green roll around trash cans. (to be placed near the city dumpster)
- Request for ten of the light green Recycle roll around trash cans (to be placed alongside of the green roll around trash cans).
- Request street closure of Rusk Street at the intersections of Rusk and Mulberry and Rusk and Pecan.
- Request street closure of Elm Street at 2 intersections, both named Mulberry and Elm and at one intersection of Pecan and Elm.
- Request for 20 street barricades to be used as needed for blocking off sections during the event.
- Request for 40 orange cones to be used as needed for blocking off sections during the event.
- Request for metal fencing to block off the perimeter of the gazebo during the event.

The Hispanic Heritage Council would like to thank the City of Sherman for its cooperation and assistance in the coordination of our request.

Thank you for your consideration,

Henry Marroquin

Henry Marroquin

1st Vice-President Hispanic Heritage Council of Texoma



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

F.3.

Meeting Date: 09/04/2018

Prepared By: Nate Strauch, Community & Support Services Manager

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Consider Request of the Sherman Independent School District and the Sherman High School Student Council to Temporarily Close Certain Streets for the "2018 Sherman High School Homecoming Parade" on Monday, September 10, 2018

Issue:

The Sherman Independent School District (SISD) and the Sherman High School Student Council have submitted a request to close certain streets in the downtown area for the "2018 Sherman High School Homecoming Parade", taking place at 6:30 p.m. on Monday, September 10, 2018.

Background:

The SISD and Sherman High School Student Council are co-sponsoring the "2018 Sherman High School Homecoming Parade" on Monday, September 10th. The parade will assemble at 5:30 p.m. and will end no later than 7:30 p.m. It will follow the route described in the attached request and outlined on the attached map. The event will require traffic control assistance and barricades from the City of Sherman.

Origination:

Dr. David Hicks, Ed.D., SISD Superintendent

Financial Consideration:

City labor and equipment to provide traffic control assistance and implement barricade placement and removal will be required.

Staff Recommendation:

It is recommended that the City Council approve this request and authorize the necessary traffic control and support to accommodate the event.

Alternatives:

As directed by the Council

Attachments

Request Letter dated August 24, 2018
Homecoming Parade Route



Sherman Independent School District

2701 Loy Lake Road, Sherman, TX 75090 | www.shermanisd.net | (903) 891-6400

August 24, 2018

Ms. Sarah McCray
Sherman Dept. of Tourism
100 North Travis, Suite D
P. O. Box 1106
Sherman, TX 75090

Dear Ms. McCray:

Sherman High School Student Council and SISD are requesting to schedule the annual Sherman High School Homecoming Parade for Monday, September 10, 2018 at 6:30 p.m.

We would like to use the following route for the annual parade: East on Mulberry to Travis, South on Travis to Houston, West on Houston to Crockett, North on Crockett to Pecan, West on Pecan to Rusk.

Student Council also requests to use the block of Rusk between Pecan and Washington to assemble the parade. They will assemble at 5:30 p.m. and will have the area cleared by 7:30 p.m.

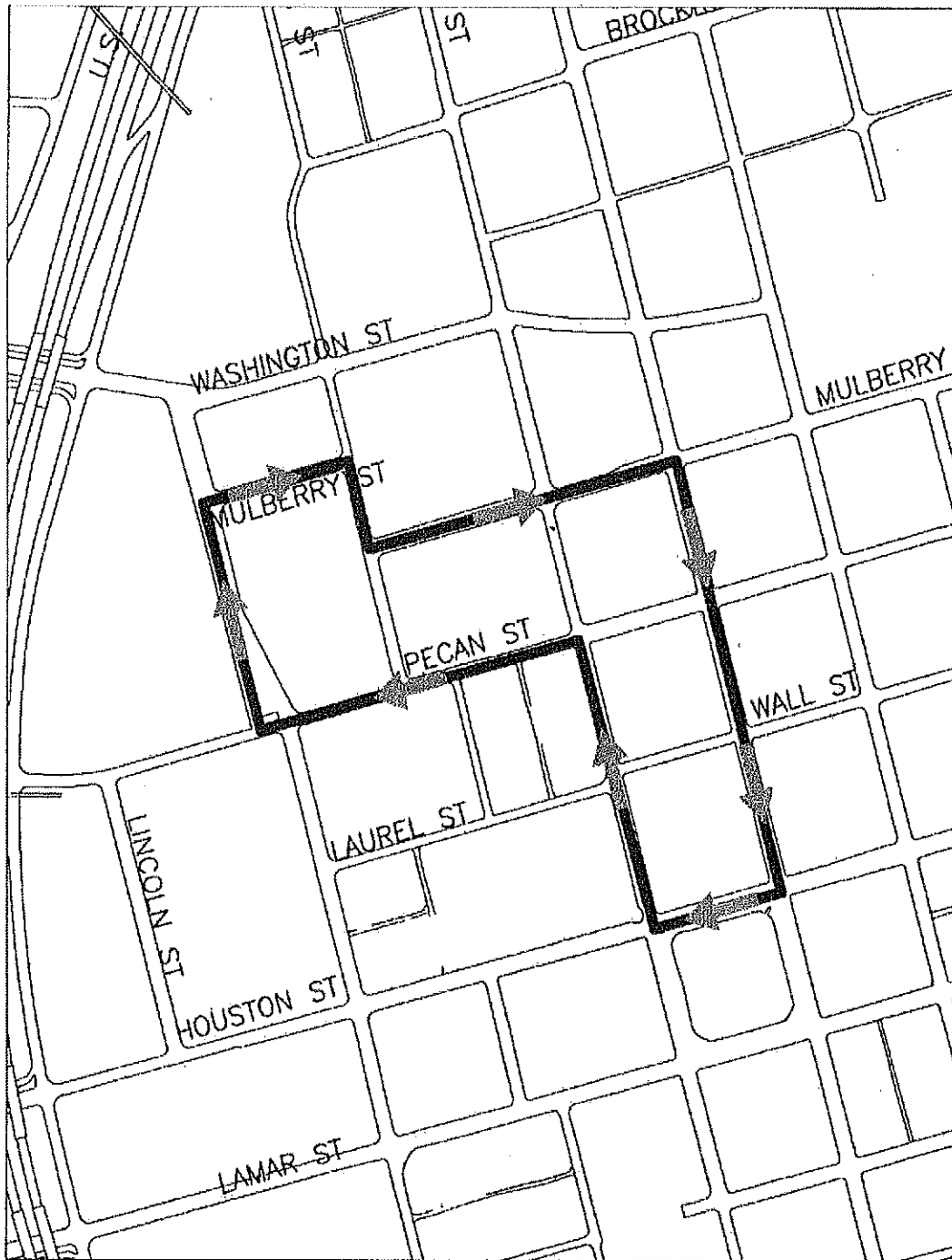
If you have any questions or need anything additional, please contact my secretary, Debbie Smith at 903-891-6400, extension 2006.

Sincerely,

David Hicks, Ed.D.
Superintendent of Schools

dhs

✓ Copy: ~~Larena Douglass~~, Student Council Sponsor
Jenifer Politi, Principal, SHS



Sherman
CLASSIC TOWN, BROAD HORIZON.

SHERMAN HIGH SCHOOL PARADE ROUTE





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Meeting Date: 09/04/2018

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

COUNCIL CALENDAR

Attachments

2018 Council Calendar

2018

JANUARY						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
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28	29	30	31			

FEBRUARY						
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MARCH						
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APRIL						
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29	30					

MAY						
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27	28	29	30	31		

JUNE						
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JULY						
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29	30	31				

AUGUST						
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SEPTEMBER						
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30						

OCTOBER						
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28	29	30	31			

NOVEMBER						
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25	26	27	28	29	30	

DECEMBER						
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

1/1/2018	New Year's Day/Regular City Council Meeting on 01/02/2018
2/28/2018	Called Council Meeting - Training Session for Council Members
4/27/2018	Called Budget Planning Mtg in Council Chambers
6/14/2018	Called Budget Workshop in Council Chambers
6/15/2018	Called Budget Workshop in Council Chambers - Cancelled
7/2/2018	City Council Meeting - Cancelled
9/27/2018	Called Joint Meeting with SEDCO Board in Council Chambers
9/3/2018	Labor Day/Regular City Council Meeting on 09/04/2018

[illegible]