



GLEN SMITH – Mayor  
 JOHNNY TRAN – Councilmember Place 1  
 DONNA HARVEY SCHULMAN – Councilmember Place 2  
 MARY CROCKER – Councilmember Place 3  
 TROY LEWIS – Councilmember Place 4  
 WAYNE DODD – Councilmember Place 5  
 STEPHEN MCGOVERN – Councilmember Place 6

**CITY OF PALACIOS  
 CITY COUNCIL REGULAR MEETING AGENDA**

**VIDEOCONFERENCE OPEN MEETING  
 May 26, 2020**

Notice is hereby given in accordance with order of the Office of the Governor issued March 16, 2020, the City Council of the City of Palacios will conduct a Regular Council Meeting scheduled for 7:00 pm on Tuesday, May 26, 2020, located in the Council Chambers of City Hall, 311 Henderson Avenue, Palacios, TX, by video conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19). **There will be no public access to the location described above.**

This Notice and Meeting Agenda, and the Agenda Packet, are posted online at <https://cityofpalacios.org>

The web site to participate in the video conference meeting hosted through Zoom is: <https://us04web.zoom.us/j/84868318680>

A recording of the video conference will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

The Public will be permitted to offer public comments on each agenda item by emailing [cmills@cityofpalacios.org](mailto:cmills@cityofpalacios.org) by 3pm on the day of the meeting.

**Regular COUNCIL MEETING 7PM**

**CALL TO ORDER**

- INVOCATION** – Councilmember Schulman
- PLEDGE OF ALLEGIANCE** – Councilmember Tran
- PLEDGE TO TEXAS FLAG** – Councilmember Tran
- PLEDGE TO PALACIOS FLAG** – Councilmember Tran

**VISITOR / CITIZEN FORUM**

**ADMINISTRATIVE REPORTS**

1. City Manager’s Report for April 2020

## **ITEMS TO BE CONSIDERED**

1. Discuss and consider approving the appointment of David McMurray to the Planning Commission
2. Discuss and consider adopting Resolution 2020-R-16 to designate authorized signators for the Hurricane Harvey Infrastructure CDBG Disaster Recovery Program contract 20-065-108-C295
3. Discuss and consider adopting Resolution 2020-R-17 adopting required CBG-DR Civil Rights Policies
4. Discuss and consider authorization to apply for the Community Development Block Grant Mitigation (CDBG-MIT) Grant for Hurricane Harvey.
5. Discuss and consider authorization to issue requests for proposals (RFP) for administrative services and requests for qualifications (RFQ) for engineering services related to the Community Development Block Grant Mitigation (CDBG-MIT) for Hurricane Harvey Grant programs administered by the Texas General Land Office (GLO).
6. Discuss and consider approving the City of Palacios Equal Employment Opportunity and Affirmative Action Policy
7. Discuss and consider approving the City of Palacios Financial Procedures
8. Discuss and consider approving the City of Palacios Code of Conduct Policy
9. Discuss and consider approving the City of Palacios Procurement Policies and Procedures for Federal Grants
10. Discuss and consider action to approve the following consent agenda items:
  - Minutes of the May 12, 2020 Regular Council Meeting
  - Excuse the absence of Councilmember Tran and Councilmember McGovern from the May 12, 2020 Regular Council Meeting
  - Minutes of the May 19, 2020 Special Council Meeting
  - Excuse the absence of Councilmember Tran, Councilmember Lewis, and Councilmember McGovern from the May 19, 2020 Special Council Meeting

## **EXECUTIVE SESSION**

In accordance with Chapter 551, Government Code, (Open Meetings Law) the Council May go into Executive (closed) session in order to:

Consult with its attorney (551.071)

Discuss Real Estate transaction (551.072)

Deliberation regarding prospective gifts or donation (551.073)

Discuss personnel matters (551.074) -

Deliberation regarding security devices (551.076)

Discuss economic development negotiations (551.087) –

## **ADJOURN**

In compliance with the Americans with Disabilities Act, the City of Palacios will provide for reasonable accommodations for persons attending public meetings. To better serve attendees, requests should be received 24 hours prior to the meeting. Please contact City Hall, at 361.972.3605.

CERTIFICATION

I certify that a copy of the May 26, 2020 agenda of items to be considered by the City Council was posted on the City of Palacios Web Site and City Hall bulletin board by 5:00 p.m. on May 22, 2020.

Clissa Mills

Clissa Mills, City Secretary



posted  
5/22/2020  
3pm

**City Manager's**  
**MONTHLY REPORT**  
**April 2020**

**HURICANE HARVEY**

- Attended GLO Kick Off Meeting; The grant award is in the amount of 1.4 million for drainage and street improvements utilizing Harvey CDBG-DR funds.

**ADMINISTRATION**

- Closing out IKE CDBG-DR grant project for improvements to the WWTP.
- Attended kickoff meeting with TxDOT Aviation Department for Palacios Airport Improvements Grant to repair Runway 13-31, taxiways, and terminal apron. Construction will begin in June.
- Close Out Documents are 100% complete on the sidewalk project utilizing the Downtown Revitalization Grant from Texas Department of Agriculture.
- Construction is 50% complete on replacing the waterline utilizing CDBG grant funds.

**PUBLIC WORKS**

- Work Orders Completed: 5 water leaks, 1 sewer stoppage calls, 31 animal calls, and 51 miscellaneous work orders, 101 completed work orders; cleaned ditches, resetting culverts and cleaning out existing culverts; repaired potholes.
- Mowed RR Park and other city properties, water plants, and 14 lift stations.

**AIRPORT**

- Working on lights around the Airport apron and Hangers

**POLICE**

- Calls for Service 350
- Citations 24 Warnings 25 issued, and 6 arrests
- Cases Assigned 15, Cases Closed 20
- Traffic accidents 2
- Reports written 30
- Police Chief submitted the 2020 Local Border Security Program Grant; continuation yearly grant. Final approval and execute grant in June.
- Police Chief submitted the Technology Grant for one new police vehicle and upgrade all in-car videos and body cameras. Final approval and execute grant in June.
- Police Chief is working on Homeland Security Grant.

**BUILDING PERMITS AND CODE ENFORCEMENT**

- Permits - New construction 1, Remodel 4, Electrical 3, Plumbing 5, Mechanical 0, Gas 0, Roof 5, Leveling 1, Demo 0, Driveway 1, Misc. permits 2, Plan Reviews 2, Consultations, and Inspections 35.
- Code Enforcement – Contacts 6, Letters 4, door hangers 4 and 1 demolition; working on code violations and abandoned vehicles.

**APPLICATION FOR PALACIOS CITY COUNCIL COMMITTEES**

The City Council of Palacios invites local citizens to volunteer their service to the various committees of the City Council—standing committees and/or various ad hoc committees that the Council may appoint from time to time for a specific purpose. The participation of citizens in their city government will make for a stronger, better-informed and progressive city.

Please check the committee(s) on which you would like to serve.  
All committees are appointed by the City Council.

Airport Committee \_\_\_\_\_ Parks & Recreation Committee \_\_\_\_\_  
Planning Commission X Zoning Board of Adjustments \_\_\_\_\_  
Streets & Drainage Committee \_\_\_\_\_ PEDC- Other \_\_\_\_\_

Areas in which you are interested and/or may have expertise, for City Council to consider in making appointments to either committee listed above or to special ad hoc committees: \_\_\_\_\_

Name: (Please print) David McMurray

Permanent Residence Address: 1505 EAST Bayshore Dr. Palacios

Mailing Address: 1159 Enclave Square EAST Houston, TX 77077

Are You a Registered Voter of Palacios? Yes

Occupation: BUSINESS OWNER

Phone: Home \_\_\_\_\_ Office \_\_\_\_\_ Cell 713 204 1791

Comments, including why you would like to serve on a committee:

\_\_\_\_\_  
\_\_\_\_\_

Please return form to City Secretary, Palacios City Hall, P.O. Box 845, Palacios, TX 77465  
Or fax form to 972-6555

APPLICANT SIGNATURE David McMurray

Received By Clissa Mills Date 5/22/2020

## RESOLUTION AUTHORIZING SIGNATORIES 2020-R-16

**A RESOLUTION BY THE CITY COUNCIL OF CITY OF PALACIOS DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE COMMUNITY DEVELOPMENT BLOCK GRANT - DISASTER RECOVERY PROGRAM (CDBG-DR) CONTRACT NUMBER 20-065-108-C295.**

**WHEREAS**, the City of Palacios has received a Hurricane Harvey - Infrastructure Community Development Block Grant - Disaster Recovery program award to provide Water Improvements/Street Improvements; and

**WHEREAS**, it is necessary to appoint persons to execute contractual documents and documents requesting funds from the Texas General Land Office and;

**WHEREAS**, an original signed copy of the CDBG-DR Depository/Authorized Signatories Designation Form is to be submitted with a copy of this Resolution, and;

**WHEREAS**, the City of Palacios acknowledges that in the event that an authorized signatory of the City changes (elections, illness, resignations, etc.) the City must provide CDBG-DR with the following:

- a resolution stating who the new authorized signatory is (not required if this original resolution names only the title and not the name of the signatory); and
- a revised CDBG-DR *Depository/ Authorized Signatories Designation Form*.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF PALACIOS, TEXAS, AS FOLLOWS:**

SECTION 1: The Mayor and City Manager are authorized to execute contractual documents between the Texas General Land Office and the City for the Hurricane Harvey - Infrastructure Community Development Block Grant Disaster Recovery Program.

SECTION 2: The Mayor, City Manager, and City Treasurer are authorized to execute the *State of Texas Purchase Voucher and Request for Payment Form* documents required for requesting funds approved in the Hurricane Harvey - Infrastructure Community Development Block Grant Disaster Recovery Program.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF PALACIOS, TEXAS,**  
on \_\_\_\_\_, 2020.

**APPROVED:**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Secretary

**Resolution Regarding Civil Rights  
The City of Palacios, Texas  
2020-R-17**

Whereas, the City of Palacios, Texas, (hereinafter referred to as "City of Palacios") has been awarded a Community Development Block Grant – Disaster Recovery (CDBG-DR) grant from the Texas General Land Office (hereinafter referred to as "GLO");

Whereas, the City of Palacios, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG-DR activity, on the basis of race, color, religion, sex, national origin, age, or disability;

Whereas, the City of Palacios, in consideration for the receipt and acceptance of federal funding for the Contract, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections;

Whereas, the City of Palacios, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135 is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the CDBG-DR project area;

Whereas, the City of Palacios, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State's certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;

Whereas, the City of Palacios, in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each CDBG-DR project;

Whereas, the City of Palacios, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and

Whereas, the City of Palacios, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period, to affirmatively further fair housing;

Whereas, the City of Palacios, has designated an overseer and will maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALACIOS, TEXAS, THAT THE CITY OF PALACIOS ADOPTS THE FOLLOWING:

1. Citizen Participation Plan and Grievance Procedures;
2. Section 3 Policy;
3. Excessive Force Policy;
4. Limited English Proficiency (LEP) Standards Plan;
5. Section 504 Policy and Grievance Procedures;
6. Code of Conduct Policy; and

7. Fair Housing Policy.

**Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.**

\_\_\_\_\_  
Signature of Elected Official  
City of Palacios

\_\_\_\_\_  
Printed Name of Elected Official

**CITY OF PALACIOS  
CITIZEN PARTICIPATION PLAN  
TEXAS GENERAL LAND OFFICE (GLO)  
COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY (CDBG-DR) PROGRAM**

**COMPLAINT PROCEDURES**

These complaint procedures comply with the requirements of the Texas General Land Office's Community Development Block Grant – Disaster Recovery (CDBG-DR) Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at the City of Palacios offices, 311 Henderson, Palacios, TX 77465-0845, (Street Address), (361) 972-3605 (Phone) during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the CDBG-DR project.

1. A person who has a complaint or grievance about any services or activities with respect to the CDBG-DR project(s), whether it is a proposed, ongoing, or completed CDBG-DR project(s), may during regular business hours submit such complaint or grievance, in writing to the Mayor, at City of Palacios at 311 Henderson, P.O. Box 845, Palacios, TX 77465-0845 or may call (361) 972-3605.
2. A copy of the complaint or grievance shall be transmitted by the Mayor to the entity that is the subject of the complaint or grievance and to the City Attorney within five (5) working days after the date of the complaint or grievance was received.
3. The Mayor shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to person who made the complaint or grievance within ten (10) days.
4. If the investigation cannot be completed within ten (10) working days per 3. above, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.
5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the CDBG-DR program for their further review and comment.
6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

**TECHNICAL ASSISTANCE**

When requested, the City shall provide technical assistance to groups that are representative of persons of low- and moderate-income in developing proposals for the use of CDBG-DR funds. The City, based upon the specific needs of the community's residents at the time of the request, shall determine the level and type of assistance.

**PUBLIC OUTREACH EFFORTS**

The City shall provide for reasonable public notice, appraisal, examination and comment on the activities proposed for the use of CDBG-DR funds. These efforts shall include:

1. Provide for and encourage citizen participation, particularly by low and moderate income persons who reside in slum or blighted areas and areas in which CDBG-DR funds are proposed to be used;
2. Ensure that citizens will be given reasonable and timely access to local meetings, information, and records relating to an entity's proposed and actual use of CDBG-DR funds;
3. Furnish citizens information, including but not limited to:
  - a) the amount of CDBG-DR funds expected to be made available
  - b) the range of activities that may be undertaken with the CDBG-DR funds
  - c) the estimated amount of the CDBG-DR funds proposed to be used for activities that will meet the national objective of benefit to low and moderate income persons
  - d) if applicable, the proposed CDBG-DR activities likely to result in displacement and the entity's anti- displacement and relocation plan;
4. Provide citizens with reasonable advance notice of, and opportunity to comment on, proposed activities in an application to the state and, for grants already made, activities which are proposed to be added, deleted or substantially changed from the entity's application to the state. Substantially changed means changes made in terms of purpose, scope, location or beneficiaries as defined by criteria established by the state; and
5. These outreach efforts may be accomplished through one or more of the following methods:
  - a) Publication of notice in a local newspaper—a published newspaper article may be used so long as it provides sufficient information regarding program activities and relevant dates;
  - b) Notices prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups;
  - c) Posting of notice on the local entity website (if available);
  - d) Public Hearing; or
  - e) Individual notice to eligible cities and other entities as applicable using one or more of the following methods:
    - i. Certified mail
    - ii. Electronic mail or fax
    - iii. First-class (regular) mail
    - iv. Personal delivery (e.g., at a Council of Governments [COG] meeting).

## PUBLIC HEARING PROVISIONS

For each public hearing scheduled and conducted by a CDBG-DR applicant or recipient, the following public hearing provisions shall be observed:

1. Furnish citizens information, including but not limited to:
  - (a)** The amount of CDBG-DR funds available per application for Hurricane Harvey;
  - (b)** The range of activities that may be undertaken with the CDBG-DR Hurricane Harvey funds;
  - (c)** The estimated amount of the CDBG-DR Hurricane Harvey funds proposed to be used for activities that will meet the national objective of benefit to low- and moderate-income persons; and
  - (d)** The proposed CDBG-DR activities likely to result in displacement and the unit of general local government's antidisplacement and relocation plans required under 24 CFR 570.488.
2. Public notice of any hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice MUST include the DATE, TIME, LOCATION and TOPICS to be considered at the public hearing. A published newspaper article may also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.

3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and an applicant must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to each hearing.
4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter will be present to accommodate the needs of the non-English speaking residents.
5. City may conduct a public hearing via webinar if they also follow the provisions above. If the webinar is used to conduct a public hearing, a physical location with associated reasonable accommodations must be made available for citizens to participate so as to ensure that those individuals without necessary technology are able to participate.
6. If applicable, the locality must retain documentation of the hearing notice(s), attendance lists, minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three years after the project is closed out. Such records must be made available to the public in accordance with Chapter 552, Government Code.

\_\_\_\_\_  
Signature

Glen Smith, Mayor  
Name, Title

\_\_\_\_\_  
Date

**LA CIUDAD DE PALACIOS  
PLAN DE PARTICIPACIÓN CIUDADANA  
PROGRAMA DE RECUPERACIÓN DE DESASTRES EN ASIGNACIONES EN BLOQUES DE  
DESARROLLO COMUNITARIO (CDBG-DR)**

**PROCEDIMIENTOS DE QUEJA**

Estos procedimientos de queja cumplen con los requisitos del La Oficina General de Tierras de Texas de Recuperación de Desastres en Asignaciones en Bloques de Desarrollo Comunitario (CDBG-DR) y los requisitos del gobierno local de Texas que se encuentran en 24 CFR §570.486 (Código de Regulaciones Federales). Los ciudadanos pueden obtener una copia de estos procedimientos en la Ciudad de (Dirección postal City of Palacios, 311 Henderson, Palacios, TX 77465-0845, (361) 972-3605, ( teléfono ) durante el horario de oficina.

A continuación se presentan los procedimientos formales de quejas y reclamos relacionados con los servicios prestados en el marco del proyecto CDBG-DR.

1. Una persona que tiene una queja o reclamo sobre cualquier servicios o actividad en relación con el proyecto CDBG-DR, ya sea un proyecto propuesto, en curso o completado de CDBG-DR, pueden durante las horas regulares presentar dicha queja o reclamo, por escrito al Mayor, a City of Palacios, 311 Henderson, Palacios, TX 77465-0845, (361) 972-3605.
2. Una copia de la queja o reclamo se transmitirá por el alcalde a la entidad que es encargada de la queja o reclamo y al Abogado de la Ciudad dentro de los cinco (5) días hábiles siguientes a la fecha de la queja o día que el reclamo fue recibida.
3. El alcalde deberá completará una investigación de la queja o reclamo, si es posible, y dará una respuesta oportuna por escrito a la persona que hizo la queja o reclamo dentro de los diez (10) días.
4. Si la investigación no puede ser completada dentro de diez (10) días hábiles, la persona que hizo la queja o reclamo será notificada, por escrito, dentro de los quince (15) días cuando sea posible después de la entrega de la queja original o reclamo y detallará cuando se deberá completar la investigación.
5. Si es necesario, la queja y una copia escrita de la investigación posterior se remitirán a la CDBG-DR para su posterior revisión y comentarios.
6. Se proporcionará copias de los procedimientos de queja y las respuestas a las quejas, tanto en inglés y español, u otro lenguaje apropiado

**ASISTENCIA TÉCNICA**

Cuando lo solicite, la Ciudad proporcionará asistencia técnica a los grupos que son representantes de las personas de bajos y moderados ingresos en el desarrollo de propuestas para el uso de los fondos CDBG-DR. La Ciudad en base a las necesidades específicas de los residentes de la comunidad en el momento de la solicitud, deberá determinar el nivel y tipo de asistencia.

**ESFUERZOS PUBLICOS**

La Ciudad proporcionará un aviso público razonable, evaluación, examen y un comentario sobre las actividades propuestas para el uso de fondos de CDBG-DR. Estos esfuerzos incluirán:

1. Proveer y fomentar la participación ciudadana, en particularmente por personas de ingresos bajos y moderados que residen en áreas marginales o deterioradas y áreas en las cuales se proponen utilizar fondos de CDBG-DR;
2. Asegurar que los ciudadanos tendrán acceso razonable y oportuno a las reuniones locales, información y registros relacionados con el uso propuesto y real de fondos de CDBG-DR por parte de la entidad;
3. Proporcionar información a los ciudadanos, incluyendo pero no limitado a:
  - a) la cantidad de fondos CDBG-DR que se espera estén disponibles
  - b) la gama de actividades que se pueden emprender con los fondos CDBG-DR
  - c) La cantidad estimada de los fondos CDBG-DR que se propone utilizar para actividades que cumplan el objetivo nacional de beneficio para personas de ingresos bajos y moderados
  - d) si corresponde, las actividades propuestas de CDBG-DR que puedan resultar en desplazamiento y el plan de anti-desplazamiento y reubicación de la entidad;
4. Proporcionar a los ciudadanos un aviso anticipado razonable y la oportunidad de comentar sobre las actividades propuestas en una solicitud al estado y, para las subvenciones ya realizadas, actividades que se proponen agregar, eliminar o cambiar sustancialmente de la aplicación de la entidad al estado. Cambios sustanciales significa cambios hechos en términos de propósito, alcance, ubicación o beneficiarios según lo definido por los criterios establecidos por el estado; y
5. Estos esfuerzos de divulgación pueden lograrse a través de uno o más de los siguientes métodos:
  - a) Publicación de un aviso en un periódico local: se puede utilizar un artículo de periódico publicado siempre que proporcione información suficiente sobre las actividades del programa y las fechas pertinentes;
  - b) Avisos destacados en edificios públicos y distribuidos a las Autoridades Locales de Vivienda ya otros grupos comunitarios interesados;
  - c) Publicación de aviso en el sitio web de la entidad local (si está disponible);
  - d) Audiencia pública; o
  - e) Notificación individual a ciudades elegibles y otras entidades según sea aplicable usando uno o más de los siguientes métodos:
    - i. Correo certificado
    - ii. Correo electrónico o fax
    - iii. Correo de primera clase (regular)
    - iv. Entrega personal (por ejemplo, en una reunión del Consejo de Gobiernos [COG])

## DISPOSICIONES PARA LA AUDIENCIA PÚBLICA

Para cada audiencia pública programada y conducida por un solicitante o receptor de CDBG-DR, se observarán las siguientes disposiciones de audiencia pública:

1. Proporcionar a los ciudadanos información, que incluye pero no se limita a:
  - a. La cantidad de fondos de CDBG-DR disponibles por solicitud para Huracán Harvey;
  - b. El rango de actividades que se pueden realizar con los fondos de la CDBG de Huracán Harvey;
  - c. El monto estimado de los fondos de CDBG-DR Huracán Harvey propuestos para ser utilizados en actividades que cumplirán el objetivo nacional de beneficiar a las personas de ingresos bajos y moderados; y
  - d. Las actividades propuestas de CDBG-DR que probablemente resulten en desplazamiento y la unidad de los planes generales de antidesubicación y reubicación del gobierno local requeridos bajo 24 CFR 570.488
2. El aviso público de cualquier audiencia debe ser publicado por lo menos setenta y dos (72) horas antes de la audiencia programada. El aviso público debe ser publicado en un periódico local. Cada aviso público DEBE incluir la FECHA, TIEMPO, LOCALIZACIÓN y TEMAS a ser considerados en la

audiencia pública. Un artículo de periódico publicado también puede usarse para cumplir este requisito, siempre y cuando cumpla con todos los requisitos de contenido y tiempo. Los avisos también deben ser destacados en los edificios públicos y distribuidos a las Autoridades Locales de Vivienda ya otros grupos comunitarios interesados.

3. Cada audiencia pública se celebrará en un momento y lugar conveniente para los beneficiarios potenciales o reales e incluirá alojamiento para personas con discapacidades. Las personas con discapacidades deben ser capaces de asistir a las audiencias y el solicitante debe hacer arreglos para las personas que requieren ayudas o servicios auxiliares si se ponen en contacto por lo menos dos días antes de cada audiencia.
4. Cuando un número significativo de residentes que no hablan inglés puede ser razonablemente esperado para participar en una audiencia pública, un intérprete estará presente para acomodar las necesidades de los residentes que no hablan inglés.
5. La Ciudad puede conducir una audiencia pública a través de un seminario si también siguen las disposiciones anteriores. Si el seminario web se utiliza para llevar a cabo una audiencia pública, debe ponerse a disposición de los ciudadanos un lugar físico con adaptaciones razonables asociadas para garantizar que los individuos sin la tecnología necesaria puedan participar.
6. Si es aplicable, la localidad debe conservar la documentación de los avisos de audiencia, las listas de asistencia, las actas de las audiencias y cualquier otro registro referente al uso real de los fondos por un período de tres años después del cierre del proyecto. Dichos registros deben ponerse a disposición del público de conformidad con el Capítulo 552, Código del Gobierno.

\_\_\_\_\_  
Signature

Glen Smith, Alcalde de la ciudad  
Name, Title

\_\_\_\_\_  
Fecha

## SECTION 3 POLICY

In accordance with 12 U.S.C. 1701u, (Section 3), the City of Palacios agrees to implement the following steps, which, to the *greatest extent feasible*, will provide job training, employment and contracting opportunities for Section 3 residents and Section 3 businesses of the areas in which the program/project is being carried out.

- A. Introduce and pass a resolution adopting this plan as a policy to strive to attain goals for compliance to Section 3 regulations by increasing opportunities for employment and contracting for Section 3 residents and businesses.
- B. Assign duties related to implementation of this plan to the designated Section 3 Coordinator.
- C. Notify Section 3 residents and business concerns of potential new employment and contracting opportunities as they are triggered by CDBG-DR grant awards through the use of: Public Hearings and related advertisements; public notices; bidding advertisements and bid documents; notification to local business organizations such as the Chamber(s) of Commerce or the Urban League; local advertising media including public signage; project area committees and citizen advisory boards; local HUD offices; regional planning agencies; and all other appropriate referral sources. Include Section 3 clauses in all covered solicitations and contracts.
- D. Maintain a list of those businesses that have identified themselves as Section 3 businesses for utilization in CDBG-DR funded procurements, notify those businesses of pending contractual opportunities, and make this list available for general Grant Recipient procurement needs.
- E. Maintain a list of those persons who have identified themselves as Section 3 residents and contact those persons when hiring/training opportunities are available through either the Grant Recipient or contractors.
- F. Require that all Prime contractors and subcontractors with contracts over \$100,000 commit to this plan as part of their contract work. Monitor the contractors' performance with respect to meeting Section 3 requirements and require that they submit reports as may be required by HUD or GLO to the Grant Recipient.
- G. Submit reports as required by HUD or GLO regarding contracting with Section 3 businesses and/or employment as they occur; and submit reports within 20 days of federal fiscal year end (by October 20) which identify and quantify Section 3 businesses and employees.
- H. Maintain records, including copies of correspondence, memoranda, etc., which document all actions taken to comply with Section 3 regulations.

As officers and representatives of the City of Palacios, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

\_\_\_\_\_  
Signature

Glen Smith, Mayor  
Name, Title

\_\_\_\_\_  
Date

## Excessive Force Policy

In accordance with 24 CFR 91.325(b)(6), the City of Palacios hereby adopts and will enforce the following policy with respect to the use of excessive force:

1. It is the policy of the City of Palacios to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations;
2. It is also the policy of the City of Palacios to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.
3. The City of Palacios will introduce and pass a resolution adopting this policy.

As officers and representatives of City of Palacios, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

\_\_\_\_\_  
Signature

Glen Smith, Mayor  
Name, Title

\_\_\_\_\_  
Date

Over 5%

## Limited English Proficiency Plan - 20-065-108-C295

Texas General Land Office

Community Development Block Grant-Disaster Recovery

Grant Subrecipient:	City of Palacios
Community Population:	4,629
LEP Population:	714 individuals @ 16.4% (Spanish – Full LEP) 100 individuals @ 4.5% (Vietnamese – Oral Interpretation Only)
Languages spoken: 1) by more than 5% of the eligible population or beneficiaries and has more than 50 in number; or 2) By more than 1,000 individuals in the eligible population in the market area or among current beneficiaries	Spanish (Full LEP) & Vietnamese (Oral Interpretation Only)

### Program activities to be accessible to LEP persons:

<input checked="" type="checkbox"/>	Public Notices and hearings regarding applications for grant funding, amendments to project activities, and completion of grant-funded project
<input checked="" type="checkbox"/>	Publications regarding CDBG-DR application, grievance procedures, <i>complaint procedures</i> , <i>complaint procedures</i> , <i>answers to complaints</i> , <i>notices</i> , <i>notices of rights and disciplinary action</i> , and other vital hearings, documents, and program requirements
<input checked="" type="checkbox"/>	Other program documents: Documents available in Spanish for directly assisted beneficiaries, if applicable.

### Resources available to Grant Recipient:

<input checked="" type="checkbox"/>	Translation services: available upon request
<input checked="" type="checkbox"/>	Interpreter services: available upon request with prior notice
	Other resources: _____

### Language Assistance to be provided:

<input checked="" type="checkbox"/>	Translation (oral and/or written) of advertised notices and vital documents for: <u>Public hearing, Complaint and Grievance, Equal Opportunity, Policy of Non-discrimination Based on Disability Status and Fair Housing notices are available in Spanish. Other CDBG required program notices are available in Spanish upon request.</u>
<input checked="" type="checkbox"/>	Referrals to community liaisons proficient in the language of LEP persons <u>Spanish-speaking liaisons are available upon request.</u>
<input checked="" type="checkbox"/>	Public meetings conducted in multiple languages: <u>Available upon request with two days advance notice.</u>
<input checked="" type="checkbox"/>	Notices to recipients of the availability of LEP services: <u>Included in translated notices.</u>
	Other services: _____

\_\_\_\_\_  
Signature - Chief Elected Official or Civil Rights Officer

\_\_\_\_\_  
Date

## Section 504 Policy against Discrimination based on Handicap and Grievance Procedures

In accordance with 24 CFR Section 8, Nondiscrimination based on Handicap in federally assisted programs and activities of the Department of Housing and Urban Development, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309), City of Palacios hereby adopts the following policy and grievance procedures:

1. Discrimination prohibited. No otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development (HUD).
2. The City of Palacios does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its federally assisted programs and activities.
3. The City of Palacios's recruitment materials or publications shall include a statement of this policy in 1. above.
4. The City of Palacios shall take continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients that it does not discriminate on the basis of handicap in violation of 24 CFR Part 8.
5. For hearing and visually impaired individuals eligible to be served or likely to be affected by the CDBG-DR program, the City of Palacios shall ensure that they are provided with the information necessary to understand and participate in the CDBG-DR program.
6. Grievances and Complaints
  - a. Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for City of Palacios) to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
  - b. Complaints should be addressed to the Mayor, P.O. Box 845, Palacios, TX, 77465-0845 or call (361) 972-3605, who has been designated to coordinate Section 504 compliance efforts.
  - c. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
  - d. A complaint should be filed within thirty (30) working days after the complainant becomes aware of the alleged violation.
  - e. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the Mayor. Informal but thorough investigations will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
  - f. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by Mayor, and a copy forwarded to the complainant with fifteen (15) working days after the filing of the complaint where practicable.
  - g. The Section 504 coordinator shall maintain the files and records of the City of Palacios relating to the complaints files.

- h. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the determination/resolution as described in f. above. The request for reconsideration should be made to the City of Palacios within ten working days after the receipt of the written determination/resolution.
- i. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- j. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the City of Palacios complies with Section 504 and HUD regulations.

\_\_\_\_\_  
Signature

Glen Smith, Mayor  
Name, Title

\_\_\_\_\_  
Date

## Code of Conduct Policy of the City of Palacios

As a Grant Recipient of a CDBG-DR contract the City of Palacios shall avoid, neutralize or mitigate actual or potential conflicts of interest so as to prevent an unfair competitive advantage or the existence of conflicting roles that might impair the performance of the CDBG-DR contract or impact the integrity of the procurement process.

For procurement of goods and services, no employee, officer, or agent of the City of Palacios shall participate in the selection, award, or administration of a contract supported by CDBG-DR funds if he or she has a real or apparent conflict of interest. Such a conflict could arise if the employee, officer or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

No officer, employee, or agent of the City of Palacios shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

Contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

For all other cases, no employee, agent, consultant, officer, or elected or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or subrecipients which are receiving CDBG-DR funds, that has any CDBG-DR function/responsibility, or is in a position to participate in a decision-making process or gain inside information, may obtain a financial interest or benefit from the CDBG-DR activity.

The conflict of interest restrictions and procurement requirements identified herein shall apply to a benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a CDBG-DR contract or award, or that is required to complete some or all work under the CDBG-DR contract in order to meet the National Program Objective.

Any person or entity including any benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a CDBG-DR contract or award, or that is required to complete some or all work under the CDBG-DR contract in order to meet a National Program Objective, that might potentially receive benefits from CDBG-DR awards may not participate in the selection, award, or administration of a contract supported by CDBG-DR funding.

Any alleged violations of these standards of conduct shall be referred to the City of Palacios Attorney. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer; where violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.

\_\_\_\_\_  
Signature

Glen Smith, Mayor  
Name, Title

\_\_\_\_\_  
Date

*These procedures are intended to serve as guidelines for the procurement of supplies, equipment, construction services and professional services for the Community Development Block Grant (CDBG-DR) Program. The regulations related to conflict of interest and nepotism may be found at the Texas Government Code Chapter 573, Texas Local Government Code Chapter 171, Uniform Grant Management Standards by Texas Comptroller, 24 CFR 570.489(g) &(h), and 2 CFR 200.318*

**Planning Programs**  
**\$130 million**

- \* **HAZARD MITIGATION PLANS**
- \* Providing funds for the development of Local Hazard Mitigation Plans (LHMP)
- \* **RESILIENT COMMUNITIES PROGRAM**
- \* Development of modernized and resilient building and zoning codes and land use plans.
- \* Integration of mitigation planning with other local and regional mitigation community development, land use and other plans.
- \* Upgrade mapping, data and other capabilities to better understand evolving potential disaster risks.
- \* Planning and public service activities necessary to reduce flood insurance premiums in the NFIP voluntary Community Rating Systems (CRS) incentive program.
- \* Education and outreach campaigns designed to alert communities and beneficiaries of opportunities to further mitigate identified risks through insurance, best practices and other strategies.

GrantWorks would like to assist you in exploring these financial resources to navigate the rules and regulations for a successful grant program. Our services include: Application development; Grant management services; Audit and monitoring support; Review of all contractor or materials Invoices for compliance; On-site Davis-Bacon labor standard compliance; Environmental review & compliance; Beneficiary documentation including Census and door-to-door surveys; Hazard Mitigation application & implementation; City and County planning; Mapping/GIS; Hazard Mitigation Planning; Economic development; Housing Buyouts & Acquisitions; Housing Elevations; and Housing rehabilitation and reconstruction.

**For Further Information Contact:**

**Shirleen Bonacci**

**512-917-5829**

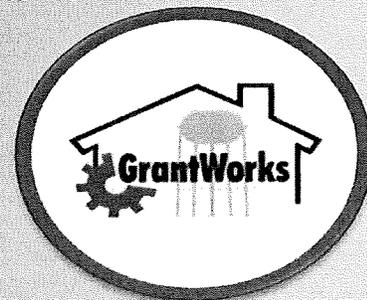
**shirleen@grantworks.net**

**TEXAS GENERAL LAND OFFICE**  
**(GLO)**

**Community Development Block Grant**  
**Mitigation**



**GRANTWORKS, INC**



The General Land Office is administering \$4,297,189,000 in U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Mitigation (CDBG-MIT) funds.



These CDBG-MIT funds will be used to build and implement structural and non-structural projects, programs, and partnerships in the 140 eligible counties that reduce the risks and impacts of future natural disasters.

50% of total funds must be used for activities benefiting low- to moderate-income (LMI) persons.

Funds are allocated to address mitigation needs for communities declared in the disasters of:

2015

2016

HURRICANE HARVEY

## CDBG-MIT INFRASTRUCTURE COMPETITIVE PROGRAMS

### 2015 AND 2016 FLOODS HUD AND STATE MITIGATION COMPETITIONS Grants from \$3 million to \$10 million

Programs	HUD Impacted	State Impacted
2015 Floods	\$23,048,475	\$23,048,475
2016 Floods	\$73,840,380	\$73,840,380

### HURRICANE HARVEY HUD AND STATE MITIGATION COMPETITIONS—ROUND 1 Grants from \$3 million to \$100 million

Programs	HUD Impacted	State Impacted
Harvey	\$500,000,000	\$500,000,000

#### \* REGIONAL MITIGATION PROGRAM:

Council of Governments will set allocations for cities and counties as well as grant minimums and maximums.

#### ELIGIBLE MITIGATION ACTIVITIES

- \* Develop disaster resistant infrastructure.
- \* Upgrade: drainage; water, sewer, solid waste, communications, emergency health and medical transportation facilities.
- \* Green or natural mitigation infrastructure development.
- \* HAZARD MITIGATION GRANT SUPPLEMENTAL  
This program is only for unfunded FEMA -HMGP applications that meet CDBG-DR rules.
- \* COASTAL RESILIENCY PROGRAM  
Funding limited to Tier 1 projects recommended in the GLO Resiliency Plan.

## HOUSING PROGRAMS

GLO Vendors Will Manage These Programs

- \* Housing Oversubscription Supplemental
- \* Resilient Home Program

## City of Palacios

### **EQUAL EMPLOYMENT OPPORTUNITY & AFFIRMATIVE ACTION POLICY**

The City of Palacios' officers, employees, and contractors and their agents, in accordance with Federal civil rights law, civil rights regulations and policies, together with State of Texas and City policies are prohibited from discriminating based on race, color, national origin, ancestry, veteran status, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by any federal or state program or any other grant or funding opportunity.

Further, the City of Palacios does not discriminate against any employee or applicant for employment because of race, disability, color, religion, sex, age, or national origin. The City takes affirmative action to ensure that applicants are employed and that employees are treated without regard to their race, color, sex, religion, age, disability, or national origin. Such action shall include, but is not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The City agrees to post notices, which set forth the provisions of this nondiscrimination article, in conspicuous places available to employees or applicants for employment.

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Glen Smith, Mayor

Date:

## **City of Palacios Financial Procedures**

### **INTRODUCTION**

The purpose of financial management policies is to provide sound guidelines in planning the City's financial future. The City of Palacios considers the expenditure of funds to be an important responsibility and requires all persons involved with the purchase of goods or services to exercise good judgement in spending taxpayers' money.

### **SCOPE OF AUTHORITY**

The Treasurer is responsible for the expenditure of all City funds.

#### **Financials**

##### **A. Bank Depository**

The City maintains funds in a Bank, designated as its depository for banking services. The City Council reviews the selection every five years unless circumstances deem otherwise.

##### **B. Accounts Payable**

Ten (10) individuals are authorized to sign checks written on the bank depository account: Mayor and City Council, City Manager, City Treasurer and Assistant Treasurer. All checks require three authorized signatures. No exceptions.

##### **C. Accounting**

The City Treasurer is responsible for establishing the structure for the City Chart of Accounts and for assuring that procedures are in place to properly record financial transactions and report the City's financial position. The Treasurer shall provide financial reports to the City Council quarterly.

##### **D. Audit of Accounts**

An independent audit of the City accounts is performed annually. The Auditor is retained by and is accountable directly to the City Council. The City Council reviews the selection every five years unless circumstances deem otherwise.

##### **E. Internal Controls**

Whenever possible, written procedures will be established, maintained, and assessed per 2 CFR 200.303 by the City Treasurer for all functions involving cash handling and/or accounting throughout the City. These procedures will embrace the general concepts of fiscal responsibility set forth in this policy statement.

City ensures duties and responsibilities are segregated so that no one individual has complete authority over a financial transaction. All transactions must be reviewed by City Treasurer. The Assistant City Treasurer prints checks and three approved people sign.

### **PROCEDURES**

#### **1. Input Invoice into Record Keeping System –**

*City Treasurer or Assistant City Treasurer receives invoices from contractors and enters them into Incode.  
The City Treasurer reconciles accounts.*

2. Review of Invoice –

*City Treasurer or Assistant City Treasurer receives invoices and reviews them with the City Manager for payment approval.*

3. Timeline for Payment –

*Approximately 14 days as invoices are paid every other week.*

4. Issue Payment –

*Invoices are received by City Treasurer or Assistant City Treasurer. City Treasurer or Assistant City Treasurer enters invoices into Incode and prints checks with three electronic signatures which must have 3 persons present to enter their passcode.*

5. Payment Reconciliation –

*All payment reconciliation done by City Treasurer on a monthly basis.*

6. Record Keeping –

*City Treasurer keeps all records in Incode.*

#### **PROCEDURES FOR GRANT PAYMENTS**

1. Invoice is received and, if necessary, a request for payment is prepared by grant consultant and proper signatures obtained from Mayor, Mayor Pro Tem, City Manager and/or City Treasurer as authorized in original grant approval. The City Treasurer reviews the invoice and compares it to the grant budget.
2. Invoice must be approved by a designated signor. Approval is acknowledged by completing a vendor sheet.
3. Once grant funds are received and invoice approval acknowledged by completing the vendor sheet and attaching to the invoice, a demand check is entered into the system by the Assistant City Treasurer, then printed and disbursed by the City Treasurer. Checks are then disbursed to the appropriate vendors. The City Treasurer is responsible for ensuring that checks are signed and disbursed within five (5) calendar days of receiving grant funds.
4. Copies of the request for payment, invoice, canceled check copy and bank statement showing receipt of grant money is retained in the grant file in the City Treasurer's office.

City Treasurer is responsible for reconciling the monthly bank statements.

#### **ADVANCE PAYMENT PROCEDURES**

All advanced payments using federal grant funds will be disbursed within five (5) business days from the date of the transfer of funds in accordance with 2 CFR 200.305(b), and in accordance with the provisions in the contract with the vendor.

The City will maintain advance payments of federal awards in interest-bearing accounts, unless one or more of the following apply: City receives less than \$120,000 in Federal awards per year; the City is not expected to earn interest in excess of \$500 per year on Federal cash balances; or the depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash

resources. (2 CFR 200.302(b)(6) and 200.305)

These Policies and Procedures are implemented through of the City of Palacios' administrative team:

City Treasurer  
Assistant City Treasurer  
City Manager

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Glen Smith, Mayor

---

Date

# CITY OF PALACIOS

P. O. Box 845 ★ PALACIOS, TEXAS 77465  
PHONE (361) 972-3605 ★ FAX (361) 972-6555

WWW.CITYOFPALACIOS.ORG



## Code of Conduct Policy

As a Grant Recipient of a TxCDBG contract the City shall avoid, neutralize or mitigate actual or potential conflicts of interest so as to prevent an unfair competitive advantage or the existence of conflicting roles that might impair the performance of the TxCDBG contract or impact the integrity of the procurement process.

For procurement of goods and services, no employee, officer, or agent of the City shall participate in the selection, award, or administration of a contract supported by TxCDBG funds if he or she has a real or apparent conflict of interest. Such a conflict could arise if the employee, officer or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

No officer, employee, or agent of the City shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

Contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals for proposals must be excluded from competing for such procurements.

For all other cases, no employee, agent, consultant, officer, or elected or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or subrecipients which are receiving TxCDBG funds, that has any CDBG function/responsibility, or is in a position to participate in a decision-making process or gain inside information, may obtain a financial interest or benefit from the TxCDBG activity.

The conflict of interest restrictions and procurement requirements identified herein shall apply to a benefitting business, utility provider, or other third-party entity that is receiving assistance, directly or indirectly, under a TxCDBG contract or award, or that is required to complete some or all work under the TxCDBG contract in order to meet the National Program Objective.

Any person or entity including any benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a TxCDBG contract or award, or that is required to complete some or all work under the TxCDBG contract in order to meet a National Program Objective, that might potentially receive benefits from TxCDBG awards may not participate in the selection, award, or administration of a contract supported by CDBG funding.

Any alleged violations of these standards of conduct shall be referred to the Palacios City Attorney. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer; where

violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.

**Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.**

\_\_\_\_\_  
Glen Smith, Mayor

*These procedures are intended to serve as guidelines for the procurement of supplies, equipment, construction services and professional services for the Texas Community Development Block Grant (TxCDBG) Program. The regulations related to conflict of interest and nepotism may be found at the Texas Government Code Chapter 573, Texas Local Government Code Chapter 171, Uniform Grant Management Standards by Texas Comptroller, 24 CFR 570.489(g) &(h), and 2 CFR 200.318*

# CITY OF PALACIOS

P. O. Box 845 ★ PALACIOS, TEXAS 77465  
PHONE (361) 972-3605 ★ FAX (361) 972-6555



WWW.CITYOFPALACIOS.ORG

## City of Palacios

### Procurement Policies and Procedures for Federal Grants

#### Policies

1. Those closely involved in the establishment of the written selection criteria and selection shall have no potential conflicts of interest with any of the individuals, firms, or agencies under review (e.g., family relationships, close friendships, business dealings). Any person who might potentially receive benefits from grant-assisted activities may not participate in the decision-making process. Nepotism and conflict of interest regulations can be found in the Texas Government Code Chapter 573, Texas Local Government Code Chapter 171, and 2 CFR 200.318(c)(1).
2. All procurement transactions will be conducted in a manner providing full and open competition.
  - a. No unreasonable requirements are placed on firms in order for them to qualify.
  - b. No unnecessary experience or excessive bonding required.
  - c. Noncompetitive pricing practices between firms or between affiliated companies is disallowed.
  - d. Noncompetitive contracts are disallowed except for when there is an approved exception
  - e. No organizational conflicts of interest
  - f. If a "brand name" product is specified, an equal or like product is acceptable.
  - g. A vendor that intends to respond to the Request for Proposals, Request for Qualifications and/or Invitation for Bid may not participate in the development or drafting of specifications, requirements, statements of work, or invitations for bids or requests for proposals, including, but not limited to, the development of the scoring criteria, the final selection of firms to be contacted, or the scoring of proposals.
3. All procurement transactions shall incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured.
4. All procurement transactions shall identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals
5. If the City of Palacios uses a prequalified list when acquiring goods or services, the City of Palacios will ensure the list is updated regularly, provides enough qualified sources to ensure maximum open and free competition.
6. All procurement transactions must conform to applicable local, state, and federal laws and regulations.
7. Small and minority businesses, women's business enterprises, and labor surplus area firms are encouraged to participate. If the awarded vendor is a prime contractor and may use subcontractors, the following affirmative steps are required of the prime contractor:
  - a. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

- b. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- e. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.

## **Procedures**

### **Procurement Cycle Steps**

**Need Defined**—City of Palacios submits request and specifications. Purchaser reviews request and specifications for unnecessary or duplicative items in accordance with 2 CFR 200.318 (d).

**Procurement Method Selected**—Based on type and estimated cost of good/service as well as purchasing authority, purchaser determines the procurement method that will result in a best value acquisition for the City of Palacios.

**Solicitation**— City of Palacios creates the appropriate solicitation document, with terms and conditions and evaluation criteria clearly defined, and notifies vendor sources for an informal or formal bid process.

**Receipt of Bids and Responses to Solicitation**—Vendors submit their response to the solicitation.

**Evaluation and Awards**— City of Palacios reviews the responses from vendors, determines compliance with the solicitation and makes an award recommendation based on the pre-defined best value criteria.

The City of Palacios will use one of the following five methods of procurement described at 2 CFR Section 200.320: (1) procurement by micro-purchases, (2) procurement by small purchase procedures, (3) procurement by sealed bids, (4) procurement by competitive proposals, or (5) procurement by noncompetitive proposals.

### **1. Simplified Acquisition Procedures for Purchases Below Micro-Purchase Threshold**

For purposes of this section, the micro-purchase threshold is \$3,000.

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (§200.67 Micro-purchase). To the extent practicable, the City of Palacios must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.

## **2. Small Purchase**

Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.

For service contracts that are under the small purchase threshold and do not fall under professional services as defined in Section 2254.002(2) of Local Government Code, the City of Palacios may receive quotes and award the contract to any reasonable and responsible bidder. The local governing body has the final authority to award contracts.

## **3. Construction and Materials Contracts**

In order for sealed bidding to be feasible, the following conditions should be present:

- a. A complete, adequate, and realistic specification or purchase description is available;
- b. Two or more responsible bidders are willing and able to compete effectively for the business; and
- c. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

If sealed bids are used, the following requirements apply:

- a. Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;
- b. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
- c. All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;
- d. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
- e. Any or all bids may be rejected if there is a sound documented reason.

## **4. Professional Services Contracts**

This method is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

- a. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
- b. Proposals must be solicited from an adequate number of qualified sources;
- c. The City of Palacios must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
- d. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
- e. The City of Palacios may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors'

qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

**5. Noncompetitive Proposals**

This method may be used only when one or more of the following circumstances apply:

- a. The item is available only from a single source;
- b. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- c. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request; or
- d. After solicitation of a number of sources, competition is determined inadequate.

If any of these policies or procedures are determined to be in conflict with current or future state law, that part of the policy/procedure shall be disregarded and the City will follow the procedures required by state law.

These Policies and Procedures are implemented through of the City of Palacios' administrative team of the Mayor, City Manager, City Treasurer, and Assistant City Treasurer

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Glen Smith, Mayor

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Date



GLEN SMITH – Mayor  
 JOHNNY TRAN – Councilmember Place 1  
 DONNA HARVEY SCHULMAN – Councilmember Place 2  
 MARY CROCKER – Councilmember Place 3  
 TROY LEWIS – Councilmember Place 4  
 WAYNE DODD – Councilmember Place 5  
 STEPHEN MCGOVERN – Councilmember Place 6

**CITY OF PALACIOS  
 CITY COUNCIL REGULAR MEETING MINUTES  
 May 12, 2020**

**VIDEO CONFERENCE OPEN REGULAR MEETING 7PM**

Notice is hereby given in accordance with order of the Office of the Governor issued March 16, 2020, the City Council of the City of Palacios will conduct a Regular Council Meeting scheduled for 7:00 pm on Tuesday, May 12, 2020, located in the Council Chambers of City Hall, 311 Henderson Avenue, Palacios, TX, by video conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19). There will be no public access to the location described above.

This Notice and Meeting Agenda, and the Agenda Packet, are posted online at <https://cityofpalacios.org>

The web site to participate in the video conference meeting hosted through Zoom is: <https://zoom.us/j/85098176852>

A recording of the video conference will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

CALL TO ORDER – Mayor Smith called the meeting to order at 7pm.  
 INVOCATION – Councilmember Crocker  
 PLEDGE OF ALLEGIANCE – Councilmember Schulman  
 PLEDGE TO TEXAS FLAG – Councilmember Schulman  
 PLEDGE TO PALACIOS FLAG – Councilmember Schulman

**VISITOR / CITIZEN FORUM** – Michael Dotson told Council that he is available to step in for Position 6 if they need him since Stephen McGovern moved out of town.

**PROCLAMATION** – Mayor Smith proclaimed April as Fair Housing Month

**ADMINISTRATIVE REPORTS** – Mayor Glen Smith recognized Leonard Lamar for his service to Palacios as a former Mayor and to other organizations.

**ITEMS TO BE CONSIDERED**

1. Discuss and consider accepting the Annual Financial Audit for the year ending September 30, 2019 for the City of Palacios.  
Councilmember Dodd motioned to accept the Annual Financial Audit for the year ending September 30, 2019 for the City of Palacios  
Councilmember Lewis seconded  
There was no opposition  
With no opposition, the motion carried
2. Discuss and consider action to accept the City of Palacios Budget Calendar Fiscal Year 2020-2021  
Mayor Smith motioned to accept the City of Palacios Budget Calendar Fiscal Year 2020-2021  
Councilmember Crocker seconded  
There was no opposition  
With no opposition, the motion carried
3. Discuss and consider extending the City of Palacios, Texas Mayoral Declaration of Local State of Disaster Due to Public Health Emergency declared by Mayor Glen Smith on March 19, 2020 until Thursday, June 11, 2020.  
Councilmember Schulman motioned to extend the Mayoral Declaration of Local State of Disaster Due to Public Health Emergency declared by Mayor Glen Smith on March 12, 2020 until Thursday, June 11, 2020 with an amendment to Section 4 to remove the items that are in bullets.  
Councilmember Lewis seconded  
There was no opposition  
With no opposition, the motion carried
4. Discuss and consider action to approve the following consent agenda items:  
Minutes of the April 28, 2020 Regular Council Meeting  
Excuse the absence of Councilmember McGovern from the April 28, 2020 Regular Council Meeting  
Mayor Smith motioned to approve the consent agenda items  
Councilmember Crocker seconded  
There was no opposition  
With no opposition, the motion carried

**EXECUTIVE SESSION** - There was no executive session

In accordance with Chapter 551, Government Code, (Open Meetings Law) the Council May go into Executive (closed) session in order to:

Consult with its attorney (551.071)

Discuss Real Estate transaction (551.072)

Deliberation regarding prospective gifts or donation (551.073)

Discuss personnel matters (551.074)

Deliberation regarding security devices (551.076)

Discuss economic development negotiations (551.087)

**ADJOURN**

Councilmember Lewis motioned to adjourn the meeting at 7:30 pm

Councilmember Dodd seconded

There was no opposition

With no opposition, the motion carried

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Glen Smith, Mayor

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Clissa Mills, City Secretary



GLEN SMITH – Mayor  
 JOHNNY TRAN – Councilmember Place 1  
 DONNA HARVEY SCHULMAN – Councilmember Place 2  
 MARY CROCKER – Councilmember Place 3  
 TROY LEWIS – Councilmember Place 4  
 WAYNE DODD – Councilmember Place 5  
 STEPHEN MCGOVERN – Councilmember Place 6

**CITY OF PALACIOS  
 CITY COUNCIL SPECIAL MEETING MINUTES  
 May 19, 2020**

**VIDEO CONFERENCE OPEN SPECIAL MEETING 5PM**

Notice is hereby given in accordance with order of the Office of the Governor issued March 16, 2020, the City Council of the City of Palacios will conduct a Special Council Meeting scheduled for 5:00 pm on Tuesday, May 19, 2020, located in the Council Chambers of City Hall, 311 Henderson Avenue, Palacios, TX, by video conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19). There will be no public access to the location described above.

This Notice and Meeting Agenda, and the Agenda Packet, are posted online at <https://cityofpalacios.org>

The web site to participate in the video conference meeting hosted through Zoom is: <https://zoom.us/j/83531737618>

A recording of the video conference will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

CALL TO ORDER – Mayor Smith called the meeting to order at 5pm.  
 INVOCATION – Councilmember Crocker  
 PLEDGE OF ALLEGIANCE – Councilmember Dodd  
 PLEDGE TO TEXAS FLAG – Councilmember Dodd  
 PLEDGE TO PALACIOS FLAG – Councilmember Dodd

**VISITOR / CITIZEN FORUM** – There were none.

**ITEMS TO BE CONSIDERED**

1. Discuss and consider accepting the resignation of Councilmember McGovern from the City Council Seat 6.  
 Councilmember Dodd motioned to accept the resignation of Councilmember McGovern  
 Councilmember Crocker seconded

There was no opposition  
With no opposition, the motion carried

**EXECUTIVE SESSION - There was no executive session**

In accordance with Chapter 551, Government Code, (Open Meetings Law) the Council  
May go into Executive (closed) session in order to:

Consult with its attorney (551.071)

Discuss Real Estate transaction (551.072)

Deliberation regarding prospective gifts or donation (551.073)

Discuss personnel matters (551.074)

Deliberation regarding security devices (551.076)

Discuss economic development negotiations (551.087)

**ADJOURN**

Mayor Smith motioned to adjourn the meeting at 5:04 pm

Councilmember Dodd seconded

There was no opposition

With no opposition, the motion carried

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Glen Smith, Mayor

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Clissa Mills, City Secretary