

**CITY OF SHERMAN
CITY COUNCIL CALLED MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
TUESDAY, SEPTEMBER 3, 2019
5:00 P.M.**

- A. 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
- A. 2. PLEDGE OF ALLEGIANCE LED BY DEPUTY MAYOR SHAWN TEAMANN**
- A. 3. INVOCATION BY DEPUTY MAYOR SHAWN TEAMANN**
- A. 4. APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF AUGUST 19, 2019**

Proclamations

- B. 1. SPECIAL PRESENTATION**
Presentation by Texas Representative Reggie Smith
- B. 2. SPECIAL PRESENTATION**
Mayor David Plyler's Presentation to the Sherman Police and Fire Associations

Public Hearing

- C. 1. SECOND PUBLIC HEARING OF ORDINANCE NO. 6234**
Providing for the Levy of Ad Valorem Taxes for the City of Sherman, Texas, for the Tax Year 2019; 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. 6242**
Declaring as Elected the Unopposed Candidates for the Office of City Council Member for District 1 and for District 3; Finding that All Necessary and Required Legal Conditions have been Satisfied; Providing that the November 5, 2019 Regular Municipal Election for City Council Shall Not be Held; Providing for Posting of this Ordinance on Election Day, November 5, 2019
- C. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6243**
Approving a Negotiated Settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division, Regarding the Company's 2019 Rate Review Mechanism Filing; 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 Attached 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. 4. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6244**
Amending Article II of the Home Rule Charter, entitled "City Council", Section 11, entitled "Ordinances, Resolutions, Motions and/or Orders in General", at Paragraph (d), entitled "Publish defined"
- C. 5. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6245**
Amending Article III of the Home Rule Charter, entitled "Nominations and Elections", Section 1, entitled "Municipal Elections", at Paragraph (e), entitled "Failure to act", at Section 2, entitled "Filing of Candidates", and at Section 5, entitled "Ballots for Charter Amendments"
- C. 6. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6246**
Amending Article V of the Home Rule Charter, entitled "Finance Administration", Section 2, entitled "Budget Preparation and Message", at Paragraph (a), entitled "Preparation and submission of the proposed budget", at Section 10, entitled "Council Action on Capital Program", Paragraph (a), entitled "Notice and hearing", and at Section 15, entitled "Contracts, Expenditures, Purchases and Procedure"
- C. 7. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6247**
Amending Article VIII of the Home Rule Charter, entitled "Franchise and Public Utilities", at Section 8, entitled "Mandatory utility connections"
- C. 8. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6248**
Amending Article X of the Home Rule Charter, entitled "General Provisions", to Delete Section 6, entitled "Official Newspaper", in its Entirety, and at Section 15, entitled "Charter Amendment", Paragraph (b), entitled "Election for Amendments"

Close Public Hearing and Consider Adoption of Ordinances

- C. 9. **ADOPTION OF ORDINANCES**
Consider Adoption of Ordinance Numbers: 6242, 6243, 6244, 6245, 6246, 6247 and 6248
- C. 10. **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. 6516**
Authorizing Execution of an Agreement to Contribute Right of Way Funds with the Texas Department of Transportation to Acquire Right of Way and Easements along U.S. Highway 75 in the City of Sherman
- D. 2. **RESOLUTION NO. 6517**
Authorizing Execution of a Special Warranty Deed with Habitat for Humanity of Grayson County for the Conveyance of City-Owned Real Property located on South First Street, being 0.1148 acres in Lot 11, Block 1, G. Y. Grays 1st Addition (Supplement), in the City of Sherman, Grayson County, Texas, filed for record in Volume 1082, Page 232 of the Grayson County Deed Records
- D. 3. **RESOLUTION NO. 6518**
Renaming the 2000 Block of South Travis Street to South Travis Lane

- D. 4. RESOLUTION NO. 6519**
Finding and Determining a Public Purpose and Public Necessity Exists for Construction of City Project East Fallon Drive Extension Improvements; Appointing an Appraiser and Negotiator as Necessary; Authorizing the City Manager to Establish Just Compensation for the Property Rights to be Acquired; Authorizing the City Manager to Take all Steps Necessary to Acquire the Needed Property Rights in Compliance with All Applicable Laws and Regulations
- D. 5. RESOLUTION NO. 6520**
Awarding a Bid to and Authorizing Execution of a Contract with Lynn Vessels Construction, LLC based on an Invitation to Bid for Construction of the Flanary Road Wastewater Extension Project
- D. 6. * RESOLUTION NO. 6521**
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 2019 Justice Assistance Grant Program-CFDA #16.738
- D. 7. * RESOLUTION NO. 6522**
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 2019 Justice Assistance Grant Program – CFDA #16.738
- D. 8. * RESOLUTION NO. 6523**
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, Boys & Girls Club of Sherman, Inc., Four Rivers Outreach, and CASA of Grayson County for the Use of Community Development Block Grant Funds

Other Business

- E. 1. OTHER BUSINESS**
Receive Quarterly Report on the Sherman Cultural District
- E. 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 14, 2019
- E. 3. * OTHER BUSINESS**
Consider Request of St. Mary's Catholic School to Temporarily Close Certain Streets for the "Run Run Rudolph 5K and Family Fun Run/Walk" on Saturday, December 7, 2019
- F. CITIZEN REQUESTS**
- G. MEDIA QUESTIONS**
- H. COUNCIL COMMENTS**

Executive Session

I. 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 |
| 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:
(a) Consider the Qualifications, Appointment and Removal of Members to Boards and Commissions:
(1) Texoma Community Center Board of Trustees (1) |
| 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

J. 1. OPEN MEETING

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

K. 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 29, 2019 at 4:00 p.m., and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 29th day of August, 2019.
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.

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

Shawn C. Teamann

Council Members

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

Sandra Melton, 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: 09/03/2019

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF AUGUST 19, 2019

Attachments

August 19, 2019

Budget Issues

August 19, 2019

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

CALL TO ORDER

CALL TO ORDER

The Council reviewed the Minutes of the Regular City Council Meeting of August 5, 2019. Council Member Howeth moved to approve the Minutes, as presented; Second by Council Member Melton; All present voted AYE. MOTION CARRIED.

APPROVE MINUTES

PRESENTATION BY DENISON CHIEF OF POLICE MIKE GUDGEL

Mike Gudgel, Denison Police Chief, said he had been on the job about a month and a half. Before he was hired, he spoke with Zach Flores, Sherman Police Chief, about how much he wanted to work with him. "Crime doesn't have boundaries." He said it has been amazing so far, to work together.

**PRESENTATION
DENISON POLICE
CHIEF**

He said his first week on the job was a tough one, as one of their police officers, Sergeant Brian Conrad, passed away. He said the Sherman Police Department sent their Pipes and Drum Corp to Denison for the funeral.

Last week, Chief Gudgeon said they had an officer involved shooting, and Sherman Police also assisted with that situation.

Chief Gudgel thanked Chief Flores for his assistance and presented him with an appreciation plaque from the Denison Police Department, extending their gratitude to the Sherman Police Department for their generous show of support during the loss of Sergeant Conrad, and for their continued support of the Denison community.

Chief Flores thanked Chief Gudgel for the plaque saying he has had many conversations and enjoys a great friendship with him. Both Chiefs have told their departments that “a

battle on the football field is one thing, but we're not going to do it in the Police Department."

PUBLIC HEARING

CAPITAL IMPROVEMENT PROGRAM 2019-2024

CIP PROGRAM

Mayor Plyler introduced the City's Five Year Capital Improvement Program covering the period from October 1, 2019 through September 30, 2024.

Mary Lawrence, Director of Finance, said the City's Charter requires Council approval of a Five Year Capital Improvement Plan, in conjunction with the Annual Budget.

The plan calls for \$223 million in projects over the five year period, however only the first year is funded through the Annual Budget. No changes were made to the plan since the Council reviewed it at the last Council Meeting. Approval of the plan will be in the form of a resolution, later in the meeting.

No citizens appeared before the City Council to discuss the Five-Year Capital Improvement Program for the period from October 1, 2019 through September 30, 2024.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Plyler introduced Ordinance No. 6233 and called for a public hearing:

ORD 6233
ANNUAL BUDGET

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, 2019, AND ENDING SEPTEMBER 30, 2020; PROVIDING FOR A REPEALER.

Mayor Plyler said "this budget will raise more total property taxes than last year's budget by \$3,654,000 and 27% and, of that amount, \$507,000 is revenue to be raised from new property to be added to the roll this year. The decrease in residential trash rate by \$6 per month per customer will fully offset the impact of the tax rate increase for the average residential taxpayer."

Robby Hefton, City Manager, gave a presentation relating to the budget and the tax rate with updates since the last City Council Meeting. The only action required tonight will be on the budget. A second public hearing and consideration of the tax rate will be scheduled for the next City Council Meeting.

After the last Council Meeting, the staff looked at alternatives to reduce or eliminate the impact of the tax rate increase to the residential customer.

He said there are 2,700 tax accounts of citizens 65 years of age or older, whose taxes are frozen. These accounts would not be affected by any action taken on the tax rate for Sherman.

COUNCIL MINUTES – AUGUST 19, 2019

There are also 12,100 single family residential trash accounts in Sherman. The current tax rate for Sherman is \$0.427 per \$100 valuation. The proposed tax rate for FY 2020 is \$0.489 per \$100 valuation. The Rollback Rate for FY 2020 is \$0.4899 per \$100 valuation.

Mr. Hefton said the impact of the tax rate increase on the average single family residence would be \$0.0617 per \$100 valuation or \$72 per year. According to the Grayson Appraisal District, the average taxable value of a single family residence in Sherman is \$117,000.

Mr. Hefton said the staff is proposing to reduce the residential solid waste rates by \$6 per month for all customers, which would be \$72 per year. For the average resident, this plan would have the impact of the tax rate increase completely offset by the trash rate reduction.

Residents that are 65 years or older would feel no impact from the tax rate increase, AND they would get a \$72 per year reduction in their trash costs.

In order to do this, Mr. Hefton said there have been a few changes in the proposed budget. The residential trash rate would be reduced by \$6 per month instead of \$4 per month, and the expected Texoma Area Solid Waste Authority distribution of \$400,000, that is expected in the summer of 2020, would be added to the Solid Waste Fund revenue. The budget presented tonight reflects these changes.

Mr. Hefton also mentioned other considerations. An increase in the Grayson County tax base of \$1.1 billion has allowed them to lower the proposed rate to \$0.416 per \$100 valuation, or \$.026 per \$100 valuation. Sherman's contribution to that growth is about \$360 million, or one-third of the increase. Therefore Sherman residents are realizing another reduction in their rates because of growth in Sherman.

The Council's goal at the last Council Meeting was to find a way to fully offset the tax rate increase, and Mr. Hefton felt this proposed plan accomplished that goal. He asked the Council to support the \$0.489 per \$100 valuation tax rate and the \$6 per month reduction in the residential trash rate.

Ms. Lawrence said the proposed budget includes a property tax rate of .489, which is lower than the rate presented at the Budget Workshop, due to the increase in values. Most of the increase in taxes will go to fund the debt service.

The budget also includes the \$6 per month decrease in residential solid waste rates, which, for the average home owner would be a net effect of zero.

Ronald Aycock, 220 E. Houston

Mr. Aycock asked if the presentation that Mr. Hefton just gave could be published in the Herald Democrat so the citizens could see it.

Mr. Hefton said the City didn't control what is published in the newspaper. Council Members said they hope it would be published. Mr. Hefton asked Michael Hutchins, Herald Democrat Reporter, if he would publish the presentation word for word. Mr. Hutchins said he "couldn't promise anything."

No other citizens appeared before the City Council to discuss Ordinance No. 6233.

Mayor Plyler introduced Ordinance No. 6234 and called for a public hearing:

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 2019; 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.

ORD 6234
LEVY OF AD
VALOREM TAXES

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 16, 2019, at Sherman City Hall, 220 West Mulberry Street, Sherman, Texas."

Ms. Lawrence said if the proposed tax rate is higher than the effective rate or the rollback rate, the State requires two public hearings. This is the first public hearing and the second one will be at the September 3, 2019 Council Meeting. Consideration of the final adoption will be at the September 16, 2019 Council Meeting. No action is required tonight.

No citizens appeared before the City Council to discuss Ordinance No. 6234.

Mayor Plyler introduced Ordinance No. 6235 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 5TH DAY OF NOVEMBER, 2019, FOR THE PURPOSE OF ELECTING TWO (2) DISTRICT 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 6235
REGULAR ELECTION
TWO DISTRICT
COUNCIL MEMBERS

Brandon Shelby, City Attorney, said Ordinance Nos. 6235, 6236, and 6237 relate to the November Election. This one is

COUNCIL MINUTES – AUGUST 19, 2019

the regular City Council Election to elect two District City Council Members.

No citizens appeared before the City Council to discuss Ordinance No. 6235.

Mayor Plyler introduced Ordinance No. 6236 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 5TH DAY OF NOVEMBER, 2019, FOR THE PURPOSE OF THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX AT THE RATE OF ONE-EIGHTH OF ONE PERCENT (1/8%) TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; 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 6236
SPECIAL ELECTION
STREET SALES
TAX**

Mr. Shelby said this ordinance relates to the Special Election for the reauthorization of the Street Sales Tax. The City has had this tax for several years.

No citizens appeared before the City Council to discuss Ordinance No. 6236.

Mayor Plyler introduced Ordinance No. 6237 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CALLING A SPECIAL ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 5TH DAY OF NOVEMBER, 2019, FOR THE PURPOSE OF AMENDING THE CITY CHARTER OF THE CITY OF SHERMAN, TEXAS; PROVIDING FOR NOTICE OF SAID ELECTION; DESIGNATING ELECTION PRECINCTS; PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING.

**ORD 6237
SPECIAL ELECTION
CHARTER
AMENDMENT**

Mr. Shelby said this ordinance relates to the Special Election for the proposed Charter Amendments that were presented at the last City Council Meeting.

No citizens appeared before the City Council to discuss Ordinance No. 6237.

Mayor Plyler introduced Ordinance No. 6238 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REAPPOINTING A PRESIDING MUNICIPAL COURT OF RECORD JUDGE AND ALTERNATE MUNICIPAL COURT OF RECORD JUDGES FOR THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS.

**ORD 6238
APPOINTING
MUNICIPAL COURT
JUDGES &
ALTERNATES**

Ms. Lawrence said in 2017 the City Council approved a change to the Municipal Court, making it a Court of Record. This allowed a more efficient handling of the substandard structures through the demolition process by using a Civil Court.

The updated ordinance includes a provision that aligns with the State law that requires reappointment of Municipal Court Judges every two years. This change will accomplish that requirement for the Judge and Alternate Judges, and it will be done every two years going forward.

No citizens appeared before the City Council to discuss Ordinance No. 6238.

Mayor Plyler introduced Ordinance No. 6239 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES, ENTITLED "GENERAL PROVISIONS", ARTICLE 1.07, ENTITLED "AVIATION", DIVISION 1, ENTITLED "GENERALLY", TO PROVIDE FOR A NEW SECTION 1.07.004 TO BE ENTITLED "SHERMAN MUNICIPAL AIRPORT ADVISORY BOARD"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE.

ORD 6239
AIRPORT ADVISORY
BOARD

Ms. Lawrence said the Airport Advisory Board was disbanded in 2012. Since that time there has been an increased interest in developing the Airport.

Phase I of the Sherman Municipal Airport Master Plan has been completed. A contract for Phase II of the Master Plan will be presented to the City Council for consideration, later in the meeting.

She said an important part of the Master Plan is stakeholder input. The staff felt that an Airport Advisory Board was an important liaison between the users of the Airport, the City Council, and the staff. Therefore, the staff is requesting creation of the Airport Advisory Board.

No citizens appeared before the City Council to discuss Ordinance No. 6239.

Mayor Plyler introduced Ordinance No. 6240 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES, ENTITLED "GENERAL PROVISIONS", ARTICLE 1.07, ENTITLED "AVIATION", AT DIVISION 2, ENTITLED "MUNICIPAL AIRPORT", SECTION 1.07.034, AT DIVISION 3, ENTITLED "AIRPORT RULES", SECTIONS 1.07.092, 1.07.093, 1.07.095 AND 1.07.098, AND DELETING SECTIONS 1.07.033 AND 1.07.100 IN THEIR ENTIRETY; PROVIDING FOR

ORD 6240
AIRPORT RULES
& REGULATIONS

INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE.

Ms. Lawrence said the Airport Ordinance has not been updated since 1991. Since that time there have been some significant changes in Federal and State laws, dealing with general aviation.

The staff proposes changing the ordinance to reflect the changes in laws and the general aviation environment. There are also some changes needed to help the City develop the Airport, according to the Master Plan.

No citizens appeared before the City Council to discuss Ordinance No. 6240.

Mayor Plyler introduced Ordinance No. 6241 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REDESIGNATING RESIDENTIAL REINVESTMENT ZONE, NUMBER 041811-1, CITY OF SHERMAN, TEXAS, TO CITY OF SHERMAN REINVESTMENT ZONE, NUMBER 10 (#10), FOR THE PURPOSE OF RESIDENTIAL TAX ABATEMENT.

ORD 6241
RENAME
REINVESTMENT
ZONE

Ms. Lawrence explained that the State Comptroller changed their policy for how reinvestment zones are numbered. They notified the City that the numbering is not correct. This ordinance changes the number of this reinvestment zone to meet their new policy. There are no changes in the program, the area, or any other part of the original ordinance.

No citizens appeared before the City Council to discuss Ordinance No. 6241

The Public Hearing was closed.

OTHER BUSINESS

PROVIDING FOR THE RATIFICATION OF THE PROPERTY TAX INCREASE

Mr. Hefton said Ms. Lawrence has already presented the impacts and what the staff is proposing on the property tax increase. There is a statement that needs to be read.

RATIFICATION OF
PROPERTY TAX
INCREASE

ACTION TAKEN.

Motion by Deputy Mayor Teamann to ratify the property tax increase proposed in Budget Ordinance No. 6233. The decrease in residential trash rate by \$6 per month per customer will fully offset the impact of the tax rate increase for the average residential taxpayer. Second by Council Member Stevenson.

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

VOTING NAY: None.

MOTION CARRIED.

ADOPTION OF ORDINANCES

Ordinance 6233

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, 2019, AND ENDING SEPTEMBER 30, 2020; PROVIDING FOR A REPEALER.

ORD 6233
ANNUAL BUDGET

Deputy Mayor Teamann voted against the tax rate increase at the last Council Meeting, but there were a lot of Council Members that wanted to see an offset. That request was heard by the staff, and he said he greatly appreciated the staff working to make sure the average citizen doesn't have that tax burden.

ACTION TAKEN.

Motion by Council Member Melton to approve Ordinance No. 6233, as presented. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

Ordinance 6235

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 5TH DAY OF NOVEMBER, 2019, FOR THE PURPOSE OF ELECTING TWO (2) DISTRICT 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 6235
REGULAR ELECTION
TWO DISTRICT
COUNCIL MEMBERS

Ordinance 6236

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 5TH DAY OF NOVEMBER, 2019, FOR THE PURPOSE OF THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX AT THE RATE OF ONE-EIGHTH OF ONE PERCENT (1/8%) TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; 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 6236
SPECIAL ELECTION
STREET SALES
TAX

Council Member Howeth asked what the sales tax for streets could actually be used for. Mr. Hefton said the sales tax for streets can be used only on existing roads and cannot be used for building new roads. It is for the maintenance and repair of roads that exist at the time the sales tax for streets is enacted.

Council Member Howeth reiterated that it cannot be used to build new roads in areas where the infrastructure needs expanding.

Council Member Melton added that the City is also getting sales tax from visitors to Sherman that are utilizing the streets. Mr. Hefton said over half of Sherman's sales tax comes from users outside the City of Sherman. It's a way to have these services paid for by the people that are using them.

Ordinance 6237

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CALLING A SPECIAL ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 5TH DAY OF NOVEMBER, 2019, FOR THE PURPOSE OF AMENDING THE CITY CHARTER OF THE CITY OF SHERMAN, TEXAS; PROVIDING FOR NOTICE OF SAID ELECTION; DESIGNATING ELECTION PRECINCTS; PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING.

ORD 6237
SPECIAL ELECTION
CHARTER
AMENDMENT

Ordinance 6238

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REAPPOINTING A PRESIDING MUNICIPAL COURT OF RECORD JUDGE AND ALTERNATE MUNICIPAL COURT OF RECORD JUDGES FOR THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS.

ORD 6238
APPOINTING
MUNICIPAL COURT
JUDGES &
ALTERNATES

Ordinance 6239

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES, ENTITLED "GENERAL PROVISIONS", ARTICLE 1.07, ENTITLED "AVIATION", DIVISION 1, ENTITLED "GENERALLY", TO PROVIDE FOR A NEW SECTION 1.07.004 TO BE ENTITLED "SHERMAN MUNICIPAL AIRPORT ADVISORY BOARD"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE.

ORD 6239
AIRPORT ADVISORY
BOARD

Council Member Steele asked why the Airport Advisory Board was disbanded in 2012. Mr. Hefton said for the last several years the staff has been looking to determine if there was another beneficial use for the Airport.

The Airport Advisory Board was active for many years and there were discussions about another use for the property. With the recent activity and interest from both members of the community and other investors, the desire for growth, expansion, investment, and development at the Airport has

really taken off. The staff felt this was a good step in that direction. He felt it was useful to put this board back into commission.

Council Member Steele agreed, adding that he was one that had doubts about the Airport, but it was exciting to see that the Municipal Airport is possibly on the verge of expansion and growth. He agreed it was a good idea to re-establish the Airport Advisory Board.

Mr. Hefton said he has been a part of Airport discussions for over ten years, and it wasn't that the City staff was against keeping the Airport Board active. The staff was asking for a third-party investor to take an interest in development and redevelopment of the Airport.

Users of the Airport said there was a demand for hanger space, but until recently, no one has "stepped up" and said they would put their money into that project. With the market maturing and the recent changes at North Texas Regional Airport, that is finally happening. He felt there are now people that have the best interest of Sherman Municipal Airport in mind.

Ordinance 6240

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES, ENTITLED "GENERAL PROVISIONS", ARTICLE 1.07, ENTITLED "AVIATION", AT DIVISION 2, ENTITLED "MUNICIPAL AIRPORT", SECTION 1.07.034, AT DIVISION 3, ENTITLED "AIRPORT RULES", SECTIONS 1.07.092, 1.07.093, 1.07.095 AND 1.07.098, AND DELETING SECTIONS 1.07.033 AND 1.07.100 IN THEIR ENTIRETY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE.

ORD 6240
AIRPORT RULES
& REGULATIONS

Ordinance 6241

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REDESIGNATING RESIDENTIAL REINVESTMENT ZONE, NUMBER 041811-1, CITY OF SHERMAN, TEXAS, TO CITY OF SHERMAN REINVESTMENT ZONE, NUMBER 10 (#10), FOR THE PURPOSE OF RESIDENTIAL TAX ABATEMENT.

ORD 6241
RENAME
REINVESTMENT
ZONE

ACTION TAKEN.

Motion by Council Member Melton to approve Ordinance Nos. 6235, 6236, 6237, 6238, 6239, 6240, and 6241, as presented. Second by Council Member Steele.

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

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

The Council reviewed the Consent Agenda. Council Member Steele moved to approve the Consent Agenda, as presented. Second by Council Member Stevenson. All present voted AYE.

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 6510 – APPROVING AND ADOPTING A FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF SHERMAN, TEXAS

RES 6510
CIP PROGRAM

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.

Ms. Lawrence said this is the same Capital Improvement Plan that was discussed earlier. This is the vote to adopt the plan.

Deputy Mayor Teamann said the CIP lists \$223 million in projects over the five year period, and he asked how those would be paid for. The City has been seeing a 3% to 3 1/2 % growth in the tax base. He said it costs about \$15 million annually to fund all these projects.

Ms. Lawrence said the City does have other things that are funded with the growth. She said the projects are actually “across all funds.”

She added that the CIP is always changing. The plan is for five years, but next year one project might totally be removed from the plan and another one comes on. Conditions change so the plan changes. The staff does not consider the funding side when the plan is prepared. Mayor Plyler added that some of the projects may be funded through FEMA.

Mr. Hefton said the concept is to look at potential needs over a longer period of time, but the budget only includes funding for the first year of projects. The budget, including funding for the first year of the CIP, is set only for one year at a time. The authority to spend and do these projects will come back to the Council for consideration, multiple times, with each project, and the revenue sources are varied.

Mr. Hefton said not all the projects would be done, and they won’t all cost the same as the estimate. The plan is to advise the Council and the citizens about projects that could be coming up. The funding sources for the General Fund projects, will rely substantially on growth from the tax base. He added that, “if the development comes as it is planning to come, there will be ample resources” for the projects.

He said the staff tries to do a balancing act through planning ahead with the five-year plan, knowing that the timing, the nature, and the extent of the projects will change. The CIP is required by Charter.

COUNCIL MINUTES – AUGUST 19, 2019

Council Member Steele said projects for the first year of the CIP total about \$31 million or \$32 million, out of the \$223,474,159.

Mr. Hefton added that the first year projects of the CIP were just approved by the City Council and the funding source for those projects is in place.

ACTION TAKEN.

Motion by Council Member Stevenson to approve Resolution No. 6510, as presented. Second by Council Member Holland.

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

VOTING NAY: Teamann.

MOTION CARRIED.

RESOLUTION NO. 6511 – AUTHORIZING EXECUTION OF A JOINT ELECTION AGREEMENT WITH GRAYSON COUNTY, TEXAS, TO HOLD A JOINT ELECTION ON NOVEMBER 5, 2019
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 5, 2019.

**RES 6511
JOINT ELECTION
AGREEMENT**

Council Member Steele asked if it was possible there wouldn't be an Election. Mr. Hefton said, generally speaking, whether the City has one "matter of business" for the Election, or more, the cost is about the same. It may vary slightly.
CONSENT AGENDA.

RESOLUTION NO. 6512 – AWARDING A PROPOSAL TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH CORGAN FOR AVIATION PLANNING SERVICES FOR THE SHERMAN MUNICIPAL AIRPORT MASTER PLAN PHASE II PROJECT
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A PROPOSAL TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH CORGAN FOR AVIATION PLANNING SERVICES FOR THE SHERMAN MUNICIPAL AIRPORT MASTER PLAN PHASE II PROJECT.

**RES 6512
AIRPORT MASTER
PLAN**

Ms. Lawrence said the City previously contracted with Corgan for Phase I of the Airport Master Plan. The study was to assess the current conditions of the Airport, and develop goals and objectives for Airport development.

The staff would like to proceed with Phase II of the Airport Master Plan, to develop a Capital Improvement Plan and other operational plans. Cost of Phase II is \$75,000.

ACTION TAKEN.

Motion by Council Member Howeth to approve Resolution No. 6512, as presented. Second by Council Member Melton.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6513 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A SPECIAL WARRANTY DEED WITH SKYTRUST, LLC FOR THE SALE OF CITY-OWNED REAL PROPERTY IN THE 1700 BLOCK OF SOUTH GRIBBLE STREET
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A SPECIAL WARRANTY DEED WITH SKYTRUST, LLC FOR THE SALE OF CITY-OWNED REAL PROPERTY IN THE 1700 BLOCK OF SOUTH GRIBBLE STREET.

RES 6513
SALE OF CITY
PROPERTY –
ADJACENT TO
AIRPORT

Ms. Lawrence said the City accepted bids on the sale of nine acres for an aviation related development. Skytrust submitted a detailed plan for development west of the Airport. This gives the City an opportunity to acquire some property for the right-of-way to construct Lake Street. It's actually two separate transactions, and not a swap of property. Skytrust currently owns the land south of the nine acres in question.

Council Member Steele asked about the cost per acre. Ms. Lawrence said Skytrust is paying \$12,000 per acre for the nine acres, and the City will be acquiring the right-of-way for the same price.

Council Member Howeth confirmed that the thoroughfare would be from Lake Street to Dewey Avenue. The project includes what is currently known as Lake Street, which will eventually become Park Street.

Council Member Howeth asked about how many planes will be taking off and landing each day. Mr. Hefton said there will be 58 lots in the development, and each will have an airplane. Ms. Lawrence said the development will also include a restaurant.

ACTION TAKEN.

Motion by Deputy Mayor Teamann to approve Resolution No. 6513, as presented. Second by Council Member Holland.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6514 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH MYGOV, LLC FOR COMMUNITY DEVELOPMENT SOFTWARE
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH MYGOV, LLC FOR COMMUNITY DEVELOPMENT SOFTWARE.
CONSENT AGENDA.

RES 6514
COMMUNITY
DEVELOPMENT
SOFTWARE

RESOLUTION NO. 6515 – AUTHORIZING THE ACCEPTANCE OF A CONVEYANCE DOCUMENT FROM SSCGC HOLDINGS, LLC FOR THE CONVEYANCE AND ACQUISITION OF 5.214 ACRES FOR RIGHT OF WAY FOR WEST TRAVIS STREET, AND 2.626 ACRES OF ADJACENT PROPERTY, TOTALING 7.84 ACRES OF LAND, MORE OR LESS, 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; FURTHER THE CITY AGREES TO TRANSFER TITLE VIA CONVEYANCE DOCUMENTS FOR THE FOLLOWING PROPERTIES: LOTS 12 & 13, BLOCK 1; LOT 20, BLOCK 5; AND LOT 1, BLOCK 15, ALL OF RANDOLPH HEIGHTS ADDITION, VOLUME 203, PAGE 326, DEED RECORDS, GRAYSON COUNTY, TEXAS FOR THE PUBLIC PURPOSE OF THE DEVELOPMENT OF LOW-INCOME OR MODERATE-INCOME HOUSING PER LOCAL GOVERNMENT CODE SECTION 272.001(G)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE ACCEPTANCE OF A CONVEYANCE DOCUMENT FROM SSCGC HOLDINGS, LLC FOR THE CONVEYANCE AND ACQUISITION OF 5.214 ACRES FOR RIGHT OF WAY FOR WEST TRAVIS STREET, AND 2.626 ACRES OF ADJACENT PROPERTY, TOTALING 7.84 ACRES OF LAND, MORE OF LESS, 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; FURTHER THE CITY AGREES TO TRANSFER TITLE VIA CONVEYANCE DOCUMENTS FOR THE FOLLOWING PROPERTIES: LOTS 12 & 13, BLOCK 1; LOT 20, BLOCK 5; AND LOT 1, BLOCK 15, ALL OF RANDOLPH HEIGHTS ADDITION, VOLUME 203, PAGE 326, DEED RECORDS, GRAYSON COUNTY, TEXAS FOR THE PUBLIC PURPOSE OF THE DEVELOPMENT OF LOW-INCOME OR MODERATE-INCOME HOUSING PER LOCAL GOVERNMENT CODE SECTION 272.001(G).

RES 6515
WEST TRAVIS ST.
RIGHT-OF-WAY
(RESOLUTION
AMENDED)

Mr. Philpott said this purchase is the final piece of right-of-way the City needs for West Travis Street, and some adjacent property. The staff used the amounts that were recently negotiated with ActiTech and Panda for their right-of-way and the negotiated sale for the additional lots.

Mr. Shelby said during the negotiations, the extra lots were lots that the City had acquired that have not been on the tax roll. They are of no use to the City and were included in the sale to offset some of the cost of the acquisition.

He said there was also a typo in the caption and the original resolution, which should have included five lots instead of four lots. He asked the Council to consider approval of the resolution, with the addition of Lot 1, Block 2, Randolph

Heights Addition. The lots will be added back onto the tax rolls as low to moderate housing.

Council Member Melton verified that these lots are in the vicinity of lots already owned by SSCGC Holdings. Mr. Hefton said the lots are adjacent to property the company owns. The property will be removed from the City's maintenance schedule and added back onto the tax rolls. The lots were conveyed as a reduction for a part of the amount that the City would have paid for the right-of-way.

ACTION TAKEN.

Motion by Council Member Stevenson to approve Resolution No. 6515, adding Lot 1, Block 2 of the Randolph Heights Addition. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED TO AMEND RESOLUTION.

REQUEST TO ADVERTISE

UTILITY RELOCATION AT CENTER STREET AND U.S. HIGHWAY 75

The City Council approved the request to advertise for the utility relocation at Center Street and U.S. Hwy 75. With the Texas Department of Transportation planned improvements of U.S. Hwy 75, the existing utilities will need to be relocated.

The project consists of approximately 550 linear feet of sewer lines that will be bored under U.S. Hwy 75, and 276 linear feet of water lines that will be relocated by open cut under U.S. Hwy 75. Both relocations are required to avoid conflicts with the proposed highway and bridge improvements. Project cost is estimated at approximately \$450,000.

CONSENT AGENDA.

CHANGE ORDER NO. 1

**FAIRVIEW ELEVATED TANK REPAIR AND PAINT PROJECT;
AMERICAN SUNCRAFT COMPANY, INC.; \$5,415.00
DECREASE**

The City Council approved Change Order No. 1, to American Suncraft Company, Inc., for a \$5,415 decrease, for the Fairview Elevated Tank Repair and Paint Project.

The change order is a final reconciliatory change order to adjust the final project quantities. There was an increase in the project price for additional welding on pits inside the tank and a decrease in the price for several structural repair members that were not required.

The change order decreases the total contract price by \$5,415, yielding a final contract amount of \$938,027.

CONSENT AGENDA.

REQ TO ADVERTISE
UTILITY RELOCATION
CENTER ST. &
US HWY 75

CHANGE ORDER
FAIRVIEW WATER
TANK

OTHER BUSINESS

CONSIDER REQUEST OF THE SHERMAN INDEPENDENT SCHOOL DISTRICT AND THE SHERMAN HIGH SCHOOL STUDENT COUNCIL TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE “2019 SHERMAN HIGH SCHOOL HOMECOMING PARADE” ON MONDAY, SEPTEMBER 16, 2019

The City Council approved the request of the Sherman Independent School District and the Sherman High School Student Council to close streets for the SHS Homecoming Parade on September 16, 2019, from 5:30 p.m. until 7:30 p.m. The event will require traffic control assistance and barricades.

CONSENT AGENDA.

CLOSE STREETS
SHS HOMECOMING
PARADE
(SEPT. 16, 2019)

CONSIDER REQUEST OF DOWNTOWN SHERMAN NOW TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE “STROLL ON THE SQUARE & TEXOMA’S BEST BITES” ON SATURDAY, OCTOBER 5, 2019

The City Council approved the request of Downtown Sherman Now to close streets for the Stroll on the Square & Texoma’s Best Bites, on October 5, 2019, from 1:00 p.m. until 11:00 p.m.

The event will require barricades, cones, and solid waste receptacles from the City. The organizers will also work with the Police Department to arrange for security officers. Emergency vehicle accessibility must be maintained through the closed street at all times.

CONSENT AGENDA.

CLOSE STREETS
STROLL ON
THE SQUARE
(OCT. 5, 2019)

CONSIDER REQUEST OF AUSTIN COLLEGE TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE 2019 5K “ROO RUN” ON SATURDAY, OCTOBER 26, 2019

The City Council approved the request of Austin College to close streets for the 5K “Roo Run”, on October 26, 2019, beginning at 7:30 a.m.

The event will require City labor and equipment to provide traffic control assistance and barricade placement.

CONSENT AGENDA.

CLOSE STREETS
AUSTIN COLLEGE
ROO RUN
(OCT. 26, 2019)

CONSIDER REQUEST OF COUCH ENTERTAINMENT, LLC TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE “BACK TO THE 90’S” CONCERT ON SATURDAY, NOVEMBER 2, 2019

The City Council approved the request of Couch Entertainment, LLC, to close streets for the “Back to the 90’s” concert on November 2, 2019, from 7:00 a.m. until 11:30 p.m.

The event will require barricades, cones, and trash receptacles from the City. The Police and Fire Departments are also requested to provide for any additional security officers, and EMS services may be necessary to ensure safety at the event.

CONSENT AGENDA.

CLOSE STREETS
BACK TO THE 90’S
CONCERT

CITIZENS REQUESTS

SAMPLE OF STREET CONCRETE

Peter Tracy, 705 S. Valentine, said he brought a sample of the thickness of the street from the Oak Park Addition in Sherman. At the last City Council Meeting, Mr. Tracy said the street in that area appeared to be about 1/4" thick.

**SAMPLE OF
STREET CONCRETE**

UTILITY COMPANY DRILLING HOLES NEAR SCHOOL

Mr. Tracy said he has mentioned before that the local utility companies had drilled holes around their utility poles, near Crutchfield Elementary School, and he was concerned about a child falling into the hole.

**UTILITY COMPANY
DRILLING HOLES**

He said they have drilled another hole around a utility pole, which is 7' deep and 18" in diameter. He put stakes and tape around the hole, but asked the City to put guards around it.

Council Member Steele asked about requirements from the utility company and the staff said they were supposed to fill the hole or barricade it.

MEDIA QUESTIONS

There were no media questions

MEDIA QUESTIONS

**APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO
BOARDS AND COMMISSIONS**

PARKS AND RECREATION ADVISORY BOARD (1)

ACTION TAKEN.

Motion by Council Member Melton to reappoint Brian Jones to the Parks and Recreation Advisory Board, for a term from May 19, 2019 to May 19, 2021, as presented.

Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

**PARKS &
RECREATION
ADVISORY BOARD**

COUNCIL COMMENTS

BATTLE OF THE AX

Council Member Melton mentioned two Sherman staff members that wore yellow right before the Battle of the Ax football game with Denison.

BATTLE OF THE AX

RECOGNIZING CITY EMPLOYEE

Council Member Melton recognized Sanitation Worker Michael Easley, for finding and returning someone's wallet at a local gas station.

**RECOGNIZING
CITY EMPLOYEE**

BATTLE OF THE AX CANNED GOODS COLLECTION

Council Member Melton said canned goods are being collected for the Battle of the Ax at each Sherman school and the SISD Central Office.

**BATTLE OF THE AX
CANNED GOODS
COLLECTION**

CHECK ON NEIGHBORS IN THE HEAT

Council Member Howeth urged citizens to check on their neighbors, especially senior citizens, during the recent heat

**CHECK ON
NEIGHBORS IN
THE HEAT**

spell. Also check on pets. She said many people may need additional help.

BATTLE OF THE AX

Deputy Mayor Teamann said he was looking forward to seeing the Denison Mayor wearing the Sherman Football Jersey this year. Go Bearcats!

BATTLE OF THE AX

DENISON POLICE DEPARTMENT PRESENTATION

Council Member Holland said he couldn't think of a better time for the Sherman and Denison Police Departments to come together. He praised them for their presentation, especially with the Battle of the Ax competition coming up.

**DENISON POLICE
DEPT. PRESENTATION**

ANNOUNCEMENTS

Mayor Plyler announced the following:

- He recently attended the American Legion 100 Year Celebration and said it was a great event. He congratulated the organization on their anniversary and said it was an honor to be a part of it.
- He congratulated the Animal Control Department on their recent "Clear the Shelters" event this past weekend. Homes for 28 animals were found on Saturday alone.
- The Keep Sherman Beautiful Commission will participate in the annual Battle of the Ax Trash-Off against Denison, on August 24, 2019, to see who can pick up more litter. Sherman hopes to take back the trophy this year.
- The Sherman Independent School District will host its annual Spirit Day prior to the Sherman-Denison game on August 30, 2019, at 5:30 p.m. The event will be held in Lucy Kidd-Key Park.
- Sherman Arts Fest will be held September 21, 2019, at Lucy Kidd-Key Park.

ANNOUNCEMENTS

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

EXECUTIVE SESSION

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:
CONSIDER THE QUALIFICATIONS,
APPOINTMENT AND REMOVAL OF
MEMBERS TO BOARDS AND
COMMISSIONS:
SHERMAN HOUSING AUTHORITY
(2)

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

On Motion duly made and carried, the Open Meeting recessed
and reconvened in Executive Session at 5:58 p.m.

On Motion duly made and carried, the Executive Session
recessed at 6:23 p.m. and reconvened in Open Meeting.

OPEN MEETING

Reconvene into Open Meeting and take action, if any, on items
discussed in Executive Session.

OPEN MEETING

**APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO
BOARDS AND COMMISSIONS**

SHERMAN HOUSING AUTHORITY (2)

ACTION TAKEN.

Motion by Council Member Melton to reappoint Beth
Williams to the Sherman Housing Authority Board of
Directors, for a term from June 1, 2019 to June 1, 2021, and
to appoint Janie Bates for a term from August 20, 2019 to
June 1, 2021, as presented. Second by Council Member
Stevenson.

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

VOTING NAY: None.

MOTION CARRIED.

SHERMAN
HOUSING AUTHORITY

COUNCIL MINUTES – AUGUST 19, 2019

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:24 p.m.

ADJOURNMENT

MAYOR

CITY CLERK

The Issue

- Funding Sherman's growth (via increased tax rate of \$.0617/\$100) created a pain point
- At Budget Draft (8/5 Council Meeting), Council expressed desire to have alternatives to reduce or eliminate the impact to residents

What're the Tax Facts?

Facts:

12,100

Single Family Residential (SFR) trash accounts

2,700

Over 65 property tax freeze accounts

\$117,000

Average Taxable value of SFR per GCAD (median \$95k)

\$.427/\$100

Current tax rate (\$.319 M&O, \$.108 Debt)

\$.489/\$100

Proposed tax rate for FY20 (\$.338 M&O, \$.151 Debt)

\$.4899/\$100

Rollback Rate for FY20

Tax Rate Increase Impact:

\$72/year for average SFR (\$.0617/\$100 rate increase X \$117,000)

The Proposal

Reduce Residential Solid Waste Rates by \$6/month for **all customers** (\$72/year)

Benefits:

- Every residential customer benefits
- Average resident will have tax rate increase impact 100% offset by trash rate reduction
- Residents 65 yrs+ feel no impact from tax rate increase, **PLUS** they get a \$72/year reduction in trash costs

...In Picture Form

All Residential
Trash Rate \$72/Yr

Average Residential
Tax Rate \$72/Yr



Budget Changes since Draft Budget

- Reduce residential trash rate by \$6/month instead of \$4/month
- Add expected TASWA distribution of \$400k (summer 2020?) to Solid Waste Fund revenue
- **FULLY offset** impact of \$.00617 proposed tax rate increase for average residential customer
- Seniors get benefit of trash rate reduction (\$72/year) even though they're unaffected by rate increase

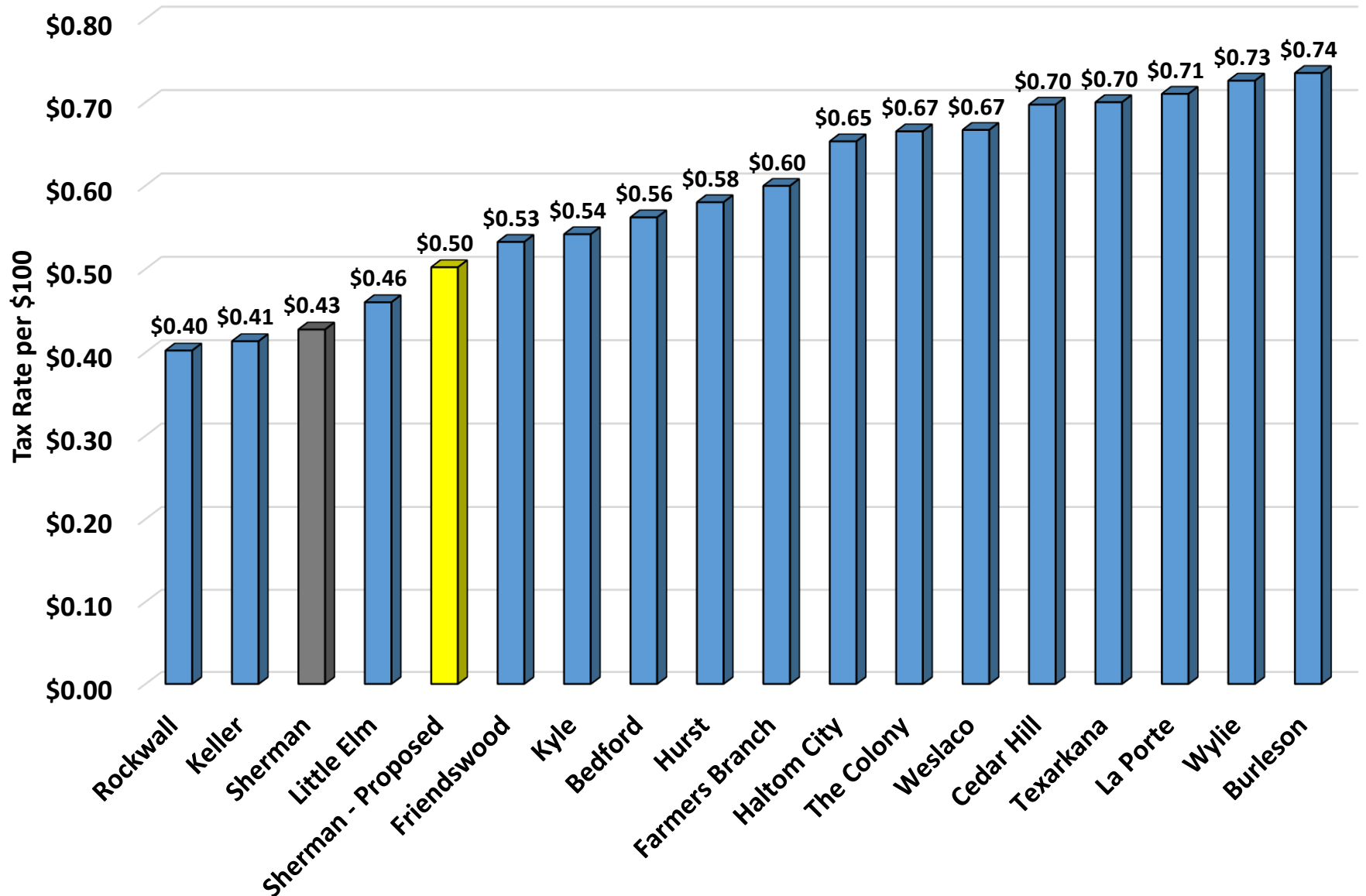
Other Considerations

- Increase in Grayson County tax base of \$1.1B has allowed the County to lower proposed rate to \$.416/\$100, or \$.026/\$100.
- Sherman's contribution to that growth is about \$360M, or 1/3 of the increase.
- Sherman's taxpayers are getting about another \$.01/\$100 reduction in their rates because of growth in Sherman (1/3 of \$.026/\$100)

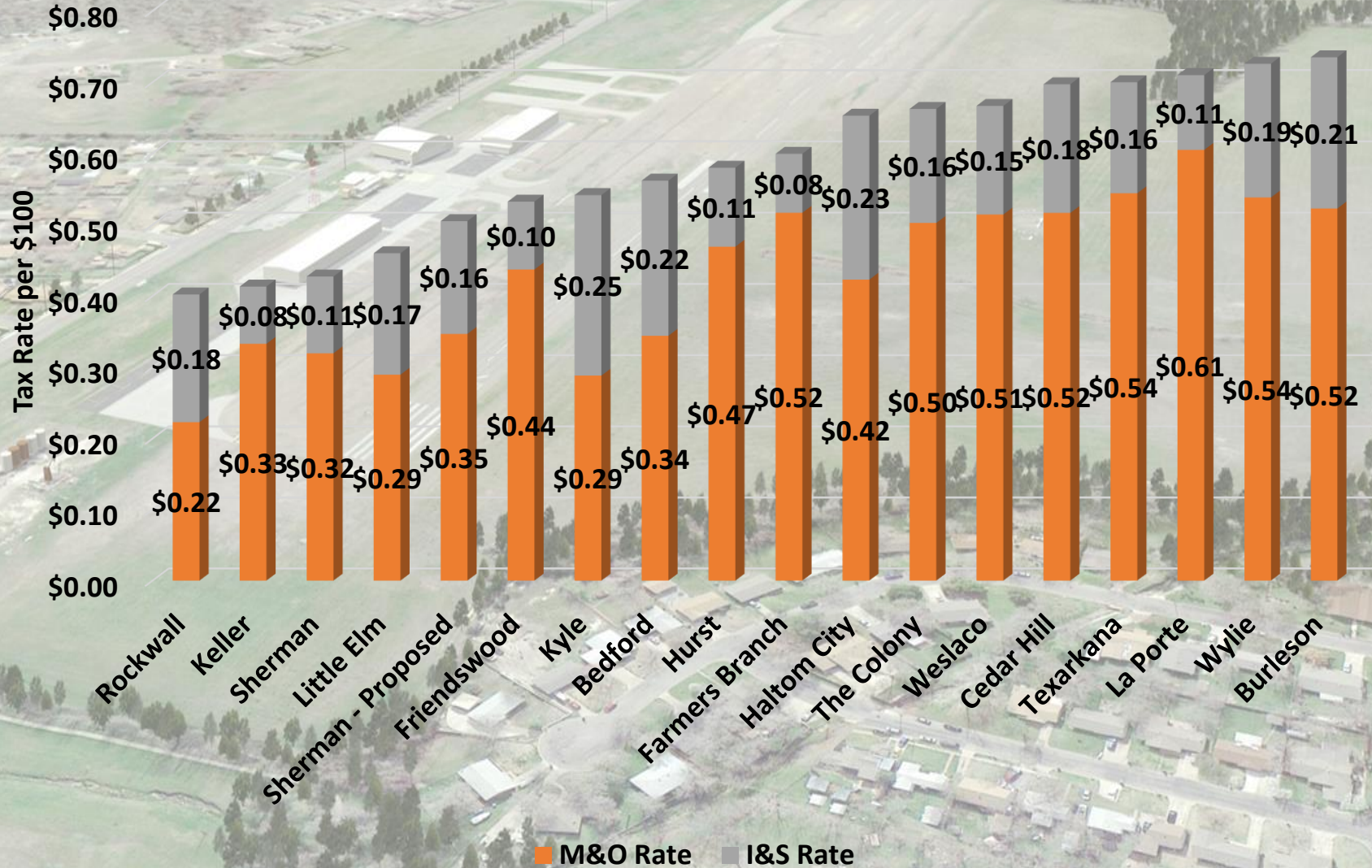
The Ask

Council support for \$.489/\$100 tax rate in light of FULL offset of rate increase to average residential taxpayer through reduced residential trash rates

Property Tax Rate of Similarly Sized Cities



Property Tax Rate of Similarly Sized Cities



2019 TML Debt Survey

(by Rate)

City	Population	Total Net Taxable	Tax Rate	Total GO/CO	Debt per capita	Value per capita	Revenue per capita
Cleburne	30,400	\$ 1,737,758,554	\$ 0.8040	\$ 10,038,413	\$ 330	\$ 57,163	\$ 45,960
Copperas Cove	34,272	\$ 1,350,331,853	\$ 0.7979	\$ 76,960,000	\$ 2,246	\$ 39,400	\$ 31,438
Burleson	46,145	\$ 3,035,701,445	\$ 0.7350	\$ 141,625,000	\$ 3,069	\$ 65,786	\$ 48,353
Socorro	35,000	\$ 961,117,250	\$ 0.7276	\$ 21,190,000	\$ 605	\$ 27,460	\$ 19,979
Wylie	49,826	\$ 4,259,503,789	\$ 0.7258	\$ 89,910,000	\$ 1,804	\$ 85,488	\$ 62,051
Deer Park	33,891	\$ 2,750,373,408	\$ 0.7200	\$ 72,090,000	\$ 2,127	\$ 81,154	\$ 58,431
La Porte	35,371	\$ 3,285,939,300	\$ 0.7100	\$ 39,565,000	\$ 1,119	\$ 92,899	\$ 65,958
Texarkana	37,679	\$ 2,604,513,311	\$ 0.7000	\$ 51,870,000	\$ 1,377	\$ 69,124	\$ 48,387
Cedar Hill	48,710	\$ 3,779,101,307	\$ 0.6970	\$ 75,685,000	\$ 1,554	\$ 77,584	\$ 54,078
Harker Heights	31,075	\$ 1,803,480,163	\$ 0.6770	\$ 81,968,476	\$ 2,638	\$ 58,036	\$ 39,291
Weslaco	40,358	\$ 1,641,942,984	\$ 0.6667	\$ 20,891,072	\$ 518	\$ 40,684	\$ 27,124
The Colony	44,704	\$ 4,526,048,717	\$ 0.6650	\$ 109,918,500	\$ 2,459	\$ 101,245	\$ 67,328
Haltom City	44,417	\$ 2,145,251,779	\$ 0.6530	\$ 44,095,000	\$ 993	\$ 48,298	\$ 31,539
Denison	24,380	\$ 1,573,456,675	\$ 0.6334	\$ 48,016,200	\$ 1,969	\$ 64,539	\$ 40,877
Nacogdoches	33,932	\$ 1,634,714,110	\$ 0.6169	\$ 3,870,000	\$ 114	\$ 48,176	\$ 29,720
Farmers Branch	37,088	\$ 5,575,637,174	\$ 0.5996	\$ 47,130,000	\$ 1,271	\$ 150,335	\$ 90,137
Hurst	39,160	\$ 3,103,842,101	\$ 0.5800	\$ 60,030,000	\$ 1,533	\$ 79,261	\$ 45,971
Bedford	49,528	\$ 4,315,127,332	\$ 0.5619	\$ 139,935,000	\$ 2,825	\$ 87,125	\$ 48,952
Kyle	47,500	\$ 2,990,580,487	\$ 0.5416	\$ 79,685,000	\$ 1,678	\$ 62,960	\$ 34,099
Seguin	30,006	\$ 2,093,568,489	\$ 0.5412	\$ 78,373,667	\$ 2,612	\$ 69,772	\$ 37,760
Friendswood	39,839	\$ 3,374,237,059	\$ 0.5324	\$ 31,545,000	\$ 792	\$ 84,697	\$ 45,093
Weatherford	30,654	\$ 2,600,396,894	\$ 0.4899	\$ 43,785,000	\$ 1,428	\$ 84,831	\$ 41,559
Sherman - prop	43,000	\$ 3,129,410,647	\$ 0.4890	\$ 77,885,000	\$ 1,811	\$ 72,777	\$ 35,588
Little Elm	46,548	\$ 3,656,504,830	\$ 0.4600	\$ 98,965,000	\$ 2,126	\$ 78,553	\$ 36,135
Southlake	31,824	\$ 7,593,368,970	\$ 0.4470	\$ 37,292,186	\$ 1,172	\$ 238,605	\$ 106,656
Sherman	43,000	\$ 3,129,410,647	\$ 0.4273	\$ 77,885,000	\$ 1,811	\$ 72,777	\$ 31,098
Keller	44,940	\$ 5,788,817,005	\$ 0.4133	\$ 57,990,000	\$ 1,290	\$ 128,812	\$ 53,232
Rockwall	44,208	\$ 5,693,209,277	\$ 0.4021	\$ 86,900,000	\$ 1,966	\$ 128,782	\$ 51,783
AVERAGE	39,195	\$ 3,219,048,056	\$ 0.6077	\$ 64,467,626	\$ 1,616	\$ 82,012	\$ 47,449



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

B.1.

Meeting Date: 09/03/2019

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

SPECIAL PRESENTATION

Presentation by Texas Representative Reggie Smith

Issue:

Representative Reggie Smith's recognition of a Sherman Police Officer

Background:

HB 1686 / HB 1343

Lifetime protective orders for victims of sexual offenses

Under current law, a victim of a sexual offense or a victim of human trafficking can file an application for a protective order. Most protective orders, unless otherwise specified, expire after two years. After a protective order expires, the victim would have to bring a new application to court, a burdensome and often costly legal process.

After hearing from Officer Mark Wood about a situation in which a protective order had expired, Rep. Reggie Smith filed House Bill 1686, which would make a protective order effective for life for victims of sexual offenses. Additionally, it would require the prosecutor to automatically file the application for a protective order instead of placing the initiative on the victim. It also increases the penalty for violating these protective orders from a Class A Misdemeanor to a state jail felony.

Although this bill was hung up in the legislative process, Rep. Smith worked with his fellow legislators to amend this bill to House Bill 1343, a bill that expands the offense of improper contact with a victim to include all victims regardless of age, not just minors.

HB 1343, as amended to include the protective order language, passed both the House and Senate and was signed into law by Governor Abbott on June 14, 2019. It goes into effect as Texas law on September 1, 2019, in no small part to the dedication of Officer Wood in advocating for victims and working to protect the citizens of our community and across Texas.

Origination:

Turner Coulson, Office of State Representative Reggie Smith
City Manager Robby Hefton



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

B.2.

Meeting Date: 09/03/2019

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

SPECIAL PRESENTATION

Mayor David Plyler's Presentation to the Sherman Police and Fire Associations

Issue:

The Mayor will present representatives from the Police and Fire Associations with the proceeds from the Blue Sky Songtellers' concerts held on July 27 and August 10, 2019.

Background:

The Blue Sky Songtellers held two performances in the Kidd-Key Auditorium, on Saturday, July 27th and on Saturday, August 10th, to benefit the Sherman Police and Fire Associations. The proceeds from these events are to be presented to representatives of the Sherman Police and Fire Associations at this meeting.

Origination:

Mayor David Plyler



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

C.1.

Meeting Date: 09/03/2019

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

SECOND PUBLIC HEARING OF ORDINANCE NO. 6234

Providing for the Levy of Ad Valorem Taxes for the City of Sherman, Texas, for the Tax Year 2019; 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 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 \$0.394606/\$100, with a rollback rate of \$0.489951/\$100 (with sales tax-in-lieu-of property tax adjustment). The actual total tax rate of \$0.489000/\$100 is above 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 \$0.150556/\$100; and the M&O rate is \$0.338444/\$100.

Origination:

Director of Finance

Financial Consideration:

The proposed tax rate will generate approximately \$16.5 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 16th 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 16, 2019, 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. 6234

Chapter 140 Notice FY 2020

ORDINANCE NO. 6234

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 2019; 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 \$0.338444/\$100 Dollars (\$0.338444) and a debt service ad valorem tax of \$0.150556/\$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., 2019, and not exempt from taxation by the constitution and laws of the State of Texas, apportioned as follows, to-wit:

FOR GENERAL FUND EXPENDITURES, \$0.338444 on each One Hundred Dollars (\$100.00) assessed valuation of such property.

FOR DEBT SERVICE EXPENDITURES, \$0.150556 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 44.5 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$94.39.

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, 2020. Penalty charges shall be in accordance with the following schedule.

If paid in February, 2020	6%
If paid in March, 2020	7%
If paid in April, 2020	8%
If paid in May, 2020	9%
If paid in June, 2020	10%
If paid on or after July 1, 2020	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, 2020, 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 _____, 2019.

ADOPTED on this the _____ day of _____, 2019.

EFFECTIVE DATE on this the _____ day of _____, 2019.

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 2019 TAX YEAR PROPOSED PROPERTY TAX RATE FOR THE CITY OF SHERMAN

A tax rate of \$.48900 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 and 2019, and an increase in public safety personnel.

PROPOSED TAX RATE	\$0.489000
PRECEDING YEAR'S TAX RATE	\$0.427300
EFFECTIVE TAX RATE	\$0.394606
ROLLBACK TAX RATE	\$0.489951

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 2018 tax year and the 2019 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@cityofsherman.com
www.cityofsherman.com

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

First Hearing: August 19, 2019, 5:00 pm at City Council Chambers, 220 W. Mulberry, Sherman, Texas

Second Hearing: September 3, 2019, 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: 09/03/2019

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6242

Declaring as Elected the Unopposed Candidates for the Office of City Council Member for District 1 and for District 3; Finding that All Necessary and Required Legal Conditions have been Satisfied; Providing that the November 5, 2019 Regular Municipal Election for City Council Shall Not be Held; Providing for Posting of this Ordinance on Election Day, November 5, 2019

Issue:

To consider an Ordinance canceling the November 5, 2019 Regular Municipal Election due to there being no opposed candidates for both of the races: Council Member, District 1 and Council Member, District 3. There will still be two Special Elections on the ballot, one for the reauthorization of the Street Sales Tax, and a Charter Amendment Election.

Background:

Section 2.053 of the Texas Election Code allows a City to cancel its Election if, after the regular filing deadline and the write-in filing deadline, there are no opposed races. The regular filing deadline ended at 5:00 p.m. on Monday, August 19, 2019; and the write-in filing deadline ended at 5:00 p.m. on Friday, August 23, 2019.

Origination:

The request originated with the City Clerk's Office.

Financial Consideration:

The cost of the 2018 Regular Municipal Election was \$14,569.26.

Staff Recommendation:

It is the recommendation of the staff to accept the City Clerk's "Certification of Unopposed Candidates" to cancel the November 5, 2019 Regular Municipal Election, and to declare the unopposed candidates duly elected.

Alternatives:

The Council could choose to hold the Election.

Attachments

Ordinance No. 6242

Certification of Unopposed Candidates

ORDINANCE NO. 6242

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DECLARING AS ELECTED THE UNOPPOSED CANDIDATES FOR THE OFFICE OF CITY COUNCIL MEMBER FOR DISTRICT 1 AND FOR DISTRICT 3; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT THE NOVEMBER 5, 2019 REGULAR MUNICIPAL ELECTION FOR CITY COUNCIL SHALL NOT BE HELD; PROVIDING FOR POSTING OF THIS ORDINANCE ON ELECTION DAY, NOVEMBER 5, 2019; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; 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 Council of the City of Sherman, Texas ("City Council"), adopted Ordinance No. 6235 on August 19, 2019, ordering that a Regular Municipal Election be held on November 5, 2019, for the purpose of electing a City Council Member for District 1 and for District 3, for full terms, as defined in the Charter of the City of Sherman, Texas; and

WHEREAS, pursuant to Sections 143.007 and 146.054 of the Texas Election Code, the deadlines for filing applications for a place on the ballot and for the declaration of write-in candidacy for the City's Regular Municipal Election have expired; and

WHEREAS, the Sherman City Council, in accordance with Section 2.052 of the Texas Election Code, has received from the City Clerk a "Certification of Unopposed Candidates" (see attached), certifying that Shawn Teamann and Pamela Howeth are unopposed for election to the positions of Council Member, District 1 and Council Member, District 3, respectively; and

WHEREAS, the City Council, upon receipt and review of such written certification, hereby finds and determines that the candidates whose names are to appear on the ballot in said Election for District City Council Members are unopposed, there are no declared write-in candidates, and no propositions are to appear on the ballot for said Election;

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

SECTION 1. FINDINGS INCORPORATED.

That the findings set forth above are found to be true and correct and are hereby incorporated into the body of this Ordinance for all purposes as if fully set forth herein.

SECTION 2. DECLARING CANDIDATES DULY ELECTED.

That, in accordance with Section 2.053(a) and (c) of the Texas Election Code, the following unopposed candidates are hereby declared duly elected to the respective office shown and shall be issued a Certificate of Election on or after Election Day:

Shawn Teamann, Council Member, District 1
Pamela Howeth, Council Member, District 3

SECTION 3. CANCELING REGULAR ELECTION.

That, in accordance with Section 2.053(b) of the Texas Election Code, the Regular Municipal Election for the City Council heretofore called and ordered for November 5, 2019 shall not be held and is hereby canceled.

SECTION 4. REQUIRING POSTING OF ORDINANCE.

That, in accordance with Section 2.053(b) of the Texas Election Code, the City Clerk is hereby directed to cause a copy of this Ordinance to be posted on Election Day, same being November 5, 2019, at all polling places that would have been used in such Election.

SECTION 5. REPEALER CLAUSE.

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

SECTION 6. SEVERABILITY CLAUSE.

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 7. FINDING AND DETERMINING.

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 as required by law.

INTRODUCED on this the _____ day of _____, 2019.

ADOPTED on this the _____ day of _____, 2019.

EFFECTIVE DATE on this the _____ day of _____, 2019.

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**

**CERTIFICATION OF UNOPPOSED CANDIDATES FOR
OTHER POLITICAL SUBDIVISIONS (NOT COUNTY)
*CERTIFICACIÓN DE CANDIDATOS ÚNICOS
PARA OTRAS SUBDIVISIONES POLITICAS (NO EL CONDADO)***

To: Presiding Officer of Governing Body
Al: Presidente de la entidad gobernante

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on November 5, 2019

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el November 5, 2019

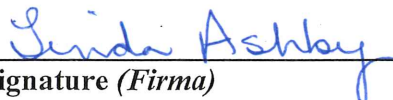
List offices and names of candidates:
Lista de cargos y nombres de los candidatos:

Office(s) Cargo(s)

Candidate(s) Candidato(s)

City Council Member, District 1
City Council Member, District 3

Shawn Teamann
Pamela Howeth


Signature (Firma)

Linda Ashby
Printed name (Nombre en letra de molde)

City Clerk
Title (Puesto)

August 26, 2019
Date of signing (Fecha de firma)

(Seal) (sello)

See reverse side for instructions
(Instrucciones en el reverso)



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

C.3.

Meeting Date: 09/03/2019

Prepared By: Brandon Shelby, City Attorney

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6243

Approving a Negotiated Settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division, Regarding the Company's 2019 Rate Review Mechanism Filing; 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 Attached 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 2018, the City adopted a renewed RRM tariff for an additional five years. ACSC and Atmos have reached a negotiated resolution addressing Atmos's sixth (the 2019 RRM rate increase) pursuant to the renewed RRM tariff.

The Ordinance reflects a negotiated settlement of Atmos's 2019 RRM filing, a rate increase of \$35.4 million from ACSC Cities, approximately \$34.6 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 2019 RRM filing and implementing the rate changes to take effect October 1, 2019.

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 \$35.4 million increase in Atmos's revenues effective October 1, 2019, and a monthly increase of \$2.05 or about 3.7% for the average residential customer, and a monthly increase of \$6.18 or about 2.31% for the average commercial 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. 6243

Exhibits A, B and C to Ordinance

Staff Report with Attachments 1, 2 and 3

Frequently Asked Questions and Answers

ORDINANCE NO. 6243

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 2019 RATE REVIEW MECHANISM FILING; 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 ATTACHED 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 current RRM tariff was adopted by the City in a rate ordinance in 2018; and

WHEREAS, on or about April 1, 2019, Atmos Mid-Tex filed its 2019 RRM rate request with ACSC Cities based on a test year ending December 31, 2018; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2019 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 \$35.4 million applicable to ACSC Cities); 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 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, without prejudice to future litigation of any issue identified by ACSC, the City Council finds that the settled amount of an increase in revenues of \$35.4 million for ACSC Cities 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 2019 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 \$35.4 million from customers in ACSC Cities 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 2019 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, 2019.

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 _____, 2019.

ADOPTED on this the _____ day of _____, 2019.

EFFECTIVE DATE on this the _____ day of _____, 2019.

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**

Exhibit A

Rate Tariffs Effective October 1, 2019

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2019	PAGE:

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	\$ 19.55 per month
Rider CEE Surcharge	\$ 0.05 per month ¹
Total Customer Charge	\$ 19.60 per month
Commodity Charge – All <u>Ccf</u>	\$0.17423 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, 2019.

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2019	PAGE:

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	\$ 46.50 per month
Rider CEE Surcharge	\$ 0.02 per month ²
Total Customer Charge	\$ 46.52 per month
Commodity Charge – All Ccf	\$ 0.09924 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, 2019.

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2019	PAGE:

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	\$ 845.50 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.3572 per MMBtu
Next 3,500 MMBtu	\$ 0.2616 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0561 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 UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2019	PAGE:

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:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2019	PAGE:

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	\$ 845.50 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.3572 per MMBtu
Next 3,500 MMBtu	\$ 0.2616 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0561 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.

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2019	PAGE:

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**

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 11/01/2019	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:

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

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 11/01/2019	PAGE:

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	<u>Base use</u> <u>Ccf</u>	<u>Heat use</u> <u>Ccf/HDD</u>	<u>Base use</u> <u>Ccf</u>	<u>Heat use</u> <u>Ccf/HDD</u>
Abilene	9.77	0.1487	88.49	0.7036
Austin	9.04	0.1537	201.48	1.0000
Dallas	13.07	0.2202	184.64	1.1385
Waco	8.77	0.1470	135.70	0.7744
Wichita Falls	11.40	0.1468	117.90	0.5943

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

2019 Benchmark for Pensions and Retiree Medical Benefits

ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2018

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	Proposed Benefits Benchmark - Fiscal Year 2019 Willis Towers Watson Report as adjusted (1) (2) (3)	\$ 2,744,088	\$ 2,267,927	\$ 4,724,119	\$ 193,211	\$ 2,621,842	
2	Allocation to Mid-Tex	43.48%	43.48%	73.88%	100.00%	73.88%	
3	Proposed Benefits Benchmark Costs Allocated to Mid-Tex (Ln 1 x Ln 2)						
4	O&M and Capital Allocation Factor	\$ 1,193,029	\$ 986,012	\$ 3,490,241	\$ 193,211	\$ 1,937,051	
5	Proposed Benefits Benchmark Costs to Approve (Ln 3 x Ln 4) (3)	100.00%	100.00%	100.00%	100.00%	100.00%	
6		\$ 1,193,029	\$ 986,012	\$ 3,490,241	\$ 193,211	\$ 1,937,051	\$ 7,799,544
7							
8	Summary of Costs to Approve (1):						
9							
10	O&M Expense Factor (WP_F-2.3, Ln 2)	81.35%	81.35%	38.28%	16.24%	38.28%	
11							
12							
13	Total Pension Account Plan	\$ 970,514		\$ 1,336,038			\$ 2,306,553
14	Total Post-Employment Benefit Plan		\$ 802,108			\$ 741,489	1,543,597
15	Total Supplemental Executive Benefit Plan				\$ 31,377		31,377
16	Total (Ln 13 + Ln 14 + Ln 15)	\$ 970,514	\$ 802,108	\$ 1,336,038	\$ 31,377	\$ 741,489	\$ 3,881,527

Notes:

1. Studies not applicable to Mid-Tex or Shared Services are omitted.
2. The Company is requesting that the benchmark amount approved by the 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 process as described in the CAM.
3. SSU amounts exclude cost centers which do not allocate to Mid-Tex for rate making purposes.

Exhibit C

2019 Amortization Schedule for Regulatory Liability

ATMOS ENERGY CORP., MID-TEX DIVISION
RATE BASE ADJUSTMENTS
TEST YEAR ENDING DECEMBER 31, 2018
AMORTIZATION OF REGULATORY LIABILITY

Line No.	Year Ended Dec. 31	Beginning of Year		Annual Amortization (2)	End of Year
		Rate Base Adjustment Amount (1)	Rate Base Adjustment Amount		
	(a)		(b)	(c)	(d)
1	2018	\$	290,043,948	\$ -	290,043,948
2	2019		290,043,948	12,085,165	277,958,784
3	2020		277,958,784	12,085,165	265,873,619
4	2021		265,873,619	12,085,165	253,788,455
5	2022		253,788,455	12,085,165	241,703,290
6	2023		241,703,290	12,085,165	229,618,126
7	2024		229,618,126	12,085,165	217,532,961
8	2025		217,532,961	12,085,165	205,447,797
9	2026		205,447,797	12,085,165	193,362,632
10	2027		193,362,632	12,085,165	181,277,468
11	2028		181,277,468	12,085,165	169,192,303
12	2029		169,192,303	12,085,165	157,107,139
13	2030		157,107,139	12,085,165	145,021,974
14	2031		145,021,974	12,085,165	132,936,810
15	2032		132,936,810	12,085,165	120,851,645
16	2033		120,851,645	12,085,165	108,766,481
17	2034		108,766,481	12,085,165	96,681,316
18	2035		96,681,316	12,085,165	84,596,152
19	2036		84,596,152	12,085,165	72,510,987
20	2037		72,510,987	12,085,165	60,425,823
21	2038		60,425,823	12,085,165	48,340,658
22	2039		48,340,658	12,085,165	36,255,494
23	2040		36,255,494	12,085,165	24,170,329
24	2041		24,170,329	12,085,165	12,085,165

25 2042 12,085,165 12,085,165 (0)

27

28

29	Revenue Related Tax Factor	6.71%	See WP_F-5.1
	Revenue Related Taxes on Annual		Amortization * Tax
30	Amortization (see WP_B-6.3)	\$ 810,653	Factor
31	Related Taxes (see WP_B-6.3)	<u>\$ 12,905,421</u>	Amortization + Taxes

32

33 Notes:

34 1. The beginning 2018 balance is the September, 2018 balance. The regulatory
35 liability for excess deferred taxes is an estimate. This estimate will be
36 finalized when the Company files its federal tax return in July, 2019. To the
37 extent that this estimate changes with the filing of the Company's tax return,
38 the Company will 'true-up' the amount in the 2020 RRM filing.

39 2. The annual amortization of a 24 year recovery period is based on the
40 Reverse South Georgia Method.

41 3. The Regulatory Liability is recorded to FERC Account 253, Sub Account 27909.

September 3, 2019

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 in 2018. On or about April 1, 2019, 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, 2018, entitled it to additional system-wide revenues of \$70 million. Application of the standards set forth in ACSC’s RRM Tariff required Atmos to reduce its request to \$54 million, \$39.3 million of which would be applicable to ACSC members. ACSC’s consultants concluded that the system-wide deficiency under the RRM regime should be \$38.7 million instead of the claimed \$54 million. The amount of the \$38.7 million deficiency applicable to ACSC members would be \$28.2 million.

After the Company reviewed ACSC’s consultants’ report, ACSC’s Executive Committee and the Company negotiated a settlement whereby the Company would receive an increase of \$35.4 million from ACSC Cities.

The Executive Committee recommends a settlement at this amount. The Effective Date for new rates is October 1, 2019. 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 \$35.4 million in additional revenues from ACSC Cities. That proof is attached as Attachment 1 to this Staff Report. ACSC consultants have agreed that Atmos' Proof of Revenues is accurate.

BILL IMPACT

The impact of the settlement on average residential rates is an increase of \$2.05 on a monthly basis, or 3.7 percent. The increase for average commercial usage will be \$6.18 or 2.31 percent. 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.

RRM SAVINGS OVER GRIP

While residents outside municipal limits must pay rates governed by GRIP, there are some cities served by Atmos Mid-Tex that chose to remain under GRIP rather than adopt RRM. Additionally, the City of Dallas adopted a variation of RRM which is referred to as DARR. When new rates become effective on October 1, 2019, ACSC residents will have a slight economic monthly advantage over comparable GRIP and comparable DARR rates (see Attachment 3).

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 \$35.4 million from ACSC Cities.
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 resolution 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 \$70 million in additional system-wide revenues, or \$54 million from ACSC Cities, the RRM settlement at \$35.4 million for ACSC Cities reflects substantial savings to ACSC Cities in the amount of \$18.6 million. ACSC's consultants produced a report indicating that Atmos had justified increased revenues for ACSC Cities of at least \$32.7 million. Settlement at \$35.4 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, 2019. New rates become effective October 1, 2019.

Attachment 1

Proof of Revenues

**ATMOS ENERGY CORP., MID-TEX DIVISION
RRM CITIES RATE REVIEW MECHANISM
PROOF OF REVENUES - SYSTEMWIDE
TEST YEAR ENDING DECEMBER 31, 2018**

Line No.	Customer Class (a)	Current (b)	Proposed (c)	Bills (d)	Ccf/MmBtu (e)
1	Residential				
2	Customer Charge	\$ 18.85	\$ 19.55	18,572,400	
3	Consumption Charge	0.14846	0.17423		876,575,629
4	Revenue Related Taxes				
5	Total Class Revenue				
6					
7	Commercial				
8	Customer Charge	\$ 43.50	\$ 46.50	1,492,740	
9	Consumption Charge	0.09165	0.09924		576,758,305
10	Revenue Related Taxes				
11	Total Class Revenue				
12					
13	Industrial & Transportation				
14	Customer Charge	\$ 784.00	\$ 845.50	9,804	
15	Consumption Charge Tier 1	\$ 0.3312	\$ 0.3572		10,724,328
16	Consumption Charge Tier 2	\$ 0.2425	\$ 0.2616		12,346,302
17	Consumption Charge Tier 3	\$ 0.0520	\$ 0.0561		22,335,700
18	Revenue Related Taxes				
19	Total Class Revenue				
20					
21	Total Excluding Other Revenue				
22					
23					
24	Revenue Related Tax Factor	6.7078%			

Current Revenues	Proposed Revenues	Increase
(f)	(g)	(h)
\$ 350,089,740	\$ 363,090,420	
130,136,418	152,725,772	
32,212,790	34,600,111	
<u>\$ 512,438,948</u>	<u>\$ 550,416,303</u>	<u>\$ 37,977,356</u>
\$ 64,934,190	\$ 69,412,410	
52,859,899	57,237,494	
7,901,436	8,495,470	
<u>\$ 125,695,525</u>	<u>\$ 135,145,374</u>	<u>\$ 9,449,849</u>
\$ 7,686,336	\$ 8,289,282	
3,551,897	3,830,730	
2,993,978	3,229,793	
1,161,456	1,253,033	
1,032,582	1,113,691	
<u>\$ 16,426,250</u>	<u>\$ 17,716,529</u>	<u>\$ 1,290,278</u>
<u>\$ 654,560,722</u>	<u>\$ 703,278,206</u>	<u>\$ 48,717,483</u>

Attachment 2

Bill Impact

ATMOS ENERGY CORP., MID-TEX DIVISION
AVERAGE BILL COMPARISON - BASE RATES
TEST YEAR ENDING DECEMBER 31, 2018

Line						CURRENT	PROPOSED	CHANGE
1	Rate R @ 47.5 Ccf							
2	Customer charge					\$ 18.85		
3	Consumption charge	47.5	CCF	X \$ 0.14846	=	7.05		
4	Rider GCR Part A	47.5	CCF	X \$ 0.27375	=	13.00		
5	Rider GCR Part B	47.5	CCF	X \$ 0.27485	=	13.06		
6	Subtotal					\$ 51.96		
7	Rider FF & Rider TAX		\$ 51.96	X 0.06708	=	3.49		
8	Total					\$ 55.45		
9								
10	Customer charge						\$ 19.55	
11	Consumption charge	47.5	CCF	X \$ 0.17423	=	8.28		
12	Rider GCR Part A	47.5	CCF	X \$ 0.27375	=	13.00		
13	Rider GCR Part B	47.5	CCF	X \$ 0.27485	=	13.06		
14	Subtotal					\$ 53.89		
15	Rider FF & Rider TAX		\$ 53.89	X 0.06708	=	3.61		
16	Total					\$ 57.50	\$ 2.05	
17								3.70%
18								
19	Rate C @ 367.6 Ccf							
20	Customer charge					\$ 43.50		
21	Consumption charge	367.6	CCF	X \$ 0.09165	=	33.69		
22	Rider GCR Part A	367.6	CCF	X \$ 0.27375	=	100.62		
23	Rider GCR Part B	367.6	CCF	X \$ 0.19927	=	73.25		
24	Subtotal					\$ 251.06		
25	Rider FF & Rider TAX		\$ 251.06	X 0.06708	=	16.84		
26	Total					\$ 267.90		
27								
28	Customer charge						\$ 46.50	
29	Consumption charge	367.6	CCF	X \$ 0.09924	=	36.48		
30	Rider GCR Part A	367.6	CCF	X \$ 0.27375	=	100.62		
31	Rider GCR Part B	367.6	CCF	X \$ 0.19927	=	73.25		
32	Subtotal					\$ 256.85		
33	Rider FF & Rider TAX		\$ 256.85	X 0.06708	=	17.23		
34	Total					\$ 274.08	\$ 6.18	
35								2.31%

**ATMOS ENERGY CORP., MID-TEX DIVISION
AVERAGE BILL COMPARISON - BASE RATES
TEST YEAR ENDING DECEMBER 31, 2018**

Line						CURRENT	PROPOSED	CHANGE
36	Rate I @ 4066 MMBTU							
37	Customer charge					\$ 784.00		
38	Consumption charge	1,500	MMBTU	X \$ 0.3312	=	496.80		
39	Consumption charge	2,566	MMBTU	X \$ 0.2425	=	622.14		
40	Consumption charge	0	MMBTU	X \$ 0.0520	=	-		
41	Rider GCR Part A	4,066	MMBTU	X \$ 2.6733	=	10,868.51		
42	Rider GCR Part B	4,066	MMBTU	X \$ 0.4491	=	1,825.85		
43	Subtotal					\$ 14,597.30		
44	Rider FF & Rider TAX			X 0.06708	=	979.16		
45	Total					<u>\$ 15,576.46</u>		
46								
47	Customer charge						\$ 845.50	
48	Consumption charge	1,500	MMBTU	X \$ 0.3572	=		535.80	
49	Consumption charge	2,566	MMBTU	X \$ 0.2616	=		671.14	
50	Consumption charge	0	MMBTU	X \$ 0.0561	=		-	
51	Rider GCR Part A	4,066	MMBTU	X \$ 2.6733	=		10,868.51	
52	Rider GCR Part B	4,066	MMBTU	X \$ 0.4491	=		1,825.85	
53	Subtotal						\$ 14,746.80	
54	Rider FF & Rider TAX			X 0.06708	=		989.19	
55	Total						<u>\$ 15,735.99</u>	\$ 159.53
56								1.02%
57	Rate T @ 4066 MMBTU							
58	Customer charge					\$ 784.00		
59	Consumption charge	1,500	MMBTU	X \$ 0.3312	=	496.80		
60	Consumption charge	2,566	MMBTU	X \$ 0.2425	=	622.14		
61	Consumption charge	0	MMBTU	X \$ 0.0520	=	-		
62	Rider GCR Part B	4,066	MMBTU	X \$ 0.4491	=	1,825.85		
63	Subtotal					\$ 3,728.79		
64	Rider FF & Rider TAX			X 0.06708	=	250.12		
65	Total					<u>\$ 3,978.91</u>		
66								
67	Customer charge						\$ 845.50	
68	Consumption charge	1,500	MMBTU	X \$ 0.3572	=		535.80	
69	Consumption charge	2,566	MMBTU	X \$ 0.2616	=		671.14	
70	Consumption charge	0	MMBTU	X \$ 0.0561	=		-	
71	Rider GCR Part B	4,066	MMBTU	X \$ 0.4491	=		1,825.85	
72	Subtotal						\$ 3,878.29	
73	Rider FF & Rider TAX			X 0.06708	=		260.15	
74	Total						<u>\$ 4,138.44</u>	\$ 159.53
75								4.01%

Attachment 3

RRM Monthly Savings Over GRIP and DARR Rates

ACSC Margin Advantage Over GRIP and DARR Residential Customers
Effective October 1, 2019

Group	Average Monthly Consumption	Customer Charge	Consumption Charge	Average Bill	Average Monthly Savings
ACSC/RRM	47.5 CCF	\$19.55	\$0.17423	\$27.83	X
Environs GRIP	47.5 CCF	\$19.84	\$0.18653	\$28.70	\$0.87
ATM GRIP	47.5 CCF	\$21.69	\$0.14846	\$28.74	\$0.92
DARR	47.5 CCF	\$21.25	\$0.14924	\$28.34	\$0.51

FREQUENTLY ASKED QUESTIONS REGARDING ACSC HISTORY AND THE RRM RATEMAKING PROCESS

What is the role of Cities in ratemaking?

Cities have historically exercised original jurisdiction over the level of gas rates charged within their boundaries. Generally, gas distribution utilities have filed rate cases at the City level and have only gone to the Railroad Commission of Texas (“RCT” or “Commission”) with an appeal of City action or when they could not reach a settlement with Cities. If a utility and Cities reach an agreement, the utility may then file a case at the RCT to implement the same rates approved by Cities in areas outside municipal boundaries.

Once a case is at the RCT, the Commission Staff generally expects Cities to intervene and do most of the discovery, cross-examination, briefing, and sponsor opposing witnesses. There is no consumer advocate at the RCT. If Cities do not participate in hearings at the RCT, the request of a regulated utility is likely to be rubber-stamped.

How and why was the Atmos Cities Steering Committee created?

The Atmos pipeline and distribution systems were built, owned, and operated by Lone Star Gas (“LSG”), which maintained over 200 rate jurisdictions until it sold its assets to Texas Utilities (“TXU”) in the late 1990’s. That meant that many Cities had their own unique distribution rates and that individual Cities had to process rate cases at the local level. LSG-Pipeline served all 200-plus distribution systems, and pipeline rates were set by the RCT.

From the early 1980’s through the late 1990’s, LSG filed no pipeline or system-wide rate cases at the RCT. When LSG was finally brought before the RCT to show cause why its rates should not be reduced, approximately 80 Cities intervened and created an *ad hoc* group known as the Steering Committee of Cities Served by Lone Star. In Gas Utilities Division (“GUD”) docket number 8664, three separate groups of Cities and a number of independent Cities (jointly the “Aligned Cities”) participated and coordinated their efforts to oppose the rate increase.

TXU purchased the LSG assets in the late 1990’s and immediately commenced consolidating 200-plus ratemaking jurisdictions into regions. As regional cases were filed, Cities within each region created an *ad hoc* committee to form a common strategy and negotiating position. Once TXU had aggregated the Cities into five or six jurisdictions, each with a different rate, Texas Utilities Gas Company filed a system-wide case to bring all of the old LSG territory under one common rate. The different City regional committees then united and formed the Allied Coalition of Cities (“ACC”). While the gas utility assets were owned and controlled by TXU, the coalition transformed itself from an *ad hoc* group that came together only in response to rate filings by the utility into a permanent standing coalition.

In Gas Utilities Docket (“GUD”) No. 9400 in 2004, TXU’s request for a \$61.6 million system-wide increase was aggressively opposed by ACC. Cities achieved disallowances of \$42.9 million of a regulatory asset and \$87.8 million of capitalized gas utility plant. The company received only a \$2.01 million increase. Unhappy with that result, TXU decided that owning a gas system was neither as fun nor as profitable as the deregulated electric system, and they sold the system to Atmos Energy Corporation (“Atmos” or “Company”). ACC was then transformed into the Steering Committee of

Cities Served by Atmos and then renamed Atmos Cities Steering Committee to obtain an easy to remember acronym, "ACSC."

What is the Atmos Cities Steering Committee?

ACSC is a coalition of 170 Cities that unite in common purpose to address gas utility rate and franchise issues related to Atmos Energy Corporation. Its objectives are to: (1) ensure that gas utility rates charged to Cities and their residents are fair and reasonable; (2) maintain reasonable franchise fee revenues for Cities; (3) protect Cities' original jurisdiction over rates and services; (4) be a voice for consumers where no state agency assumes such a role; and (5) promote sound ratemaking policies in the public interest.

Cities join the permanent standing committee by passing a resolution and agreeing to support the work of ACSC through modest occasional *per capita* assessments that support ongoing administrative and legislative advocacy and all expenses where Cities are not entitled to reimbursement. Each member City designates a representative to ACSC. Member representatives may volunteer to serve on the ACSC Executive Committee. The Executive Committee sets policy, hires legal counsel and consultants, directs litigation, establishes a legislative agenda, sets assessments on members as needed, and meets quarterly with Atmos executives. The Settlement Committee is directly involved in negotiating resolution of contested matters with Atmos executives. The list of current members is attached.

What is the benefit of membership in ACSC?

One hundred seventy Cities speaking as one voice is much more effective in advocacy before the Railroad Commission and legislature than any one City or multiple small groups of Cities.

The legislature has given gas utilities a right to an annual increase in rates. Resources (both financial and human) of individual Cities are conserved by membership in ACSC. Additionally, membership enhances institutional memory of ratemaking issues, public policy debates, and right-of-way and franchise fee battles.

What has ACSC accomplished?

Going into the 82nd Legislative Session, in December 2010, ACSC released a 48-page report, "Natural Gas Consumers and the Texas Railroad Commission." More than 200 television, newspaper and radio news sites posted information on, and a link to, the report that may be found on ACSC's website, TexasGasConsumers.org.

ACSC has also been instrumental in ongoing Sunset Commission reviews of the RCT. The agency has undergone three Sunset reviews since 2010, and in each case ACSC has maintained a watchful eye on the process to ensure that provisions that could harm the interest of gas utility ratepayers are excluded from the legislation. ACSC representatives also visited on several occasions with the Sunset Commission Staff, and several ACSC recommendations for reform were included in Sunset Commission Reports on the agency. Several ACSC member representatives testified before the legislature regarding the Sunset review of the Railroad Commission.

During the 2011 legislative session, lobbying efforts by ACSC were critical in killing two gas utility bills that would have undermined traditional regulation, deprived Cities of certain rights, and led to even greater rate increases.

ACSC has also resolved a major issue involving franchise fees. In 2010, Atmos unilaterally, without notice, ceased inclusion of franchise fees in the calculations of gross receipts regardless of whether specific franchises included such payments. Several Cities were willing to pursue the matter through litigation. However, counsel for ACSC was able to negotiate a resolution that allowed each member City to determine whether it desired an increase in franchise fee payments based on inclusion of franchise fees in the calculation of gross receipts. If a City opted for inclusion of fee-on-fee revenues, it had the further option of retroactive payments back to the point in time that Atmos decided to curtail fee-on-fee payments. Each member had these options regardless of the wording of the then-valid franchise agreement. This resolution spared significant litigation costs and anxiety and was only possible because of the clout of the ACSC membership.

One of the most significant accomplishments of ACSC occurred in 2007 via a settlement of the then-pending, system-wide rate case. Approximately 50 ACSC City representatives showed up in Arlington for a meeting with Atmos executives who were shocked at the vocal opposition to Atmos' practices, the unfairness of annual Gas Reliability Infrastructure Program ("GRIP") rate filings that precluded City and citizen review, and the Company's lack of coordination with Cities. That meeting led to the creation of the Rate Review Mechanism ("RRM") process and improved ongoing communications between the Company and ACSC.

In 2010, these improved communications between ACSC and the Company led to a workable solution to the need to replace steel service lines in a manner that accommodated Cities' needs to control their rights-of-way, while moderating the rate impact and focusing first on the riskiest service lines based on leak repair histories. This compromise precluded a more onerous (from a City and consumer perspective) program threatened by the RCT.

What is an RRM case?

The concept of an RRM proceeding emerged as a three-year experimental substitute for GRIP cases as part of the settlement of Atmos Mid-Tex's 2007 system-wide rate case. In 2003, the Texas Legislature added Section 104.301, Interim Adjustment for Changes in Investment, to the Gas Utility Regulatory Act. While not identified as such in the law, § 104.301 was referred to as the Gas Reliability Infrastructure Program or GRIP. The GRIP adjustments allowed gas companies to recover changes to invested capital without a review of whether increased revenues or declining expenses offset the invested capital costs. Both Atmos Pipeline and Atmos Mid-Tex filed GRIP cases as soon as the RCT adopted rules to implement the interim adjustments. As explained below, it quickly became apparent that the GRIP adjustments were terrible public policy.

As an alternative to GRIP, ACSC entered into a negotiated agreement with Atmos in 2007 to establish the RRM process. Unlike GRIP, the RRM provided for an annual review of all portions of Mid-Tex's cost of service. It fixed an authorized rate of return on equity for the three-year period at 9.6% (which was less than what the RCT would have authorized) and set caps on the extent to which expenses or investments could increase from one year to the next. More importantly, it allowed Cities to make a comprehensive evaluation of all aspects of the utility's business—investment, operation and maintenance expenses, and revenues—unlike GRIP that only allows consideration of changes to invested capital.

Why is RRM superior to GRIP?

GRIP cases guarantee a one-sided, rubber-stamp approval of the utility's rate request. ACSC attempted to participate in the first two GRIP proceedings filed by both Atmos Pipeline and Atmos Mid-Tex at the RCT. Not only were Cities' motions to intervene denied, but also, ACSC's comments were ignored. At the City level, ACSC consultants determined that Atmos was not only including items such as artwork, chairs, computers, and meals in interim rate adjustments that were allegedly intended to promote pipeline safety, but the Company was also over-earning its previously authorized rate of return. ACSC attacked the Commission's rule in court because it denied City participation, denied a hearing on a contested matter, and denied Cities' recovery of any expenses associated with resisting GRIP rate increases. The courts were not helpful to Cities. In 2011, the Texas Supreme Court upheld the Commission's rule implementing the GRIP statute.

Cities have contended that the GRIP process is terrible public policy since it authorizes what would, from the perspective of a history of public interest regulation, be regarded as unlawful—piecemeal ratemaking. GRIP allows rates to increase if the utility's invested capital net of depreciation increases year-over-year. An increase in rates is mandated under GRIP if investment increases, even if increasing revenues and declining expenses more than offset the costs associated with increased investment.

The RRM process negotiated by ACSC solves the piecemeal ratemaking problem by providing for a comprehensive review of Atmos' expenses and revenues. Furthermore, the RRM process benefitted ACSC by: (1) allowing Cities' participation that would be denied under GRIP; (2) allowing Cities to recover, at utility shareholders' expense, all their ratemaking costs; and (3) avoiding both litigation and RCT jurisdiction.

The legislature has functionally authorized annual increases in gas utility rates through the GRIP process. Since consumers are otherwise stuck with annual rate increases, it is better to have Cities participate in the comprehensive RRM process than be unable to participate in a piecemeal process.

What has been the history of the RRM efforts?

A total of eleven RRM filings have been made by the Company. These filings all resulted in settlements at the City level, except for the 2014 filing, which the ACSC Cities denied. The Company appealed the denial to the RCT, and ACSC was ultimately able to settle that proceeding before it reached the stage of a final RCT order. The results of these filings from a system-wide perspective are as follows (continued on next page):

RRM Filing	Year	Atmos Request	ACSC Settlement
#1	2008	\$33.5 million	\$20 million
#2	2009	\$20.2 million	\$2.6 million
#3	2010	\$70.2 million	\$27 million
#4	2011	\$15.7 million	\$6.6 million
#5	2013	\$22.7 million	\$16.6 million
#6	2014	\$45.7 million	\$43.8 million
#7	2015	\$28.8 million	\$22.8 million
#8	2016	\$35.4 million	\$29.6 million
#9	2017	\$57.4 million	\$48 million

RRM Filing	Year	Atmos Request	ACSC Settlement
#10	2018	\$27.4 million	\$24.9 million
#11	2019	\$54 million	\$35.4 million

Unable to reach agreement to perpetuate the original RRM terms, Atmos filed a traditional rate case with Cities in 2012 (GUD No. 10170), which was then appealed to the Railroad Commission. A final order in that case was entered in December 2012. The ratemaking decisions of the Commission then became the basis of renewal negotiations on the RRM process. The renewed RRM included some modifications that enhanced the original RRM process. Among these modifications were:

- A limit on the percentage of increase to be included in the monthly customer charge;
- A prohibition against capital post-test year adjustments;
- A time limit for known and measurable adjustments to operating and maintenance expenses;
- A guaranteed reduction in the Company's requested increase of at least \$3 million annually; and
- A limitation on the amount of equity in the Company's capital structure.

Changes to the RRM process

As noted in a communication to ACSC in May 2017, the rate of return on equity ("ROE") embedded in the RRM process between 2013 and 2017 of 10.5% is excessive by at least 100 basis points, based upon a reasonable rate of return that reflects the market conditions in which the Company, and its parent Atmos Energy, operates. Because this ROE cannot be altered except by (1) changing the terms of the RRM tariff, or (2) a Commission order coming out of a new rate case, ACSC informed the Company that the 2017 RRM will be the last filing by the Company under the current tariff. Atmos agreed to renegotiate the terms and conditions of a revised RRM tariff in 2017.

In February and March 2018, ACSC adopted a new RRM tariff ordinance that implemented new procedures and criteria for the RRM process. The revised RRM tariff reduced the allowed ROE from 10.5% to 9.8% and captured the reduced federal income tax rate of 21%. The new tariff expanded Cities' review period from three months to five months. It also required Atmos Mid-Tex to accept ACSC's position regarding incentive compensation related to Atmos' Shared Services Unit. The 2019 RRM filing is the second under the new tariff.

When must Cities approve new rates?

ACSC's Tariff Ordinance adopted around March 2018 declares that new rates become effective October 1st of each year. While it is preferable that ordinances or resolutions adopting new tariffs are passed before the end of September, there is no adverse consequence if final action cannot take place until sometime in October. The only thing that will frustrate new rates becoming effective on October 1, 2019 is City action that specifically denies the increase.

What would happen if a City Council denies the RRM rate increase?

Atmos would either appeal the denial to the Railroad Commission or initiate imposition of GRIP rates or both. Rates for residents of that City would be higher than rates of other ACSC member residents. Rate case expenses (both the City and Company) associated with litigation at the Railroad Commission would likely be surcharged back to the City that denied the increase.

If you have other questions please contact me at (512) 322-5875 and/or gmg@lglawfirm.com, or Georgia Crump at (512) 322-5832 and/or gcrump@lglawfirm.com.

Geoffrey Gay
ACSC, General Counsel



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

C.4.

Meeting Date: 09/03/2019

Prepared By: Brandon Shelby, City Attorney

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6244

Amending Article II of the Home Rule Charter, entitled "City Council", Section 11, entitled "Ordinances, Resolutions, Motions and/or Orders in General", at Paragraph (d), entitled "Publish defined"

Issue:

Amending the City Charter at Article II, Section 11(d) as permitted by Proposition No. 11 and Proposition No. 3

Background:

At the March 4th City Council meeting, Mayor David Plyler appointed, with the City Council's approval, Council Members Pamela Howeth, Daron Holland and Josh Stevenson to a Charter Review Commission. This Commission worked with the City Manager, Assistant City Manager, and City Attorney on several proposed Charter Amendments. At the August 5th meeting, the City Council approved placing three of the proposed amendments on the ballot for the November 5, 2019 special election, and approved bringing the other ten proposed amendments back for public hearing and adoption by Ordinance or Resolution under the provisions of Proposition No. 11 and Proposition No. 3.

This specific ordinance amends the City Charter at Article II, Section 11(d), to replace the requirement for publication of ordinance captions in the local newspaper with posting on the City of Sherman's website.

Origination:

Charter Review Commission
Mayor and City Council Members
City Manager

Financial Consideration:

There is no financial impact to be considered.

Staff Recommendation:

It is recommended that the City Council hold the required public hearing and consider adoption of the proposed amendment to the City Charter.

Alternatives:

The Council could choose not to adopt the ordinance.

Attachments

Ordinance No. 6244

Charter Amendments Summary - 2019

ORDINANCE NO. 6244

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING ARTICLE II OF THE HOME RULE CHARTER, ENTITLED “CITY COUNCIL”, SECTION 11, ENTITLED “ORDINANCES, RESOLUTIONS, MOTIONS AND/OR ORDERS IN GENERAL”, AT PARAGRAPH (D), ENTITLED “PUBLISH DEFINED”; 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.

WHEREAS, the Home Rule Charter of the City of Sherman, Texas was adopted at an election on February 20, 1973; and

WHEREAS, at a City of Sherman special election held on May 7, 2005, Proposition No. 11 (Ordinance No. 5292), which was approved by a majority vote, provided: “To authorize the amendment of the city charter to facilitate its use and understanding by simplifying, clarifying and repositioning sections, paragraphs, words or phrases”; and

WHEREAS, at a City of Sherman special election held on November 2, 2010, Proposition No. 3 (Ordinance No. 5661), which was approved by a majority vote, provided: “To authorize the timely amendment of the city charter by resolution to eliminate conflict with state and federal law by deleting, altering, replacing, simplifying, or repositioning sections, paragraphs, words or phrases as needed”; and

WHEREAS, the Charter Amendment Commission appointed by the Sherman City Council has proposed several amendments to the City Charter that fall within the parameters of Proposition No. 11 and Proposition No. 3;

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

SECTION 1. That Article II, Section 11(d) of the Home Rule Charter of the City of Sherman, Texas, be amended so that such Section shall read as follows:

ARTICLE II. CITY COUNCIL

Section 11. Ordinances, resolutions, motions and/or orders in general.

(d) “Publish” defined. As used in this section, the term “publish” means to print one time or as required by law ~~in one or more newspapers of general circulation in the city~~ *on the City’s official website*:

- (1) the ordinance, or a brief summary thereof, and

- (2) the places where copies of it have been filed, and the times when they are available for public inspection.

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 a part of the Home Rule Charter 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 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 _____, 2019.

ADOPTED on this the _____ day of _____, 2019.

EFFECTIVE DATE on this the _____ day of _____, 2019.

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**

2019 Charter Amendments

On Ballot for November 5, 2019 Election	Council Approval (Prop 11 & 3) – September 3, 2019
<u>Article II, Section 1(a)(4)</u> Increases what would be considered a full term in office for Mayor and Councilmember from more than twelve months to more than eighteen months	<u>Article II, Section 11(d), Article V, Section 10(a), Article VIII, Section 8, and Article 10, Section 15(b)</u> Removes the requirement to publish in our local newspaper and requires publication on the City’s official website
<u>Article II, Section 1(a)(5)</u> Makes the maximum service in any combination of offices for Mayor and Councilmember be four terms	<u>Article III, Section 1(e)</u> Revises the election charter provisions to comply with state law and replaces publication in the local newspaper with posting on the City’s official website
<u>Article VII, Section 1</u> Changes the terms in office for the Planning and Zoning Board to mirror those of the Mayor and City Council	<u>Article III, Section 2</u> Ties the election charter provisions relating to the filing of candidates to state law
	<u>Article III, Section 5</u> Revises the ballot language for charter amendments to comply with state law
	<u>Article V, Section 2(a)</u> Changes the itemization of “rate of pay” to “personnel costs by department” in the charter provisions for the proposed budget
	<u>Article V, Section 15</u> Allows the City Manager to approve change orders increasing or decreasing a contract by \$50,000.00, the current amount fixed by state law
	<u>Article X, Section 6</u> Deletes Section 6, “Official Newspaper”, in its entirety



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

C.5.

Meeting Date: 09/03/2019

Prepared By: Brandon Shelby, City Attorney

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6245

Amending Article III of the Home Rule Charter, entitled "Nominations and Elections", Section 1, entitled "Municipal Elections", at Paragraph (e), entitled "Failure to act", at Section 2, entitled "Filing of Candidates", and at Section 5, entitled "Ballots for Charter Amendments"

Issue:

Amending the City Charter at Article III, Sections 1(e), 2 and 5 as permitted by Proposition No. 11 and Proposition No. 3

Background:

At the March 4th City Council meeting, Mayor David Plyler appointed, with the City Council's approval, Council Members Pamela Howeth, Daron Holland and Josh Stevenson to a Charter Review Commission. This Commission worked with the City Manager, Assistant City Manager, and City Attorney on several proposed Charter Amendments. At the August 5th meeting, the City Council approved placing three of the proposed amendments on the ballot for the November 5, 2019 special election, and approved bringing the other ten proposed amendments back for public hearing and adoption by Ordinance or Resolution under the provisions of Proposition No. 11 and Proposition No. 3.

This specific ordinance amends the City Charter at Article III, Section 1(e), Section 2 and Section 5 to make them comply with State Law. In addition, in Article III, Section 1(e), we are replacing the requirement for publishing in the local newspaper with posting on the City's website.

Origination:

Charter Review Commission
Mayor and City Council Members
City Manager

Financial Consideration:

There is no financial impact to be considered.

Staff Recommendation:

It is recommended that the City Council hold the required public hearing and consider adoption of the proposed amendments to the City Charter.

Alternatives:

The Council could choose not to adopt the ordinance.

Attachments

Ordinance No. 6245

Charter Amendments Summary - 2019

ORDINANCE NO. 6245

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING ARTICLE III OF THE HOME RULE CHARTER, ENTITLED “NOMINATIONS AND ELECTIONS”, SECTION 1, ENTITLED “MUNICIPAL ELECTIONS”, AT PARAGRAPH (E), ENTITLED “FAILURE TO ACT”, AT SECTION 2, ENTITLED “FILING OF CANDIDATES”, AND AT SECTION 5, ENTITLED “BALLOTS FOR CHARTER AMENDMENTS”; 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.

WHEREAS, the Home Rule Charter of the City of Sherman, Texas was adopted at an election on February 20, 1973; and

WHEREAS, at a City of Sherman special election held on May 7, 2005, Proposition No. 11 (Ordinance No. 5292), which was approved by a majority vote, provided: “To authorize the amendment of the city charter to facilitate its use and understanding by simplifying, clarifying and repositioning sections, paragraphs, words or phrases”; and

WHEREAS, at a City of Sherman special election held on November 2, 2010, Proposition No. 3 (Ordinance No. 5661), which was approved by a majority vote, provided: “To authorize the timely amendment of the city charter by resolution to eliminate conflict with state and federal law by deleting, altering, replacing, simplifying, or repositioning sections, paragraphs, words or phrases as needed”; and

WHEREAS, the Charter Amendment Commission appointed by the Sherman City Council has proposed several amendments to the City Charter that fall within the parameters of Proposition No. 11 and Proposition No. 3;

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

SECTION 1. That Article III, Section 1(e) of the Home Rule Charter of the City of Sherman, Texas, be amended so that such Section shall read as follows:

ARTICLE III. NOMINATIONS AND ELECTIONS

Section 1. Municipal elections.

(e) Failure to act. In the case of the failure of the council to act, the election may be ordered by the director of public records, and, in case of his or her failure to act, by the County Judge of Grayson County, Texas, and, in case of his or her failure to act, by the Governor of the State of Texas. The director of public records shall give notice of such election by causing said notice to

be published ~~at least forty-five (45) days previous to the day of such election not earlier than the 30th day nor later than the 10th day before election day in the official newspaper of the city on the City's official website.~~

SECTION 2. That Article III, Section 2 of the Home Rule Charter of the City of Sherman, Texas, be amended so that such Section shall read as follows:

ARTICLE III. NOMINATIONS AND ELECTIONS

Section 2. Filing of candidates.

Any person who attests the eligibility herein stated and who desires to become a candidate for mayor or member of the council shall file with the city clerk a sworn application containing his or her correct name ~~or initials~~ for a designated place on the ballot ~~at least forty-five (45) days, or as otherwise~~ required by state law, ~~prior to the election of members~~. Such candidate shall comply with the requirements of all laws of the State of Texas which prescribe procedures for the filing of candidates for elective municipal office, and the provisions of this charter.

SECTION 3. That Article III, Section 5 of the Home Rule Charter of the City of Sherman, Texas, be amended so that such Section shall read as follows:

ARTICLE III. NOMINATIONS AND ELECTIONS

Section 5. Ballots for charter amendments.

A charter amendment to be voted on by the city shall be presented for voting by ballot title. The ballot title of an amendment shall be a clear, concise statement describing the substance of the proposal without argument or prejudice. Below the ballot title shall appear the ~~following question:~~ ***“Shall the above described amendment be adopted?” proposed amendment with the section to be amended indicated by strikeout type and the new section indicated by italics.*** Immediately below such ~~question~~ ***proposed amendment*** shall appear, in the following order, the words ***“yes”*** ***“for”*** and ***“no”*** ***“against”***, with a blank oval beside each word, one of which is to be filled in indicating the voter's choice. A charter amendment election may not be held earlier than every two years.

SECTION 4. That it is the intention of the City Council of the City of Sherman, Texas, that the provisions of this ordinance shall become a part of the Home Rule Charter of the City of Sherman, Texas, and that sections of this ordinance may be renumbered or re-lettered to accomplish such intention.

SECTION 5. 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 6. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7. 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 _____, 2019.

ADOPTED on this the _____ day of _____, 2019.

EFFECTIVE DATE on this the _____ day of _____, 2019.

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**

2019 Charter Amendments

On Ballot for November 5, 2019 Election	Council Approval (Prop 11 & 3) – September 3, 2019
<u>Article II, Section 1(a)(4)</u> Increases what would be considered a full term in office for Mayor and Councilmember from more than twelve months to more than eighteen months	<u>Article II, Section 11(d), Article V, Section 10(a), Article VIII, Section 8, and Article 10, Section 15(b)</u> Removes the requirement to publish in our local newspaper and requires publication on the City’s official website
<u>Article II, Section 1(a)(5)</u> Makes the maximum service in any combination of offices for Mayor and Councilmember be four terms	<u>Article III, Section 1(e)</u> Revises the election charter provisions to comply with state law and replaces publication in the local newspaper with posting on the City’s official website
<u>Article VII, Section 1</u> Changes the terms in office for the Planning and Zoning Board to mirror those of the Mayor and City Council	<u>Article III, Section 2</u> Ties the election charter provisions relating to the filing of candidates to state law
	<u>Article III, Section 5</u> Revises the ballot language for charter amendments to comply with state law
	<u>Article V, Section 2(a)</u> Changes the itemization of “rate of pay” to “personnel costs by department” in the charter provisions for the proposed budget
	<u>Article V, Section 15</u> Allows the City Manager to approve change orders increasing or decreasing a contract by \$50,000.00, the current amount fixed by state law
	<u>Article X, Section 6</u> Deletes Section 6, “Official Newspaper”, in its entirety



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

C.6.

Meeting Date: 09/03/2019

Prepared By: Brandon Shelby, City Attorney

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6246

Amending Article V of the Home Rule Charter, entitled "Finance Administration", Section 2, entitled "Budget Preparation and Message", at Paragraph (a), entitled "Preparation and submission of the proposed budget", at Section 10, entitled "Council Action on Capital Program", Paragraph (a), entitled "Notice and hearing", and at Section 15, entitled "Contracts, Expenditures, Purchases and Procedure"

Issue:

Amending the City Charter at Article V, Sections 2(a), 10(a) and 15 as permitted by Proposition No. 11 and Proposition No. 3

Background:

At the March 4th City Council meeting, Mayor David Plyler appointed, with the City Council's approval, Council Members Pamela Howeth, Daron Holland and Josh Stevenson to a Charter Review Commission. This Commission worked with the City Manager, Assistant City Manager, and City Attorney on several proposed Charter Amendments. At the August 5th meeting, the City Council approved placing three of the proposed amendments on the ballot for the November 5, 2019 special election, and approved bringing the other ten proposed amendments back for public hearing and adoption by Ordinance or Resolution under the provisions of Proposition No. 11 and Proposition No. 3.

This specific ordinance amends the City Charter as follows:

- at Article V, Section 2(a) to change the itemization of "rate of pay" to "personnel costs by department" in the charter provisions for the proposed budget;
- at Section 10(a) to replace the requirement to publish in the local newspaper with posting on the City's website; and
- at Section 15 to permit the City Manager to approve change orders increasing or decreasing a contract by \$50,000.00, the current amount fixed by state law.

Origination:

Charter Review Commission
Mayor and City Council Members
City Manager

Financial Consideration:

There is no financial impact to be considered.

Staff Recommendation:

It is recommended that the City Council hold the required public hearing and consider adoption of the proposed amendments to the City Charter.

Alternatives:

The Council could choose not to adopt the ordinance.

Attachments

Ordinance No. 6246

Charter Amendments Summary - 2019

ORDINANCE NO. 6246

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING ARTICLE V OF THE HOME RULE CHARTER, ENTITLED "FINANCE ADMINISTRATION", SECTION 2, ENTITLED "BUDGET PREPARATION AND MESSAGE", AT PARAGRAPH (A), ENTITLED "PREPARATION AND SUBMISSION OF THE PROPOSED BUDGET", AT SECTION 10, ENTITLED "COUNCIL ACTION ON CAPITAL PROGRAM", PARAGRAPH (A), ENTITLED "NOTICE AND HEARING", AND AT SECTION 15, ENTITLED "CONTRACTS, EXPENDITURES, PURCHASES AND PROCEDURE"; 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.

WHEREAS, the Home Rule Charter of the City of Sherman, Texas was adopted at an election on February 20, 1973; and

WHEREAS, at a City of Sherman special election held on May 7, 2005, Proposition No. 11 (Ordinance No. 5292), which was approved by a majority vote, provided: "To authorize the amendment of the city charter to facilitate its use and understanding by simplifying, clarifying and repositioning sections, paragraphs, words or phrases"; and

WHEREAS, at a City of Sherman special election held on November 2, 2010, Proposition No. 3 (Ordinance No. 5661), which was approved by a majority vote, provided: "To authorize the timely amendment of the city charter by resolution to eliminate conflict with state and federal law by deleting, altering, replacing, simplifying, or repositioning sections, paragraphs, words or phrases as needed"; and

WHEREAS, the Charter Amendment Commission appointed by the Sherman City Council has proposed several amendments to the City Charter that fall within the parameters of Proposition No. 11 and Proposition No. 3;

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

SECTION 1. That Article V, Section 2(a) of the Home Rule Charter of the City of Sherman, Texas, be amended so that such Section shall read as follows:

ARTICLE V. FINANCE ADMINISTRATION

Section 2. Budget preparation and message.

(a) Preparation and submission of the proposed budget. The city manager, at least fifty (50) days prior to the beginning of each fiscal year, shall submit to the council a proposed budget. The proposed budget shall be prepared in conformance with standard municipal budgeting procedures. It shall provide a complete financial plan for the fiscal year. It shall include, but is not limited to, the disclosures required by state law.

- (1) A budget message, explanatory of the budget, which message shall contain an outline of the proposed financial policies of the city for the fiscal year, shall set forth the reasons for salient changes from the previous fiscal year in expenditure and revenue items, and shall explain any major changes in financial policy.
- (2) A consolidated statement of receipts and expenditures for all funds.
- (3) Analysis of property valuation.
- (4) An analysis of tax rate.
- (5) Tax levies and tax collections by years for the last five (5) years.
- (6) General fund resources in detail.

The anticipated revenues and proposed expenditures of each utility or other public service enterprise owned or operated by the City of Sherman shall be stated in a separate section of the budget (each bearing the name of the utility) and, as each such utility, an anticipated surplus, if legally available for general purposes, shall be stated as an item of miscellaneous revenue in the budget.

- (7) Summary of proposed expenditures by function, department, and activity.
- (8) Summary of proposed expenditures by character and object.
- (9) Detailed estimates of expenditures shown separately for each activity to support the summaries in Nos. 7 and 8 above. Such estimates of expenditures are to include an itemization of position, showing the number of persons by classification and ~~rate of pay~~ **personnel costs by department**.
- (10) A revenue and expense statement for all types of bonds.
- (11) A description of all bond issues outstanding, showing rates of interest, date of issue, maturity date, amount authorized, amount issued, and amount outstanding.
- (12) A schedule of requirements for the principal and interest of each issue of bonds.

- (13) A special funds section.
- (14) The appropriation ordinance.
- (15) The tax levying ordinance.
- (16) Anticipated revenues compared with other years in budget.
- (17) Proposed expenditures compared with other years.

SECTION 2. That Article V, Section 10(a) of the Home Rule Charter of the City of Sherman, Texas, be amended so that such Section shall read as follows:

ARTICLE V. FINANCE ADMINISTRATION

Section 10. Council action on capital program.

(a) Notice and hearing. The council shall publish, ~~in one or more newspapers of general circulation in the city~~ *on the City's official website*, the general summary of the capital program and a notice stating:

- (1) The times and places where copies of the capital program are available for inspection by the public.
- (2) The time and place, not less than two (2) weeks after such publication, for a public hearing on the capital program.

SECTION 3. That Article V, Section 15 of the Home Rule Charter of the City of Sherman, Texas, be amended so that such Section shall read as follows:

ARTICLE V. FINANCE ADMINISTRATION

Section 15. Contracts, expenditures, purchases and procedure.

Contracts, expenditures, purchases and procedure: The city council shall approve all contracts, expenditures, and purchases for non-budgeted items, and shall approve such for budgeted items in excess of that amount fixed by state law for competitive bidding, before they can become binding upon the city. The city council annually may designate a not to exceed amount for which the city manager may approve such contracts, expenditures, and purchases for budgeted items, without further council approval being required, provided that such established amount shall not exceed that amount fixed by state law for competitive bidding and any contracts, expenditures, or purchases in excess of the amount so established shall require council approval.

Items requiring competitive bidding by state law shall be let to the lowest responsible bidder after considering responsiveness to the specifications, ability to perform, quality of the products or services, and applicable warranties, except that the city reserves the right at all times to reject any

and all bids. ~~Contract alterations and change orders shall require the recommendation of the city manager and approval of the city council. If a change order involves a decrease or an increase of the amount fixed by state law, or less, the city council may grant general authority to the city manager to approve the change order.~~ Contracts for professional services need not be, but can be, made by competitive bids as provided by law, and insurance coverage and programs may be adopted by the city council with or without competitive bids by a resolution.

All managers and directors of any office, department, or agency shall first submit to the city manager, for his or her approval, a written request to make any contract, expenditure or purchase, which may not be binding upon the city without such approval at the council's election, and provided that there exists to the credit of such office, department, or agency a sufficient unencumbered appropriation or allotment balance to cover the cost and expense of the request.

SECTION 4. That it is the intention of the City Council of the City of Sherman, Texas, that the provisions of this ordinance shall become a part of the Home Rule Charter of the City of Sherman, Texas, and that sections of this ordinance may be renumbered or re-lettered to accomplish such intention.

SECTION 5. 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 6. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7. 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 _____, 2019.

ADOPTED on this the _____ day of _____, 2019.

EFFECTIVE DATE on this the _____ day of _____, 2019.

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

2019 Charter Amendments

On Ballot for November 5, 2019 Election	Council Approval (Prop 11 & 3) – September 3, 2019
<u>Article II, Section 1(a)(4)</u> Increases what would be considered a full term in office for Mayor and Councilmember from more than twelve months to more than eighteen months	<u>Article II, Section 11(d), Article V, Section 10(a), Article VIII, Section 8, and Article 10, Section 15(b)</u> Removes the requirement to publish in our local newspaper and requires publication on the City’s official website
<u>Article II, Section 1(a)(5)</u> Makes the maximum service in any combination of offices for Mayor and Councilmember be four terms	<u>Article III, Section 1(e)</u> Revises the election charter provisions to comply with state law and replaces publication in the local newspaper with posting on the City’s official website
<u>Article VII, Section 1</u> Changes the terms in office for the Planning and Zoning Board to mirror those of the Mayor and City Council	<u>Article III, Section 2</u> Ties the election charter provisions relating to the filing of candidates to state law
	<u>Article III, Section 5</u> Revises the ballot language for charter amendments to comply with state law
	<u>Article V, Section 2(a)</u> Changes the itemization of “rate of pay” to “personnel costs by department” in the charter provisions for the proposed budget
	<u>Article V, Section 15</u> Allows the City Manager to approve change orders increasing or decreasing a contract by \$50,000.00, the current amount fixed by state law
	<u>Article X, Section 6</u> Deletes Section 6, “Official Newspaper”, in its entirety



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

C.7.

Meeting Date: 09/03/2019

Prepared By: Brandon Shelby, City Attorney

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6247

Amending Article VIII of the Home Rule Charter, entitled "Franchise and Public Utilities", at Section 8, entitled "Mandatory utility connections"

Issue:

Amending the City Charter at Article VIII, Section 8 as permitted by Proposition No. 11 and Proposition No. 3

Background:

At the March 4th City Council meeting, Mayor David Plyler appointed, with the City Council's approval, Council Members Pamela Howeth, Daron Holland and Josh Stevenson to a Charter Review Commission. This Commission worked with the City Manager, Assistant City Manager, and City Attorney on several proposed Charter Amendments. At the August 5th meeting, the City Council approved placing three of the proposed amendments on the ballot for the November 5, 2019 special election, and approved bringing the other ten proposed amendments back for public hearing and adoption by Ordinance or Resolution under the provisions of Proposition No. 11 and Proposition No. 3.

This specific ordinance amends the City Charter at Article VIII, Section 8 to remove the requirement to publish in our local newspaper and requires publication on the City's official website.

Origination:

Charter Review Commission
Mayor and City Council Members
City Manager

Financial Consideration:

There is no financial impact to be considered.

Staff Recommendation:

It is recommended that the City Council hold the required public hearing and consider adoption of the proposed amendment to the City Charter.

Alternatives:

The Council could choose not to adopt the ordinance.

Attachments

Ordinance No. 6247

Charter Amendments Summary - 2019

ORDINANCE NO. 6247

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING ARTICLE VIII OF THE HOME RULE CHARTER, ENTITLED “FRANCHISE AND PUBLIC UTILITIES”, AT SECTION 8, ENTITLED “MANDATORY UTILITY CONNECTIONS”; 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.

WHEREAS, the Home Rule Charter of the City of Sherman, Texas was adopted at an election on February 20, 1973; and

WHEREAS, at a City of Sherman special election held on May 7, 2005, Proposition No. 11 (Ordinance No. 5292), which was approved by a majority vote, provided: “To authorize the amendment of the city charter to facilitate its use and understanding by simplifying, clarifying and repositioning sections, paragraphs, words or phrases”; and

WHEREAS, at a City of Sherman special election held on November 2, 2010, Proposition No. 3 (Ordinance No. 5661), which was approved by a majority vote, provided: “To authorize the timely amendment of the city charter by resolution to eliminate conflict with state and federal law by deleting, altering, replacing, simplifying, or repositioning sections, paragraphs, words or phrases as needed”; and

WHEREAS, the Charter Amendment Commission appointed by the Sherman City Council has proposed several amendments to the City Charter that fall within the parameters of Proposition No. 11 and Proposition No. 3;

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

SECTION 1. That Article VIII, Section 8 of the Home Rule Charter of the City of Sherman, Texas, be amended so that such Section shall read as follows:

ARTICLE VIII. FRANCHISE AND PUBLIC UTILITIES

Section 8. Mandatory utility connections.

The director of public works shall have authority to compel the making of sewer, water, gas and other connections whenever, in view of contemplated street improvements or as a sanitary regulation, sewer, water, gas and other connections should in his or her judgment be constructed. He or she shall cause written notice of his or her determination thereof to be given to the owner of each lot or parcel of land to which such connections are to be made, which notice shall state the number and character of connections required. Such notice shall be served by a person designated

by the director of public works, in the manner provided for the service of process in civil actions in state courts. Nonresidents of the city, or persons who cannot be found, may be served by one publication of such notice ~~in a daily newspaper of general circulation in the city~~ **on the City's official website**. The notice shall state the time within which connections shall be constructed; and, if they be not constructed within the said time, the work may be done by the city, and the cost thereof, together with a penalty of five percent (5%), assessed against the lots and lands for which such connections are made. Said assessments shall be certified and collected as other assessments for street improvements.

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 a part of the Home Rule Charter 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 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 _____, 2019.

ADOPTED on this the _____ day of _____, 2019.

EFFECTIVE DATE on this the _____ day of _____, 2019.

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**

2019 Charter Amendments

On Ballot for November 5, 2019 Election	Council Approval (Prop 11 & 3) – September 3, 2019
<u>Article II, Section 1(a)(4)</u> Increases what would be considered a full term in office for Mayor and Councilmember from more than twelve months to more than eighteen months	<u>Article II, Section 11(d), Article V, Section 10(a), Article VIII, Section 8, and Article 10, Section 15(b)</u> Removes the requirement to publish in our local newspaper and requires publication on the City’s official website
<u>Article II, Section 1(a)(5)</u> Makes the maximum service in any combination of offices for Mayor and Councilmember be four terms	<u>Article III, Section 1(e)</u> Revises the election charter provisions to comply with state law and replaces publication in the local newspaper with posting on the City’s official website
<u>Article VII, Section 1</u> Changes the terms in office for the Planning and Zoning Board to mirror those of the Mayor and City Council	<u>Article III, Section 2</u> Ties the election charter provisions relating to the filing of candidates to state law
	<u>Article III, Section 5</u> Revises the ballot language for charter amendments to comply with state law
	<u>Article V, Section 2(a)</u> Changes the itemization of “rate of pay” to “personnel costs by department” in the charter provisions for the proposed budget
	<u>Article V, Section 15</u> Allows the City Manager to approve change orders increasing or decreasing a contract by \$50,000.00, the current amount fixed by state law
	<u>Article X, Section 6</u> Deletes Section 6, “Official Newspaper”, in its entirety



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

C.8.

Meeting Date: 09/03/2019

Prepared By: Brandon Shelby, City Attorney

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6248

Amending Article X of the Home Rule Charter, entitled "General Provisions", to Delete Section 6, entitled "Official Newspaper", in its Entirety, and at Section 15, entitled "Charter Amendment", Paragraph (b), entitled "Election for Amendments"

Issue:

Amending the City Charter at Article X, Sections 6 and 15(b) as permitted by Proposition No. 11 and Proposition No. 3

Background:

At the March 4th City Council meeting, Mayor David Plyler appointed, with the City Council's approval, Council Members Pamela Howeth, Daron Holland and Josh Stevenson to a Charter Review Commission. This Commission worked with the City Manager, Assistant City Manager, and City Attorney on several proposed Charter Amendments. At the August 5th meeting, the City Council approved placing three of the proposed amendments on the ballot for the November 5, 2019 special election, and approved bringing the other ten proposed amendments back for public hearing and adoption by Ordinance or Resolution under the provisions of Proposition No. 11 and Proposition No. 3.

This specific ordinance amends the City Charter at Article X, Section 6 to delete that section in its entirety; and at Section 15(b) to remove the requirement to publish in our local newspaper and requires publication on the City's official website.

Origination:

Charter Review Commission
Mayor and City Council Members
City Manager

Financial Consideration:

There is no financial impact to be considered.

Staff Recommendation:

It is recommended that the City Council hold the required public hearing and consider adoption of the proposed amendments to the City Charter.

Alternatives:

The Council could choose not to adopt the ordinance.

Attachments

Ordinance No. 6248

Charter Amendments Summary - 2019

ORDINANCE NO. 6248

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING ARTICLE X OF THE HOME RULE CHARTER, ENTITLED "GENERAL PROVISIONS", TO DELETE SECTION 6, ENTITLED "OFFICIAL NEWSPAPER", IN ITS ENTIRETY, AND AT SECTION 15, ENTITLED "CHARTER AMENDMENT", PARAGRAPH (B), ENTITLED "ELECTION FOR AMENDMENTS"; 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.

WHEREAS, the Home Rule Charter of the City of Sherman, Texas was adopted at an election on February 20, 1973; and

WHEREAS, at a City of Sherman special election held on May 7, 2005, Proposition No. 11 (Ordinance No. 5292), which was approved by a majority vote, provided: "To authorize the amendment of the city charter to facilitate its use and understanding by simplifying, clarifying and repositioning sections, paragraphs, words or phrases"; and

WHEREAS, at a City of Sherman special election held on November 2, 2010, Proposition No. 3 (Ordinance No. 5661), which was approved by a majority vote, provided: "To authorize the timely amendment of the city charter by resolution to eliminate conflict with state and federal law by deleting, altering, replacing, simplifying, or repositioning sections, paragraphs, words or phrases as needed"; and

WHEREAS, the Charter Amendment Commission appointed by the Sherman City Council has proposed several amendments to the City Charter that fall within the parameters of Proposition No. 11 and Proposition No. 3;

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

SECTION 1. That Article X of the Home Rule Charter of the City of Sherman, Texas, be and is hereby amended to delete Section 6 in its entirety.

ARTICLE X. GENERAL PROVISIONS

~~Section 6. — Official newspaper.~~

~~The council shall, by ordinance or resolution, designate a public newspaper of general circulation in the city as the official organ thereof, and to continue as such until another is designated, and shall cause to be published therein all ordinances, notices, and other matter~~

~~required by this charter, by the ordinances of the city, or by the Constitution or Laws of the State of Texas to be published.~~

SECTION 2. That Article X, Section 15(b) of the Home Rule Charter of the City of Sherman, Texas, be amended so that such Section shall read as follows:

ARTICLE X. GENERAL PROVISIONS

Section 15. Charter amendment.

(b) Election for amendments. Upon delivery to the city election authorities of the report of a charter commission or committee, or delivery by the city attorney of an adopted ordinance or a petition finally determined sufficient, proposing an amendment pursuant to subsection (a), the election authorities shall submit the proposed amendment(s) to the voters of the city at an election. Such election shall be announced by a notice containing a substantial copy of the proposed amendment(s) and shall be published on the same day in each of two (2) successive weeks ~~in a newspaper of general circulation~~ *on the City's official website*, with the first publication occurring before the 14th day before the date of the election. Each amendment will not contain more than one subject. The election shall be held on the first authorized uniform election date prescribed by the Election Code and that occurs on or after the 30th day after the date the ordinance is adopted. If no regular election is to be held within that period, the council shall provide for a special election on the proposed amendment(s); otherwise the holding of a special election shall be within the discretion of the council. The form of ballot shall be as specified in Article III, Section 5.

SECTION 3. That it is the intention of the City Council of the City of Sherman, Texas, that the provisions of this ordinance shall become a part of the Home Rule Charter of the City of Sherman, Texas, and that sections of this ordinance may be renumbered or re-lettered to accomplish such intention.

SECTION 4. 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 5. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. 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 _____, 2019.

ADOPTED on this the _____ day of _____, 2019.

EFFECTIVE DATE on this the _____ day of _____, 2019.

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**

2019 Charter Amendments

On Ballot for November 5, 2019 Election	Council Approval (Prop 11 & 3) – September 3, 2019
<u>Article II, Section 1(a)(4)</u> Increases what would be considered a full term in office for Mayor and Councilmember from more than twelve months to more than eighteen months	<u>Article II, Section 11(d), Article V, Section 10(a), Article VIII, Section 8, and Article 10, Section 15(b)</u> Removes the requirement to publish in our local newspaper and requires publication on the City’s official website
<u>Article II, Section 1(a)(5)</u> Makes the maximum service in any combination of offices for Mayor and Councilmember be four terms	<u>Article III, Section 1(e)</u> Revises the election charter provisions to comply with state law and replaces publication in the local newspaper with posting on the City’s official website
<u>Article VII, Section 1</u> Changes the terms in office for the Planning and Zoning Board to mirror those of the Mayor and City Council	<u>Article III, Section 2</u> Ties the election charter provisions relating to the filing of candidates to state law
	<u>Article III, Section 5</u> Revises the ballot language for charter amendments to comply with state law
	<u>Article V, Section 2(a)</u> Changes the itemization of “rate of pay” to “personnel costs by department” in the charter provisions for the proposed budget
	<u>Article V, Section 15</u> Allows the City Manager to approve change orders increasing or decreasing a contract by \$50,000.00, the current amount fixed by state law
	<u>Article X, Section 6</u> Deletes Section 6, “Official Newspaper”, in its entirety



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

C.9.

Meeting Date: 09/03/2019

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 6242, 6243, 6244, 6245, 6246, 6247 and 6248

Issue:

- C. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6242**
Declaring as Elected the Unopposed Candidates for the Office of City Council Member for District 1 and for District 3; Finding that All Necessary and Required Legal Conditions have been Satisfied; Providing that the November 5, 2019 Regular Municipal Election for City Council Shall Not be Held; Providing for Posting of this Ordinance on Election Day, November 5, 2019
- C. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6243**
Approving a Negotiated Settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division, Regarding the Company's 2019 Rate Review Mechanism Filing; 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 Attached 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. 4. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6244**
Amending Article II of the Home Rule Charter, entitled "City Council", Section 11, entitled "Ordinances, Resolutions, Motions and/or Orders in General", at Paragraph (d), entitled "Publish defined"

- C. 5. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6245**
Amending Article III of the Home Rule Charter, entitled "Nominations and Elections", Section 1, entitled "Municipal Elections", at Paragraph (e), entitled "Failure to act", at Section 2, entitled "Filing of Candidates", and at Section 5, entitled "Ballots for Charter Amendments"
- C. 6. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6246**
Amending Article V of the Home Rule Charter, entitled "Finance Administration", Section 2, entitled "Budget Preparation and Message", at Paragraph (a), entitled "Preparation and submission of the proposed budget", at Section 10, entitled "Council Action on Capital Program", Paragraph (a), entitled "Notice and hearing", and at Section 15, entitled "Contracts, Expenditures, Purchases and Procedure"
- C. 7. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6247**
Amending Article VIII of the Home Rule Charter, entitled "Franchise and Public Utilities", at Section 8, entitled "Mandatory utility connections"
- C. 8. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6248**
Amending Article X of the Home Rule Charter, entitled "General Provisions", to Delete Section 6, entitled "Official Newspaper", in its Entirety, and at Section 15, entitled "Charter Amendment", Paragraph (b), entitled "Election for Amendments"
-



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

C.10.

Meeting Date: 09/03/2019

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. 6. * RESOLUTION NO. 6521

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 2019 Justice Assistance Grant Program-CFDA #16.738

D. 7. * RESOLUTION NO. 6522

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 2019 Justice Assistance Grant Program – CFDA #16.738

D. 8. * RESOLUTION NO. 6523

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, Boys & Girls Club of Sherman, Inc., Four Rivers Outreach, and CASA of Grayson County for the Use of Community Development Block Grant Funds

E. 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 14, 2019

E. 3. * OTHER BUSINESS

Consider Request of St. Mary's Catholic School to Temporarily Close Certain Streets for the "Run Run Rudolph 5K and Family Fun Run/Walk" on Saturday, December 7, 2019



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

D.1.

Meeting Date: 09/03/2019

Prepared By: Clint Philpott, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6516

Authorizing Execution of an Agreement to Contribute Right of Way Funds with the Texas Department of Transportation to Acquire Right of Way and Easements along U.S. Highway 75 in the City of Sherman

Issue:

To execute an Agreement to Contribute Right of Way Funds with the Texas Department of Transportation (TxDOT)

Background:

On November 5, 2018, the City Council approved execution of an Advanced Funding Agreement (AFA) for the schematic design of US 75 from FM 1417 north to FM 120. In December 2017, the Texas Transportation Commission awarded additional funding to finalize and reconstruct a section of the US 75 schematic design. The project includes improving the US 75 and US 82 intersection and reconstruction and widening of US 75 from a 4-lane to a 6-lane On-system Highway from FM 1417 north to SH 91. As a part of this project, an Agreement to Contribute Right of Way Funds is required in order to specify the financial requirement for each party in regards to Drainage Easements and Railroad Right of Way acquisition within the project area. The total estimated cost for the needed easements and utility relocation is \$974,697.00 of which the City of Sherman is required to contribute \$97,469.70 (10% of total amount).

Origination:

Engineering Department

Financial Consideration:

The maximum amount payable is \$97,469.70 for completion of this Agreement. This amount includes right of way acquisition, utility adjustment of a gas line, and drainage easements as noted in the Agreement. Funds for this project will be from 2019 Certificates of Obligation Bond issuance.

Staff Recommendation:

It is the staff's recommendation that the Council authorize the execution of the Agreement to Contribute Right of Way Funds with TxDOT.

Alternatives:

As may be directed by City Council

Attachments

Resolution No. 6516

Agreement to Contribute Right of Way Funds (Fixed Price)

Aerial Location Map

RESOLUTION NO. 6516

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT TO CONTRIBUTE RIGHT OF WAY FUNDS WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO ACQUIRE RIGHT OF WAY AND EASEMENTS ALONG U.S. HIGHWAY 75 IN THE CITY OF SHERMAN; 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 contract documents being properly completed and approved as to form and content by the City Attorney, to execute an Agreement to Contribute Right of Way Funds with the Texas Department of Transportation to Acquire Right of Way and Easements along U.S. Highway 75 in the City of Sherman, in accordance with all contract documents attached hereto and made a part hereof 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 _____, 2019.

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**

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STATE OF TEXAS §

COUNTY OF TRAVIS §

AGREEMENT TO CONTRIBUTE RIGHT OF WAY FUNDS (FIXED PRICE)

THIS AGREEMENT is made by and between the State of Texas, acting through the Texas Department of Transportation, (the “**State**”), and City of Sherman, Texas, acting through its duly authorized officials (the “**Local Government**”).

WITNESSETH

WHEREAS, Texas Transportation Code §§ 201.103 and 222.052 establish that the State shall design, construct, and operate a system of highways in cooperation with local governments; and

WHEREAS, Texas Transportation Code, §§ 201.209 authorizes the State and a Local Government to enter into agreements in accordance with Texas Government Code, Chapter 791; and

WHEREAS, the State has deemed it necessary to make certain highway improvements on Highway No. US 75 from SH 91 to 0.651 Mi S of Center Street, and this section of highway improvements will necessitate the acquisition of certain right of way and the relocating and adjusting of utilities (the “**Project**”); and

WHEREAS, the Local Government requests that the State assume responsibility for acquisition of all necessary right of way and adjustment of utilities for this highway project; and

WHEREAS, the Local Government desires to enter into a fixed price joint participation agreement pursuant to 43 TAC §15.52 to contribute to the State funding participation as defined in 43 TAC §15.55 for the cost of acquiring the right of way and relocating or adjusting utilities for the proper improvement of the State Highway System;

WHEREAS, the Governing Body of the Local Government has approved entering into this agreement by resolution or ordinance dated _____, 20__, which is attached to and made a part of this agreement as Attachment A. A map showing the Project location appears in Attachment B, which is attached to and made a part of this agreement.

NOW THEREFORE, the State and the Local Government do agree as follows:

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AGREEMENT

1. Agreement Period

This agreement becomes effective when signed by the last party whose signing makes the agreement fully executed. This agreement shall remain in effect until the Project is completed or unless terminated as provided below.

2. Termination

This agreement shall remain in effect until the Project is completed and accepted by all parties, unless:

- A. The agreement is terminated in writing with the mutual consent of the parties;
- B. The agreement is terminated by one party because of a breach, in which case any cost incurred because of the breach shall be paid by the breaching party; or
- C. The Project is inactive for thirty-six (36) months or longer and no expenditures have been charged against federal funds, in which case the State may in its discretion terminate this agreement.

3. Local Project Sources and Uses of Funds

- A. The total estimated cost of the Project is shown in Attachment C, Project Budget Estimate and Payment Schedule, which is attached to and made a part of this agreement. The expected cash contributions from the Federal or State government, the Local Government, or other parties is shown in Attachment C. The Local Government shall pay to the State the amount shown in Attachment C as its required contribution of the total cost of the Project and shall transmit to the State with the return of this agreement, duly executed by the Local Government, a warrant or check for the amount and according to the payment schedule shown in Attachment C.
- B. The Local Government's fixed price contribution set forth in Attachment C is not subject to adjustment unless:
 - 1. site conditions change;
 - 2. work requested by the Local Government is ineligible for federal participation; or
 - 3. the adjustment is mutually agreed on by the State and the Local Government.
- C. If the Local Government will perform any work under this contract for which reimbursement will be provided by or through the State, the Local Government must complete training before federal spending authority is obligated. Training is complete when at least one individual who is working actively and directly on the Project successfully completes and receives a certificate for the course entitled *Local Government Project Procedures Qualification for the Texas Department of Transportation*. The Local Government shall provide the certificate of qualification to the State. The individual who receives the training certificate may be an employee of the Local Government or an employee of a firm that has been contracted by the Local

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Government to perform oversight of the Project. The State in its discretion may deny reimbursement if the Local Government has not designated a qualified individual to oversee the Project.

- D. Whenever funds are paid by the Local Government to the State under this agreement, the Local Government shall remit a warrant or check made payable to the "Texas Department of Transportation Trust Fund." The warrant or check shall be deposited by the State in an escrow account to be managed by the State. Funds in the escrow account may only be applied to this highway project.
- E. Notwithstanding that this is a fixed price agreement, the Local Government agrees that in the event any existing, future, or proposed Local Government ordinance, commissioner's court order, rule, policy, or other directive, including, but not limited to, outdoor advertising or storm water drainage facility requirements, is more restrictive than State or federal regulations, or any other locally proposed change, including, but not limited to, plats or re-plats, results in any increased costs to the State, then the Local Government will pay one hundred percent (100%) of all those increased costs, even if the applicable county qualifies as an Economically Disadvantaged County (EDC). The amount of the increased costs associated with the existing, future, or proposed Local Government ordinance, commissioner's court order, rule, policy, or other directive will be determined by the State at its sole discretion.
- F. If the Local Government is an EDC and if the State has approved adjustments to the standard financing arrangement, this agreement reflects those adjustments.
- G. If the Project has been approved for an "incremental payment" non-standard funding or payment arrangement under 43 TAC §15.52, the budget in Attachment C will clearly state the incremental payment schedule.

4. Real Property in Lieu of Monetary Payment

- A. Contributions of real property may be credited to the Local Government's funding obligation for the cost of right of way to be acquired for this project. Credit for all real property, other than property which is already dedicated or in use as a public road, contributed by the Local Government to the State shall be based on the property's fair market value established as of the effective date of this agreement. The fair market value shall not include increases or decreases in value caused by the project and should include the value of the land and improvements being conveyed, excluding any damages to the remainder. The amount of any credit for real property contributed for this project is clearly shown in Attachment C.
- B. The Local Government will provide to the State all documentation to support the determined fair market value of the donated property. This documentation shall include an appraisal of the property by a licensed appraiser approved by the State. The cost of appraisal will be the responsibility of the State. The State will review the submitted documentation and make a final determination of value; provided however, the State may perform any additional investigation deemed necessary, including supplemental appraisal work by State employees or employment of fee appraisers.

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- C.** Credit shall be given only for property transferred at no cost to the State after the effective date of this agreement and the issuance of spending authority, and only for property which is necessary to complete this project, has title acceptable to the State, and is not contaminated with hazardous materials. Credit shall be in lieu of monetary contributions required to be paid to the State for the Local Government's funding share of the right of way to be acquired for this project. The total credit cannot exceed the Local Government's matching share of the right of way obligation under this agreement, and credits cannot be reimbursed in cash to the Local Government, applied to project phases other than right of way, nor used for other projects.
- D.** In the event the Local Government's monetary contributions to the State for acquisition of right of way, when added to its real property credits, exceed the Local Government's matching share of the right of way obligation, there will be no refund to the Local Government of any portion of its contributed money.

5. Amendments

Amendments to this agreement due to changes in the character of the work, terms of the agreement, or responsibilities of the parties relating to the Project may be enacted through a mutually agreed upon, written supplemental agreement.

6. Notices

All notices to either party by the other required under this agreement shall be delivered personally or sent by certified or U.S. mail, postage prepaid, to the following addresses:

Local Government:	State:
Mayor	Director of Right of Way Division
City of Sherman, Texas	Texas Department of Transportation
220 W Mulberry Street	125 E. 11 th Street
Sherman, Texas 75090	Austin, Texas 78701

All notices shall be deemed given on the date delivered or deposited in the mail, unless otherwise provided by this agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail and that request shall be honored and carried out by the other party.

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7. Remedies

This agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this agreement and shall be cumulative.

8. Legal Construction

If one or more of the provisions contained in this agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, that invalidity, illegality, or unenforceability shall not affect any other provisions and this agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

9. Responsibilities of the Parties

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

10. Compliance with Laws

The parties shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this agreement. When required, the Local Government shall furnish the State with satisfactory proof of this compliance.

11. Sole Agreement

This agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the subject matter of this agreement.

12. Ownership of Documents

Upon completion or termination of this agreement, all documents prepared by the State shall remain the property of the State. All data prepared under this agreement shall be made available to the State without restriction or limitation on their further use. All documents produced or approved or otherwise created by the Local Government shall be transmitted to the State in the form of photocopy reproduction on a monthly basis as required by the State. The originals shall remain the property of the Local Government. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

13. Inspection of Books and Records

The Local Government shall maintain all books, papers, accounting records and other documentation relating to costs incurred under this agreement and shall make such materials available to the State and, if federally funded, the Federal Highway

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Administration (FHWA) or their duly authorized representatives for review and inspection at its office during the contract period and for four (4) years from the date of completion of work defined under this agreement or until any impending litigation, or claims are resolved. Additionally, the State and FHWA and their duly authorized representatives shall have access to all the governmental records that are directly applicable to this agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

14. State Auditor

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

15. Procurement and Property Management Standards

The parties shall adhere to the procurement standards established in Title 49 CFR §18.36 and with the property management standard established in Title 49 CFR §18.32.

16. Civil Rights Compliance

The parties to this agreement shall comply with the regulations of the U.S. Department of Transportation as they relate to nondiscrimination (49 CFR Part 21 and 23 CFR Part 200), and Executive Order 11246 titled "Equal Employment Opportunity," as amended by Executive Order 11375 and supplemented in the Department of Labor Regulations (41 CFR Part 60).

17. Applicability of Federal Provisions

Articles 18 through 23 only apply if Federal funding is used in the acquisition of right of way or the adjustment of utilities.

18. Office of Management and Budget (OMB) Cost Principles

In order to be reimbursed with federal funds, the parties shall comply with the Cost Principles established in OMB Circular A-87 that specify that all reimbursed costs are allowable, reasonable, and allocable to the Project.

19. Disadvantaged Business Enterprise (DBE) Program Requirements

- A. The parties shall comply with the DBE Program requirements established in 49 CFR Part 26.
- B. The Local Government shall adopt, in its totality, the State's federally approved DBE program.

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- C. The Local Government shall set an appropriate DBE goal consistent with the State's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Local Government shall have final decision-making authority regarding the DBE goal and shall be responsible for documenting its actions.
- D. The Local Government shall follow all other parts of the State's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally -Approved Disadvantaged Business Enterprise by Entity and attachments found at web address http://txdot.gov/business/business_outreach/mou.htm.
- E. The Local Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT)-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Local Government shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. The State's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Local Government of its failure to carry out its approved program, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 USC 1001 and the Program Fraud Civil Remedies Act of 1986 (31 USC 3801 et seq.).
- F. Each contract the Local Government signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: *The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this agreement, which may result in the termination of this agreement or such other remedy as the recipient deems appropriate.*

20. Debarment Certification

The parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, "Debarment and Suspension." By executing this agreement, the Local Government certifies that it is not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549 and further certifies that it will not do business with any party that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The parties to this contract shall require any party to a subcontract or purchase order awarded under this

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contract to certify its eligibility to receive federal funds and, when requested by the State, to furnish a copy of the certification.

21. Lobbying Certification

In executing this agreement, each signatory certifies to the best of that signatory's knowledge and belief, that:

- A.** No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal 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.
- B.** 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 federal contracts, grants, loans, or cooperative agreements, the signatory for the Local Government shall complete and submit the Federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C.** The parties shall require that the language of this certification shall be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 USC §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure.

22. Federal Funding Accountability and Transparency Act Requirements

- A.** Any recipient of funds under this agreement agrees to comply with the Federal Funding Accountability and Transparency Act (FFATA) and implementing regulations at 2 CFR Part 170, including Appendix A. This agreement is subject to the following award terms: <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf> and <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22706.pdf>.
- B.** The Local Government agrees that it shall:
 - 1.** Obtain and provide to the State a System for Award Management (SAM) number (Federal Acquisition Regulation, Part 4, Sub-part 4.11) if this award provides more than \$25,000 in Federal funding. The SAM number may be obtained by visiting the SAM website whose address is: <https://www.sam.gov/portal/public/SAM/>
 - 2.** Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows Federal government to track the

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distribution of federal money. The DUNS may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website <http://fedgov.dnb.com/webform>; and

3. Report the total compensation and names of its top five (5) executives to the State if:

- i. More than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25,000,000; and
- ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

23. Single Audit Report

- A. The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in OMB Circular A-133.
- B. If threshold expenditures of \$750,000 or more are met during the Local Government's fiscal year, the Local Government must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Audit Office, 125 E. 11th Street, Austin, TX 78701 or contact TxDOT's Audit Office at <http://txdot.gov/inside-txdot/office/audit/contact.html>
- C. If expenditures are less than \$750,000 during the Local Government's fiscal year, the Local Government must submit a statement to TxDOT's Audit Office as follows: "We did not meet the \$750,000 expenditure threshold and therefore, are not required to have a single audit performed for FY ____."
- D. For each year the project remains open for federal funding expenditures, the Local Government will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the agreement, unless otherwise amended or the project has been formally closed out and no charges have been incurred within the current fiscal year.

24. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

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THIS AGREEMENT IS EXECUTED by the State and the Local Government in duplicate.

THE LOCAL GOVERNMENT

Signature

Typed or Printed Name

Title

Date

THE STATE OF TEXAS

Rose Wheeler
Contracts & Finance Director
Right of Way Division
Texas Department of Transportation

Date

County Grayson
District Paris
ROW CSJ # 0047-02-156
CCSJ # 0047-02-150
Federal Project #: _____
CFDA Title: Highway Planning & Construction
CFDA # 20.205
Federal Highway Administration
Not Research and Development

ATTACHMENT A
RESOLUTION OR ORDINANCE

County Grayson
District Paris
ROW CSJ # 0047-02-156
CCSJ # 0047-02-150
Federal Project #: _____
CFDA Title: Highway Planning & Construction
CFDA # 20.205
Federal Highway Administration
Not Research and Development

ATTACHMENT B
LOCATION MAP SHOWING PROJECT

STATE OF TEXAS DEPARTMENT OF TRANSPORTATION

PLANS OF PROPOSED STATE HIGHWAY IMPROVEMENT

FEDERAL AID PROJECT NO. NH2020(008)

US 75

GRAYSON COUNTY

LIMITS: FROM SH91 TO FM 1417 AND AT US82

NET LENGTH OF PROJECT	FT	MI	LIMITS
0047-02-150 ROADWAY	8986.60	1.47	FROM 0.3 MILE NORTH OF SH 91 TO 0.651 MI SOUTH OF CENTER STREET
BRIDGE	3296	0.62	
SUB TOTAL	1,059.61	2.09	
0047-03-087 ROADWAY	8576.42	1.92	FROM 0.651 MI SOUTH OF CENTER STREET TO 0.15 MILE SOUTH OF FM 1417
BRIDGE	570	0.11	
SUB TOTAL	0,721.27	2.03	
0047-18-083 ROADWAY	5,577.14	1.06	FROM LANDRETH STREET TO 0.36 MI NORTH OF US 82
PROJECT TOTAL	25905.14	4.91	

TYPE OF WORK: WIDENING OF FREEWAY AND FRONTAGE ROADS,
AND RECONFIGURATION OF RAMPS

CONSISTING OF: RECONSTRUCT AND WIDENING FROM FOUR LANES TO SIX
LANES, FRONTAGE ROADS AND RECONFIGURE RAMPS

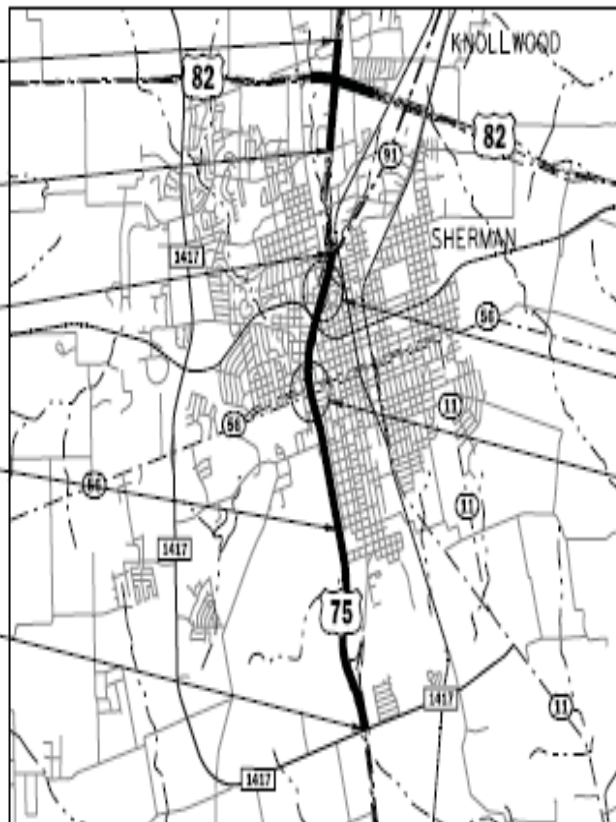
BEGIN PROJECT CSJ# 0047-18-083
STA: 1052+38.14
TRM: 203+0.7832

END CSJ# 0047-18-083
STA: 996+61.00
TRM: 204+0.839

BEGIN CSJ# 0047-02-150
STA: 959+80.88
TRM: 205+0.533

END CSJ# 0047-02-150
BEGIN CSJ# 0047-03-087
STA: 849+21.27
TRM: 207+0.631

END PROJECT
CSJ# 0047-03-087
STA: 742+00.00
TRM: 209+0.668



CSJ# 0047-02-148
SIGNAL AT US 75
AND FM 131
CSJ# 0047-02-149
SIGNAL AT US 75
AND SH 56

County Grayson
District Paris
ROW CSJ # 0047-02-156
CCSJ # 0047-02-150
Federal Project #: _____
CFDA Title: Highway Planning & Construction
CFDA # 20.205
Federal Highway Administration
Not Research and Development

ATTACHMENT C
PROJECT BUDGET ESTIMATE AND PAYMENT SCHEDULE

County	Grayson
District	Paris District
ROW CSJ #	0047-02-156
CCSJ #	0047-02-150

Federal Project #	
CFDA Title: <u>Highway Planning and Construction</u>	
FHWA CFDA # 20.205	
Federal Highway Administration	
Not Research and Development	

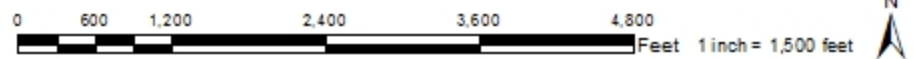
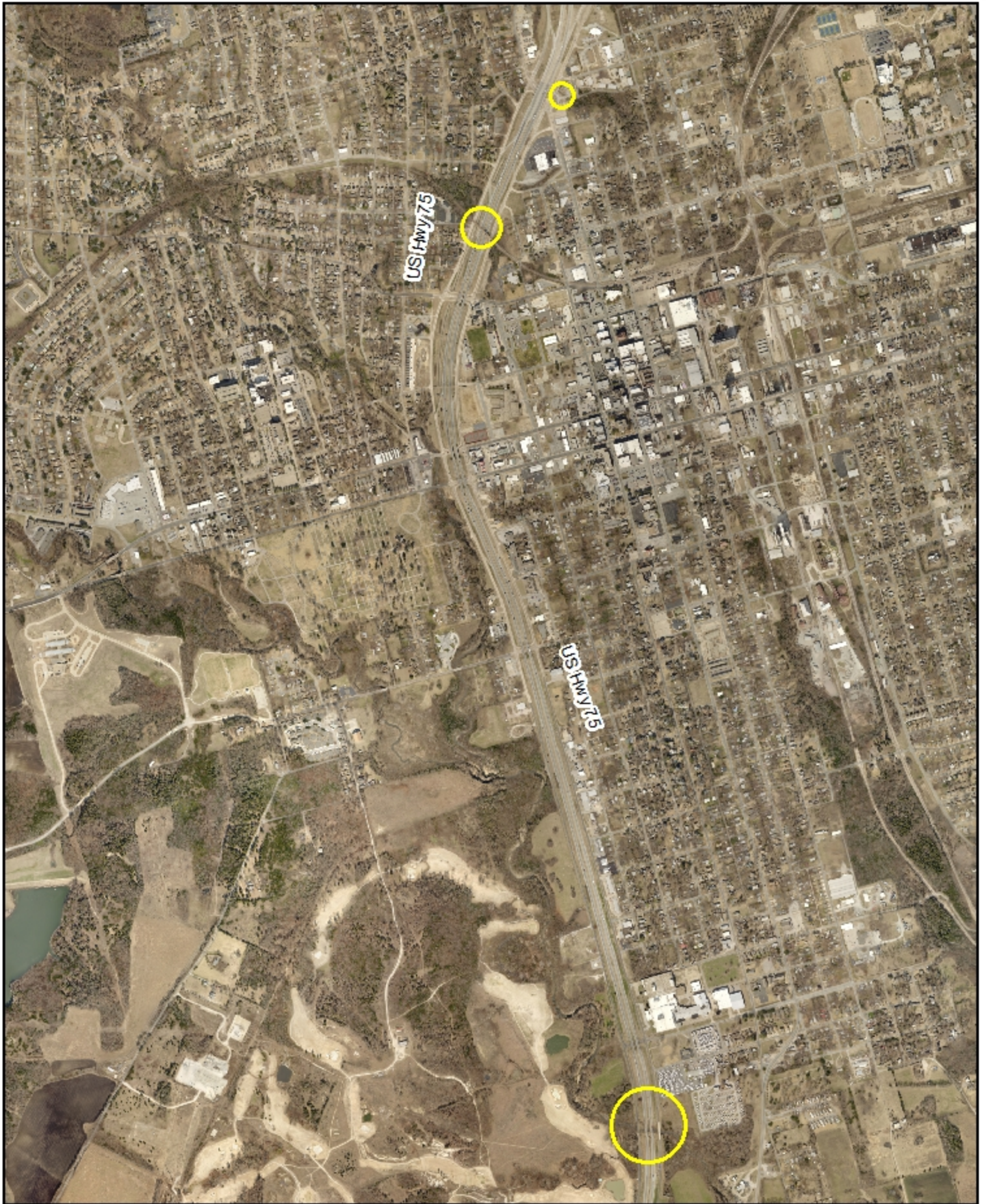
**Standard Agreement to Contribute
State Performs Work
Attachment C**

Description	Total Estimated Cost	Participation				Total % (should be 100%)
		State		Local		
		%	Cost	%	Cost	
Right of Way Acquisition	\$874,697.00	90.0%	\$787,227.30	10.0%	\$87,469.70	100.0%
Reimbursable Utility Adjustments	\$100,000.00	90.0%	\$90,000.00	10.0%	\$10,000.00	100.0%
Joint Bid - Reimbursable Utility Adjustments						0.0%
TOTAL	\$974,697.00		\$877,227.30		\$97,469.70	

Fixed Amount

Except as otherwise provided in the Agreement, the fixed amount of Local Government participation will be that amount provided above.

East Fallon Drive Extension Improvements





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

D.2.

Meeting Date: 09/03/2019

Prepared By: Terrence Steele, Assistant City Manager

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6517

Authorizing Execution of a Special Warranty Deed with Habitat for Humanity of Grayson County for the Conveyance of City-Owned Real Property located on South First Street, being 0.1148 acres in Lot 11, Block 1, G. Y. Grays 1st Addition (Supplement), in the City of Sherman, Grayson County, Texas, filed for record in Volume 1082, Page 232 of the Grayson County Deed Records

Issue:

To consider the grant of a Special Warranty Deed to convey the City-owned real property located on South First Street to Habitat for Humanity of Grayson County

Background:

Habitat for Humanity is a global nonprofit housing organization working in nearly 1,400 communities across the United States and in approximately 70 countries around the world. HFHI was founded in 1976 by Millard Fuller along with his wife Linda. Since its founding in 1976, Habitat has helped more than 13.2 million people obtain a safer place to sleep at night. In fiscal year 2017, Habitat helped 3.5 million people improve their living conditions, and an additional 2.6 million now have the potential to do so, thanks to advocacy efforts and the information and training that Habitat provides.

Habitat for Humanity works in a number of different ways to create decent, affordable housing. In addition to new construction, Habitat also renovates existing homes in many communities, particularly in urban areas. Habitat for Humanity helps people repair and improve their own homes and neighborhoods. Habitat's Disaster Response works with local communities to address a variety of housing needs after natural disasters. Habitat's advocacy work raises awareness and support for decent and affordable housing around the world. Outside of North America, Habitat works with partner organizations to serve even more families through innovative financing methods. (<https://graysonhabitat.org/faqs/>)

Origination:

Mayor David Plyler
City Manager's Office

Financial Consideration:

The conveyance of this property to Habitat for Humanity of Grayson County would return it to the tax rolls and remove it from City maintenance.

Staff Recommendation:

It is recommended that the City Council authorize execution of a Special Warranty Deed to Habitat for Humanity of Grayson County for conveyance of the City-owned real property located on South First Street and being 0.1148 acres in Lot 11, Block 1, G. Y. Grays 1st Addition (Supplement), in the City of Sherman, Grayson County, Texas.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 6517
Special Warranty Deed
Property ID No. 164109
Aerial Location Map

RESOLUTION NO. 6517

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A SPECIAL WARRANTY DEED WITH HABITAT FOR HUMANITY OF GRAYSON COUNTY FOR THE CONVEYANCE OF CITY-OWNED REAL PROPERTY LOCATED ON SOUTH FIRST STREET, BEING 0.1148 ACRES IN LOT 11, BLOCK 1, G. Y. GRAYS 1ST ADDITION (SUPPLEMENT), IN THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, FILED FOR RECORD IN VOLUME 1082, PAGE 232 OF THE GRAYSON COUNTY DEED RECORDS; 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 contract documents being properly completed and approved as to form and content by the City Attorney, to execute a Special Warranty Deed with Habitat for Humanity of Grayson County for the conveyance of the City of Sherman's surplus real property located on South First Street, being 0.1148 acres in Lot 11, Block 1, G. Y. Grays 1st Addition (Supplement), in the City of Sherman, Grayson County, Texas, filed for record in Volume 1082, Page 232 of the Grayson County Deed Records, in accordance with the terms and provisions of the contract documents 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 _____, 2019.

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**

SPECIAL WARRANTY DEED

STATE OF TEXAS

§

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF GRAYSON

§

THAT THE CITY OF SHERMAN, TEXAS, a Texas municipality ("Grantor"), of Grayson County, Texas, in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to Grantor, in hand paid by HABITAT FOR HUMANITY OF GRAYSON COUNTY (HABITAT) ("Grantee"), whose address is 901 North Grand Avenue, Sherman, Texas, the receipt and sufficiency of which is hereby acknowledged, has **GRANTED, SOLD** and **CONVEYED**, and by these presents does hereby **GRANT, SELL** and **CONVEY** unto Grantee that certain tract or parcel of land located on South First Street, being 0.1148 acres in Lot 11, Block 1 of the G. Y. Grays 1st Addition (Supplement) (Property ID No. 164109), in the City of Sherman, Grayson County, Texas, filed for record in Volume 1082, Page 232 of the Grayson County Deed Records and being more particularly described on Exhibit "A", attached hereto and made a part hereof.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and hereditaments thereto in anywise belonging unto the said Grantee and its assigns.

And Grantor hereby binds itself, its successors and assigns to forever warrant and defend the rights and title to said premises unto the said Grantee against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, this instrument has been executed on this the _____ day of _____, 2019.

GRANTEE:

CITY OF SHERMAN, TEXAS

BY: _____

ROBBY HEFTON, CITY MANAGER

ATTEST:

BY: _____

LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____

BRANDON S. SHELBY, CITY ATTORNEY

Authorized by Resolution No. _____ dated

_____, 2019.

STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

THIS INSTRUMENT was acknowledged before me on this the _____ day of _____, 2019, by **ROBBY HEFTON, CITY MANAGER OF THE CITY OF SHERMAN**, a Texas municipality, who, being by me duly sworn, acknowledged to me that having been first duly authorized by said municipality so to do, he executed the above and foregoing instrument in the capacity stated, on behalf of said municipality, and as its act and deed.

WITNESS MY HAND AND OFFICIAL SEAL on this the _____ day of _____, 2019.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

Grayson CAD Property Search

Property ID: 164109 For Year 2019

Map



Property Details

Account	
Property ID:	164109
Legal Description:	GRAYS G Y 1ST ADDN (SUPPL), BLOCK 1, LOT 11
Geographic ID:	S042 2100054
Agent Code:	
Type:	Real
Location	
Address:	SHERMAN, TX
Map ID:	S042
Neighborhood CD:	N
Owner	
Owner ID:	115342
Name:	CITY OF SHERMAN
Mailing Address:	220 W MULBERRY SHERMAN, TX 75092
% Ownership:	100.0%
Exemptions:	EX-XV - Other Exemptions (including public property, religious organizations, charitable organizations, and other property not reported elsewhere) For privacy reasons not all exemptions are shown online.

Property Values

Improvement Homesite Value:	\$0
Improvement Non-Homesite Value:	\$0
Land Homesite Value:	\$0
Land Non-Homesite Value:	\$3,750
Agricultural Market Valuation:	\$0
Market Value:	\$3,750
Ag Use Value:	\$0
Appraised Value:	\$3,750
Homestead Cap Loss: ?	\$0
Assessed Value:	\$3,750

DISCLAIMER Information provided for research purposes only. Legal descriptions and acreage amounts are for appraisal district use only and should be verified prior to using for legal purpose and or documents. Please contact the Appraisal District to verify all information for accuracy.

Property Taxing Jurisdiction

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
CAD	Central Appraisal District	0.000000	\$3,750	\$0	\$0.00	
CSH	City of Sherman	0.427300	\$3,750	\$0	\$0.00	
GRA	Grayson County	0.441810	\$3,750	\$0	\$0.00	
JRC	Jr College	0.177334	\$3,750	\$0	\$0.00	
SSH	Sherman School District	1.649000	\$3,750	\$0	\$0.00	

Total Tax Rate: 2.695444 Estimated Taxes With Exemptions: \$0.00 Estimated Taxes Without Exemptions: \$101.08

Property Improvement - Building

Property Land

Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
CITYLND	CITY OWNED LAND	0.1148	5,000.00	50.00	100.00	\$3,750	\$0

Property Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap Loss	Assessed
2020	N/A	N/A	N/A	N/A	N/A	N/A
2019	\$0	\$3,750	\$0	\$3,750	\$0	\$3,750
2018	\$0	\$2,500	\$0	\$2,500	\$0	\$2,500
2017	\$0	\$1,750	\$0	\$1,750	\$0	\$1,750
2016	\$0	\$1,500	\$0	\$1,500	\$0	\$1,500
2015	\$0	\$1,500	\$0	\$1,500	\$0	\$1,500
2014	\$0	\$1,500	\$0	\$1,500	\$0	\$1,500
2013	\$0	\$2,500	\$0	\$2,500	\$0	\$2,500
2012	\$0	\$2,500	\$0	\$2,500	\$0	\$2,500
2011	\$0	\$1,890	\$0	\$1,890	\$0	\$1,890

Property Deed History

Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Number
6/14/1967	WD	WARRANTY DEED		THOMAS MAGGIE	1084	123	0

DISCLAIMER

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Property Details

Account

Property ID: 164109

Legal Description: GRAYS G Y 1ST ADDN (SUPPL), BLOCK 1, LOT 11

Geographic ID: S042 2100054

Agent Code:

Type: Real

Location

Address: SHERMAN, TX

Map ID: S042

Neighborhood CD: N

Owner

Owner ID: 115342

Name: CITY OF SHERMAN

Mailing Address: 220 W MULBERRY
SHERMAN, TX 75092

% Ownership: 100.0%

Exemptions: EX-XV - Other Exemptions (including public property, religious organizations, charitable organizations, and other property not reported elsewhere)
For privacy reasons not all exemptions are shown online.

Property Values

Improvement Homesite Value:	\$0
Improvement Non-Homesite Value:	\$0
Land Homesite Value:	\$0
Land Non-Homesite Value:	\$3,750
Agricultural Market Valuation:	\$0
Market Value:	\$3,750
Ag Use Value:	\$0
Appraised Value:	\$3,750
Homestead Cap Loss: ⓘ	\$0
Assessed Value:	\$3,750

DISCLAIMER Information provided for research purposes only. Legal descriptions and acreage amounts are for appraisal district use only and should be verified prior to using for legal purpose and or documents. Please contact the Appraisal District to verify all information for accuracy.

Property Taxing Jurisdiction

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
CAD	Central Appraisal District	0.000000	\$3,750	\$0	\$0.00	
CSH	City of Sherman	0.427300	\$3,750	\$0	\$0.00	
GRA	Grayson County	0.441810	\$3,750	\$0	\$0.00	
JRC	Jr College	0.177334	\$3,750	\$0	\$0.00	
SSH	Sherman School District	1.649000	\$3,750	\$0	\$0.00	

Total Tax Rate: 2.695444 Estimated Taxes With Exemptions: \$0.00 Estimated Taxes Without Exemptions: \$101.08

Property Improvement - Building

Property Land

Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
CITYLND	CITY OWNED LAND	0.1148	5,000.00	50.00	100.00	\$3,750	\$0

Property Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap Loss	Assessed
2020	N/A	N/A	N/A	N/A	N/A	N/A
2019	\$0	\$3,750	\$0	\$3,750	\$0	\$3,750
2018	\$0	\$2,500	\$0	\$2,500	\$0	\$2,500
2017	\$0	\$1,750	\$0	\$1,750	\$0	\$1,750
2016	\$0	\$1,500	\$0	\$1,500	\$0	\$1,500
2015	\$0	\$1,500	\$0	\$1,500	\$0	\$1,500
2014	\$0	\$1,500	\$0	\$1,500	\$0	\$1,500
2013	\$0	\$2,500	\$0	\$2,500	\$0	\$2,500
2012	\$0	\$2,500	\$0	\$2,500	\$0	\$2,500
2011	\$0	\$1,890	\$0	\$1,890	\$0	\$1,890

Property Deed History

Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Number
6/14/1967	WD	WARRANTY DEED		THOMAS MAGGIE	1084	123	0

DISCLAIMER

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Lot 11, Block 1, Gray's 1st Addition



0 100 200 400 600 800 1 inch = 200 feet
Feet





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

D.3.

Meeting Date: 09/03/2019

Prepared By: Clint Philpott, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6518

Renaming the 2000 Block of South Travis Street to South Travis Lane

Issue:

To consider a name change in the 2000 block of South Travis Street to South Travis Lane, from East Wilson Avenue to East Cottage Street

Background:

The 2000 block of South Travis Street is an existing roadway that veers off Travis Street going to Cottage Street and the entrance to St. Mary's Catholic Cemetery. In order to deliver emergency or non-emergency help more quickly and effectively in locating addresses and to be in compliance with the City of Sherman 911 service for emergency response, City staff is recommending changing the 2000 block of South Travis Street to Travis Lane. Five addresses will be affected with the change.

Origination:

City staff

Financial Consideration:

Approximately \$300.00 to replace street signs

Staff Recommendation:

It is recommended that the resolution be approved and signage be changed as directed.

Alternatives:

The name of this roadway could remain Travis Street.

Attachments

Resolution No. 6518

C.C. Mayhew Replat

Aerial Location Map

RESOLUTION NO. 6518

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RENAMING THE 2000 BLOCK OF SOUTH TRAVIS STREET TO SOUTH TRAVIS LANE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED 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, from and after the effective date of this Resolution, the 2000 block of the north-south street known as Travis Street, as dedicated to the City of Sherman by C.C. Mayhew Replat and extension of Block Nos. 42 and 43 of the Southside Addition, Volume 707, Page 292 of the Plat Records of Grayson County, Texas, shall be known as South Travis Lane, the location of which is shown on the attached map.

SECTION 2. That this Resolution shall be effective from and after its adoption; and it is so resolved.

SECTION 3. 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 _____, 2019.

CITY OF SHERMAN, TEXAS

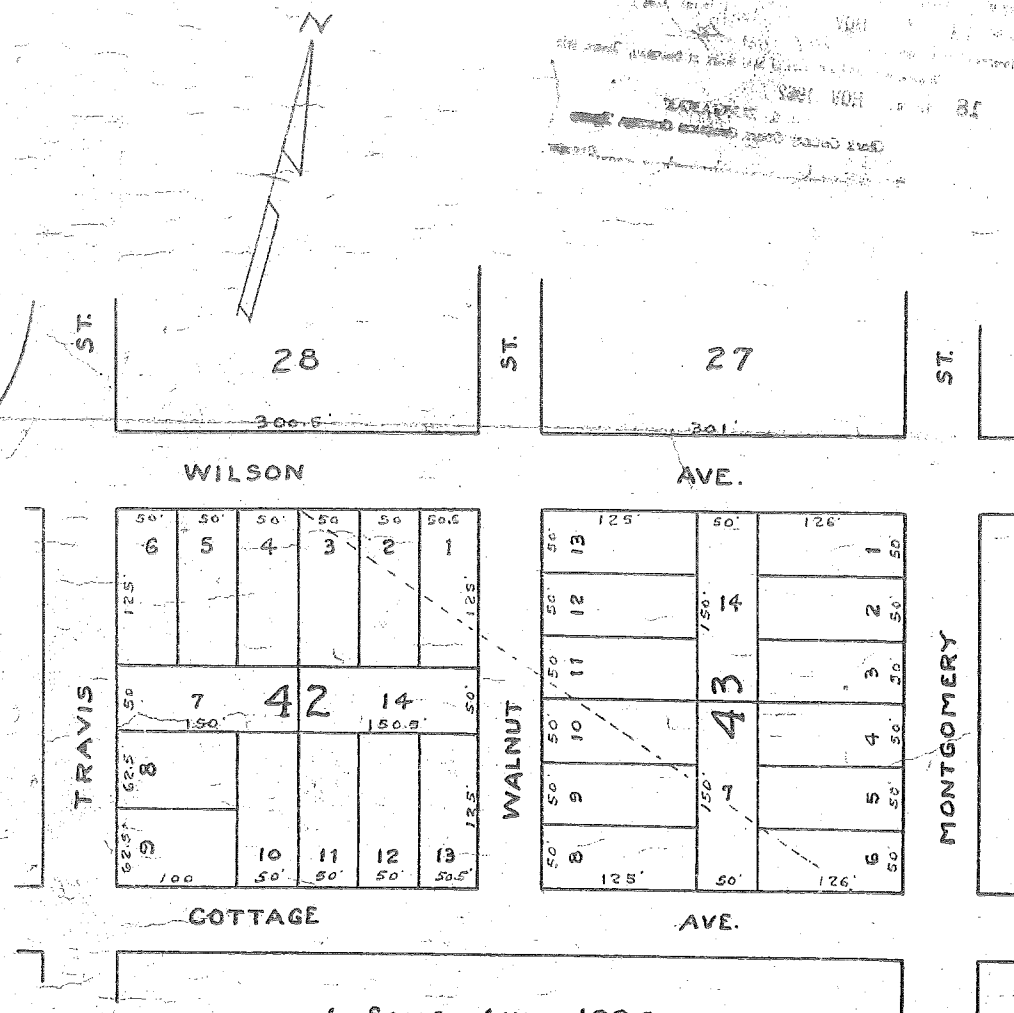
ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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



**C.C. MAYHEW REPLAT AND EXTENSION OF BLOCKS
Nos. 42 & 43 OF THE SOUTHSIDE ADDITION TO
SHERMAN, TEXAS**

STATE OF TEXAS

STATE OF TEXAS

COUNTY OF GRAYSON

KNOW ALL MEN BY THESE PRESENTS:

That we, C. C. Mayhew and A. A. Nobles, being the owners of all of the land included in the attached re-plat of Blocks 42 and 43 of the Southside Addition to Sherman, Texas, do hereby adopt the attached plan for re-platting said blocks and incorporating therein certain lands not heretofore included in the Southside Addition to the City of Sherman, Grayson County, Texas. The streets designated on the attached plat are hereby dedicated to public use.

WITNESS our hands this 29th day of October, 1952.

C. C. Mayhew

A. A. Nobles

STATE OF TEXAS

COUNTY OF GRAYSON

BEFORE ME, the undersigned authority, a Notary Public in and for said state and county, on this day personally appeared C. C. Mayhew and A. A. Nobles, both known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they each executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 29th day of October, A. D., 1952.



J. H. Tucker
Notary Public in and for Grayson
County, Texas

THIS PLAT EXAMINED AND RECOMMENDED TO
THE CITY COMMISSION OF THE CITY OF
SHERMAN, TEXAS FOR APPROVAL

Date: 11/3/52 B. K. Sutton

City Engineer

Date: 11-3-52 Tom Dennis

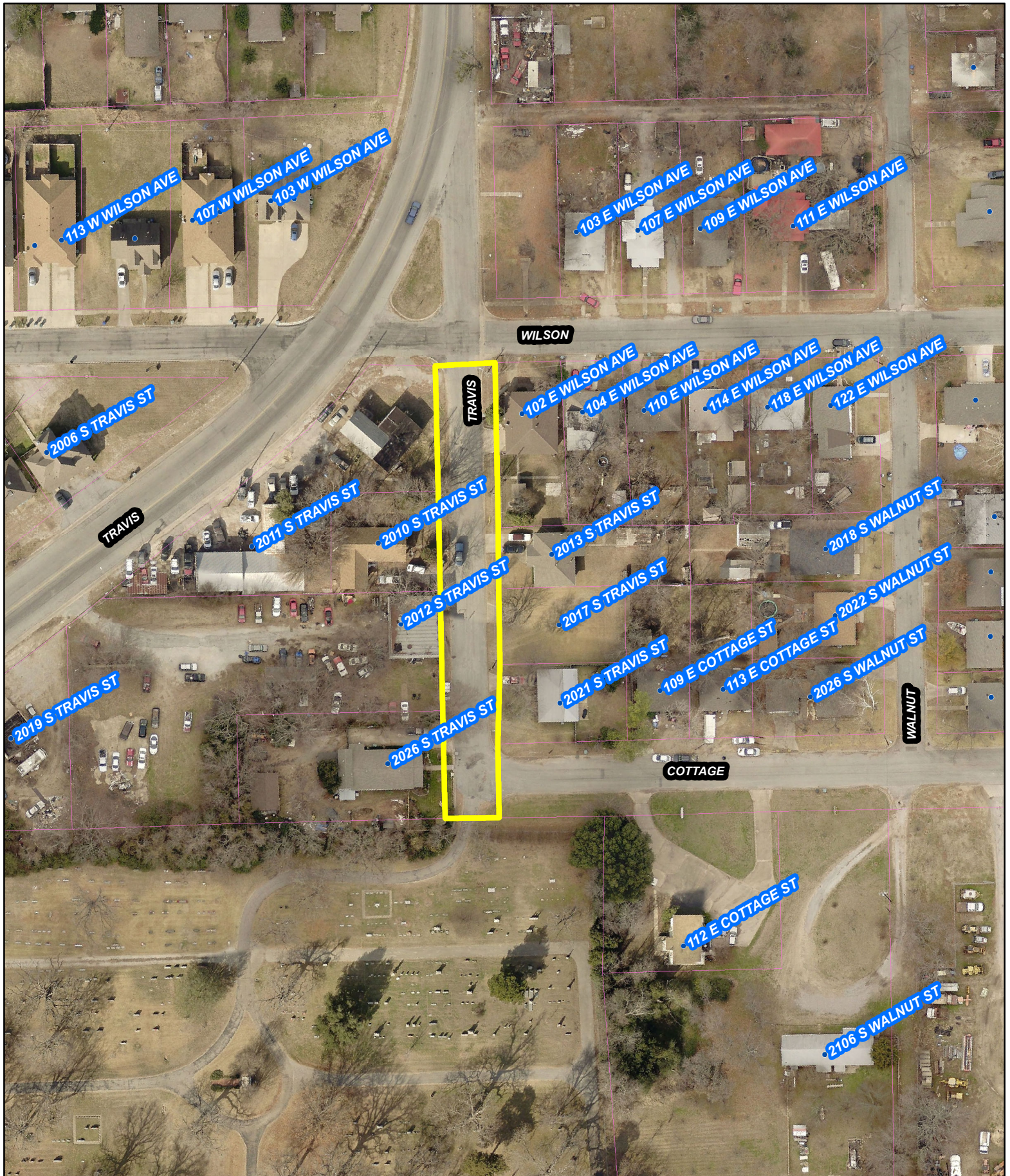
City Manager

Date: 11-3-52 R. L. Braks

This Plat is this day received by
the City Commission of the City of
Sherman, Texas, by ordinance passed
in regular meeting of the City
Commission of Sherman, Texas
This 29th day of October, 1952

ATTEST:

R. L. Braks City Clerk of Sherman
Texas





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

D.4.

Meeting Date: 09/03/2019

Prepared By: Clint Philpott, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6519

Finding and Determining a Public Purpose and Public Necessity Exists for Construction of City Project East Fallon Drive Extension Improvements; Appointing an Appraiser and Negotiator as Necessary; Authorizing the City Manager to Establish Just Compensation for the Property Rights to be Acquired; Authorizing the City Manager to Take all Steps Necessary to Acquire the Needed Property Rights in Compliance with All Applicable Laws and Regulations

Issue:

To consider granting authority to negotiate for property rights on the City's Right-of-Way Project, Fallon Drive Extension Improvements; and, if necessary, to begin condemnation proceedings

Background:

New industrial development along Fallon Drive has raised the necessity of the extension of East Fallon Drive and the creation of Midway Drive. The construction for this project is continuing as expected; and the East Fallon Drive Extension Improvements Project is anticipated to begin construction soon. As preliminary contacts with certain property owners have not been successful, it is anticipated that these property owners will not execute right of way documents for this project. To prevent any undue delay in the project, City Council's authorization to negotiate, make final offers, employ an appraiser and, if necessary, begin condemnation proceedings as required by law is requested.

Origination:

Engineering Department

Financial Consideration:

Property acquisition costs, along with costs for appraisals, surveys, maps and photos

Staff Recommendation:

Staff recommends approval.

Alternatives:

As may be directed by City Council

Attachments

Resolution No. 6519

Right-of-Way Dedication Deed with Exhibit

Aerial Location Map

RESOLUTION NO. 6519

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, FINDING AND DETERMINING A PUBLIC PURPOSE AND PUBLIC NECESSITY EXISTS FOR CONSTRUCTION OF CITY PROJECT EAST FALLON DRIVE EXTENSION IMPROVEMENTS; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY MANAGER TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS; 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 Council of the City of Sherman, Texas has previously authorized the employment of McManus & Johnson Consulting Engineers, LLC to plan for the construction of the East Fallon Drive Extension Improvements; and

WHEREAS, this project was recommended by the City Staff in order to provide a two-lane thoroughfare to accommodate additional industrial traffic being created by industrial development in the area and recommended the acquisition of all necessary property rights; and

WHEREAS, the City Council has considered the East Fallon Drive Extension Improvements Project and has determined that a public purpose and public necessity exists for the acquisition of all necessary and appropriate property rights for the East Fallon Drive Extension Improvements Project; and

WHEREAS, the City Council has funded and approved the East Fallon Drive Extension Improvements Project;

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

SECTION 1. That the City Council hereby finds and determines that a public purpose and public necessity exists for the City of Sherman to acquire all necessary and appropriate property rights in those certain lots, tracts, or parcels of land deemed necessary for the construction of the East Fallon Drive Extension Improvements Project and does further determine the public purpose and public necessity of the City of Sherman acquiring said property together with all necessary and appropriate appurtenances, additions and improvements on, over, under and through those certain lots, tracts and parcels of land.

SECTION 2. That the City Manager or his designee is authorized and directed to acquire all appropriate property rights for the East Fallon Drive Extension Improvements Project for the City of Sherman, and to acquire said rights in compliance with State and Federal law. The City

Manager, or his designee, is specifically authorized and directed to do each and every act necessary to acquire the needed property rights including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, prepare contracts and, when necessary, to institute proceedings in eminent domain.

SECTION 3. That the City Manager or his designee is hereby appointed as “negotiator” for the acquisition of the East Fallon Drive Extension Improvements Project property and, as such, the City Manager or his designee is authorized and directed to do each and every act and deed hereinabove specified or authorized by reference. Subject to the availability of funds appropriated by the City Council for such purposes and with the advice and recommendation of the City Attorney and the City’s appointed appraiser, the City Manager is specifically authorized to establish the just compensation for the acquisition of this property. If the City Manager or his designee determines that an agreement with the property owner(s) as to just compensation cannot be reached, then the City Attorney is hereby authorized and directed to file or cause to be filed, against the owners and interested parties of the property, proceedings in eminent domain to acquire the above stated interest in the property.

SECTION 4. That a qualified appraiser shall be designated the appraiser of the property to be acquired as necessary.

SECTION 5. That the findings of fact, recitations and provisions set out in the preamble of this resolution are adopted and made a part of the body of this resolution, as if the same were fully set forth herein.

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 _____, 2019.

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 **COOPER B-LINE, INC.** ("Grantor"), a Texas corporation, whose address is C/O Cooper Industries, P.O. Box 4446, Houston, TX 77210, for and in consideration of the sum of ELEVEN THOUSAND SEVEN HUNDRED DOLLARS AND NO CENTS (\$11,700.00) 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 ("Property") located in the County of Grayson, State of Texas, being three (3) tracts of land of 0.015 acres, 0.627 acres, and 0.375 acres, totaling 1.017 acres, more or less, and being more particularly described in Exhibit "A" attached hereto and for all purposes.

GRANTOR specifically reserves from this dedication all its rights, title and interest in all oil, gas and other minerals in and under the Property.

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 _____, 2019.

GRANTOR:

COOPER B-LINE, INC.

BY: _____
Signor's Name

Signor's 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 _____, 2019.

NOTARY PUBLIC, STATE OF TEXAS

Notary's commission expires: _____

ATTEST:

GRANTEE:
CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

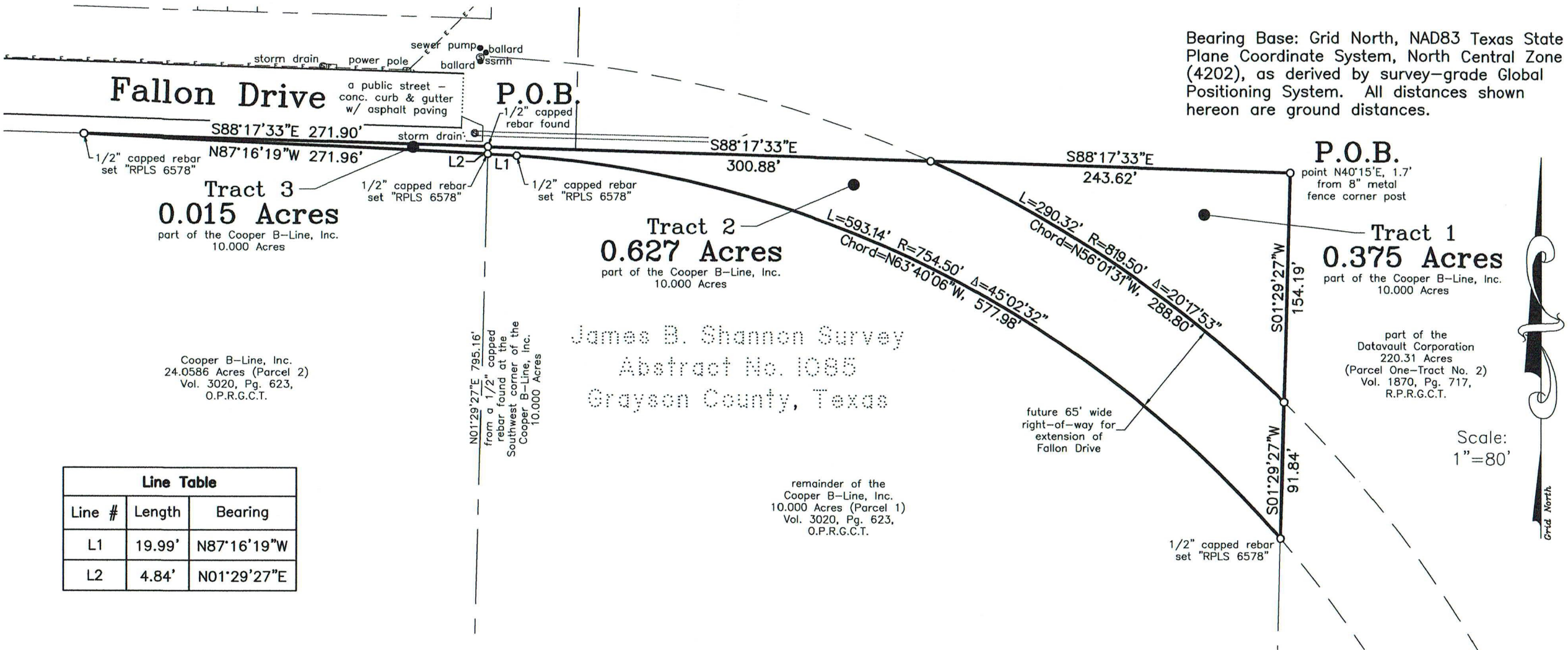
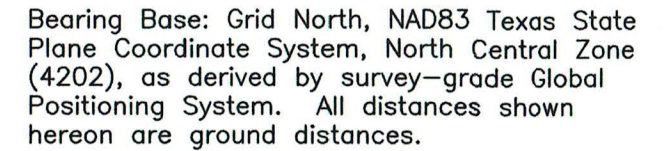
BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
BRANDON SHELBY, CITY ATTORNEY

AFTER RECORDING, RETURN TO

City of Sherman
Office of the City Attorney
P. O. Box 1106
Sherman, TX 75091-1106



Line Table		
Line #	Length	Bearing
L1	19.99'	N87°16'19"W
L2	4.84'	N01°29'27"E

Owner: Cooper B-Line, Inc.
Buyer Tract 1: Datavault Corporation
Buyer Tracts 2 & 3: The City of Sherman

I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that a survey was performed on the ground of the property shown hereinabove and that this survey complies with both the General Rules of Procedures and Practices as adopted by the Texas Board of Professional Land Surveying and the current Texas Society of Professional Surveyors standards and is a true and correct representation of the property shown hereon. Field Notes attached hereto.

This survey is for the sole benefit of the transaction by and between: the owner and buyer stated at left, the buyer's Mortgage Co./Lender and Abstract/Title Co. and is null and void for any other transaction. Any unauthorized use of this survey without the sole consent of the undersigned surveyor will infringe upon state and federal copyright statutes. Any violation of said statutes will be aggressively pursued.

The subject property shown hereon does not lie within the limits of any designated 100-year Flood Hazard Areas, as shown on the "FEMA" Flood Insurance Rate Map for Grayson County, Texas, Map Nos. 48181C0280 F & 48181C0290 F, Revised Date: September 29, 2010.

Job No. BGS310219

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Ph (903) 463-6191 Fax (903) 463-4088
Email: helveysurvey@cableone.net
Texas Board of Professional Land Surveying
Firm Registration No. 10088100


Kate A. Wagner, R. P. L. S. No. 6578
Copyright Date: February 19, 2019

Helvey-Wagner Surveying, Inc.

222 West Main Street · Denison, Texas 75020

Ph: (903) 463-6191 · Fax: (903) 463-4088 · Email: helveysurvey@cableone.net

TBPLS Firm Registration No. 10088100

Billy F. Helvey, RPLS No. 4488 – Kate A. Wagner, RPLS No. 6578 – Kenneth N. Russell, RPLS No. 4409

0.375 Acres – Tract 1

SITUATED in the County of Grayson, State of Texas, and being a part of the J. B. Shannon Survey, Abstract No. 1085, and being a part of the 10.000 ac. tract of land (Parcel 1) conveyed to Cooper B-Line, Inc. by B-Line Systems Manufacturing, Inc. by Special Warranty Deed dated December 29, 2000 and recorded in Volume 3020, Page 623, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a point at the Northeast corner of both said Cooper B-Line, Inc. 10.000 ac. and the herein described tract, being North 40 deg. 15 min. East, 1.7 ft. from an 8 inch metal fence corner post;

THENCE South 01 deg. 29 min. 27 sec. West, with the East line of said Cooper B-Line, Inc. 10.000 ac., a distance of 154.19 ft. to a 1/2 inch capped rebar set stamped "RPLS 6578" at the most Southerly corner of the herein described tract;

THENCE Northwesterly, over and across said Cooper B-Line, Inc. 10.000 ac. and with a curve to the left, having a radius of 819.50 ft. and a central angle of 20 deg. 17 min. 53 sec. (chord bears North 56 deg. 01 min. 31 sec. West, 288.80 ft.), an arc distance of 290.32 ft. to a 1/2 inch capped rebar set stamped "RPLS 6578" in the North line of said Cooper B-Line, Inc. 10.000 ac., at the most Westerly corner of the herein described tract;

THENCE South 88 deg. 17 min. 33 sec. East, with the North line of said Cooper B-Line, Inc. 10.000 ac., a distance of 243.62 ft. to the **PLACE OF BEGINNING** and containing **0.375 ACRES** of land.


Kate A. Wagner, R. P. L. S. No. 6578
February 19, 2019



Helvey-Wagner Surveying, Inc.

222 West Main Street · Denison, Texas 75020

Ph: (903) 463-6191 · Fax: (903) 463-4088 · Email: helveysurvey@cableone.net

TBPLS Firm Registration No. 10088100

Billy F. Helvey, RPLS No. 4488 – Kate A. Wagner, RPLS No. 6578 – Kenneth N. Russell, RPLS No. 4409

0.627 Acres – Tract 2

SITUATED in the County of Grayson, State of Texas, and being a part of the J. B. Shannon Survey, Abstract No. 1085, and being a part of the 10.000 ac. tract of land (Parcel 1) conveyed to Cooper B-Line, Inc. by B-Line Systems Manufacturing, Inc. by Special Warranty Deed dated December 29, 2000 and recorded in Volume 3020, Page 623, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a 1/2 inch capped rebar found at the Northeast corner of the 24.0586 ac. tract of land (Parcel 2) conveyed to Cooper B-Line, Inc. in said Vol. 3020, Pg. 623, at the Northwest corner of both said Cooper B-Line, Inc. 10.000 ac. and the herein described tract;

THENCE South 88 deg. 17 min. 33 sec. East, with the North line of said Cooper B-Line, Inc. 10.000 ac., a distance of 300.88 ft. to a point at the most Northerly Northeast corner of the herein described tract;

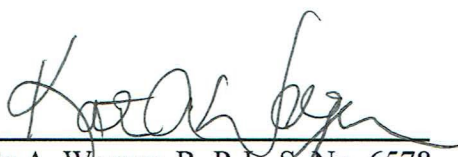
THENCE Southeasterly, over and across said Cooper B-Line, Inc. 10.000 ac. and with a curve to the right, having a radius of 819.50 ft. and a central angle of 20 deg. 17 min. 53 sec. (chord bears South 56 deg. 01 min. 31 sec. East, 288.80 ft.), an arc distance of 290.32 ft. to a point in the East line of said Cooper B-Line, Inc. 10.000 ac., at the most Easterly Northeast corner of the herein described tract;

THENCE South 01 deg. 29 min. 27 sec. West, with the West line of said Cooper B-Line, Inc. 10.000 ac., a distance of 91.84 ft. to a 1/2 inch capped rebar set stamped “RPLS 6578” at the Southeast corner of the herein described tract;

THENCE Northwesterly, over and across said Cooper B-Line, Inc. 10.000 ac. and with a curve to the left, having a radius of 754.50 ft. and a central angle of 45 deg. 02 min. 32 sec. (chord bears North 63 deg. 40 min. 06 sec. West, 577.98 ft.), an arc distance of 593.14 ft. to a 1/2 inch capped rebar set stamped “RPLS 6578” at the end of said curve;

THENCE North 87 deg. 16 min. 19 sec. West, a distance of 19.99 ft. to a 1/2 inch capped rebar set stamped “RPLS 6578” in the East line of said Cooper B-Line, Inc. 24.0586 ac., in the West line of said Cooper B-Line, Inc. 10.000 ac., at the Southwest corner of the herein described tract, being North 01 deg. 29 min. 27 sec. East, 795.16 ft. from a 1/2 inch capped rebar found at the Southwest corner of said Cooper B-Line, Inc. 10.000 ac.;

THENCE North 01 deg. 29 min. 27 sec. East, with the East line of said Cooper B-Line, Inc. 24.0586 ac. and the West line of said Cooper B-Line, Inc. 10.000 ac., a distance of 4.84 ft. to the **PLACE OF BEGINNING** and containing **0.627 ACRES** of land.


Kate A. Wagner, R. P. L. S. No. 6578
February 19, 2019



Helvey-Wagner Surveying, Inc.

222 West Main Street · Denison, Texas 75020

Ph: (903) 463-6191 · Fax: (903) 463-4088 · Email: helveysurvey@cableone.net

TBPLS Firm Registration No. 10088100

Billy F. Helvey, RPLS No. 4488 – Kate A. Wagner, RPLS No. 6578 – Kenneth N. Russell, RPLS No. 4409

0.015 Acres – Tract 3

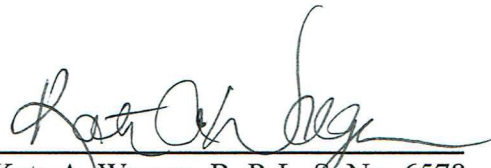
SITUATED in the County of Grayson, State of Texas, and being a part of the J. B. Shannon Survey, Abstract No. 1085, and being a part of the 24.0586 ac. tract of land (Parcel 2) conveyed to Cooper B-Line, Inc. by B-Line Systems Manufacturing, Inc. by Special Warranty Deed dated December 29, 2000 and recorded in Volume 3020, Page 623, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a 1/2 inch capped rebar found at the Northwest corner of the 10.000 ac. tract of land (Parcel 2) conveyed to Cooper B-Line, Inc. in said Vol. 3020, Pg. 623, at the Northeast corner of both said Cooper B-Line, Inc. 24.0586 ac. and the herein described tract;

THENCE South 01 deg. 29 min. 27 sec. West, with the West line of said Cooper B-Line, Inc. 10.000 ac. and the East line of said Cooper B-Line, Inc. 24.0586 ac., a distance of 4.84 ft. to a 1/2 inch capped rebar set stamped "RPLS 6578" at the Southeast corner of the herein described tract;

THENCE North 87 deg. 16 min. 19 sec. West, over and across said Cooper B-Line, Inc. 24.0586 ac., a distance of 271.96 ft. to a 1/2 inch capped rebar set stamped "RPLS 6578" in the North line of said Cooper B-Line, Inc. 24.0586 ac., at the most Westerly corner of the herein described tract;

THENCE South 88 deg. 17 min. 33 sec. East, with the North line of said Cooper B-Line, Inc. 24.0586 ac., a distance of 271.90 ft. to the **PLACE OF BEGINNING** and containing **0.015 ACRES** of land.


Kate A. Wagner, R. P. L. S. No. 6578
February 19, 2019



East Fallon Drive Extension Improvements



0 250 500 1,000 1,500 2,000 1 inch = 500 feet Feet





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

D.5.

Meeting Date: 09/03/2019

Prepared By: Clint Philpott, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6520

Awarding a Bid to and Authorizing Execution of a Contract with Lynn Vessels Construction, LLC based on an Invitation to Bid for Construction of the Flanary Road Wastewater Extension Project

Issue:

To consider awarding a bid to and authorizing execution of a contract with Lynn Vessels Construction, LLC of Sherman, Texas, based on an invitation to bid, for construction of the Flanary Road Wastewater Extension Project

Background:

This project will extend the sewer line from the current manhole on Flanary Road and extend north to Heritage Parkway (F.M. 1417). The wastewater extension will service the various development activity in the area of the new Sherman High School and the Munson Planned Development.

Three (3) bidders responded to the request for bids. The low bid in the amount of \$484,597.69 was submitted by Lynn Vessels Construction, LLC of Sherman, Texas. A bid tabulation is attached.

Origination:

Engineering Department

Financial Consideration:

This project is funded through the Greater Texoma Utility Authority.

Staff Recommendation:

It is recommended that the bid be awarded for construction of the Flanary Road Wastewater Extension Project to Lynn Vessels Construction, LLC. in the amount of \$484,597.69. It is also recommended that the City Manager be authorized to execute the required contract documents.

Alternatives:

As may be directed by City Council

Attachments

Resolution No. 6520

Contract Agreement

Bid Tabulation

Location Map

RESOLUTION NO. 6520

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH LYNN VESSELS CONSTRUCTION, LLC BASED ON AN INVITATION TO BID FOR CONSTRUCTION OF THE FLANARY ROAD WASTEWATER EXTENSION 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.

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

SECTION 1. That Lynn Vessels Construction, LLC of Sherman, Texas, be and is hereby awarded the bid and the City of Sherman hereby approves the contract with Lynn Vessels Construction, LLC in the amount of Four Hundred Eighty-Four Thousand Five Hundred Ninety-Seven Dollars and Sixty-Nine Cents (\$484,597.69) for construction of the Flanary Road Wastewater Extension Project; and that the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a contract with Lynn Vessels Construction, LLC for construction of the aforementioned improvements, in accordance with all contract documents attached hereto and made a part hereof 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 _____, 2019.

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**

CONTRACT AGREEMENT

STATE OF TEXAS

COUNTY OF GRAYSON

THIS AGREEMENT is made and entered into this _____ day of _____ 2019, by and between the City of Sherman, of the County of Grayson and State of Texas, acting through its City Manager, thereunto duly authorized so to do, Party of the First Part, hereinafter termed the OWNER, and Lynn Vessels Construction, LLC., of the City of Sherman, County of Grayson, State of Texas, Party of the Second Part, hereinafter termed CONTRACTOR.

WITNESSETH: That for and in consideration of the payment and agreement hereinafter mentioned, to be made and performed by the OWNER, the said CONTRACTOR hereby agrees with the said OWNER to commence and complete construction of certain improvements as follows:

Flanary Road Wastewater Extension

and all extra work in connection therewith, under the terms as stated in the General and Specific Conditions of the AGREEMENT; and at his own proper cost and expense to furnish all the materials, supplies, machinery, equipment, tools, superintendence, labor, insurance and other accessories and services necessary to complete the said construction, in accordance with the conditions and prices stated in the Proposal attached hereto and in accordance with the Advertisement for Bids, Instructions to Bidders, General Provisions, Special Provisions, Plans, and other drawings and printed or written explanatory matter thereof, and the Technical Specifications and Addenda thereto, as prepared by the OWNER, each of which has been identified by the endorsement of the CONTRACTOR and the OWNER thereon, together with the CONTRACTOR's written Proposal and the General Provisions, all of which are made a part hereof and collectively evidence and constitute the entire AGREEMENT.

Notice to Proceed

The CONTRACTOR hereby agrees to commence work within ten (10) calendar days after the date of written notice to do so shall have been given to him, to complete the work within NINETY (90) calendar days, after he commences work, subject to such extensions of time as are provided by the General Provisions.

The OWNER agrees to pay the CONTRACTOR Four Hundred Eighty-Four Thousand, Five Hundred Ninety-Seven Dollars and Sixty-Nine Cents (**\$484,597.69**) in current funds for the performance of the Contract in accordance with the Proposal submitted thereof, subject to additions and deductions, as provided in the General Provisions, and to make payments of account thereof as provided therein.

IN WITNESS WHEREOF, the parties of these presents have executed this AGREEMENT in the year and day first above written.

CITY OF SHERMAN, TEXAS (OWNER)

ATTEST:

By: _____ By: _____
Robby Hefton, City Manager Linda Ashby, City Clerk

By: _____ By: _____
(CONTRACTOR) ATTEST:

The following to be executed if the CONTRACTOR is a corporation:

I, _____ certify that I am the secretary of the corporation named as CONTRACTOR herein; that _____, who signed this Contract on behalf of the CONTRACTOR is the _____ (official title) of said corporation; that said Contract was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

Signed: _____

Corporate Seal

Date: 8/20/2019

T:\Engineering\Projects\3056 - Flanary Road Wastewater Extension\Bid\[Bid and Award Setup.xlsx]Tabulation





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

D.6.

Meeting Date: 09/03/2019

Prepared By: Zachary Flores, Police Chief

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6521**

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 2019 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 2019 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 3rd agenda. This resolution authorizes the City to apply for and accept 2019 JAG funding to be used by the Sherman Police Department. The total grant will be \$10,936.00, divided as follows: City of Sherman - \$5,873.00; City of Denison - \$2,843.00; and Grayson County - \$2,220.00. The 2019 allocations are based on current project needs for each entity.

The Sherman Police Department plans to use its portion of 2019 JAG funding towards the purchase of a portable surveillance system. The City of Denison plans to use its portion of 2019 JAG funding towards patrol officer uniforms. Grayson County plans to use its portion of 2019 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 2019 JAG application and accepting if awarded.

Alternatives:

The Council could decline this grant opportunity.

Attachments

Resolution No. 6521

JAG Local Solicitation

RESOLUTION NO. 6521

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 2019 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 Ten Thousand Nine Hundred Thirty-Six Dollars and No Cents (\$10,936.00) under the 2019 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 Two Hundred Twenty Dollars and No Cents (\$2,220.00) for the purchase of detention officer hand-held radios; and
- An award to the City of Denison of Two Thousand Eight Hundred Forty-Three Dollars and No Cents (\$2,843.00) for the purchase of patrol officer uniforms; and
- An award to the City of Sherman of Five Thousand Eight Hundred Seventy-Three Dollars and No Cents (\$5,873.00) for the purchase of a portable surveillance system for the 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 _____, 2019.

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

Edward Byrne Memorial Justice Assistance Grant (JAG) Program Fiscal Year 2019 Local Solicitation

CFDA #: 16.738

Solicitation Release Date: July 25, 2019

Application Deadline: 8:00 p.m. eastern time on August 23, 2019

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 law enforcement efforts to prevent or reduce crime and violence.

This solicitation incorporates the [OJP Grant Application Resource Guide](#) by reference. The OJP Grant Application Resource Guide provides guidance to applicants for the preparation and submission to OJP of applications for funding. **If this solicitation expressly modifies any provision in the OJP Grant Application Resource Guide, the applicant is to follow the guidelines in this solicitation as to that provision.**

This solicitation expressly modifies the OJP Grant Application Resource Guide by not incorporating the "Limitation on Use of Award Funds for Employee Compensation; Waiver" provisions in the "Financial Information" section of the OJP Grant Application Resource Guide.

Eligibility

Only units of local government may apply under this solicitation. 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 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](#).

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.

Contact Information

For technical assistance with submitting an application, contact the Grants Management System (GMS) 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 after the deadline. For information on reporting technical issues, see “Experiencing Unforeseen GMS Technical Issues” under **How to Apply (GMS)** in the [OJP Grant Application Resource Guide](#).

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](#).

Post-Award Legal Requirements Notice

If selected for funding, in addition to implementing the funded project consistent with the OJP-approved application, the recipient must comply with all award conditions, and all applicable requirements of federal statutes and regulations (including applicable requirements referred to in the assurances and certifications executed in connection with 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.

For additional information on these legal requirements, see the “Administrative, National Policy, and Other Legal Requirements” section in the [OJP Grant Application Resource Guide](#).

Deadline details

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 8 p.m. eastern time on August 23, 2019.

For additional information, see the “**How to Apply (GMS)**” section in the [OJP Grant Application Resource Guide](#).

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Program-specific Information	5
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Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2019 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 2019 JAG Program Local Solicitation. (A separate solicitation will be issued for applications to BJA directly from states.)

Statutory Authority: The JAG Program is authorized by Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law No. 90-351 (generally codified at 34 U.S.C. 10151-10726), 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 2019 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

Additionally, JAG funds awarded to a unit of local government under this FY 2019 solicitation may be used for any purpose indicated [Appendix D](#).

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.”

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 about requesting BJA certification for a listed prohibited item (including Unmanned Aircraft, Unmanned Aerial Vehicles and/or Unmanned Aerial System purchases) 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](#), 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 2019 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 2019 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 JAG funds may be purchased at any threat level, make, or model from any distributor or manufacturer, as long as the following requirements are met: The body armor must have been tested and found to comply with the latest applicable National Institute of Justice (NIJ) ballistic or stab standards. In addition, body armor purchased must be made in the United States. Finally, body armor purchased with JAG funds must be "uniquely fitted vests," which means protective (ballistic or stab-resistant) armor vests that conform to the individual wearer to provide the best possible fit and coverage, through a combination of: 1) correctly-sized panels and carrier, determined through appropriate measurement, and 2) properly adjusted straps, harnesses, fasteners, flaps, or other adjustable features. The requirement that body armor be "uniquely fitted" does not necessarily require body armor that is individually manufactured based on the measurements of an individual wearer. In support of OJP's efforts to improve officer safety, the American Society for Testing and Materials (ASTM) International has made available the [Standard Practice for Body Armor Wearer Measurement and Fitting of Armor](#) (Active Standard ASTM E3003) available at no cost. The [Personal Armor Fit Assessment checklist](#) is excerpted from ASTM E3003.

A unit of local government that proposes to use FY 2019 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. There are no requirements regarding the nature of the policy other than it specify when mandatory wear is required for uniformed officers on duty. FAQs related to the mandatory wear policy requirement can be found at ojp.gov/bvpbasi/docs/FAQsBVPMandatoryWearPolicy.pdf. 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.

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 local government JAG recipient, and made available to OJP upon request.

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 **pursuant to the BVP program statute, at 34 U.S.C. § 10532(c), the use of JAG funding by a unit of local government may impact its eligibility for funding under the BVP program. If a unit of local government uses JAG funds to purchase armor vests, that unit of local government cannot also receive funding under the BVP program in the same fiscal year.** 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 any subrecipients) that use FY 2019 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 [FCC] Waiver Order) should review current SAFECOM guidance at: <https://www.dhs.gov/safecom>. This 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 2019 JAG funds should support the Statewide Communication Interoperability Plan (SCIP) and be coordinated with the full-time statewide interoperability coordinator (SWIC) in the state of the project. As the central coordination point for a 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 for more information. All communications equipment purchased with FY 2019 JAG Program funding should be identified during quarterly performance metrics reporting.

Further, information-sharing projects funded with FY 2019 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://it.ojp.gov/gsp_grantcondition. Recipients (and subrecipients) will be required to document planned approaches to information sharing and describe compliance with 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 (NTIA). FirstNet's statutory mission is to take all actions necessary to ensure the establishment of a nationwide public safety broadband network (NPSBN). 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 (LMR), in time, FirstNet is expected to provide 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, should your state or territory opt in, visit www.FirstNet.gov. To learn about FirstNet's programs and activities, including its consultation and outreach with public safety, the state planning process, FirstNet's history and promise and how it plans to ensure that the FirstNet network meets the needs of public safety, 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 Federal Bureau of Investigation (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 will 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 (which includes any dispositions or records whatsoever that involve any “alien [who] is illegally or unlawfully in the United States” (18 U.S.C. § 922(g)(5)(A) (generally prohibiting any such alien to possess any firearm or ammunition)), 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, see: 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 2019 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 a properly executed Certifications and Assurances by the Chief Executive of the Applicant Government using the form shown in [Appendix A](#).

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 2019 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 requires, 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 2019 JAG funds received by that jurisdiction to be used for NIBRS compliance activities, unless that jurisdiction has had the requirement waived by BJA, 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.

BJA will waive the set-aside requirement for units of local government that have been certified as NIBRS compliant by their state, or directly by the FBI, as of the posting date of this solicitation. Units of local government that achieve full compliance with NIBRS after receiving an award should email evidence of NIBRS compliance (certification of NIBRS compliance from their state or the FBI) to their State Policy Advisor listed in OJP's Grants Management System (GMS). Upon review of the documentation submitted, BJA will confirm the NIBRS compliance and then issue a Grant Adjustment Notice (GAN) to clear any withholding special condition associated with the NIBRS set-aside requirement. Units of local government must retain documentation on file that demonstrates the certification of NIBRS compliance. Such documentation must be made available for BJA review, upon request. Please note that in order for a state to certify NIBRS compliance of a unit of local government, that state must first be certified as NIBRS compliant by the FBI. In FY 2019 and forward, this requirement is applicable to all JAG recipients, meaning tribal jurisdictions must set aside the 3 percent for NIBRS compliance.

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 2019 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 units of local government to tailor their programs to the local crime issues, and to be data-informed in their work. Units of local government should consider investing JAG funds in programs to combat illegal 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. Units of local government 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, the United States Marshals Service, 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 [2018 Preliminary End-of-Year Law Enforcement Fatalities Report](#), released by the National Law Enforcement Officers Memorial Fund (NLEOMF), 2018 saw 144 law enforcement law enforcement line-of-duty deaths nationwide. This is a 12 percent increase over 2017, which had 129 line-of-duty deaths. Firearms-related deaths were the leading cause of law enforcement deaths (52) – a

13 percent increase when compared to 2017. Among those deaths, 14 occurred during an attempt to arrest a suspect, 8 while conducting an investigative activity, 6 while responding to a domestic or public disturbance, and 5 as a result of being ambushed. Additionally, there were 50 traffic-related deaths. Forty-two officers died due to circumstances other than firearms or traffic, the majority being job-related illnesses.

Based on the latest report (2017) from the [FBI's Law Enforcement Officers Killed and Assaulted \(LEOKA\) data](#), there appeared to be a continuing increase in assaults against law enforcement officers between 2016 and 2017. In 2017 there were 60,211 assaults versus 57,180 assaults in 2016. Of those assaulted, 17,476 were injured compared to 16,535 injured in 2016. The 2017 LEOKA data show that 21 officers died as a result of investigative or enforcement duties, 6 during pursuits, and 5 were ambushed.

BJA sees a vital need to continue to focus on tactical officer safety concerns as well as on the health and wellness of law enforcement as that may have a direct effect on officer performance and safety. It is important for law enforcement to have the tactical skills necessary, and also to be physically and mentally well, to perform, survive, and be resilient in the face of the demanding duties of the profession. BJA encourages units of local government 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](#) and soon to be available through the National Officer Safety Initiative program, as well as funding for health and wellness programs for law enforcement officers.

Southwest Border Rural Law Enforcement – Securing U.S. borders (and internationally accessible waterways and airports) is critically important to the reduction, intervention, and prevention of transnational drug-trafficking networks, gangs, and combating all forms of human trafficking and related sexual assaults 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, to include law enforcement. BJA encourages units of local government using JAG funds to support law enforcement hiring, training, and technology enhancement, as well as information sharing, cooperation, and coordination among federal, state, local, tribal, and territorial law enforcement agencies to help address these problems.

Responding to the Opioid Crisis – The opioid crisis is a public health emergency and responding to the crisis is one of DOJ's top priorities. In 2017, more than 72,000 Americans lost their lives to drug overdoses, according to the Centers for Disease Control and Prevention (CDC). In 2016, 63,632 Americans died from fatal drug overdoses and 52,404 died in 2015 (CDC). The majority of these deaths can be attributed to opioids. Law enforcement plays a vital role in efforts to stem overdoses, save lives, and fight illegal opioid distribution and abuse. BJA encourages local governments to use JAG funds to support law enforcement actions to fight the opioid epidemic such as addressing the supply of both diverted prescription drugs and illegal drugs, and supporting first responders when encountering overdoses. JAG funds can also be used for training and safety measures to prepare for potential encounters with synthetic opioids such as fentanyl. This may include covering the cost of providing naloxone to all officers and the cost of fentanyl detection testing.

Objectives

In general, the FY 2019 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 unit of local government that receives an FY 2019 JAG award will be required to produce various types of reports and to submit data related to performance measures and accountability. The objectives are directly related to the JAG Program accountability measures at <https://bjapmt.ojp.gov/help/jagdocs.html>.

The Objectives are directly related to the performance measures that demonstrate the results of the work completed, as discussed under [What an Application Should Include](#).

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. For additional information and resources on evidence-based programs or practices, see the [OJP Grant Application Resource Guide](#).

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 units of local government 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

Applicants should note OJP may conduct or support an evaluation of the programs and activities funded under this solicitation. For additional information, see the [OJP Grant Application Resource Guide](#) section, entitled, "Information Regarding Potential Evaluation of Programs and Activities."

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 unit of local government 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, 2018 through September 30, 2022. 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, 2018 through September 30, 2020. 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 the “Administrative, National Policy, and Other Legal Requirements” section of the [OJP Grant Application Resource Guide](#) 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, comply with standards for financial and program management. See [OJP Grant Application Resource Guide](#) for additional information.

Budget 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. See the [OJP Grant Application Resource Guide](#) for information.

Costs Associated with Language Assistance (if applicable)

See the [OJP Grant Application Resource Guide](#) for information on costs associated with language assistance that may be allowable.

C. Eligibility Information

For information on eligibility, see the title page.

For information on cost sharing or match requirements, see [Section B. Federal Award Information](#).

D. Application and Submission Information

What an Application Should Include

See the "Application Elements and Formatting Instructions" section of the [OJP Grant Application Resource Guide](#) for information on, among other things, what happens to an application that does not contain all the specified elements. (This solicitation expressly modifies the "Application Elements and Formatting Instructions" section of the OJP Grant Application Resource Guide by not incorporating paragraph two of that section (referring to nonresponsive applications or applications missing critical elements not "[proceeding] to peer review").)

1. Application for Federal Assistance (Standard Form (SF)-424)

The SF-424 is a required standard form used as a cover sheet for submission of pre-applications, applications, and related information. See the [OJP Grant Application Resource Guide](#) for additional information on completing the SF-424.

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 applicant's 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 19, 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 19 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 narrative¹:

- (a) Description of the Issues – Identify the unit of local government's strategy/funding priorities for the FY 2019 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 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 data that demonstrate the results of the work carried out under the award. The performance data directly relate to the objectives identified under "Objectives" in [Section A. Program Description](#).

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>.

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

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

¹ 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](#).

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 follow the guidance under Note on Project Evaluations in the [OJP Grant Application Resource Guide](#).

4. Budget and Associated Documentation

See the Budget Preparation and Submission Information section of the [OJP Grant Application Resource Guide](#) for details on the Budget Detail Worksheet, and on budget information and associated documentation, such as information on proposed subawards, proposed procurement contracts under awards, and pre-agreement costs. **Please note that the budget narrative should include a full description of all costs, including funds set aside for NIBRS project(s) and administrative costs (if applicable).**

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 states 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.

5. Indirect Cost Rate Agreement (if applicable)

See the Budget Preparation and Submission Information section of the [OJP Grant Application Resource Guide](#) for information.

6. Tribal Authorizing Resolution (if applicable)

The following two paragraphs in this solicitation expressly modify the “Tribal Authorizing Resolution” provisions in the [OJP Grant Application Resource Guide](#). An applicant is to follow the guidance in these two paragraphs instead of the guidance stated under the “Tribal Authorizing Resolution” heading in the Guide.

An application in response to the solicitation may require inclusion of information related to a 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.

An applicant unable to submit an application that includes a fully executed (i.e., signed) copy of legal appropriate documentation, as described above, consistent with the applicable tribe’s governance structure, should submit an unsigned, draft version of such legal documentation as part of its application (except for cases in which, with respect to a tribal consortium applicant, consortium bylaws allow action without the support of all consortium member tribes). If selected for funding, OJP will make use of and access to award funds contingent on receipt of the fully executed legal documentation.

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

Every OJP applicant (other than an individual applying in his or her personal capacity) is required to download, complete, and submit the OJP Financial Management and System of Internal Controls Questionnaire (Questionnaire) at <https://ojp.gov/funding/Apply/Resources/FinancialCapability.pdf> as part of its application. See the [OJP Grant Application Resource Guide](#) for additional information and submission instructions for this Questionnaire.

8. Disclosure of Lobbying Activities

Each applicant must complete and submit this information. See the [OJP Grant Application Resource Guide](#) for additional information and submission instructions for this disclosure.

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](#).

Please note that this certification takes the place of the review narrative attachment and contains assurances that the governing body notification and public comment requirements, which are required under the JAG statute (at 34 U.S.C. § 10153(a)(2)), have been satisfied. More specifically, this certification 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 fewer than 30 days before the application was submitted to BJA and that 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.

OJP will not deny an application for an FY 2019 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 (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. 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 any identical cost items outlined in the budget submitted to OJP as part of the application under this solicitation. For additional information on the submission requirements for this disclosure, see the [OJP Grant Application Resource Guide](#).

11. Applicant Disclosure and Justification – DOJ High Risk Grantees²(if applicable)

An applicant that is designated as a DOJ High Risk Grantee is to submit in GMS, as a separate attachment to its application, information that OJP will use, among other pertinent information, to determine whether it will consider or select the application for an award under this solicitation. The file should be named “DOJ High Risk Grantee Applicant Disclosure and Justification.” (See, also, “Review Process,” below, under Section E. Application Review Information, for a brief discussion of how such information may be considered in the application review process.) See the [OJP Grant Application Resource Guide](#) for additional information and submission instructions for this disclosure.

12. Research and Evaluation Independence and Integrity

If an application proposes 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. For additional information regarding demonstrating research/evaluation independence and integrity, including appropriate safeguards, see the [OJP Grant Application Resource Guide](#).

13. 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:

² A “DOJ High Risk Grantee” is a recipient that has received a DOJ High-Risk designation based on a documented history of unsatisfactory performance, financial instability, management system or other internal control deficiencies, or noncompliance with award terms and conditions on prior awards, or that is otherwise not responsible.

- (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.
 - Please explain how the law, policy, or practice complies with 8 U.S.C. § 1373.

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

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. Find information, registration and submission steps on how to apply in GMS in response to this solicitation under **How to Apply (GMS)** in the [OJP Grant Application Resource Guide](#).

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. See the [OJP Grant Application Resource Guide](#) for information on the application review process for this solicitation.

In addition, if OJP anticipates that an award will exceed \$250,000 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.

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

See the [OJP Grant Application Resource Guide](#) for information on award notifications and instructions.

Administrative, National Policy, and Other Legal Requirements

OJP strongly encourages prospective applicants to review information on post-award legal requirements and common OJP award conditions **prior** to submitting an application. See the [OJP Grant Application Resource Guide](#) for additional information on administrative, national policy, and other legal requirements.

Information Technology (IT) Security Clauses

An application in response to this solicitation may require inclusion of information related to information technology security. See the [OJP Grant Application Resource Guide](#) for information on information technology security.

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 generally applicable to FY 2019 OJP awards and common OJP award conditions **prior** to submitting an application.

Individual FY 2019 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 publicly disclose federal law enforcement information in an attempt to conceal, harbor, or shield certain individuals from detection, including in violation of 18 U.S.C. §§ 1071 or 1072, or 8 U.S.C. § 1324(a).
- 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 request 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.)

See the [OJP Grant Application Resource Guide](#) for additional information on specific post-award reporting requirements, including performance measures data.

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 that 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.)

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

G. Federal Awarding Agency Contact(s)

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

For contact information for GMS, see the title page.

H. Other Information

Freedom of Information 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. See the [OJP Grant Application Resource Guide](#) for information on DOJ and OJP processes with regard to application information requested pursuant to FOIA.

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. See the [OJP Grant Application Resource Guide](#) for information on providing solicitation feedback to OJP.

Appendix A

Certifications and Assurances by the Chief Executive of the Applicant Government

Template for use by the chief executive of the applicant unit of local government.

Visit <https://www.bja.gov/Funding/FY2019LocalJAGCEOCertification.pdf> to download the most up-to-date version.

Note: By law, for purposes of the JAG Program, the term “states” includes the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the U.S. Virgin Islands, Guam, and American Samoa.

**U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS**

Edward Byrne Justice Assistance Grant Program FY 2019 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 2019 Edward Byrne Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify 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 as chief executive 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 have carefully reviewed 34 U.S.C. § 10153(a)(5), and, with respect to the programs to be funded by the award (if any), I hereby make the certification required by section 10153(a)(5), as to each of the items specified therein.

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

Certain relevant federal laws, as in effect on April 8, 2019

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 C

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 D

Additional purposes for which JAG funds awarded to a unit of local government under this FY 2019 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 E Application Checklist

Edward Byrne Memorial Justice Assistance Grant (JAG) Program: FY 2019 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 the [OJP Grant Application Resource Guide](#))
- _____ Acquire or renew registration with SAM (see the [OJP Grant Application Resource Guide](#))

To Register with GMS:

- _____ For new users, acquire a GMS username and password*
(see the [OJP Grant Application Resource Guide](#))
- _____ For existing users, check GMS username and password* to ensure account access
(see the [OJP Grant Application Resource Guide](#))
- _____ Verify SAM registration in GMS (see the [OJP Grant Application Resource Guide](#))
- _____ Search for correct funding opportunity in GMS
(see the [OJP Grant Application Resource Guide](#))
- _____ Select correct funding opportunity in GMS (see the [OJP Grant Application Resource Guide](#))
- _____ Register by selecting the “Apply Online” button associated with the funding opportunity title
(see the [OJP Grant Application Resource Guide](#))
- _____ Read OJP policy and guidance on conference approval, planning, and reporting
available at ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm
(see the [OJP Grant Application Resource Guide](#))
- _____ If experiencing technical difficulties in GMS, contact the NCJRS Response Center
(see page 2)

*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 2019 Awards](#)” 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 2019 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 17)
_____ Intergovernmental Review	(see page 17)
_____ Project Identifiers	(see page 18)
_____ Program Narrative	(see page 18)
_____ Budget and Associated Documentation	(see page 19)
_____ Indirect Cost Rate Agreement (if applicable)	(see page 19)
_____ Tribal Authorizing Resolution (if applicable)	(see page 20)
_____ Financial Management and System of Internal Controls Questionnaire	(see page 20)
_____ Disclosure of Lobbying Activities (SF-LLL) (if applicable)	(see page 20)
_____ Certifications and Assurances by Chief Executive	(see Appendix A)
_____ Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)	(see Appendix C)
_____ OJP Certified Standard Assurances	(see page 20)
_____ Applicant Disclosure of Pending Applications	(see page 21)
_____ Applicant Disclosure and Justification – DOJ High Risk Grantees (if applicable)	(see page 21)
_____ Research and Evaluation Independence and Integrity (if applicable)	(see page 21)



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

D.7.

Meeting Date: 09/03/2019

Prepared By: Zachary Flores, Police Chief

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6522**

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 2019 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 2019 JAG grant, which is also on the September 3rd 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 2019 Justice Assistance Grant Program. The total grant award would be \$10,936.00 of which the City of Denison's portion would be \$2,843.00 towards the purchase of patrol officer uniforms; Grayson County's portion would be \$2,220.00 for the purchase of detention officer hand-held radios; and Sherman's portion would be \$5,873.00 to be used for the purchase of a portable surveillance system.

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. 6522
Interlocal Agreement

RESOLUTION NO. 6522

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 2019 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 Ten Thousand Nine Hundred Thirty-Six Dollars and No Cents (\$10,936.00) under the 2019 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 Two Hundred Twenty Dollars and No Cents (\$2,220.00) for the purchase of detention officer hand-held radios; and
- An award to the City of Denison of Two Thousand Eight Hundred Forty-Three Dollars and No Cents (\$2,843.00) for the purchase of patrol officer uniforms; and
- An award to the City of Sherman of Five Thousand Eight Hundred Seventy-Three Dollars and No Cents (\$5,873.00) for the purchase of a portable surveillance system for the 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 _____, 2019.

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**

2019 JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD – CFDA 16.738

THIS AGREEMENT is made and entered into this the ____ day of _____, 2019, 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 Two Thousand Eight Hundred Forty-Three Dollars and No Cents (\$2,843.00) from the 2019 JAG Program award for the purchase of patrol officer uniforms; and

WHEREAS, SHERMAN agrees to provide GRAYSON Two Thousand Two Hundred Twenty Dollars and No Cents (\$2,220.00) from the 2019 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 2019 JAG funds;

NOW, THEREFORE, SHERMAN, DENISON and GRAYSON agree as follows:

Section 1. SHERMAN agrees to pay DENISON a total of Two Thousand Eight Hundred Forty-Three Dollars and No Cents (\$2,843.00) of 2019 JAG funds.

Section 2. DENISON agrees to use Two Thousand Eight Hundred Forty-Three Dollars and No Cents (\$2,843.00) for the purchase of patrol officer uniforms.

Section 3. DENISON agrees that, in the event of loss or misuse of the 2019 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 Two Hundred Twenty Dollars and No Cents (\$2,220.00) of 2019 JAG funds.

Section 5. GRAYSON agrees to use Two Thousand Two Hundred Twenty Dollars and No Cents (\$2,220.00) for the purchase of detention officer hand-held radios.

Section 6. GRAYSON agrees that, in the event of loss or misuse of the 2019 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:

BY: _____
Linda Ashby, City Clerk

APPROVED AS TO FORM:

BY: _____
Brandon S. Shelby,
Sherman 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

ATTEST:

BY: _____
Christine Wallentine,
City Clerk/Court Administrator

APPROVED AS TO FORM:

BY: _____
Julie Fort,
Denison City Attorney



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

D.8.

Meeting Date: 09/03/2019

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6523**

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, Boys & Girls Club of Sherman, Inc., Four Rivers Outreach, and CASA of Grayson County for the Use of Community Development Block Grant Funds

Issue:

Public Service Contracts for the Program Year (PY) 2019 Community Development Block Grant (CDBG) Program

Background:

The PY 2019 CDBG Program, previously adopted by the Sherman City Council via Resolution No. 6497 at the July 1, 2019 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, 2019 through September 30, 2020.

Origination:

Teri Fine, Grants 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. 6523

Grants Coordinator Memo dated August 2, 2019

Resolution No. 6497 with Action Plan and Certifications

RESOLUTION NO. 6523

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, BOYS & GIRLS CLUB OF SHERMAN, INC., FOUR RIVERS OUTREACH, AND CASA OF GRAYSON COUNTY 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, Boys & Girls Club of Sherman, Inc., Four Rivers Outreach, and CASA of Grayson County 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 _____, 2019.

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**

DATE: Friday, August 2, 2019
TO: Brandon S. Shelby, City Attorney
FROM: Teri Fine, Grants Coordinator *TF*
SUBJECT: Community Development Block Grant FY 2019 Subrecipient Agreements

The Program Year 2019 Community Development Block Grant (CDBG) program previously adopted by the Sherman City Council on July 1, 2019 (Resolution No. 6497), allocated certain CDBG funds to provide various public services through subrecipient agencies for citizens of low to moderate income residing within our city limits.

These agreements are designed to coincide with the CDBG funding cycle and will cover the period of October 1, 2019 through September 30, 2020. The following outlines the entities and services to be provided during the coming year.

CDBG PUBLIC SERVICE ACTIVITIES 2019-2020

Sherman Housing Authority - \$10,000 A program of activities will provide increase law enforcement services to stop the sale of illegal drugs in and around public housing, apprehend sellers of such drugs, and an overall reduction of crime in the assisted housing area.

Grayson 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 - \$6,000 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 - \$7,000 A program to provide counseling services for family dysfunction, alcohol and substance abuse, domestic violence, and sexual abuse for low-moderate income, adult Sherman residents.

Boys & Girls Club of Sherman, Inc. - \$6,000 A program to provide scholarships for organized sports activities for youth from low-moderate income families.

Four Rivers Outreach - \$3,500 A program that serves those who are overcoming their struggles with addiction by providing a men's residential 16-bed facility and a 12-month Life Renewal program. Recipients are ones, who at one time, resided within the city limits of Sherman

CASA of Grayson County - \$3,500 A volunteer advocate training program to educate new volunteers on process and procedures to advocate for foster children in Grayson County that have been abused or neglected.

We have the same basic subrecipients as last year with exception of the last two (Four Rivers Outreach and CASA Grayson County). Please review the attached contracts and let me know of any revisions or suggestions you feel necessary. I will hand-deliver these contracts to the subrecipients for signatures the week of August 12, 2019 so please let me know in advance of your recommendations. I have updated and attached the contract documents which accurately reflect the PY 2019 allocations approved by the Sherman City Council.

It is recommended the PY 2019 Public Service contracts be approved by the Sherman City Council at the meeting on September 3, 2019. Please let me know if you need any additional information/clarification. Thank you in advance for your assistance!

Attachments

RESOLUTION NO. 6497

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 2019; 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 2019; 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 Three Hundred Fifty-Eight Thousand Three Hundred Seventeen Dollars and No Cents (\$358,317.00) for program year 2019, 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 5, 2019, and July 1, 2019; 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 2019 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 2019.

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 1st day of July, 2019.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: Linda Ashby
LINDA ASHBY, CITY CLERK

BY: per
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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



memorandum

DATE: Thursday, June 20, 2019
TO: Robby Hefton, City Manager
FROM: Stephanie Welch, Grants Coordinator 
SUBJECT: PY 2019 Final Statement/Action Plan

The City of Sherman's Proposed Final Statement/Action Plan of Community Development Objectives with projected use of the funds for Program Year 2019 was published in the Herald Democrat on May 19, 2019. The required 30-day public comment period has concluded and no public comments were received on the Proposed Statement of Objectives.

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 2019 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 July 1, 2019.

During the interim, should you have any questions or desire additional information or clarification, please let me know.

Thank you.

**CITY OF SHERMAN, TEXAS
FINAL STATEMENT/ACTION PLAN OF
COMMUNITY DEVELOPMENT OBJECTIVES
AND PROJECTED USE OF FUNDS FOR PROGRAM YEAR 2019**

GRANT NO: B-19-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 2019 is \$358,317.00. These funds will be received on October 1, 2019. 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 2019**

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.

PARK IMPROVEMENT: \$145,000

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.

PROGRAM ADMINISTRATION: \$ 69,317

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, Performance Report associated with the City of Sherman Five-Year Consolidated Plan and Strategy, and the producing of the 10-year Fair Housing Study.

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: \$6,000

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: \$7,000

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: \$6,000

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.

FOUR RIVERS OUTREACH: \$3,500

A program that serves those who are overcoming their struggles with addiction by providing a men's residential 16-bed facility and a 12-month Life Renewal program. Recipients are ones, who at one time, resided within the city limits of Sherman.

CASA OF GRAYSON COUNTY: \$3,500

A volunteer advocate training program to educate new volunteers on process and procedures to advocate for foster children in Grayson County that have been abused or neglected.

TOTAL PROGRAM ALLOCATION: \$358,317

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 in the lower/moderate income target areas.
3. Improve the quality of life in lower/moderate income target areas with 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.
8. Provide support for provision of shelter/assistance to men in overcoming addiction.
9. Educate and train volunteers who advocate for abused and neglected children.

The Action Plan of Community Development Objectives and Projected Use of Funds for Program Year 2019 are available in the Finance Department 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 Stephanie Welch, Grants Coordinator, City of Sherman, P.O. Box 1106, Sherman, TX 75091-1106. Written comments must be received prior to 5:00 p.m. on Tuesday, August 6, 2019. 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.

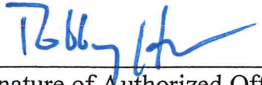
Anti-Lobbying --To the best of the jurisdiction's knowledge and belief:

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

7/1/2019

Date

City Manager
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) 2019 [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

7/1/2019

Date

City Manager

Title



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

E.1.

Meeting Date: 09/03/2019

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

OTHER BUSINESS

Receive Quarterly Report on the Sherman Cultural District

Issue:

To receive the Sherman Cultural District quarterly report from Ms. Cary Wacker, Associate Vice President for Institutional Advancement & Director of the Center for Community & Regional Development at Austin College

Background:

This third quarterly report will provide the City Council with an overview of the Cultural District's activities and accomplishments during the June-August 2019 period as well as upcoming events they have planned.

The first quarterly report was presented at the March 18th City Council meeting; and the second was presented at the June 3rd City Council meeting. The fourth quarterly report will be provided at the December 2nd City Council meeting.

Origination:

City Council

Financial Consideration:

This presentation is for informational purposes only and has no impact on the City's revenues or expenses.

Staff Recommendation:

No action is required of the City Council.

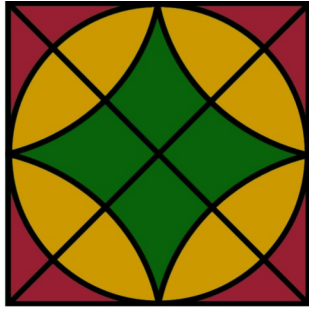
Alternatives:

None recommended

Attachments

Quarterly Report of September 3, 2019

SCD Quarterly Report | September 2019



SHERMAN
CULTURAL
DISTRICT

Activity Summary (June-August)

- 3 Cultural District Advisory Council meetings
- Annual Report submitted to Texas Commission on the Arts
- Two summer interns at Austin College
- 3-day photography workshop in partnership with Sherman Parks & Rec
- Advisory Council participation in TCA webinar "Free & Low Cost Marketing Resources from Texas Tourism Partners"
- Presentation to Sherman Noon Lion's Club
- Interview with Herald-Democrat
- Focalpoint(!) Project activities



COMING EVENTS

- ▶ **September 21—Arts Fest 2019—Focalpoint(!) Project activities**
 - Photo exhibit
 - Artist Reception
 - Mural Creation
 - Photography Workshop
- ▶ **October** is National Arts & Humanities Month
- ▶ **October 8—Grant writing seminar for arts nonprofits. 4-6 pm, Austin College**
- ▶ **December 7—Christmas Parade participation**
- ▶ **February 2020—(1) Winter art tour and (2) Community meetings with public art consultant**
- ▶ **June 2020—Focalpoint(!) Festival**



2018 TRAVEL IMPACT FOR SHERMAN

\$79.72M

\$1.544M

Source: Travelstats.com | Dean Runyon Assoc.

\$15.33M

620

DIRECT TRAVEL SPENDING—Purchases by travelers during their trip

DIRECT TAX RECEIPTS—Sherman sales tax (excluding state sales tax) collected on applicable travel-related purchases, including lodging, food and beverage service, retail goods and motor fuel.



DIRECT EARNINGS—wage and salary disbursements, earned benefits and proprietor income of employees and owners of businesses that are attributable to travel

DIRECT EMPLOYMENT—associated with the above earnings, including full- and part-time and proprietors.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

E.2.

Meeting Date: 09/03/2019

Prepared By: Sarah McRae, Tourism/Main Street Manager

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 14, 2019

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 14th from 11:00 a.m. to 5:00 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

Hispanic Heritage Council Request Letter

Hispanic Heritage Festival Map



August 13, 2019

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 14, 2019. The outdoor event is scheduled to take place from 11am to 5pm.

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

President Hispanic Heritage Council of Texoma

Chairs Tables

354	38 All Rectangle Tables & 354 Brown chairs
8	4
40	4 tables at driveway (south of circle drive) with 10 chairs each = 40
80	8 tables @ Rusk on grass w/10 chairs each =80
10	5 tables @ Pecan /Elm intersection w/2 chairs each =10
12	2 tables @ gazebo w/6 chairs each=12
30	3 tables at edge of grass (east of gazebo)w/10 chairs each=30
16	8 tables along the sidewalk at Elm st. w/2 chairs each =16
2	1 table for Info with 2 chairs each = 2
2	1 table at Car Show Registration w/2 chairs=2
4	2 tables for the Raffle w/2 chairs each=4
150	0 Several Rows of chairs for seating w/an isle = 150
	.Any extra tables and chairs left in handicap prkg. area
354	38 TOTALS

*** All tables are green and orange rectangles**

Electrical

Each 'E' represents an electrical box containing:

- (1) 230 Volt, 50 Amp plug
- (1) 125 Volt, 30 Amp RV plug
- (6) 110 Volt, 20 Amp plugs

There are two boxes at the NW corner, two at the SE corner and four at the SW corner of The Lawn

Washington

Quinn Studio Finley Theatre

Finley Theatre

Mulberry

	(NORTH) -	
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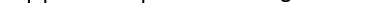
 Parking

Diagram illustrating a connection between two nodes (4 and 5) and their associated barricade status. Node 4 is connected to a solid barricade, while Node 5 is connected to a dashed barricade.

Diagram illustrating a connection between two nodes (4 and 5) and their associated barricade status. Node 4 is connected to a solid barricade, while Node 5 is connected to a dashed barricade.

Vendors 17-28
only parking

Blood Mobile

c

Blood Mobile

c

Kidd-Key Auditorium

HHC staff
Parking only

Porta-Polies



Children

Seating Area

XXXXXXXX	XXXXXXXX
XXXXXXXX	XXXXXXXX
XXXXXXXX	XXXXXXXXXXXX
XXXXXXXX	XXXXXXXXXXXX

Gazebo

DJ

40	39	38	37	36	35	34
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(SOUTH) Vendors
29-40 Parking

Presbyterian

Piner

2
Barricade

m
Barric

Barricade

Elm St

6	Barricade
---	-----------



Or dry slide

Electrical Box

WATERSLID or dry slide

(EAST) - Parking

Elm St

1	Barricade
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1	Barricade
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SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

E.3.

Meeting Date: 09/03/2019

Prepared By: Sarah McRae, Tourism/Main Street Manager

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Consider Request of St. Mary's Catholic School to Temporarily Close Certain Streets for the "Run Run Rudolph 5K and Family Fun Run/Walk" on Saturday, December 7, 2019

Issue:

St. Mary's Catholic School is planning to hold its 9th Annual "Run Run Rudolph 5K and Family Fun Run/Walk" on Saturday, December 7th as part of their fundraising campaign and is requesting the City of Sherman's assistance with traffic control along the route.

Background:

The event will begin with the Fun Run at 8:45 a.m. and 5K to start at 9:15 a.m., and will follow the route outlined on the attached map. The event will require barricade placement and removal as well as police officers to maintain safety at certain points along the route.

Origination:

Donnette Diehl, St. Mary's "Run Run Rudolph 5K Fun Run" Chairperson

Financial Consideration:

Barricade placement and removal and police support provided by the City

Staff Recommendation:

It is recommended that the City Council approve this request and authorize the necessary assistance to accommodate the event.

Alternatives:

As directed by the Council

Attachments

Run Run Rudolph Request Letter 2019

Run Run Rudolph Route Map 2019



August 21, 2019

Robby Hefton
City of Sherman
220 West Mulberry Street
Sherman, TX 75090-5832

Dear Mr. Hefton,

We are requesting to hold the 9th Annual St. Mary's Run Run Rudolph 5K and Family Fun Run/Walk on Saturday, December 7, 2019. We are estimating 400 runners to participate and respectfully request traffic support as well as cones to be placed along the 5K route. The Fun Run starts at 8:45 a.m. and the 5K starts at 9:15 a.m. and our route will begin and end at 713 South Travis at the St. Mary's Catholic School parking lot (course map attached).

We hold events such as these to help offset tuition costs so that we can offer an affordable Christian Education for all families who desire this for their children. I sincerely appreciate your consideration of this event. If you have any questions, please feel free to contact me at (903) 436-5502.

Sincerely,

Donnette Diehl
RRR5K Race Director
ddiehl@stmarys-sch.org

St. Mary's Run Run Rudolph 5K Course

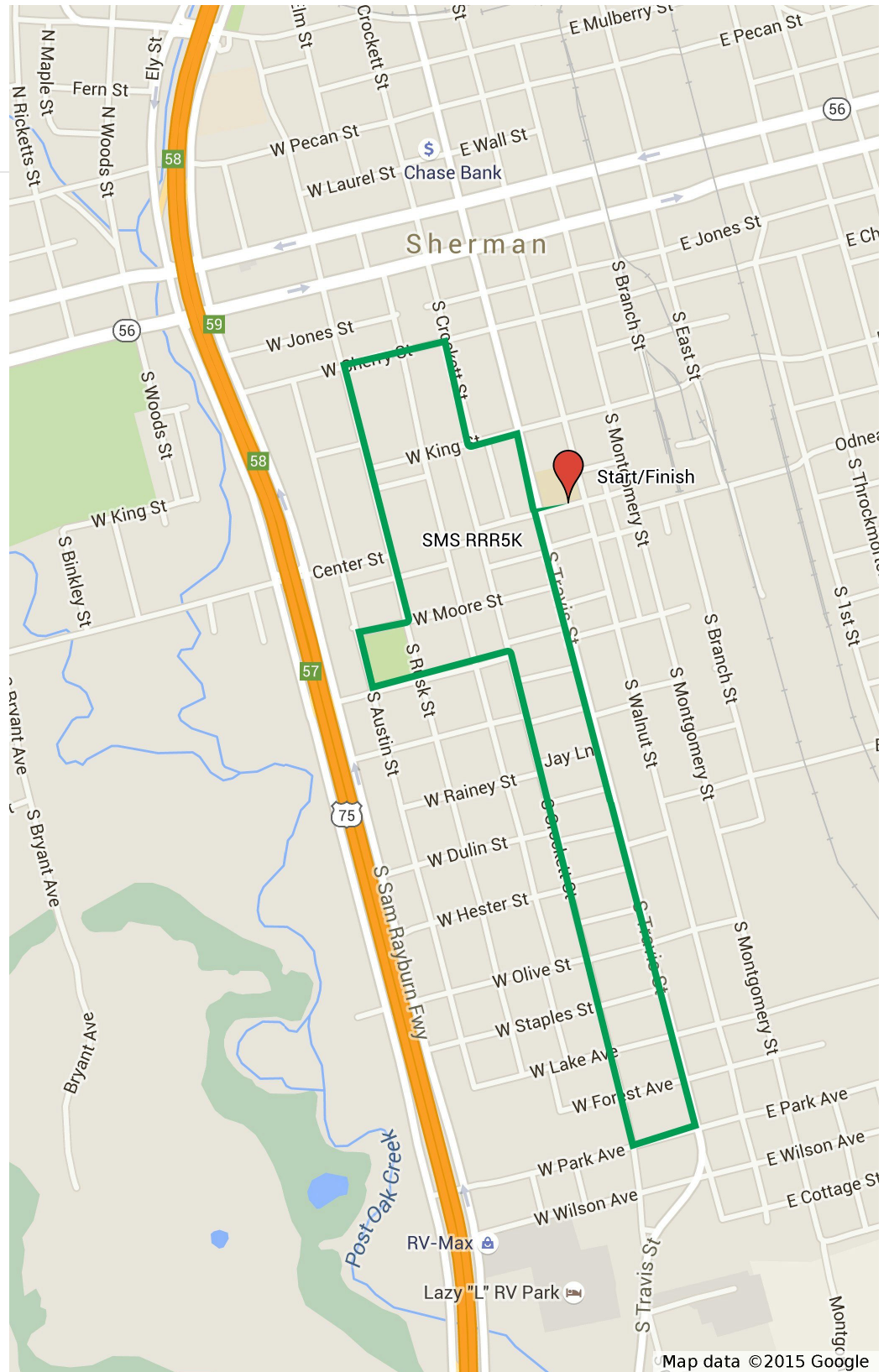
St. Mary's Run Run Rudolph 5K



SMS RRR5K



Start/Finish





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Meeting Date: 09/03/2019

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

COUNCIL CALENDAR

Attachments

2019 Council Calendar

2019

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
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FEBRUARY						
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MARCH						
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APRIL						
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MAY						
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JUNE						
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JULY						
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AUGUST						
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SEPTEMBER						
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OCTOBER						
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NOVEMBER						
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DECEMBER						
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15	16	17	18	19	20	21
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29	30	31				

1/21/2019	Martin Luther King, Jr. Day/Called City Council Meeting on 1/22/2019
2/27/2019	Called Council Meeting - Training Session for Council Members
4/26/2019	Called Budget Planning Meeting in Council Chambers
6/13/2019	Called Budget Workshop at Schulman's MBG in Sherman
6/14/2019	Called Budget Workshop at Schulman's MBG in Sherman - Cancelled
9/2/2019	Labor Day/Called City Council Meeting on 09/03/2019
9/10/2019	Called Joint Meeting with SEDCO Board in Council Chambers

[illegible]