



CITY COUNCIL REGULAR AGENDA

Tuesday, January 25, 2022

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, January 25, 2022, at 5:30 pm at the City Council Chambers Located at 307 East 4th Street, Big Spring, Texas. **We welcome the public to attend the meeting via telecommunication. Citizens will be able to view the City Council Meeting on Our Local Channel 17 through Suddenlink or on Our Website <http://mybigspring.com/224/Channel-17-Live>.**

CITY COUNCIL MEETING ETIQUETTE

Gentlemen are requested to remove their hats inside the City Council Chambers. As a courtesy to those in attendance, please place your cell phone on “Silent” or “Vibrate.” Please, no Talking during the meetings. Take all conversations outside so that others can hear.

Open Session

1. Call to Order Thomason
2. Invocation Thomason
3. Pledge of Allegiance to the United States Flag and to the Texas State Flag Thomason

Public Comment

Public Comment – Members of the public are entitled to speak on any topic. Additionally, members of the public may comment on any action item before or during its consideration. Speakers are Requested to Stand at the Podium and State Their Name and Address. Speakers Should Fill out the Form at the Podium and Turn it into the City Secretary. Please Do Not Exceed Five (5) Minutes.

4. **Public Comment – If you have public comments, please call 432-264-2411.** Thomason

Announcements, Presentations and Public Hearings

Public Hearings – The Council will take Input on Items Requiring Public Hearing Items Prior to any Action.

5. **PUBLIC HEARING** - Second Public Hearing Regarding Redistricting Plans Bob Bass

City Manager's Report

6. Welcome new Airpark Director, Mike Feeley Darden
7. Update on Large Item Pickup for District 1 – January 19th Darden
8. Dr. Ahmed Report Dr. Ahmed

Consent Items

9. Approval of the City Council Minutes of the Regular Meeting of January 11, 2022 6-12 Davis
10. Final Reading of a Resolution to Set the Rotation Period of Members of City Council to Verify and Audit Payment Vouchers to a Monthly Basis; and Providing an Effective Date 13-14 Ornelas
11. Final Reading of a Resolution Amending the Big Spring Economic Development Corporation by Amending the Number of Directors and the Manner of Appointment of Directors; and Providing for Rules of Procedure; and Providing an Effective Date 15-22 Hagen
12. Final Reading of an Ordinance Adopting the 2021 Edition of the International Property Maintenance Code, Regulating and Governing the Conditions and Maintenance of all Property, Buildings and Structures within the City Limits; By Providing the Standards for Supplied Utilities and Facilities and Other Physical Things and Conditions Essential to Ensure that Structures are Safe, Sanitary and Fit for Occupation and Use; and the Condemnation of Buildings and Structures Unfit for Human Occupancy and Use, and the Demolition of such Existing Structures in the City of Big Spring; Providing for the Issuance of Permits and Collection of Fees therefor; Repealing Chapter 36, "Nuisances," Article II, "Unsanitary, Unsightly, and Public Nuisance Conditions of Property in its Entirety; Amending Chapter 44, "Solid Waste," Article I, "In General," Section 1, "Definitions," Section 44-1 and Article III, "Illegal Dumping and Litter Control," Section 101, "Definitions to Amend the Definitions 23-37 Bowles

of “Garbage”; and Amending the Structural Standards Ordinance, Article I, Section 1.05 “Definitions,” Subsection (c) “Building Codes” to Include Chapter 36, Articles I and III in the Building Codes; Providing for Severability; Providing for Publication; and Providing an Effective Date

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| 13. | Final Reading of an Ordinance Amending Ordinance Number 039-2021 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2021 and Ending September 30, 2022 by Increasing the Special Revenue Fund, Senior Center, Budget for the Purpose of Purchasing a New Vehicle for the Senior Center; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date | 38-39 | Herrera |
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Other Business

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| 14. | Final Reading of a Resolution Approving and Adopting New District Boundaries for the Election of City Council Members; and Providing an Effective Date | 40-57 | Hagen |
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Vouchers

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| 15. | Vouchers for 01/13 /2022 | \$ 2,434,523.84 | Ornelas |
| | Vouchers for 01/20/2022 | \$ 360,835.62 | |

New Business

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| 16. | Acknowledge Receipt of the Big Spring Economic Development Board of Directors Minutes of the Regular Meeting of December 21, 2021 | 58-59 | Mark Willis |
| 17. | First Reading of an Ordinance Amending Chapter 2 of the Big Spring City Code Entitled “Administration,” Section 2-196 “Payment Card Fees and Service Charges” by Adding a New Subsection (c-2) Establishing that Card Reimbursement Fees Shall be Enacted by Official Action of the City Council; Providing for Severability; and Providing an Effective Date | 60-61 | Thomason |
| 18. | First Reading of an Ordinance Amending Chapter 32 of the Big Spring City Code Entitled “Licenses, Taxation, and Miscellaneous Business Regulations,” Article 5, Section 32-356 by Adding a New Subsection (e) to Authorize the City Manager to Waive Fees for Productions that Advance a Public Purpose; Amending Section 32-258 to Clarify Application Requirements; and by Adding a New Section 32-263 Entitled “Limitation of Permit” to Prohibit the Issuance of Permits Otherwise Illegal Under State or Federal Law, | 62-64 | Darden |

Including Federal Aviation Regulations on Drone Operations;
Providing for Severability; and Providing an Effective Date

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| 19. | First Reading of an Ordinance Amending Chapter 2 of the Big Spring City Code Entitled "Administration," Article VII "Boards and Commissions," Section 2-241 "Appointments and Removals from Boards and Committees Created by Acts of City Council" to Create Seven Alternate Board Positions for Each Board Created by an Act of Council; Requiring that Each Member Possess the Same Qualifications as Regular Board Members; and Establishing Requirements Under Which Alternate Members Shall Serve in Place of a Regular Board Member; Providing for Severability; and Providing an Effective Date | 65-66 | Darden |
| 20. | Emergency Reading of a Resolution Authorizing the Submission of an Economic Development Administration Application to the Economic Development Administration; and Authorizing the Mayor to Act as the City's Executive Officer and Authorized Representative in all Matters Pertaining to the City's Participation in the Economic Development Administration Grant Program; Providing for an Effective Date; and Declaring an Emergency | 67-69 | Medina |
| 21. | First Reading of a Resolution Calling for a General Election to be Held on May 7, 2022 for the Purpose of Electing One Person to Serve as Mayor of the City of Big Spring and One Person to Serve as City Council Member for District Five; Providing for the Conduct of the Election; Designating Several Polling Places within the City; Authorizing the Mayor to Execute Notice and Have the Notice Posted for the Purpose of Notifying the Public of Said Election; and Providing for Severability | 70-71 | Thomason |
| 22. | Consideration and Possible Action of a Joint Election Agreement with Big Spring Independent School District and Authorizing the Mayor or His Designee to Execute any Necessary Documents | 72-74 | Davis |
| 23. | Consideration and Possible Action of a Services Agreement with AdComp Systems Inc. and Authorizing the City Manager or His Designee to Execute any Necessary Documents | 75-77 | Darden |
| 24. | Consideration and Possible Action of a TxCDBG (Texas Community Development Block Grant) Engineering Services Agreement with Freese and Nichols, Inc. and Authorizing the City Manager or His Designee to Execute any Necessary Documents | 78-92 | Bowles |
| 25. | Consideration and Possible Action on the Investment Report for the Quarter Ending December 31, 2021 | 93-94 | S. Smith |

Council Input

26. Input Thomason

27. **Adjourn** Thomason

The City Council reserves the right to meet in executive session on any agenda item should the need arise pursuant to Chapter 551, Subchapter D of the Texas Government Code, or the Texas Disciplinary Rules of Professional Conduct.

Sec. 551.144. CLOSED MEETING; OFFENSE; PENALTY.

(a) A member of a governmental body commits an offense if a closed meeting is not permitted under this chapter and the member knowingly:

- (1) calls or aids in calling or organizing the closed meeting, whether it is a special or called closed meeting;
- (2) closes or aids in closing the meeting to the public, if it is a regular meeting; or
- (3) participates in the closed meeting, whether it is a regular, special, or called meeting.

(b) An offense under Subsection (a) is a misdemeanor punishable by:

- (1) a fine of not less than \$100 or more than \$500;
- (2) confinement in the county jail for not less than one month or more than six months; or
- (3) both the fine and confinement.

I hereby certify that this agenda was posted on the official bulletin board at the City of Big Spring, City Hall Building, located outside 310 Nolan Street. Given by order of the City Council and Posted on Friday, January 21, 2022 at 4:30 p.m. in accordance with Title 5, Texas Government Code and Chapter 551.

In addition, this agenda and supporting documents are posted on the City of Big Spring's Website, www.mybigspring.com, in accordance with legal requirements.



Tami L. Davis, City Secretary

PERSONS WISHING TO HAVE AN INTERPRETER SHOULD CONTACT TAMI DAVIS AT 264-2513 or tdavis@mybigspring.com. REQUESTS FOR AN INTERPRETER SHOULD BE MADE AT LEAST 72 HOURS IN ADVANCE OF THE MEETING TIME.

STATE OF TEXAS :
COUNTY OF HOWARD :
CITY OF BIG SPRING :

The City Council of the City of Big Spring, Texas, met in a regular meeting in the City Council Chambers located at 307 E. 4th St., Big Spring, Texas, at 5:30 p.m., January 11, 2022, with the following members present in person:

SHANNON THOMASON	Mayor
NICK ORNELAS	Mayor Pro Tem
DIANE YANEZ	Councilmember
CODY HUGHES	Councilmember
GLORIA MCDONALD	Councilmember
TROY TOMPKINS	Councilmember

(Councilmember Smith was not present at this meeting.)

Same and constituting a quorum, for which four Councilmembers must be present; and the following staff in person;

TODD DARDEN	City Manager
JOHN MEDINA	Assistant City Manager
ANDREW HAGEN	City Attorney
CRAIG FERGUSON	Fire Chief
SHANE BOWLES	Public Works Director
SANDY SMITH	Finance Director
HAYLEY HERRERA	Community Services Director
TAMI DAVIS	City Secretary
TIM GREEN	Municipal Judge

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Pro Tem Ornelas gave the invocation and Mayor Thomason led the Pledge of Allegiance to the American and Texas Flags.

PUBLIC COMMENT

Several citizens spoke in regards to items on the agenda.

ANNOUNCEMENTS, PRESENTATIONS AND PUBLIC HEARINGS

PUBLIC HEARING – FIRST PUBLIC HEARING REGARDING REDISTRICTING PLANS

Motion was made by Mayor Pro Tem Ornelas to open the above captioned public hearing, seconded by Councilmember Hughes, with all members of the Council present voting “aye.” Bob Bass with Allison, Bass & Associates, LLP explained three different plans of redistricting

within the city limits. After a brief discussion, motion was made by Councilmember Tompkins to close the above captioned public hearing, seconded by Councilmember McDonald, with all members of the Council present voting “aye.”

Item #23 on the agenda of new business was moved at this time.

FIRST READING OF A RESOLUTION APPROVING AND ADOPTING NEW DISTRICT BOUNDARIES FOR THE ELECTION OF CITY COUNCIL MEMBERS; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Mayor Thomason to approve the above captioned resolution and adopt Plan B of the redistricting options, seconded by Councilmember McDonald.

Motion was made by Councilmember Tompkins to amend the motion to adopt Plan C of the redistricting options, seconded by Mayor Pro Tem Ornelas, with Councilmembers Ornelas, Yanez, Hughes, McDonald and Tompkins voting “aye.” Mayor Thomason, being opposed, voting “nay” for the amendment. Motion to amend **passed** five to one.

Motion was made by Mayor Thomason to approve the amended resolution by adopting Plan C, seconded by Councilmember McDonald, with all members of the Council present voting “aye.”

CITY MANAGER’S REPORT

Todd Darden, City Manager, gave an update on the following:

- Large Item Pickup for District 1 will be on January 19th
- Martin Luther King Holiday – January 17th

CONSENT ITEMS

APPROVAL OF THE CITY COUNCIL MINUTES OF THE REGULAR MEETING OF DECEMBER 14, 2021

FINAL READING OF A RESOLUTION AUTHORIZING AMENDMENTS TO THE CITY OF BIG SPRING PERSONNEL POLICY MANUAL; AND ESTABLISHING AN EFFECTIVE DATE

FINAL READING OF AN ORDINANCE AMENDING CHAPTER 2 OF THE BIG SPRING CITY CODE ENTITLED “ADMINISTRATION,” BY ADDING A NEW SECTION 2-197 ENTITLED “OFFICIAL BONDS” TO ESTABLISH THE AMOUNT OF VARIOUS BONDS FOR CITY OFFICIALS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Mayor Pro Tem Ornelas to approve the above captioned minutes, resolution and ordinance, seconded by Councilmember Tompkins, with all members of the Council present voting “aye.”

FINAL READING OF AN ORDINANCE AMENDING CHAPTER 2 OF THE BIG SPRING CITY CODE ENTITLED "ADMINISTRATION," SECTION 2-196 "PAYMENT CARD FEES AND SERVICE CHARGES" BY ADDING A NEW SUBSECTION (c-1) AUTHORIZING AND DIRECTING MUNICIPAL COURT OFFICIALS TO CHARGE A CARD REIMBURSEMENT FEE SPECIFIED BY THE CITY COUNCIL OR THE CITY MANAGER; PROVIDING FOR EXPIRATION OF THIS PROVISION ON JANUARY 31, 2023; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Mayor Thomason to approve the above captioned ordinance, seconded by Councilmember McDonald, with Councilmembers Yanez, Hughes, Thomason, McDonald and Tompkins voting "aye." Mayor Pro Tem Ornelas, being opposed, voting "nay" for passage of same. Motion **passed** five to one.

City Council adjourned into break at 7:12 p.m.

City Council reconvened into open session at 7:24 p.m.

OTHER BUSINESS

TABLED – CONSIDERATION AND POSSIBLE ACTION TO REMOVE ALL MEMBERS WHO WERE APPOINTED PRIOR TO JULY 1, 2021 FROM THE AIRPARK DEVELOPMENT BOARD, PARKS AND RECREATION BOARD, TRAFFIC COMMISSION, PLANNING AND ZONING COMMISSION, ANIMAL RESCUE AND ADOPTION COMMITTEE, BOARD OF ADJUSTMENTS AND APPEALS, AND THE ZONING BOARD OF ADJUSTMENTS

Motion was made by Mayor Pro Tem Ornelas to remove the above captioned request off the table, seconded by Councilmember Hughes, with all members of the Council present voting "aye."

Motion was made by Councilmember Yanez to approve the above captioned request, seconded by Mayor Pro Tem Ornelas. After a brief discussion, Mayor Thomason ruled the motion out of order due to the fact that there is an ordinance already in place allowing current members of the above listed boards to remain in place until their term is expired.

Motion was made by Councilmember Yanez to appeal the rule of the chair to be sustained, seconded by Mayor Pro Tem Ornelas, with Councilmembers Ornelas, Yanez, Hughes, Thomason and McDonald voting "aye." Councilmember Tompkins, being opposed, voting "nay" for the appeal. Motion to appeal the ruling of the chair to be sustained **passed** five to one.

VOUCHERS

Councilmember Hughes reviewed the following vouchers:

VOUCHERS FOR 12/16/2021 \$ 1,148,146.65
VOUCHERS FOR 12/29/2021 \$ 749,403.25
VOUCHERS FOR 01/06/2022 \$ 828,830.43

Motion was made by Councilmember Hughes to approve the above captioned vouchers, seconded by Councilmember Yanez, with all members of the Council present voting "aye."

BIDS

CONSIDERATION AND POSSIBLE ACTION TO ACCEPT A BID AWARD FOR LEASE PURCHASE FINANCING FOR CAPITAL ITEMS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember Hughes to award the above captioned bid to Bank Funding, LLC with a 1.450% interest rate, seconded by Councilmember McDonald, with all members of the Council present voting "aye."

NEW BUSINESS

ACKNOWLEDGE RECEIPT OF THE BIG SPRING ECONOMIC DEVELOPMENT BOARD OF DIRECTORS MINUTES OF THE REGULAR MEETING OF NOVEMBER 16, 2021

Councilmembers acknowledge receipt of the above captioned minutes.

ACKNOWLEDGE RECEIPT OF THE QUARTERLY CLAIMS AND LITIGATION REPORT FROM THE CITY ATTORNEY

Councilmembers acknowledge receipt of the above captioned report.

CONSIDERATION AND POSSIBLE ACTION TO ACCEPT A DONATION FROM OXY PETROLEUM CORPORATION TO THE FIRE DEPARTMENT

Motion was made by Mayor Thomason to accept the above captioned donation in the amount of \$10,000, seconded by Mayor Pro Tem Ornelas, with all members of the Council present voting "aye."

CONSIDERATION AND POSSIBLE ACTION ON A CONTRACT RENEWAL WITH CGI COMMUNICATIONS, INC., AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember Hughes to approve the above captioned contract, seconded by Mayor Pro Tem Ornelas, with all members of the council present voting "aye."

FIRST READING OF A RESOLUTION TO SET THE ROTATION PERIOD OF MEMBERS OF CITY COUNCIL TO VERIFY AND AUDIT PAYMENT VOUCHERS TO A MONTHLY BASIS; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Mayor Pro Tem Ornelas to approve the above captioned resolution, seconded by Councilmember Yanez, with Councilmembers Ornelas, Yanez, Hughes, Thomason and Tompkins voting “aye.” Councilmember McDonald, being opposed, voting “nay” for passage of same. Motion **passed** five to one.

FIRST READING OF A RESOLUTION AMENDING THE BIG SPRING ECONOMIC DEVELOPMENT CORPORATION BY AMENDING THE NUMBER OF DIRECTORS AND THE MANNER OF APPOINTMENT OF DIRECTORS; AND PROVIDING FOR RULES OF PROCEDURES; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Councilmember Hughes to approve the above captioned resolution, seconded by Mayor Pro Tem Ornelas, with all members of the Council present voting “aye.”

FIRST READING OF AN ORDINANCE ADOPTING THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES WITHIN THE CITY LIMITS; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE CITY OF BIG SPRING; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING CHAPTER 36, “NUISANCES,” ARTICLE II, “UNSANITARY, UNSIGHTLY, AND PUBLIC NUISANCE CONDITIONS OF PROPERTY IN ITS ENTIRETY; AMENDING CHAPTER 44, “SOLID WASTE,” ARTICLE I, “IN GENERAL,” SECTION 1, “DEFINITIONS,” SECTION 44-1 AND ARTICLE III, “ILLEGAL DUMPING AND LITTER CONTROL,” SECTION 101, “DEFINITIONS TO AMEND THE DEFINITIONS OF “GARBAGE”; AND AMENDING THE STRUCTURAL STANDARDS ORDINANCE, ARTICLE I, SECTION 1.05 “DEFINITIONS,” SUBSECTION (c) “BUILDING CODES” TO INCLUDE CHAPTER 36, ARTICLES I AND III IN THE BUILDING CODES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Councilmember Hughes to approve the above captioned ordinance, seconded by seconded by Councilmember McDonald, with Councilmembers Hughes, Thomason, McDonald and Tompkins voting “aye.” Councilmembers Ornelas and Yanez, being opposed, voting “nay” for passage of same. Motion **passed** four to two.

FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NUMBER 039-2021 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022 BY INCREASING THE SPECIAL REVENUE FUND, SENIOR CENTER, BUDGET FOR THE PURPOSE OF PURCHASING A NEW VEHICLE FOR THE SENIOR CENTER;

PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Mayor Pro Tem Ornelas to approve the above captioned ordinance, seconded by Councilmember Hughes, with all members of the Council present voting “aye.”

BOARDS AND COMMITTEES

TABLED

Big Spring Economic Development Corporation Board

Councilmember Yanez withdrew this nomination

Jonathan Ray – Nominated by Councilmember Yanez (Dist. 2)

Board of Adjustments and Appeals

Rosie Franco – Nominated by Councilmember Yanez (Dist. 2)

Motion was made by Councilmember McDonald to remove the above nominee’s off the table, seconded by Mayor Pro Tem Ornelas, with all members of the Council present voting “aye.”

Board of Adjustments and Appeals

Amy French – Nominated by Councilmember Hughes (Dist. 3)

Convention & Visitors Bureau Board

Kristy Tyra – Nominated by Councilmember Tompkins (Dist. 5)

Emaan Campbell - Nominated by Mayor

The above listed nominee’s were appointed by acclamation of the Council.

COUNCIL INPUT

Councilmember Tompkins asked to revisit the City Master Plan at some point.

Councilmembers McDonald and Hughes thanked the staff for their work on the property maintenance ordinance.

Councilmember Yanez expressed her disappointment regarding a hearing that was held earlier in the week.

Mayor Pro Tem Ornelas reminded everyone in District One of the large item pickup in January and he will have some help for citizens over 65.

Mayor Thomason gave a COVID update and addressed some questions that a few citizens had at the beginning of the meeting. Mayor Thomason reminded everyone to help control the pet population by having their pets spayed or neutered.

EXECUTIVE SESSION

ADJOURN INTO EXECUTIVE SESSION UNDER THE PROVISIONS OF TITLE 5, TEXAS GOVERNMENT CODE, SECTION 551.087 REGARDING “(1) TO DISCUSS OR DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE GOVERNMENTAL BODY HAS RECEIVED FROM A BUSINESS PROSPECT THAT THE GOVERNMENTAL BODY SEEKS TO HAVE LOCATE, STAY, OR EXPAND IN OR NEAR THE TERRITORY OF THE GOVERNMENTAL BODY AND WITH WHICH THE GOVERNMENTAL BODY IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS; OR (2) TO DELIBERATE THE OFFER OF A FINANCIAL OR OTHER INCENTIVE TO A BUSINESS PROSPECT DESCRIBED BY SUBDIVISION (1).”

Motion was by Mayor Pro Tem Ornelas to adjourn into executive session at 8:58 p.m., seconded by Councilmember McDonald, with all members of the Council present voting “aye.”

RECONVENE IN OPEN SESSION AND TAKE ANY NECESSARY ACTION AS DEEMED APPROPRIATE IN THE CITY COUNCIL’S DISCRETION AT 9:58 P.M.

Motion was made by Councilmember Hughes to authorize the Mayor to negotiate and execute an Economic Incentive Agreement with Big Spring Distillers Inc., seconded by Councilmember McDonald, with Councilmembers Yanez, Hughes, Thomason, McDonald and Tompkins voting “aye.” Mayor Pro Tem Ornelas, being opposed, voting “nay” for passage of same. Motion **passed** five to one.

ADJOURN

Mayor Thomason adjourned the meeting at 10:00 p.m.

Shannon D. Thomason, Mayor

ATTEST:

Tami L. Davis, City Secretary

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS TO SET THE ROTATION PERIOD OF MEMBERS OF CITY COUNCIL TO VERIFY AND AUDIT PAYMENT VOUCHERS TO A MONTHLY BASIS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Under the Charter of the City of Big Spring, Article IX, Section 3, new payment warrants of the City may be issued only as “audited and allowed by the City Council;” and,

WHEREAS, Members of City Council have the practice of regularly verifying and auditing the City of Big Spring’s payment vouchers on a biweekly rotating basis; and

WHEREAS, Monthly billing is common for services received by the City; and

WHEREAS, It is the sense of City Council that the rotation of Members of City Council to verify and audit payment vouchers should be on a monthly basis; and

WHEREAS, City Council finds it advisable to adopt the following;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AS FOLLOWS, THAT:

SECTION 1. Each Member of City Council shall verify and audit payment vouchers of the City of Big Spring for an entire calendar month, on a rotating basis. A Member of City Council may agree to exchange months with another Member of City Council.

SECTION 2. All resolution or parts of resolutions in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 3. This Resolution shall take effect February 1, 2022.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 11th day of **January, 2022** with all members of the Council voting “aye” for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the 25th day of January, 2022 with all members of the Council voting “aye” for the passage of same.

Shannon D. Thomason, Mayor

ATTEST:

Tami L. Davis, City Secretary

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AMENDING THE BIG SPRING ECONOMIC DEVELOPMENT CORPORATION BY AMENDING THE NUMBER OF DIRECTORS AND THE MANNER OF APPOINTMENT OF DIRECTORS; AND PROVIDING FOR RULES OF PROCEDURE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a development corporation’s bylaws (such as Big Spring EDC’s bylaws) are adopted by its board of directors, must be consistent with state law and the certificate of formation, and be approved by the governing body (such as the City Council of Big Spring) of the authorizing unit (such as the City of Big Spring), under Section 501.064, Texas Local Government Code; and

WHEREAS, references to “articles of incorporation” mean the corporation’s certificate of formation, under Section 501.011, Texas Local Government Code; and

WHEREAS, a development corporation’s authorizing unit, in its sole discretion, may in accordance with state statutes alter the development corporation’s structure, organization, program, or activities, under Section 501.401, Texas Local Government Code; and

WHEREAS, the board of directors of a development corporation may file with the governing body of the corporation’s authorizing unit a written application requesting that the authorizing unit approve an amendment to the certificate of formation, under Section 501.301, Texas Local Government Code; and

WHEREAS, the governing body of the authorizing unit of a corporation, at the unit’s sole discretion, may in accordance with the Texas Local Government Code amend the corporation’s certificate of formation at any time by: (1) adopting the amendment by resolution; and (2) delivering the certificate of amendment to the secretary of state, Section 501.302, Texas Local Government Code; and

WHEREAS, City Council finds it advisable to adopt the following resolution; and

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, THAT:

SECTION 1. City Council adopts an amendment to the Articles of Incorporation for the Big Spring Economic Development Corporation as indicated in Exhibit A.

SECTION 2. City Council directs the City Secretary to file the Certificate of Amendment, in Exhibit A of this resolution, with the Secretary of State.

SECTION 3. Resolution 024-2021 is hereby repealed.

SECTION 4. This resolution shall take effect immediately after passage in accordance with the provisions of the Charter of the City of Big Spring.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **11th** day of **January, 2022** with all members of the Council voting “aye” for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **25th** day of **January, 2022** with all members of the Council voting “aye” for the passage of same.

Shannon D. Thomason, Mayor

ATTEST:

Tami L. Davis, City Secretary

**EXHIBIT A
CERTIFICATE OF AMENDMENT**

**CERTIFICATE OF AMENDMENT TO THE
CERTIFICATE OF FORMATION OF
BIG SPRING ECONOMIC DEVELOPMENT CORPORATION
A NON-PROFIT CORPORATION**

This certificate of amendment is submitted for filing pursuant to the applicable provisions of the Texas Business Organizations Code and the Texas Local Government Code.

Article I - Entity Name and Type

The name of the entity as shown in the records of the secretary of state and the type of filing entity are: Big Spring Economic Development Corporation, a Texas non-profit corporation (hereinafter "Big Spring EDC"), organized pursuant to Subtitle C1, Title 12, Texas Local Government Code. The Big Spring EDC's date of formation is September 4, 1990, and its assigned file number is 116552701.

Article II - Amended Registered Agent/Registered Office

The article stating the name of the registered agent and identifying the registered office of the Big Spring EDC is amended to read as follows:

The registered agent is an individual resident of the state whose name is Tami L. Davis. Tami L. Davis has consented in a written or electronic form to serve as the registered agent of the entity. The business address of the registered agent and the registered office address is: 310 Nolan Street, Big Spring, Texas 79720.

Article III - Other Amendments to Certificate of Formation

Set forth below is an identification by reference or description of each added, altered, or deleted provision.

1. The certificate of formation is amended by the alteration or addition of the provisions identified or referenced below. A full text version of each altered provision so identified or referenced follows:

**Article VI
Directors**

- A. The affairs of the Corporation shall be managed by a Board of Directors. The initial Board of Directors of the Corporation were:
1. Owen Ivie, P.O. Box 869, Big Spring, Texas 79721, initial term expired 8-31-93.
 2. Steve Fraser, 208 W. 3rd, Big Spring, Texas 79720 initial term expired 8-31-93.
 3. Jeff Morris, P.O. Box 1311, Big Spring, Texas 79721, initial term expired 8-31-92.

4. Hooper Sanders, P.O. Box 871, Big Spring, Texas 79721 initial term expired 8-31-92.
 5. Jim Purcell, P.O. Box 1271, Big Spring, Texas 79721 initial term expired 8-31-91.
- B. The number of Directors constituting the Board of Directors of the Corporation is seven (7). A change in the number of Directors may only be made by amendment to the Articles of Incorporation.
- C. Each City Councilmember of the City Council of Big Spring may nominate one (1) member of the board subject to the confirmation by majority vote of the Council.
- D. Each Director shall represent the interests of the City of Big Spring first.
- E. To be eligible to serve on a board as a Director, a person shall:
1. Be 18 years or older; and
 2. Be a registered voter in Howard County, Texas; and
 3. Unless appointed prior to May 1, 2021, represent a specific City Council District or the City by:
 - (a) Being a registered voter in the district represented by the Council Member making the nomination, or in the City of Big Spring for the Director nominated by the Mayor; or
 - (b) Owning 50% or more of one or more parcels of taxable real property in the district represented by the Councilmember making the nomination, or in the City of Big Spring for the Director nominated by the Mayor (mineral rights do not meet this requirement); or
 - (c) Being a holder of water service from the City of Big Spring with a service address in the district represented by the Councilmember making the nomination, or in the City of Big Spring for the Director nominated by the Mayor, or owning in such district a business which is a water customer when the person owns 50% or more of the business.
 4. A current City Councilmember may not serve on the board. Elected officials of the City, County, State or Federal Government are ineligible to serve as directors. A person may not serve on the board at the same time the person is serving on a board defined in Article 2, "Administration," Article VII, "Boards and Commissions" of the Big Spring City Code of Ordinances.
 5. No person may serve on a board if they are related to a City Councilmember of the City Council of the City of Big Spring within the third degree of

consanguinity or within the second degree of affinity, as defined by Texas Government Code, Chapter 573, unless appointed prior to May 1, 2021.

- F. Reserved.
- G. Reserved.
- H. A Director who ceases to meet the eligibility requirements is considered to have automatically vacated the office.
- I. A vacancy that arises shall be filled by nomination by the City Councilmember representing the district that the board seat represents, or by the Mayor in the case of the Mayor's board seat, subject to confirmation by a majority of City Council.
- J. Each Director serves a term ending on September 30 three years after the Councilmember's Charter-specified general election date for the Councilmember's current term. The terms of Directors appointed prior to May 1, 2021 are not changed.
- K. An appointment to a vacancy on a board fills the unexpired term of the Director, if any.
- L. A Director whose seat is not filled by official action of City Council sixty (60) days after the end of the term of the Director shall be deemed to be reappointed.
- M. A Director may be removed at any time and for any reason by City Council.
- N. Directors shall meet at least one (1) of the following qualifications:
 - 1. serve, or have served, as chief executive officer of a company;
 - 2. serve, or have served, in a position of executive management of a company;
 - 3. serve, or have served, in a professional capacity; or
 - 4. have experience equivalent to any of the above qualifications.
- O. Directors shall serve as such without compensation except that they shall be reimbursed for their actual expenses incurred in the performance of their duties as Directors.
- P. The quorum of a board necessary to meet and deliberate shall be four (4) directors.
- Q. A majority of a quorum present shall be necessary to transact business.
- R. The following shall apply to the board:
 - 1. The Texas Open Meetings Act;

2. The Texas Public Information Act; and
 3. Ethical disclosure requirements including under Chapter 171 of the Texas Local Government Code.
- S. The board shall elect its own chair and vice chair.
- T. The board shall set its own rules of procedure. If the board does not act to set its rules of procedure, the board shall follow the rules contained in the current edition of Robert's Rules of Order Newly Revised when they are applicable and in which they are not inconsistent with prevailing law, the following special rules of order, and any other special rules the board may adopt:
- a. The board shall be a small board under Robert's Rules, except that motions shall require a second.
 - b. The Mayor, City Council, the City Manager, and the City Attorney of the City of Big Spring shall have the right to speak at board meetings.
 - c. Meetings may adopt a regular schedule or be called by action of the board. Additional meetings may be called by the chair or the vice chair.
 - d. The Board shall appoint a person to take minutes.
- U. The board shall transmit its minutes to City Council once per month, except if it has not met in a given month.
- V. Once per month, a person designated by the board shall present an oral or written report to City Council in addition to the board's minutes, except if it has not met in a given month.
- W. The board may recommend to City Council such policies within the scope of the board as it may deem necessary or advisable.
- X. The members of the board who were appointed as of May 1, 2021 shall retain their current terms according to their appointments under the prior language of Article VI, unless removed earlier by City Council.

Article XIII Expenditures

After approving an economic development incentive, but prior to funding said incentive, the Corporation shall submit the proposed incentive to the Big Spring City Council for approval in a record vote of the Council.

Article IV - Approval of Amendments

This filing amending the certificate of formation has been approved in the manner required Section 501.302, Texas Local Government Code.

Article V - Effective Date of Filing

This Certificate of Amendment to the Certificate of Formation becomes effective when the document is filed by the secretary of state.

Article VI - Execution

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

Date: _____, 2021

Adopted by the City Council of Big Spring,
effective January 12, 2022.

City of Big Spring, Texas

By: _____
Shannon D. Thomason, Mayor

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BIG SPRING ADOPTING THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES WITHIN THE CITY LIMITS; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE CITY OF BIG SPRING; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING CHAPTER 36, "NUISANCES," ARTICLE II, "UNSANITARY, UNSIGHTLY, AND PUBLIC NUISANCE CONDITIONS OF PROPERTY IN ITS ENTIRETY; AMENDING CHAPTER 44, "SOLID WASTE," ARTICLE I, "IN GENERAL," SECTION 1, "DEFINITIONS," SECTION 44-1 AND ARTICLE III, "ILLEGAL DUMPING AND LITTER CONTROL," SECTION 101, "DEFINITIONS TO AMEND THE DEFINITIONS OF "GARBAGE"; AND AMENDING THE STRUCTURAL STANDARDS ORDINANCE, ARTICLE I, SECTION 1.05 "DEFINITIONS," SUBSECTION (c) "BUILDING CODES" TO INCLUDE CHAPTER 36, ARTICLES I AND III IN THE BUILDING CODES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, under the Constitution of the United States, "... No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws," Fourteenth Amendment, Section 1; and

WHEREAS, under the Texas Constitution, "No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land," Article 1, Section 19; and

WHEREAS, the Supreme Court of Texas has found that the Texas Constitution confers additional property rights upon owners of real property in Texas beyond the property rights recognized in the Constitution of the United States, *City of Dall. v. Stewart*, 361 S.W.3d 562 (Tex. 2012); and

WHEREAS, the Tenth Amendment to the Constitution of the United States reserves to the people certain powers; and

WHEREAS, the citizens of the City of Big Spring may lawfully enjoy home rule, and may adopt and amend the City's own Charter, as they have done, as respected by Article XI, Section 5 of the Texas Constitution; and

WHEREAS, the Texas Legislature has enacted statutes, including one which states: "The governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule, or police regulation that: (1) is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and (2) is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality," Section 51.001, Texas Local Government Code; and

WHEREAS, by Texas statute, concerning a home-rule city, "(a) The municipality has full power of local self-government, (b) The grant of powers to the municipality by this code does not prevent, by implication or otherwise, the municipality from exercising the authority incident to local self-government," Section 51.072, Local Government Code; and

WHEREAS, by Texas statute, "A home-rule municipality may enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants," Section 54.004, Local Government Code; and

WHEREAS, by Texas statute, "(a) The governing body of a municipality may enforce each rule, ordinance, or police regulation of the municipality and may punish a violation of a rule, ordinance, or police regulation, (b) A fine or penalty for the violation of a rule, ordinance, or police regulation may not exceed \$500 except that: (1) a fine or penalty for the violation of a rule, ordinance, or police regulation that governs fire safety, zoning, or public health and sanitation, other than the dumping of refuse, may not exceed \$2,000; and (2) a fine or penalty for the violation of a rule, ordinance, or police regulation that governs the dumping of refuse may not exceed \$4,000," Section 54.001, Local Government Code; and

WHEREAS, under Texas statute, "A municipality may, by ordinance, require the vacation, relocation of occupants, securing, repair, removal, or demolition of a building" that is substandard as defined by the statute and ordinance, Section 214.001, Local Government Code; and

WHEREAS, under Texas statute, a municipality may authorize a civil action to enforce various ordinances, to require their abatement, and to request that a court assess a civil penalty upon a violator, Chapter 54, Subchapter B, Local Government Code; and

WHEREAS, under Texas statute, a municipality that adopts an ordinance may assume the authority granted by State law therein to enforce certain ordinances affecting building standards, health, sanitation, and animals, Subchapter C, Chapter 54, Local Government Code; and

WHEREAS, the City Council of Big Spring finds that federal and state law allow a Texas municipality, after providing due process of law including a hearing, allowing for an appeal, and meeting other requirements, to demolish and remove a structure that constitutes a nuisance; and

WHEREAS, under the Charter of the City of Big Spring, the City Council of Big Spring may adopt ordinances within the scope of the authority of Texas home rule cities, including ordinances that define, prohibit, abate, and prevent all things detrimental to the health, morals, comfort, safety, convenience, and welfare of the inhabitants of the city, and all nuisances and causes thereof, and

WHEREAS, a dangerous, unsafe, or hazardous structure is detrimental to the safety and welfare of the public, tends to reduce the value of private property, invites vandalism, creates a fire hazard, is an attractive nuisance creating a hazard to the health and safety of minors, produces urban blight adverse to the maintenance and continuing development of municipalities, and therefore regulation of such a building is justified; and

WHEREAS, under the Fourth Amendment to the Constitution of the United States, “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized,” and

WHEREAS, under the Texas Constitution, “The people shall be secure in their persons, houses, papers and possessions, from all unreasonable seizures or searches, and no warrant to search any place, or to seize any person or thing, shall issue without describing them as near as may be, nor without probable cause, supported by oath or affirmation,” Section 9, Article I; and

WHEREAS, City Council intends to provide minimum requirements for the protection of life, health, property, safety, and welfare of the general public from the hazards and dangers of substandard structures; to establish minimum standards for the continued use and occupancy of all structures, regardless of the date of their construction; to see that the property rights and privacy rights of property owners and residents are respected, to provide for giving proper notice to the owner of a structure; to provide for a public hearing to determine whether a structure complies with the standards set out in this Ordinance; and to respect the due process rights and the rights in the due course of law for all; and

WHEREAS, by ordinance the City has previously adopted regulations concerning illegal dumping, nuisance conditions of property, weed and grass maintenance, junked vehicles, and a notice, hearings, and appeals process for substandard structures, and City Council wishes to put into place minimum standards for premises and structures inside City limits; and

WHEREAS, City Council finds that respecting property rights and maintaining minimum standards for structures and premises are both important policies of the City; and

WHEREAS, City Council finds it necessary and proper to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants and therefore adopts the following ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AS FOLLOWS, THAT:

SECTION 1. Big Spring City Code, Chapter 36, entitled “Nuisances,” Article I, entitled “In General,” is renamed to “Property Maintenance.”

SECTION 2. A certain document, three (3) copies of which are on file in the office of the City Secretary of City of Big Spring, being marked and designated as the International Property Maintenance Code, 2021 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Big Spring, in the State of Texas, for regulating and governing the conditions and maintenance of all property, buildings and structures within the City Limits; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Property Maintenance Code on file in the office of the City of Big Spring are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 3 of this ordinance.

SECTION 3. Big Spring City Code Chapter 36, entitled “Nuisances,” Article I, newly entitled “Property Maintenance,” is hereby amended to add a new Section 36-1 entitled “Property Maintenance Code of Big Spring” and shall read as follows:

CHAPTER 36 – NUISANCES

ARTICLE I. – PROPERTY MAINTENANCE

Section 36-1. Property Maintenance Code of Big Spring.

The International Property Maintenance Code, as published by the International Code Council, Inc., save and except Appendix B, is hereby adopted as part of the building codes of the city by reference as though they were copied herein fully including all appendices, except where expressly excluded herein.

The following sections are hereby revised or subjected to insertion as stated:

CHAPTER 1 SCOPE AND ADMINISTRATION

PART 1 – SCOPE AND APPLICATION

SECTION 101 SCOPE AND GENERAL REQUIREMENTS

SECTION 101.1 TITLE. Insert “Property Maintenance Code of Big Spring.”

SECTION 102 APPLICABILITY

102.4 EXISTING REMEDIES. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any *structure* that is *dangerous*, unsafe, or insanitary.

102.6 STRUCTURAL ANALYSIS. Where structural analysis is used to determine if a dangerous structural condition exists, the analysis shall be permitted to use nominal strengths, nominal loads, load effects, required strengths and limit states in accordance with the requirements under which the *structure* was constructed or in accordance with any subsequent requirement.

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION 103 CODE COMPLIANCE AGENCY

103.1 GENERAL. Insert “Code Compliance Department.”

103.2 APPOINTMENT. The *code official* shall be appointed by the City Manager or his designee.

SECTION 104 FEES

104.1 COSTS. The City may assess a property owner for costs incurred to demolish, board, fence, secure, vacate, relocate occupants, repair, treat, remediate or similar action identified in this code. This includes the costs incurred because a property owner fails to comply with an order of the *code official*. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition. Unless exempted by the Texas Constitution or state law, the expense incurred by the

City under this code may be recorded as a lien against the real property on which the building, structure, or noncompliant condition is located, with interest on the unpaid balance to accrue at the maximum rate allowed by law.

104.1.1 CIVIL PENALTY FOR ABATEMENT. In addition to costs in Section 104.1, a civil penalty of 25% of the costs is presumed to be a reasonable civil penalty, intended to fully compensate the City for its expenses including time and labor, and to deter property owners from resorting to the City for maintenance of property. The City shall assess a reasonable civil penalty against a property owner for an abatement by the City.

**SECTION 105
DUTIES AND POWERS OF THE CODE OFFICIAL**

105.3.1. LIMITATION OF SEARCH AND SEIZURE AUTHORITY. Nothing in Section 105.3 or any other part of the Property Maintenance Code of Big Spring shall give the *code official* more authority to conduct an administrative search, or any other search or seizure than allowed by the Constitution of the United States or the Texas Constitution.

**SECTION 107
MEANS OF APPEAL**

107.1 APPEAL. Appeals from these regulations shall be as stated through the Structural Standards Chapter of the Big Spring City Code.

107.3 RESERVED.

**SECTION 108
BOARD OF APPEALS**

108.1 RESERVED.

**SECTION 110
STOP WORK ORDER**

110.1 AUTHORITY. Where the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in an unsafe manner, the *code official* is authorized to issue a stop work order.

**SECTION 111
UNSAFE STRUCTURES AND EQUIPMENT**

111.1.1 UNSAFE STRUCTURES. An unsafe *structure* is one that is found to be hazardous to the life, health, property, or safety of the public or the *occupants* of the *structure* by not

providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such *structure* contains unsafe equipment or is *dangerous*.

111.1.3.1 ACTION PLAN. If the code official finds a structure unfit for human occupancy, the *code official* may require the owner of the property to provide an action plan for repairs to the *code official*, in addition to other powers and duties of the *code official*.

111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any *structure* or *premises* that has any or all of the conditions or defects described as follows shall be considered to be hazardous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any building, structure, or portion thereof that is dangerous.
4. Reserved.
5. Reserved.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or *structure* is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or *structure* to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or *structure* for committing a nuisance or an unlawful act.
8. Any building or *structure* has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or *structure* provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or *structure*, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or *structure*, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or *structure* or whenever any building or *structure* is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

111.4 NOTICE. Whenever the *code official* determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 111.4.1 and 111.4.2 to the owner or the owner's authorized agent, for the violation as specified in this code. Notices for civil abatement and condemnation procedures shall comply the Structural Standards Chapter.

111.4.3 COPY OF NOTICE. The *code official* may also provide a copy of any notice of violation to the *occupant* of the property.

SECTION 113 DEMOLITION

113.1 GENERAL. The *code official* shall order the *owner* or *owner's* authorized agent of any *premises* upon which is located any *structure*, which in the *code official's* or *owner's* authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be *dangerous*, unsafe, insanitary or otherwise unfit for human habitation or *occupancy*, and such that it is unreasonable to repair the *structure*, to demolish and remove such *structure*; or if such *structure* is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any *structure* for a period of more than two years, the *code official* shall order the *owner* or *owner's* authorized agent to demolish and remove such *structure*, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless *approved* by the building official.

113.4 SALVAGE MATERIALS. If the City demolishes and removes a structure, then the city, or its agent, may sell the salvage and valuable materials at the highest price obtainable.

CHAPTER 2 DEFINITIONS

SECTION 201 GENERAL

201.3 TERMS DEFINED IN OTHER CODES. Where terms are not defined in this code and are defined in the *International Building Code*, *International Existing Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Plumbing Code*, *International Residential Code*, *International Zoning Code* or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes, as adopted by ordinance.

Exception: When used within this code, the term "unsafe" shall have only the meaning ascribed to it in this code and shall not have the meaning ascribed to it by the *International Existing Building Code*.

SECTION 202 GENERAL DEFINITIONS

Definitions that follow which conflict or add to the International Property Maintenance Code are hereby inserted.

ACTION PLAN. A written plan that identifies repairs, the timeline for completion, alternative methods of compliance, and other appropriate items.

DANGEROUS. Any building, structure, or portion thereof that meets any of the conditions described below shall be deemed dangerous:

1. The building or structure has collapsed, has partially collapsed, has moved off its foundation or lacks the necessary support of the ground.
2. There exists a significant risk of collapse, detachment or dislodgment of any portion, member, appurtenance or ornamentation of the building or structure under permanent, routine, or frequent loads; under actual loads already in effect; or under snow, wind, rain, flood, earthquake, or other environmental loads when such loads are imminent.

GARBAGE. See definition in Big Spring City Code Section 44-1, "Garbage."

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, arachnids, rodents, vermin, or other pests.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coke and other combustible materials, bottle caps, cigarette butts and other tobacco products coal, clothing, containers, boxes, cardboard, cartons, crockery, disposable packages, dust, excelsior, glass, gum, leather, metals, mineral matter, paper, plastic, rags, rubber, tin cans, tree branches, yard trimmings, waste building materials, wood, and other similar materials.

CHAPTER 3 GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.2 RESPONSIBILITY. The *owner* of the premises shall maintain the structures and exterior property in compliance with these requirements and the code under which the building was constructed, except as otherwise provided for in this code. The *owner* or owner's agent shall be responsible to know that any alterations or modifications to the building or portion thereof, exterior or interior, are altered or modified in accordance with the *International Building Code* or *International Existing Building Code*. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary, and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* they occupy and control.

302.1.1 STAGNANT WATER. The occupant shall keep that part of the exterior property that such occupant occupies or controls free of holes or places where water may accumulate and become stagnant or be or remain on such lot or premises or to allow or permit the accumulation of stagnant water thereon, or to permit the same to remain thereon.

SECTION 302 EXTERIOR PROPERTY AREAS

302.4 WEEDS. Insert “12 inches.”

302.4.1 DEFENSE. It is a defense to prosecution to an alleged violation of 302.4 if the property within the corporate limits of the city zoned on the official zoning map as agricultural "A", allows vegetation to achieve its natural height, provided that the following clear zones are maintained to a height not to exceed 12 inches: (1) The clear zone will be maintained for 200 feet from contiguous occupied property lines; (2) Two hundred feet behind the property line along all public right-of-way; and (3) The clear zone shall be maintained within an adjoining half of a public right-of-way or adjoining half of an alley/easement.

302.4.2 DANGEROUS WEEDS. Weeds that grow higher than 48 inches and are an immediate danger to the health, life, or safety of any person are prohibited, and the *code official* shall have the authority to abate such weeds immediately and without notice.

302.4.3 ANNUAL NOTICE FOR WEEDS. In the notice of violation required under Section 109.2, the *code official* may inform the owner that if the owner commits another violation of the same kind or nature that poses a public nuisance on or before the first anniversary of the date of the notice, the city, without further notice, may correct the violation at the owner's expense and assess the expense against the property. If a violation covered by a notice under this subsection occurs within the one-year period, and the city had not been informed in writing by the owner of an ownership change, then the city, without notice, may do the work and make the improvements required and pay for the work done or improvements made and charge the expenses to the owners of the property and then assess its expenses as provided for in Section 109.3

302.7.1 FENCING. Fencing shall be solidly anchored to the ground to prevent animals from escaping by digging under the fence and sufficient height to prevent animals from escaping. An exception to this duty shall apply if an animal is not being kept on the premises behind the fence.

302.8 RESERVED.

302.9.1 OWNER RESPONSIBILITY TO REMOVE GRAFFITI. The responsibility of the owner in Section 302.9 is superseded by Big Spring City Code Section 36-12.

SECTION 304

EXTERIOR STRUCTURE

304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. Structural members have deterioration or distress that appears to reduce their load-carrying capacity.
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations have deterioration or distress that appears to reduce their load-carrying capacity.
3. Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity.
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or watertight.
5. Reserved.
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and is not capable of supporting all nominal loads and resisting all load effects.
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes, and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
12. Exterior stairs, decks, porches, balconies, and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

13. Chimneys, cooling towers, smokestacks, and similar appurtenances not structurally sound or not properly *anchored*, or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the code official.

304.2. RESERVED.

304.3 PREMISES IDENTIFICATION. See Big Spring City Code Sections 46-5 and 46-6.

304.14 RESERVED.

304.5.1 FOUNDATION SKIRTING. Foundation skirting shall be maintained under the conditions of foundation walls in Section 304.5.

304.18.1 RESERVED.

**SECTION 305
INTERIOR STRUCTURE**

305.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code*, the *International Existing Building Code* or the *International Residential Code* as required for existing buildings:

1. Structural members have deterioration or distress that appears to reduce their load-carrying capacity.
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations have deterioration or distress that appear to reduce their load-carrying capacity.
3. Structures or components thereof that have deterioration or distress that appears to reduce their load-carrying capacity.
4. Reserved.
5. Stairs, landings, balconies, and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.

2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

SECTION 307 HANDRAILS AND GUARDRAILS

307.1.1. BACKYARDS. It is an exception to Section 307.1 that the property is located on the premises of a single-family home or twinhome.

307.1.2. GOOD REPAIR. Handrails and guards shall be maintained in good repair and in safe condition.

SECTION 308 RUBBISH AND GARBAGE

308.1.1. ACCUMULATION OF CARRION AND FILTH. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of carrion, filth, or any other impure or unwholesome matter.

SECTION 310 ACCESSIBILITY.

310.1 MAINTENANCE OF FACILITIES. A facility that is required to be accessible shall be maintained accessible during occupancy.

310.1.1 EXTENT OF APPLICATION. The accessible features of a facility shall be maintained in good repair, in a clean, structurally sound, and sanitary condition and free from impediments to accessibility.

CHAPTER 4 LIGHT, VENTILATION, AND OCCUPANCY LIMITATIONS

SECTION 404 OCCUPANCY LIMITATIONS

404.15 SECTIONS NOT MANDATORY. The following sections shall not impose any legal duty; no penalty is imposed for their violation; the City is not authorized to abate a violation of them; and they shall only be recommended: Sections 404.2, 404.3, 404.4, 404.4.1, 404.4.2, 404.4.3, 404.4.4, 404.4.5, 404.4.5.1, 404.4.5.2, and 404.6.

CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 602 HEATING FACILITIES

602.3 HEAT SUPPLY. Insert: October 1 to June 1.

602.4 OCCUPIABLE WORKSPACES. Insert: October 1 to June 1.

**SECTION 605
ELECTRICAL EQUIPMENT**

605.4.1 EXTENSION CORDS. Flexible cords in Section 605.4 includes extension cords.

**SECTION 608
COMMERCIAL COOKING SYSTEMS**

608.1 OPERATIONS AND MAINTENANCE. Commercial cooking systems shall be operated and maintained in accordance with Section 606.3 of the International Fire Code

SECTION 4. Big Spring City Code, Chapter 36, entitled “Nuisances,” Article II, entitled, “Unsanitary, Unsightly, and Public Nuisance Conditions of Property,” is repealed.

SECTION 5. Big Spring City Code, Chapter 44, entitled “Solid Waste,” Article I, entitled “In General,” Section 1, entitled “Definitions,” 44-1 is amended in part as follows:

...

Garbage includes, among similar matter, animal or vegetable (and/or other matter) waste materials and refuse resulting from the handling, packing, preparation, processing, cooking, consumption, dealing in, canning, storage, transportation, decay, or decomposition of meats, fish, fowl, birds, fruits, grains, or other animal or vegetable matter (including but not by way of limitation, used tin cans and other food containers; including all putrescible waste matter which is likely to attract flies or rodents), except (in all cases) any matter included in the definition of bulky waste in Section 44-101, dead animals, hazardous waste, or rubbish.

~~*Garbage* includes, among other similar matter, all animal or vegetable matter, such as waste materials and refuse from kitchens, residences, grocery stores, butcher shops, restaurants, cafes, hotels, and rooming houses and boardinghouses.~~

...

SECTION 6. Big Spring City Code, Chapter 44, entitled “Solid Waste,” Article III, entitled “Illegal Dumping and Litter Control,” Section 101, entitled “Definitions,” is amended in part as follows:

...

Garbage. See definition as adopted in Big Spring City Code Section 44-1, “Garbage.”

~~*Garbage* includes, among other similar matter, all animal or vegetable matter, such as waste materials and refuse from kitchens, residences, grocery stores, butcher shops, restaurants, cafes, hotels, and rooming houses and boardinghouses.~~

...

SECTION 7. The Big Spring City Code Structural Standards Ordinance, Article 1, Section 1.05, Definitions, is hereby amended in part follows:

...

(c) "Building Codes" means codes and ordinances adopted in the Big Spring City Code Sections 12-2, 12-44, 12-49, 24-1, and 24-49; and Chapter 36, Articles I and III; and any ordinances that set the appeal or hearing through the Structural Standards Ordinance, ~~and~~ as those ordinances are amended from time to time.

...

SECTION 8. If any section, subsection, sentence, clause, or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this law, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 9. Nothing in this legislation or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this legislation.

SECTION 10. The City Secretary is hereby ordered and directed to cause the descriptive caption as well as the penalties for violation of this ordinance to be published as required by law.

SECTION 11. This ordinance shall take effect immediately after its publication in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **11th** day of **January, 2022** with all members of the Council voting "aye" for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **25th** day of **January, 2022** with all members of the Council voting "aye" for the passage of same.

Shannon D. Thomason, Mayor

ATTEST:

Tami L. Davis, City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING ORDINANCE NUMBER 039-2021 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022 BY INCREASING THE SPECIAL REVENUE FUND, SENIOR CENTER, BUDGET FOR THE PURPOSE OF PURCHASING A NEW VEHICLE FOR THE SENIOR CENTER; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City Council adopted the annual 2021-22 budget for the City of Big Spring, Texas on September 28, 2021 (“Budget”); and

WHEREAS a new vehicle for the Senior Center was not included in such Budget; and

WHEREAS the City Council desires to increase the special revenue fund budget in order to purchase a new vehicle for the Senior Center for meal deliveries.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AS FOLLOWS:

SECTION 1. The Special Revenue Fund, Senior Center Budget of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2021 and ending September 30, 2022 is hereby increased by the amount of \$25,000.00 to the expense account number 160-050-910-6401 (Vehicles) for the purpose of purchasing a new vehicle for the Senior Center. The net increase will be funded through a donation from the Broughton Foundation.

SECTION 2. The remaining portions of Ordinance Number 039-2021 shall remain in full force and effect.

SECTION 3. Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5. The City Secretary is hereby authorized and directed to cause the publication of this ordinance in accordance with law.

SECTION 6. This ordinance shall be in full force and effective from and after its publication as required by law.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **11th** day of **January, 2022** with all members of the Council voting “aye” for the passage of same.

PASSED AND APPROVED on second reading at a regular meeting of the City Council on the **25th** day of **January, 2022** with all members of the Council voting “aye” for the passage of same.

Shannon D. Thomason, Mayor

ATTEST:

Tami L. Davis, City Secretary

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, APPROVING AND ADOPTING NEW DISTRICT BOUNDARIES FOR THE ELECTION OF CITY COUNCIL MEMBERS; PROVIDING AN EFFECTIVE DATE

WHEREAS, on the 11th and 25th days of January, 2022, came on to be considered the issue of periodic redistricting of political boundaries. This City Council has, in due time, given deliberate consideration to the legal issues and governmental duties imposed by state and federal law. In addition, the City Council has previously entered in the minutes, criteria adopted by resolution by which any redistricting plan would be considered. The prior Resolution adopting said criteria is incorporated as Exhibit 1, "Resolution Adopting Criteria;" and

WHEREAS, the City Council has commissioned and received an Initial Assessment by qualified professionals experienced in the field of redistricting law for the purpose of making a preliminary determination of population distribution between the six City Council districts, and the obligation to comply with "one-person-one-vote" balance as required by applicable state and federal law. This assessment has been filed in the minutes of this city, and is incorporated as Exhibit 2. A finding, based upon this assessment, recognized the legal duty to redraw political boundaries to comply with applicable law, and a copy of this finding is entered into the minutes of this City, and this prior finding is incorporated into this Resolution as Exhibit 2, "Resolution Requiring Redistricting;" and

WHEREAS, after convening in Public Hearing for comment upon any and all proposed plans, and after meeting in open session for the purpose of considering alternatives available to the City for modification of existing political boundaries in a manner designed to achieve both acceptable levels of numerical balance between the six City Council districts, and to protect the voting rights of all residents of the City of Big Spring, Texas, the City Council has determined to adopt the redistricting plan attached to this Resolution in map and data form, Exhibit 3, "Plan _____;"

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, THAT:

SECTION 1: That the Redistricting Plan depicted in the map and data attached to this Resolution as Exhibit 3 are hereby approved and adopted by the City Council of the City of Big Spring, Texas.

SECTION 2. That the City Manager or his designee is hereby instructed to send a copy of this Resolution and the amended City Council Member district maps and legal descriptions to the proper officials of Howard County as required by the Texas Election Code.

SECTION 3. That the recitals contained in the preamble are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as part of the judgment and finding of the City Council.

SECTION 4. All resolutions or parts of resolutions in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 6. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 7: That this Resolution shall be effective immediately upon its final passage, and the Redistricting Plan shall be in full force and effect for the May 2022 municipal election and candidates shall file and voters shall vote in accordance with this redistricting map.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **11th** day of **January, 2022** with all members of the Council voting “aye” for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **25th** day of **January, 2022** with all members of the Council voting “aye” for the passage of same.

Shannon D. Thomason, Mayor

ATTEST:

Tami L. Davis, City Secretary

Exhibit 1: Resolution Adopting Criteria

Resolution 033-2021

RESOLUTION NO. 033-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, ESTABLISHING AND ADOPTING THE CRITERIA FOR SUCH REDISTRICTING OF POLITICAL BOUNDARIES FOR THE CITY OF BIG SPRING; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY

WHEREAS, the City of Big Spring has previously retained the firm of Allison, Bass & Associates, LLP, of Austin, Texas, to conduct an Initial Assessment of existing political boundaries of the City of Big Spring following the issuance of census data by the United States Census Bureau; and

WHEREAS, The City Council of the City of Big Spring shall convene in open meetings, duly posted in accordance with the Texas Open Meetings Act, to take up and consider one or more alternative plans for the legal redistricting of the City of Big Spring; and

WHEREAS, the United States Census Bureau significantly delayed the release of the 2020 census data, citing COVID-19, and City Council wishes to adopt redistricting changes promptly, and therefore City Council finds it necessary to consider this an emergency measure, so that the requirement of two readings before this resolution is adopted is waived, and the resolution may be adopted after one reading;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS;

SECTION 1. The City Council of the City of Big Spring hereby adopts **Exhibit A** as its official criteria for redistricting.

SECTION 2. City Council finds that the passage of this resolution constitutes an emergency and an imperative public necessity that the Charter Rule requiring that City resolutions must be read at two separate meetings of the City Council be suspended and said rule is hereby suspended.

SECTION 3. This Resolution shall become effective immediately upon its passage.

PASSED AND APPROVED on emergency reading at a special meeting of the City Council on the **8th** day of **December, 2021**, with all members present voting “aye” for the passage of same.


Shannon D. Thomason, Mayor

ATTEST:



Tami L. Davis, City Secretary

Res. 033-2021

EXHIBIT A

ESTABLISHING CRITERIA FOR REDISTRICTING OF POLITICAL BOUNDARIES

Any plan for the redistricting of the single-member districts from which representative members of the executive body of the City of Big Spring are elected should, to the maximum extent possible, conform to the following criteria:

1. The plan should ensure that all applicable provisions of the U.S. and Texas Constitutions, the Voting Rights Act, and the Texas Election Code are honored.
2. The plan should be drawn in such a manner that the maximum deviation from an ideal size, as determined by dividing the total population of the city by the number of single member districts that compose the City Council of the City of Big Spring be not more than plus or minus five (5%) percent for any individual single member district, or a total top to bottom deviation (percentage of deviation below and above the ideal size) between the most populated district and the least populated district by not more than a maximum deviation of no more than ten (10%) percent.
3. The plan should address minority representation, and if at all possible, in conformity with constitutional standards, avoid retrogression in the percentage of population and voting age demographics consistent with existing minority representation.
4. The plan should, avoid fragmentation and preserve minority communities of interest to the maximum extent possible. These communities of interest should be recognized and retained intact where possible. Only when the overall minority population of the county is sufficiently large to require more than one minority district should minority populations be divided, and only then to the least degree possible.
5. The plan should not, however, attempt to unreasonably join geographically remote minority populations into a single precinct unless there are strong and genuine connections between these communities as reflected by common schools, churches, or cultural ties. For example, minority populations in two separate neighborhoods, located miles apart, may not have sufficient links or common political cohesion to justify joining these two minority population centers into a single electoral group. Particularly when dealing with distinct minority groups, such as Black and Hispanic populations, a general assumption that separate minority populations will vote in a "block" may be unsupportable in fact.
6. The plan should seek compact and contiguous political boundaries. Physical boundaries of cultural or economic significance, such as rivers, multi-laned control access highways or turnpikes, which tend to divide populations in fundamental ways, should be recognized and where possible, should only serve as necessary to achieve recognized objectives. Communities of interest should be retained intact where possible. To the maximum extent possible, clearly recognized boundaries, such as streets and highways, should be used to facilitate ease of voter identification of boundaries, as well as election administration.

Res. 033-2021

7. Where possible, well-recognized and long used election precinct boundaries should be retained intact (within the limitations imposed by state and federal law) or with as little alteration as possible.
8. Election precincts in the plan should be sized in conformity with state law. For example, in counties that use traditional, hand counted paper ballots, no election precinct may contain more than 2000 voters. In jurisdictions with voting systems that allow for automated ballot counting, this number may be increased to as many as 5000 registered voters.
9. The plan should afford incumbent office holders with the assurance that they will continue to represent the majority of individuals who elected these incumbents, and all incumbents' residential locations should be retained in their reformed precincts to ensure continuity in leadership during the remaining term of incumbents to the extent possible.
10. The plan should address fundamental and necessary governmental functions, and to the extent possible, ensure that these functions are enhanced rather than impaired. Election administration should not be unduly complex as a result of election boundaries.
11. The plan should attempt to locate polling places in convenient, well-known locations that are accessible to disabled voters to the maximum extent possible. Public buildings should be utilized to the maximum extent possible as polling places. Where necessary, buildings routinely open to the public, such as churches, retail businesses, or private buildings dedicated to public activities, can be used as polling places.
12. If the reduction of polling places can be accomplished, without impinging upon voter convenience and minority voting rights, such reductions can be considered.
13. Citizen input should be encouraged, but in order to minimize cost and to have sufficient information to evaluate such proposals fairly, the City will only consider proposed plans submitted to the City for evaluation by individual citizens or groups if the proposed plan is submitted to the City in a commonly used GIS format, such as .SHP, .MAP, .KLM, .GPX, .MDB, along with maps and demographic data sufficient to address voting rights concerns.

The foregoing criteria are deemed to be illustrative, but not exclusive, examples of fundamentally important issues, which should be considered in any redistricting plan. Therefore, the City Council of the City of Big Spring expresses its intention to measure any plan submitted for consideration by this set of criteria, and to base any eventual exercise of discretion upon the foregoing criteria.

Exhibit 2: Resolution Requiring Redistricting

Resolution 032-2021

RESOLUTION NO. 032-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, ORDERING THE REDISTRICTING OF POLITICAL BOUNDARIES FOR THE CITY OF BIG SPRING; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY

WHEREAS, the City of Big Spring has previously retained the firm of Allison, Bass & Associates, LLP, of Austin, Texas, to conduct an Initial Assessment of existing political boundaries of the City of Big Spring following the issuance of census data by the United States Census Bureau; and

WHEREAS, based upon their information, the City of Big Spring has a total maximum deviation of 25.12% and the total maximum deviation above 10% requires redistricting; and

WHEREAS, The City Council of the City of Big Spring finds that it has a legal duty to order for the redistricting of the political boundaries, and that the public interest will be served by redrawing the existing political boundaries of the City of Big Spring in such a manner as to comply with applicable state and federal laws; and

WHEREAS, the United States Census Bureau significantly delayed the release of the 2020 census data, citing COVID-19, and City Council wishes to adopt redistricting changes promptly, and therefore City Council finds it necessary to consider this an emergency measure, so that the requirement of two readings before this resolution is adopted is waived, and the resolution may be adopted after one reading;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS;

SECTION 1. The City Council of the City of Big Spring hereby adopts **Exhibit A** as its official order for redistricting.


SECTION 2. City Council finds that the passage of this resolution constitutes an emergency and an imperative public necessity that the Charter Rule requiring that City resolutions must be read at two separate meetings of the City Council be suspended and said rule is hereby suspended.

SECTION 3. This Resolution shall become effective immediately upon its passage.

SECTION 4. The City Council hereby directs Allison, Bass & Associates, LLP of Austin, TX to prepare redistricting plans for City Council consideration.

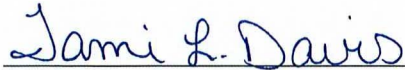
Res. 032-2021

PASSED AND APPROVED on emergency reading at a special meeting of the City Council on the **8th** day of **December, 2021**, with all members present voting “aye” for the passage of same.



Shannon D. Thomason, Mayor

ATTEST:



Tami L. Davis, City Secretary

EXHIBIT A

**IN THE CITY COUNCIL OF
CITY OF BIG SPRING, TEXAS**

**FINDINGS OF FACT REGARDING POLITICAL BOUNDARIES
OF CITY OF BIG SPRING, TEXAS
FOLLOWING PUBLICATION OF 2020 CENSUS DATA
AND
ORDER FOR REDISTRICTING OF POLITICAL BOUNDARIES**

On the ____ day of December, 2021, the City Council of City of Big Spring met in regular/called session, having posted notice of said hearing in compliance with Chapter 551 of the Texas Government Code.

The City Council of City of Big Spring has previously retained the firm of Allison, Bass & Magee, LLP, of Austin, Texas, to conduct an Initial Assessment of existing political boundaries of City of Big Spring, following the issuance of census data by the United States Census Bureau. Attached to this Order, and incorporated herein for all purposes by reference, is a copy of the initial assessment conducted by Allison, Bass & Magee, LLP. This assessment is based upon PL94-171 data, as required by federal law, and is further based upon information provided to Allison, Bass & Magee, LLP by the Texas Legislative Council, other official sources of information, and by City of Big Spring, Texas.

Based upon this information, City of Big Spring has a total maximum deviation of 25.12%. The term total maximum deviation is determined by dividing the total population of City of Big Spring by six, the number of City Council wards to determine an ideal ward size. The actual population of each ward is then determined, based upon the official population data contained within the census count, as defined by Public Law 94-171. The actual population of each ward is compared to the ideal ward size and a range of deviation by percentage is determined. Any total maximum deviation in excess of ten percent (10%) is presumptively unconstitutional under established federal law.

As a result of this determination, City of Big Spring has a constitutional duty to redistrict its political boundaries so as to achieve “One-Person-One-Vote” numerical balance between the six City Council wards at a legally acceptable margin of deviation, and to make such changes as are necessary to comply with the Voting Rights Act and applicable state and federal law.

Res. 032-2021

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the City Council of City of Big Spring, Texas expressly finds that it has a legal duty to redistrict. The public interest will be served by redrawing the existing political boundaries of City of Big Spring in such a manner as to comply with applicable state and federal law. The City Council hereby enters the following findings of fact and of law:

1. City of Big Spring has a total maximum deviation, as defined in this order, of 25.12%.
2. Any total maximum deviation in excess of ten percent (10%) is presumptively unconstitutional under federal law.
3. City of Big Spring, acting by and through its City Council, is hereby resolved to immediately undertake such necessary and appropriate action to accomplish redistricting of existing City Council wards, and any incidental modification of existing, consolidated, or newly created election wards necessary to accomplish such redistricting.
4. The City Council shall henceforth convene in open meetings, duly posted in accordance with the Texas Open Meetings Act, to take up and consider one or more alternative plans for the legal redistricting of City of Big Spring.
5. After due consideration of one or more alternative plans, City of Big Spring shall adopt a plan deemed to satisfy legal requirements, and which best suits the legitimate governmental needs of City of Big Spring.
6. The adopted redistricting plan will address political boundaries of the City Council, Justice of the Peace, and Election wards of City of Big Spring, and shall remain in effect until altered or amended by subsequent Order of the City Council.

Exhibit 3: Plan

	Actual Pop.	Ideal Pop.	Deviate	Relative Deviation
Ward 1	3579	3618	-39	-1.09%
Ward 2	3662	3618	44	1.21%
Ward 3	3628	3618	10	0.27%
Ward 4	3603	3618	-15	-0.42%
Ward 5	3610	3618	-8	-0.23%
Ward 6	3628	3618	10	0.27%
Total	21710	21710		
Total Maximum Deviation	2.3%			

Total Maximum Deviation above 10% requires redistricting

Maximum Deviation less than than 5% is desirable if possible.

Ethnic/Racial Data-Total

	Anglo	Black	Am. Ind.	Asian	Hispanic	Haw/Pac Is	Other	Multi	Totals	%
Ward 1	796	295	14	37	2349	0	6	82	3579	16.49%
Ward 2	1260	161	11	26	2098	0	3	103	3662	16.87%
Ward 3	1625	295	21	40	1531	0	15	101	3628	16.71%
Ward 4	2130	158	15	84	1130	0	11	75	3603	16.60%
Ward 5	1957	131	17	78	1299	5	6	117	3610	16.63%
Ward 6	1506	173	27	21	1799	3	8	91	3628	16.71%
Total	9274	1213	105	286	10206	8	49	569	21710	100.00%
% of City	42.72%	5.59%	0.48%	1.32%	47.01%	0.04%	0.23%	2.62%	100.00%	

Ethnic %

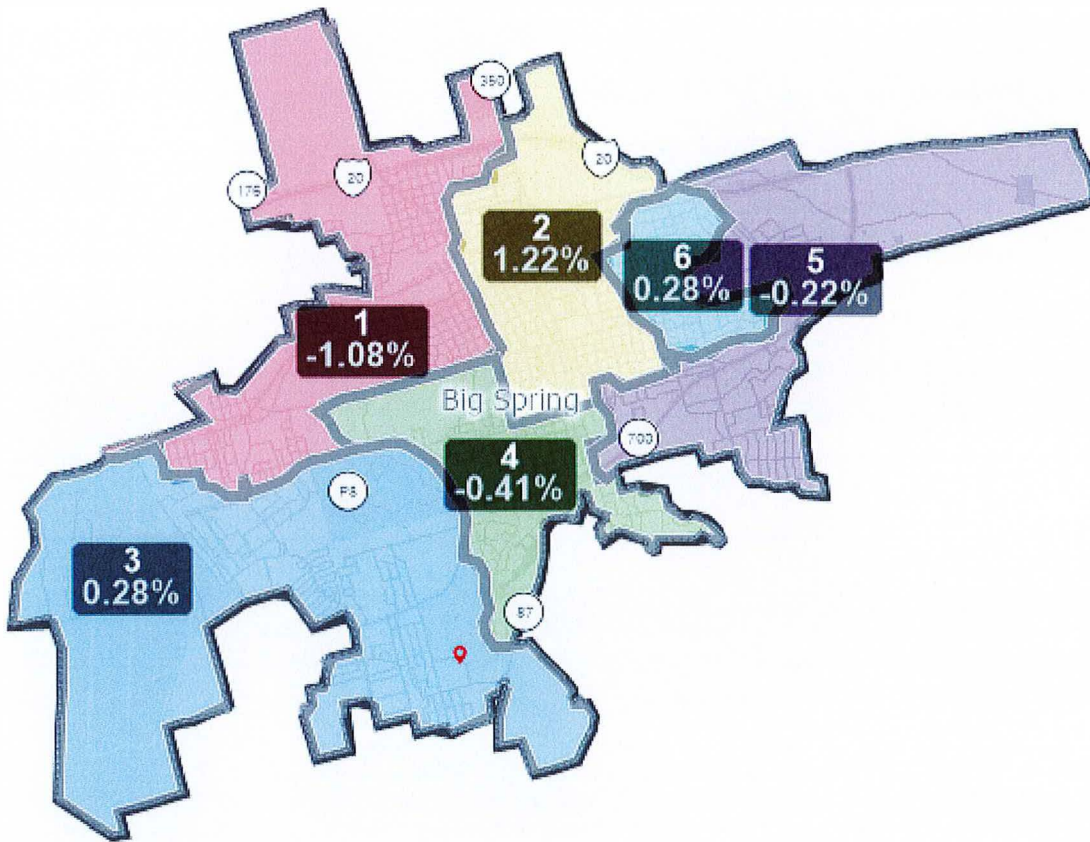
Ward 1	22.24%	8.24%	0.39%	1.03%	65.63%	0.00%	0.17%	2.29%	100.00%
Ward 2	34.41%	4.40%	0.30%	0.71%	57.29%	0.00%	0.08%	2.81%	100.00%
Ward 3	44.79%	8.13%	0.58%	1.10%	42.20%	0.00%	0.41%	2.78%	100.00%
Ward 4	59.12%	4.39%	0.42%	2.33%	31.36%	0.00%	0.31%	2.08%	100.00%
Ward 5	54.21%	3.63%	0.47%	2.16%	35.98%	0.14%	0.17%	3.24%	100.00%
Ward 6	41.51%	4.77%	0.74%	0.58%	49.59%	0.08%	0.22%	2.51%	100.00%

Voting Age Ethnic/Racial Data

	Anglo	Black	Am. Ind.	Asian	Hispanic	Haw/Pac Is	Other	Multi	Totals	%
Ward 1	638	242	14	22	1600	0	6	58	2580	16.19%
Ward 2	1008	111	9	23	1471	0	2	78	2702	16.95%
Ward 3	1325	195	9	22	972	0	15	63	2601	16.32%
Ward 4	1800	121	14	73	785	0	4	42	2839	17.81%
Ward 5	1577	92	12	60	852	5	4	83	2685	16.85%
Ward 6	1177	107	25	16	1147	2	5	52	2531	15.88%
Total	7525	868	83	216	6827	7	36	376	15938	100.00%
% of City	47.21%	5.45%	0.52%	1.36%	42.83%	0.04%	0.23%	2.36%	100.00%	

Voting Age %

Ward 1	24.73%	9.38%	0.54%	0.85%	62.02%	0.00%	0.23%	2.25%	100.00%
Ward 2	37.31%	4.11%	0.33%	0.85%	54.44%	0.00%	0.07%	2.89%	100.00%
Ward 3	50.94%	7.50%	0.35%	0.85%	37.37%	0.00%	0.58%	2.42%	100.00%
Ward 4	63.40%	4.26%	0.49%	2.57%	27.65%	0.00%	0.14%	1.48%	100.00%
Ward 5	58.73%	3.43%	0.45%	2.23%	31.73%	0.19%	0.15%	3.09%	100.00%
Ward 6	46.50%	4.23%	0.99%	0.63%	45.32%	0.08%	0.20%	2.05%	100.00%



	Actual Pop.	Ideal Pop.	Deviate	Relative Deviation
Ward 1	3649	3618	31	0.85%
Ward 2	3646	3618	28	0.76%
Ward 3	3599	3618	-19	-0.53%
Ward 4	3585	3618	-33	-0.92%
Ward 5	3637	3618	19	0.52%
Ward 6	3594	3618	-24	-0.67%
Total	21710	21710		
Total Maximum Deviation	1.77%			

Total Maximum Deviation above 10% requires redistricting

Maximum Deviation less than than 5% is desirable if possible.

Ethnic/Racial Data-Total

	Anglo	Black	Am. Ind.	Asian	Hispanic	Haw/Pac Is	Other	Multi	Totals	%
Ward 1	1078	278	12	39	2152	0	7	83	3649	16.81%
Ward 2	1068	173	12	20	2276	0	2	95	3646	16.79%
Ward 3	1627	294	21	35	1503	0	15	104	3599	16.58%
Ward 4	2042	168	16	93	1176	0	11	79	3585	16.51%
Ward 5	1985	116	16	76	1317	4	8	115	3637	16.75%
Ward 6	1474	184	28	23	1782	4	6	93	3594	16.55%
Total	9274	1213	105	286	10206	8	49	569	21710	100.00%
% of City	42.72%	5.59%	0.48%	1.32%	47.01%	0.04%	0.23%	2.62%	100.00%	

Ethnic %

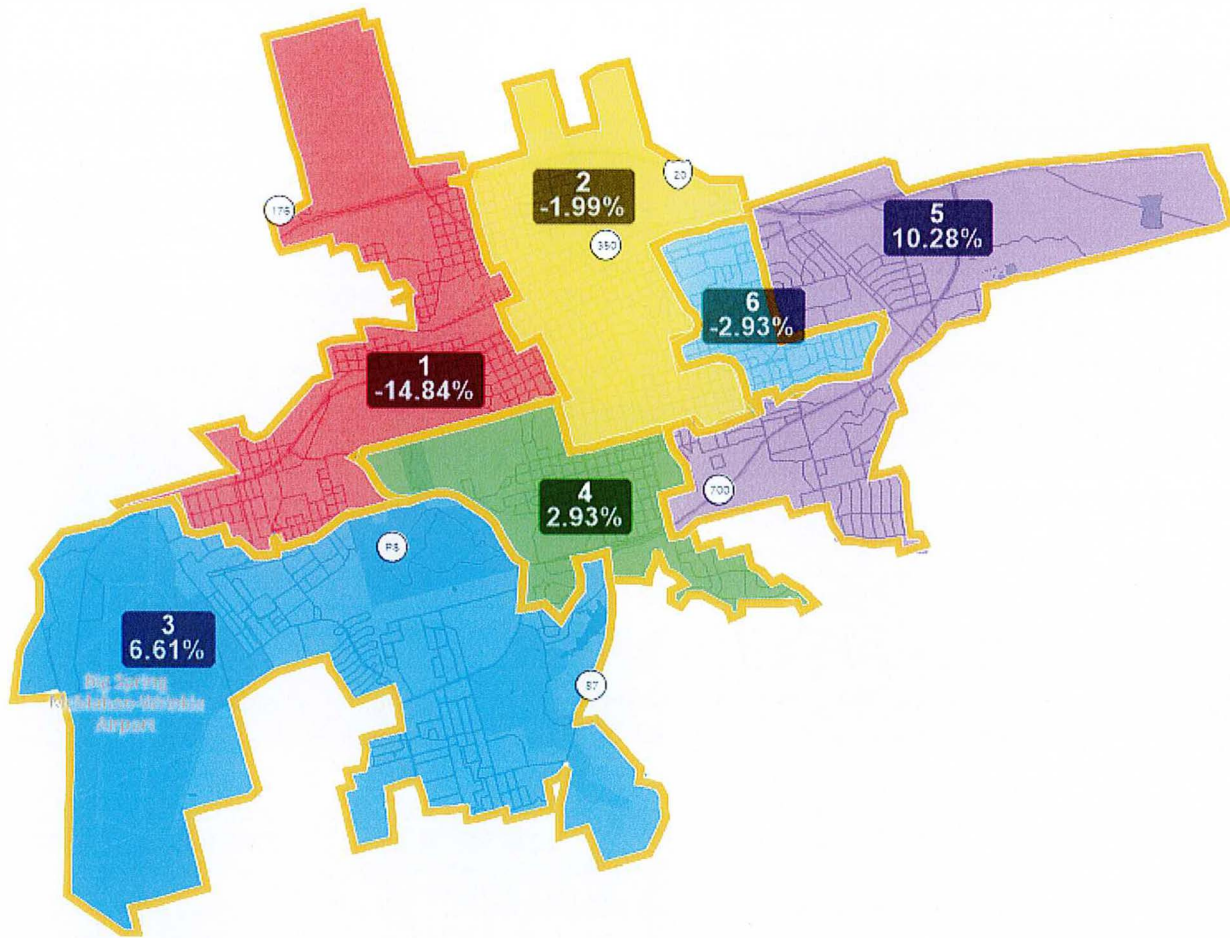
Ward 1	29.54%	7.62%	0.33%	1.07%	58.98%	0.00%	0.19%	2.27%	100.00%
Ward 2	29.29%	4.74%	0.33%	0.55%	62.42%	0.00%	0.05%	2.61%	100.00%
Ward 3	45.21%	8.17%	0.58%	0.97%	41.76%	0.00%	0.42%	2.89%	100.00%
Ward 4	56.96%	4.69%	0.45%	2.59%	32.80%	0.00%	0.31%	2.20%	100.00%
Ward 5	54.58%	3.19%	0.44%	2.09%	36.21%	0.11%	0.22%	3.16%	100.00%
Ward 6	41.01%	5.12%	0.78%	0.64%	49.58%	0.11%	0.17%	2.59%	100.00%

Voting Age Ethnic/Racial Data

	Anglo	Black	Am. Ind.	Asian	Hispanic	Haw/Pac Is	Other	Multi	Totals	%
Ward 1	893	229	12	24	1460	0	1	74	2693	16.90%
Ward 2	838	123	10	17	1571	0	15	63	2637	16.55%
Ward 3	1321	194	9	17	942	0	4	47	2534	15.91%
Ward 4	1722	123	15	82	855	0	4	80	2881	18.08%
Ward 5	1585	79	11	58	847	4	5	55	2644	16.60%
Ward 6	1166	120	26	18	1152	3	5	52	2542	15.96%
Total	7525	868	83	216	6827	7	34	371	15931	100.00%
% of City	47.23%	5.45%	0.52%	1.36%	42.85%	0.04%	0.21%	2.33%	100.00%	

Voting Age %

Ward 1	33.16%	8.50%	0.45%	0.89%	54.21%	0.00%	0.04%	2.75%	100.00%
Ward 2	31.78%	4.66%	0.38%	0.64%	59.58%	0.00%	0.57%	2.39%	100.00%
Ward 3	52.13%	7.66%	0.36%	0.67%	37.17%	0.00%	0.16%	1.85%	100.00%
Ward 4	59.77%	4.27%	0.52%	2.85%	29.68%	0.00%	0.14%	2.78%	100.00%
Ward 5	59.95%	2.99%	0.42%	2.19%	32.03%	0.15%	0.19%	2.08%	100.00%
Ward 6	45.87%	4.72%	1.02%	0.71%	45.32%	0.12%	0.20%	2.05%	100.00%



	Actual Pop.	Ideal Pop.	Deviate	Relative Deviation
Ward 1	3592	3618	-26	-0.73%
Ward 2	3618	3618	0	-0.01%
Ward 3	3613	3618	-5	-0.15%
Ward 4	3651	3618	33	0.90%
Ward 5	3605	3618	-13	-0.37%
Ward 6	3631	3618	13	0.35%
Total	21710	21710		
Total Maximum Deviation	1.63%			

Total Maximum Deviation above 10% requires redistricting

Maximum Deviation less than than 5% is desirable if possible.

Ethnic/Racial Data-Total

	Anglo	Black	Am. Ind.	Asian	Hispanic	Haw/Pac Is	Other	Multi	Totals	%
Ward 1	886	286	15	37	2277	0	6	85	3592	16.55%
Ward 2	1199	162	13	24	2123	1	2	94	3618	16.67%
Ward 3	1628	297	21	35	1513	0	15	104	3613	16.64%
Ward 4	2141	157	15	91	1163	0	11	73	3651	16.82%
Ward 5	1924	121	16	74	1328	5	6	131	3605	16.61%
Ward 6	1496	190	25	25	1802	2	9	82	3631	16.73%
Total	9274	1213	105	286	10206	8	49	569	21710	100.00%
% of City	42.72%	5.59%	0.48%	1.32%	47.01%	0.04%	0.23%	2.62%	100.00%	

Ethnic %

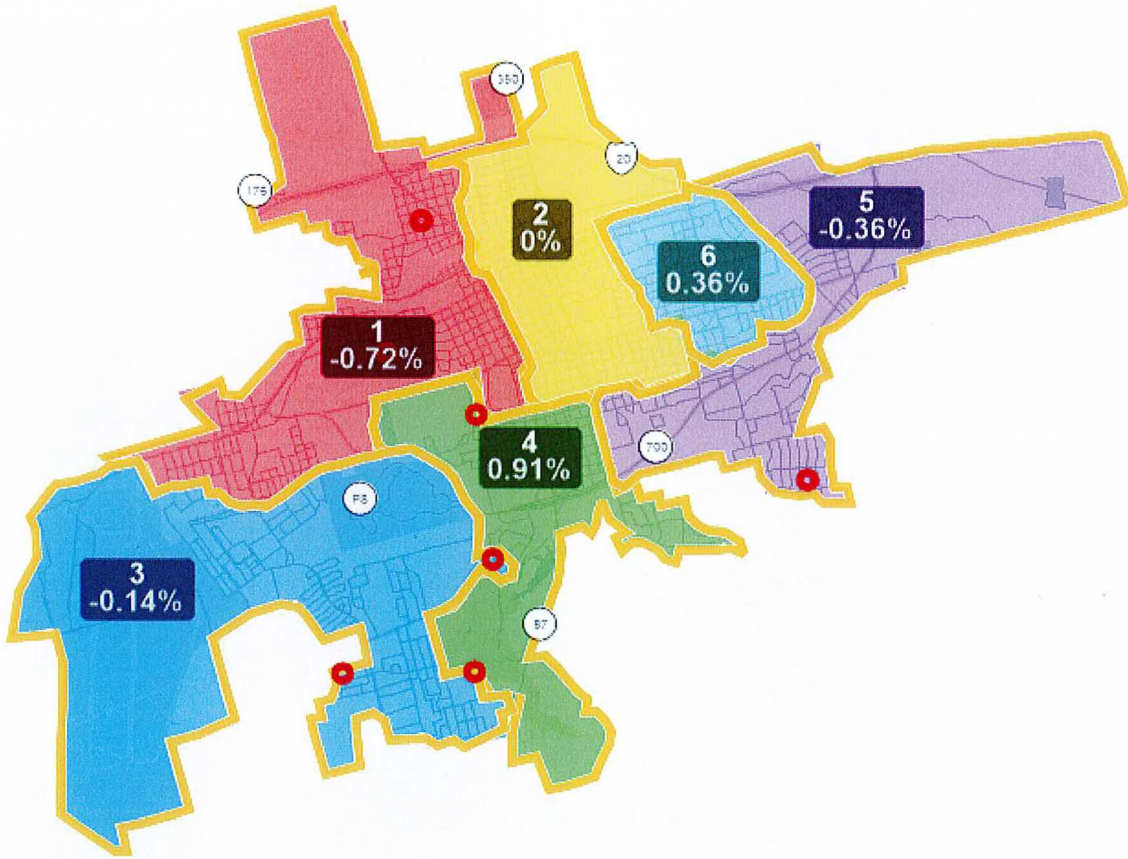
Ward 1	24.67%	7.96%	0.42%	1.03%	63.39%	0.00%	0.17%	2.37%	100.00%
Ward 2	33.14%	4.48%	0.36%	0.66%	58.68%	0.03%	0.06%	2.60%	100.00%
Ward 3	45.06%	8.22%	0.58%	0.97%	41.88%	0.00%	0.42%	2.88%	100.00%
Ward 4	58.64%	4.30%	0.41%	2.49%	31.85%	0.00%	0.30%	2.00%	100.00%
Ward 5	53.37%	3.36%	0.44%	2.05%	36.84%	0.14%	0.17%	3.63%	100.00%
Ward 6	41.20%	5.23%	0.69%	0.69%	49.63%	0.06%	0.25%	2.26%	100.00%

Voting Age Ethnic/Racial Data

	Anglo	Black	Am. Ind.	Asian	Hispanic	Haw/Pac Is	Other	Multi	Totals	%
Ward 1	730	237	15	22	1557	0	6	58	2625	16.47%
Ward 2	933	108	11	21	1470	0	2	72	2617	16.42%
Ward 3	1322	194	9	17	951	0	15	63	2571	16.13%
Ward 4	1805	126	14	80	835	0	4	47	2911	18.26%
Ward 5	1560	81	11	55	867	5	4	87	2670	16.75%
Ward 6	1175	122	23	21	1147	2	5	49	2544	15.96%
Total	7525	868	83	216	6827	7	36	376	15938	100.00%
% of City	47.21%	5.45%	0.52%	1.36%	42.83%	0.04%	0.23%	2.36%	100.00%	

Voting Age %

Ward 1	27.81%	9.03%	0.57%	0.84%	59.31%	0.00%	0.23%	2.21%	100.00%
Ward 2	35.65%	4.13%	0.42%	0.80%	56.17%	0.00%	0.08%	2.75%	100.00%
Ward 3	51.42%	7.55%	0.35%	0.66%	36.99%	0.00%	0.58%	2.45%	100.00%
Ward 4	62.01%	4.33%	0.48%	2.75%	28.68%	0.00%	0.14%	1.61%	100.00%
Ward 5	58.43%	3.03%	0.41%	2.06%	32.47%	0.19%	0.15%	3.26%	100.00%
Ward 6	46.19%	4.80%	0.90%	0.83%	45.09%	0.08%	0.20%	1.93%	100.00%



**Minutes of the Board of Director's Regular Meeting
BIG SPRING ECONOMIC DEVELOPMENT CORPORATION
Tuesday, December 21, 2021, 5:15 p.m.
Offices of the Big Spring Economic Development Corporation
215 West Third Street, Big Spring, Texas**

The Regular Meeting of the Board of Directors of the Big Spring Economic Development Corporation was called to order at 5:18 p.m. Tuesday, December 21, 2021, in the offices of the Big Spring Economic Development Corporation. The following notice was sent on December 17, 2021, to all Directors, the news media, and duly posted on December 17, 2021, by Teresa Morris in compliance with the Open Meeting's Act by posting it on the outside door of the Big Spring Economic Development Corporation and on the inside and outside of City Hall.

"The Board of Directors of the Big Spring Economic Development Corporation will hold a Regular Board Meeting on Tuesday December 21, 2021, at 5:15p.m. in the offices of the Big Spring Economic Development Corporation, 215 West Third Street, Big Spring, Texas. The purpose of the meeting is: Public Comment, Action on Minutes of the November 16, 2021, Regular Meeting, Action to Approve November Investment and Financials Report, Directors Report, Board Comment, and Adjourn".

Directors Present:

Mr. Shane Seaton- President
Mr. Jeff Ward- Vice President
Mr. Raul Benavides- Secretary/Treasurer
Mr. Cody Williams
Mr. Paschal Odom

Directors Absent:

Staff Present:

Mr. Mark Willis
Mrs. Teresa Morris

Guests that signed in: Roger Cline

AGENDA ITEM #1 – Call to Order/Invocation and Pledge:

Mr. Seaton called the meeting to order at 5:18 p.m. Mr. Seaton led the invocation and pledge.

ACTION ITEM #2- Public Comment:

None

AGENDA ITEM #3- Action on Minutes of the November 16, 2021, Regular Meeting:

Mr. Seaton presented the Minutes. Motion to accept the Minutes was made by Mr. Ward seconded by Mr. Benavides. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

AGENDA ITEM #4- Action to Approve November Investment & Financial Report:

Mr. Benavides presented the Investment and Financials. Motion to approve the Investment & Financial Report was made by Mr. Benavides seconded by Mr. Odom. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #5- Directors Report:

Projects: The Reliever Route Access Roads are open to the public as of today, final warranty walkthrough has been done, Completion form has been signed by all parties and barricades have been removed. The Howard County Leadership Summit was held and got generally good reviews. While, as expected, no concrete steps were taken at the Summit communications following it have been very promising. The Big Spring \$1.5million revised Economic Development Agency grant application will be submitted January 10th. The new Compute North lease agreement is ready for signatures and the company is already moving new equipment in. ReKord Tents has purchased a building north of Big Spring and will be moving toward commencing operations in the near future. Horizon Ag-Products is in discussions with City leaders concerning a lease of building 75. There is also a new lead interested in the same building, should this

negotiation fail. The EDC Director participated in two interviews of candidates for the Airpark Manager position with the City. The potential first project, dependent on the successful expansion of infrastructure, at the intersection of I-20 and the Reliever Route are discussing land prices.

Meetings: Attended the monthly Chamber of Commerce Board meeting. The EDC Director participated in four City staff meetings. Staff attended two City Council meetings. The Director attended the month County coordination meeting. The Director made the first of what will become quarterly reports and discussions with the County Commissioner's Court. The Director participated in meeting concerning local curriculum development as a member of the CTE Committee. The next Board meeting will be January 18th.

AGENDA ITEM #6-Board Comments:

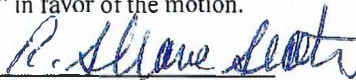
None

AGENDA ITEM #7- Adjourn:

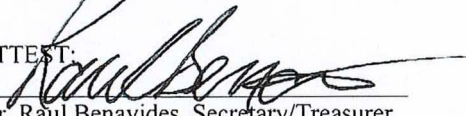
Mr. Ward made a motion to adjourn, seconded by Mr. Benavides

The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

Meeting adjourned at 5:30 pm on December 21, 2021.


Mr. Shane Seaton, President

ATTEST:


Mr. Raul Benavides, Secretary/Treasurer

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AMENDING CHAPTER 2 OF THE BIG SPRING CITY CODE ENTITLED “ADMINISTRATION,” SECTION 2-196 “PAYMENT CARD FEES AND SERVICE CHARGES” BY ADDING A NEW SUBSECTION (c-2) ESTABLISHING THAT CARD REIMBURSEMENT FEES SHALL BE ENACTED BY OFFICIAL ACTION OF THE CITY COUNCIL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, City Council previously passed Ordinances 013-2020 and 001-2022 concerning payment card fees; and

WHEREAS, payment cards, as detailed in Ordinance 013-2020 and 001-2022, also include prepaid cards; and

WHEREAS, State law provides: “The governing body of a municipality shall set the reimbursement fee in an amount that is reasonably related to the expense incurred by the municipal official in processing the payment by credit card. However, the governing body may not set the fee authorized by this subsection in an amount that exceeds five percent of the amount of the fee, fine, court cost, or other charge being paid,” Section 132.003(b), Texas Local Government Code; and

WHEREAS, City Council finds it advisable to adopt the ordinance as provided below;

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

SECTION 1. Chapter 2, entitled “Administration,” Article V, “Finance,” Division 4, “Miscellaneous,” Section 2-196 “Payment card fees and service charges,” is hereby amended by adding a new subsection “c-2” to read as follows:

Sec. 2-196. Payment card fees and service charges.

...

(c) Amount of card reimbursement fee. Officials collecting payments for charges from members of the public shall ~~not~~ charge a card reimbursement fee if authorized by official action of City Council. ~~A card reimbursement fee shall not be charged to any customer that pays a charge via the Internet, online IVR (Interactive Voice Response) or a kiosk location.~~

(c-1) Subsection (c) shall not apply to fines, fees, and charges assessed by the Municipal Court. Officials of the Municipal Court shall charge a card reimbursement fee in an amount and under conditions as specified by the City Manager or by official action of City Council. This subsection will expire January 31, 2023 at 5:00 p.m.

...

NOTE* Language to be added appears underlined and language to be deleted is ~~stricken~~.

SECTION 2. Should any section, paragraph, sentence, clause, phrase, or word of this ordinance be declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4. The City Secretary is hereby ordered and directed to cause the descriptive caption as well as the penalties for violation of this ordinance to be published as required by law.

SECTION 5. This ordinance shall take effect immediately after its publication in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **25th** day of **January, 2022** with all members of the Council voting “aye” for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **8th** day of **February, 2022** with all members of the Council voting “aye” for the passage of same.

Shannon D. Thomason, Mayor

ATTEST:

Tami L. Davis, City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING CHAPTER 32 OF THE BIG SPRING CITY CODE ENTITLED “LICENSES, TAXATION, AND MISCELLANEOUS BUSINESS REGULATIONS,” ARTICLE 5, SECTION 32-256 BY ADDING A NEW SUBSECTION (e) TO AUTHORIZE THE CITY MANAGER TO WAIVE FEES FOR PRODUCTIONS THAT ADVANCE A PUBLIC PURPOSE; AMENDING SECTION 32-258 TO CLARIFY APPLICATION REQUIREMENTS; AND BY ADDING A NEW SECTION 32-263 ENTITLED “LIMITATION OF PERMIT” TO PROHIBIT THE ISSUANCE OF PERMITS OTHERWISE ILLEGAL UNDER STATE OR FEDERAL LAW, INCLUDING FEDERAL AVIATION REGULATIONS ON DRONE OPERATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on occasion, the City of Big Spring and Big Spring Economic Development Corporation may coordinate with a commercial filming company to produce material for a public purpose; and

WHEREAS, the City Council finds it in the public interest to authorize the City Manager to waive permit fees associated with production of material that advances a public purpose;

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

SECTION 1. Big Spring City Code Chapter 32 entitled “Licenses, Taxation, and Miscellaneous Business Regulations,” Article VI “Commercial Filming Regulations,” Section 32-256 “City manager and staff authority” is hereby amended to add a new subsection “e” to read in its entirety as follows:

Sec. 32-256. – City manager and staff authority.

...

(e) The City Manager shall have the authority to waive a permit fee and/or insurance requirements under this Article for a filming project conducted for a public purpose. Such a waiver shall be issued on a signed document placed on file with the City Secretary.

SECTION 2. Big Spring City Code Chapter 32 entitled “Licenses, Taxation, and Miscellaneous Business Regulations,” Article VI “Commercial Filming Regulations,” Section 32-258 “Application fees and additional requirements,” subsection (a) is hereby amended to read as follows:

Sec. 32-258. - Application fees and additional requirements.

(a) Application for filming. Any commercial producer who desires to undertake a commercial production in Big Spring must complete and return the Application for Filming to the City of Big Spring Convention and Visitor's Bureau ~~within the time frames below:~~ ten (10) business days prior to the commencement of filming or any substantial activity related to the project.

~~(1) Commercials or episodic television: a minimum of ten business days prior to the commencement of filming or any substantial activity related to the project.~~

~~(2) Feature films: a minimum of ten business days prior to the commencement of filming or any substantial activity related to the project~~

...

SECTION 3. Big Spring City Code Chapter 32 entitled “Licenses, Taxation, and Miscellaneous Business Regulations,” Article VI “Commercial Filming Regulations,” to add a new Section 32-263 entitled “Limitation of permit,” to read in its entirety as follows:

Section 32-263. - Limitation of permit

The City shall not issue a permit under this Article that authorizes any action disallowed under state or federal law, including but not limited to federal regulation 14 CFR Part 107 - Small Unmanned Aircraft Systems, as amended, especially how it may relate to operations in close proximity to McMahan-Wrinkle Airport and Industrial Park.

NOTE* Language to be added appears underlined and language to be deleted is ~~stricken~~.

SECTION 4. Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 6. This Ordinance shall take effect immediately after passage in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 25th day of January, 2022 with all members of the Council voting “aye” for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the 8th day of February, 2022 with all members of the Council voting “aye” for the passage of same.

Shannon D. Thomason, Mayor

ATTEST:

Tami L. Davis, City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AMENDING CHAPTER 2 OF THE BIG SPRING CITY CODE ENTITLED “ADMINISTRATION,” ARTICLE VII “BOARDS AND COMMISSIONS,” SECTION 2-241 “APPOINTMENTS AND REMOVALS FROM BOARDS AND COMMITTEES CREATED BY ACTS OF CITY COUNCIL” TO CREATE SEVEN ALTERNATE BOARD POSITIONS FOR EACH BOARD CREATED BY AN ACT OF COUNCIL; REQUIRING THAT EACH MEMBER POSSESS THE SAME QUALIFICATIONS AS REGULAR BOARD MEMBERS; AND ESTABLISHING REQUIREMENTS UNDER WHICH ALTERNATE MEMBERS SHALL SERVE IN PLACE OF A REGULAR BOARD MEMBER; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Council finds that a need exists to appoint alternate members of Council appointed boards in order to ensure that each district is equally represented at board meetings in which regular members are not present;

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

SECTION 1. Big Spring City Code, Chapter 2 entitled “Administration,” Article VII entitled “Boards and Commissions,” Division 1 “Generally,” Section 2-241 entitled “Appointments to and removals from boards” is hereby amended to add new subsections (q) – (t) to read in their entirety as follows:

Section 2-241. – Appointments to and removals from boards and committees created by acts of city council.

...

(q) Each board created by act of council under this Article shall have seven alternate members. Alternate members shall be appointed in the same manner as regular board members. Each alternate member is subject to the same eligibility requirements as regular members.

(r) Each alternate member may speak on matters on the agenda of the board, but shall not have the right to vote on such matters while sitting as an alternate member.

(s) An alternate member of the board shall serve in the absence of a regular member for any other member. While serving as a replacement for a regular member, an alternate member shall have the right to vote on matters considered by the board.

(t) If more than one alternate is present at a meeting where one or more regular members are absent, the alternate member from the same district as the regular member who is absent shall be placed first, the alternate member with the longest tenure shall be placed second, the second-longest tenured alternate member shall be placed next, and so on until all places left absent by a regular member have been filled.

NOTE* Language to be added appears underlined and language to be deleted is ~~stricken~~.

SECTION 2. Should any section, paragraph, sentence, clause, phrase, or word of this ordinance be declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4. This Ordinance shall take effect immediately after passage in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 25th day of January, 2022 with all members of the Council voting “aye” for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the 8th day of February, 2022 with all members of the Council voting “aye” for the passage of same.

Shannon D. Thomason, Mayor

ATTEST:

Tami L. Davis, City Secretary

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF CITY OF BIG SPRING, TEXAS, AUTHORIZING THE SUBMISSION OF AN ECONOMIC DEVELOPMENT ADMINISTRATION APPLICATION TO THE ECONOMIC DEVELOPMENT ADMINISTRATION; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE ECONOMIC DEVELOPMENT ADMINISTRATION GRANT PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY

WHEREAS, the City Council of the City of Big Spring desires to develop a viable rural community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low/moderate income; and

WHEREAS, certain conditions exist which represent a threat to the public health and safety; and

WHEREAS, these conditions have been exacerbated to the SARS-CoV-19 Coronavirus/COVID-19 pandemic; and

WHEREAS, the water and sewer extensions planned as part of the project will encourage economic development in a critical location to build back better the rural, economically distressed City of Big Spring and the surrounding area; and

WHEREAS, it is necessary and in the public interest of the City of Big Spring to apply for funding under the 2021/2022 Economic Development Administration Grant Program and for the grant funds to be distributed as applied for so that the project can be funded and completed; and

WHEREAS, time is of the essence to apply for the grant as the deadline is pending, and therefore City Council hereby considers this as an emergency measure, so as to not require two readings before the resolution is adopted;

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

SECTION 1.

1. That an Economic Development Administration Grant Program application is hereby authorized to be submitted on the behalf of the City with the Economic Development Administration.

2. That the City's application be placed in competition for funding under the Economic Development Administration Grant Program.
3. That the application be for \$1,500,000.00 of grant funds to carry out Water and System Expansion.
4. That the City Council directs and designates the Mayor as the City's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the City's participation in the Economic Development Administration Grant Program.
5. That the City Council directs and designates the Mayor as Chief Executive Official and Authorized Representative to designate as needed; any City Council Member, City personnel, or City representative to act in all Texas Community Development Program matters pertaining to the City's implementation, administration, or participation in fulfilling the requirements of the Economic Development Administration Grant Program contractual documents.
6. That if awarded an EDA Contract, the City Council directs the person holding the following positions as authorized signatories on any account in which funds from the Economic Development Administration Program are deposited: Mayor, City Manager and/or City Secretary, and City Police Chief. Any two signatures of the forenamed persons are required to withdraw monies on such an account.
7. That it further be stated that the City of Big Spring is committing up to \$500,000.00 from its Utility Fund as cash contribution toward the construction, engineering, and administration of the Water and Sewer Enhancement Project. These funds are available, unencumbered, and committed to the project.
8. That it further be stated that the Big Spring Economic Development Corporation is committing up to \$400,000.00 as cash contribution toward the construction, engineering, and administration of the Water and Sewer Enhancement Project.

SECTION 2. City Council approves the expenditure of up to \$400,000.00 by the Big Spring Economic Development Corporation in connection with the purposes of this Resolution on condition that the grant application be approved in the requested amount.

SECTION 3. This Resolution supersedes Resolution 029-2021.

SECTION 4. This Resolution shall become effective immediately upon its passage.

SECTION 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 6. The City Council finds that the passage of this resolution constitutes an emergency and an imperative public necessity that the Charter Rule requiring that City resolutions must be read at two separate meetings of the City Council be suspended and said rule is hereby suspended, and this resolution shall be effective upon its publication as required by law.

PASSED AND APPROVED on emergency reading at a regular meeting of the City Council on the **25th** day of **January, 2022**, with all members present voting “aye” for passage of the same.

Shannon D. Thomason, Mayor

ATTEST:

Tami L. Davis, City Secretary

RESOLUTION NO. _____

AN RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 7, 2022 FOR THE PURPOSE OF ELECTING ONE PERSON TO SERVE AS MAYOR OF THE CITY OF BIG SPRING AND ONE PERSON TO SERVE AS CITY COUNCIL MEMBER FOR DISTRICT FIVE; PROVIDING FOR THE CONDUCT OF THE ELECTION; DESIGNATING SEVERAL POLLING PLACES WITHIN THE CITY; AUTHORIZING THE MAYOR TO EXECUTE NOTICE AND HAVE THE NOTICE POSTED FOR THE PURPOSE OF NOTIFYING THE PUBLIC OF SAID ELECTION; AND PROVIDING FOR SEVERABILITY.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, THAT:

SECTION 1. A General Election shall be held on the 7th day of May, 2022 for the purpose of electing of electing one person to serve as Mayor of the City of Big Spring and one person to serve as City Council Member for District Five in accordance with the constitution and laws of the State of Texas and the Charter of the City of Big Spring, Texas, and the manner of holding said election shall be governed by the laws of the State regulating general elections, the City Charter, and this Resolution.

SECTION 2. Each candidate shall make application in writing to the City Secretary for the candidate's name to appear on the official ballot no later than 5:00 p.m. of the sixty-second (62nd) before election day but no earlier than the thirtieth (30th) day before the date of the filing deadline, as required by sections 1.007 and 143.007 of the Texas Election Code. The application shall clearly designate the residence address of the candidate. Each candidate must reside in the city limits of the City of Big Spring. A candidate for Mayor may reside anywhere within the city limits of the City of Big Spring and shall have been a resident citizen of the City of Big Spring for a period of one (1) year immediately preceding the date of the election at required by Art. IV, Sec. 5 of the City Charter. A candidate for City Council District 5 must reside within District 5 and shall have been a resident citizen of the City of Big Spring (District 5) for a period of one (1) year immediately preceding the date of the election as required by Art. IV, Sec. 5 of the City Charter.

SECTION 3. Only qualified electors under the general laws of the state who reside in the City of Big Spring city limits shall be qualified to vote for the office of Mayor; and only qualified electors under the general laws of the state who reside in the City District Five (5) shall be qualified to vote for the office of District Five (5).

SECTION 4. Voting by personal appearance during early voting and on election day shall be by a ballot scanning system, DRE (Direct Recording Electronic) System for curbside voting and by official paper ballot for early voting by mail and for provisional ballots. Early voting by personal appearance will be conducted at Howard County Courthouse located at 300 S. Main.

Early voting will be held on weekdays beginning April 25, 2022 and ending May 3, 2022. The early voting polling place shall be open to the public from 7:00 a.m. to 7:00 p.m. on Monday, May 2, 2022 and Tuesday, May 3, 2022 and from 8:00 a.m. to 5:00 p.m. on all other days.

SECTION 5. The polling places on election day will be at the following vote center locations:

Dorothy Garrett Coliseum
1001 Birdwell Lane

Ryan Hall
605 North Main

First Baptist Church
705 W. FM 700

Coahoma Community Center
306 North Ave.
Coahoma, TX

The polling places shall be open to the public from 7:00 a.m. to 7:00 p.m.

SECTION 6. Mayor Shannon D. Thomason is hereby authorized to execute and have posted notice of said election in accordance with the law.

SECTION 7. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Resolution are severable and if any phrase, clause, sentence, paragraph or section be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, said unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Resolution.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **25th** day of **January, 2022**, with all members present voting “aye” for passage of same.

PASSED AND APPROVED on second and final reading at a special meeting of the City Council on the **8th** day of **February, 2022**, with all members present voting “aye” for passage of same.

Shannon D. Thomason, Mayor

ATTEST:

Tami L. Davis, City Secretary

**JOINT ELECTION AGREEMENT
BETWEEN
BIG SPRING INDEPENDENT SCHOOL DISTRICT
AND
THE CITY OF BIG SPRING, TEXAS**

In compliance with 271.002(a) of the Texas Election Code, the Big Spring Independent School District and the City of Big Spring hereby agree to hold a joint election in conformance with the provisions set forth below.

1. Scope

This Agreement covers the conduct of the City's regular election and the District's general trustee election, which are to be held on May 7, 2022 ("Election Day") as well as any special election which may be called by either Party which will be held on the above noted election day, jointly for the voters in the City of Big Spring and the Big Spring Independent School District.

2. Legal Documents

The Parties shall each be responsible for the preparation, adoption, and publication (including bilingual publications) of their respective required election orders, resolutions, notices, Department of Justice pre-clearance submission (as required by the Civil Rights Act), and any other pertinent documents required by law, unless otherwise set forth herein.

3. Polling Places

The Parties shall share common polling places as set forth in their respective election orders, and in accordance with Election Code §271.003 and Chapter 43 of the Election Code.

4. Conducting the Election

- a. The Parties have each entered into an Election Services Agreement with Howard County wherein the Elections Administrator has agreed to perform election duties ordinarily contemplated in a Joint Election Agreement. Accordingly, the terms of each Party's respective Election Service Contract shall bind the conduct of the election for each Party.
- b. In the event a conflict regarding the conduct of the election (with the exception of polling places) arises between this Agreement and the Election Services Agreement, the Election Services Agreement provision prevails.

5. Election Records Retention

Both Parties will be responsible for the retention of their respective records, in accordance with the Texas Election Code.

6. Order, Resolution, or Other Official Action

The Parties agree to state the terms of the Joint Election Agreement in an order, resolution, or other official action adopted by the governing body of each Party, at a lawfully called meeting, as required by Texas Election Code § 271.002(d).

7. Cancellation of Election

Should either Party cancel its election, this Agreement will become void upon notification to the other Party.

8. Preservation

An executed copy of this Agreement shall be preserved by each party for the period for preserving the precinct election records, as required by Texas Election Code §271.002(e), or longer as determined by each Party's records retention schedules.

9. Miscellaneous Provisions

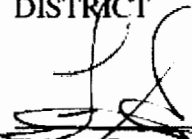
- a. This Agreement shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the Parties created hereunder are performable in Howard County, Texas.
- b. In the event one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
- c. The Parties shall comply with all applicable laws, ordinances, and codes of the State of Texas, all local governments, and any other entities with local jurisdiction.
- d. The waiver by any party of a breach of any provision of this Agreement shall not operate as or be construed as a waiver of any subsequent breach.
- e. Any amendment of this Agreement shall be of no effect unless in writing and signed by both Parties hereto.
- f. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original for all purposes.

CITY OF BIG SPRING

Shannon Thomason, Mayor

ATTEST:

BIG SPRING INDEPENDENT SCHOOL
DISTRICT



Fabian Serrano,
School Board President

ATTEST:



AdComp Systems Payments & Technology Services Authorization Agreement

THIS AGREEMENT is made between the City of Big Spring, Texas (hereinafter CLIENT) located at 310 Nolan Street Big Spring, Texas 79720 and AdComp Systems Inc. (hereinafter ADCOMP) located at: 1720 S. Edmonds Lane Suite 201 Lewisville, Texas 75067. ADCOMP and CLIENT may be referred to individually as PARTY or collectively as PARTIES.

ADCOMP and the CLIENT agree to the following terms and conditions: ADCOMP will provide the PRODUCTS and SERVICES, that are selected in Annexure A attached herewith, that will be used by the CLIENT and their customers or end-users, (hereinafter called CONSUMER).

TERM OF AGREEMENT: The CLIENT shall commit to using all PRODUCTS and SERVICES for a minimum term of one (1) year from the date of the first Live transaction through the PRODUCT and/or SERVICE. The Agreement shall remain in effect unless either PARTY provides a written notice of termination, given 30-days in advance preceding the expiration of the current term.

EARLY TERMINATION: The CLIENT may not terminate this agreement without cause. To terminate the agreement, the CLIENT must provide ADCOMP notice with valid reasons for requesting early termination. CLIENT must provide time for ADCOMP time to cure any such conditions to avoid early termination. CLIENT agrees to pay an early termination fee covering the cost of set-up, configuration and data import to ADCOMP to terminate the agreement early without cause.

PROMOTION: THE CLIENT allows ADCOMP to promote its PRODUCTS in various service locations; such as kiosks, websites, and similar venues/sites.

COMPENSATION FOR ADCOMP: Compensation for ADCOMP for the PRODUCTS that the CLIENT selects to purchase or subscribe to or use are listed in Annexure "A".

ADCOMP'S RESPONSIBILITIES: ADCOMP shall provide the CLIENT online access to reports of activities and transactions by the CONSUMER. ADCOMP will pay through ACH, to the CLIENT'S bank account, any transaction payments due to the CLIENT the next business day.

TRAINING: The first-rate service is the core focus of ADCOMP and the premise of the corporation's success. The CLIENT'S employees will receive one-on-one training, timely service for any questions concerning transactions and other activities.

THE CLIENT'S RESPONSIBILITIES: THE CLIENT will provide ADCOMP with their banking information to receive ACH funds directly into their bank account.

CONFIDENTIALITY And NON-DISCLOSURE: Both parties agree that any confidential information will not be disclosed to anyone without the prior consent of the other party. To the extent authorized by the law, the parties may wish, from time to time, in connection with work contemplated under this Agreement, to disclose confidential information to each other ("Confidential Information"). Each party will prevent the disclosure of any of the other party's Confidential information to third parties.

ARBITRATION: Any dispute, controversy, or claim arising out of or relating in any way to the agreement including without limitation any dispute concerning the construction, validity, interpretation, enforceability, or breach of the agreement, shall be exclusively resolved by binding arbitration upon a Party's submission of the dispute to arbitration.

AMENDMENTS TO AGREEMENT: Any modification of this agreement or additional obligation assumed by either party in connection with this agreement shall be binding only if placed in writing and signed by both parties.

GOVERNING LAW: This Agreement is governed by, and is to be construed in accordance with, the laws of the State of Texas, without regard to conflict of laws rules. Any action brought to enforce the terms of this Agreement shall be brought in the federal and state courts of Texas.

Annexure A

Assumptions: **AdComp** absorbs Merchant Processing fees.

Department(s)	Service(s) Description	Convenience / Transaction Fees	Remarks
Courts	Web / IVR / Citation Smart(text)/ POS	5% fees per CC transaction	Payable by CONSUMER to AdComp

Client

AdComp Systems

Signature



Name

Mansur Plumber

Title

CEO

Date

09/20/2021

Letter of Authorization

City of Big Spring(Client), authorizes AdComp Systems Inc. to collect payments from its customers through various payment platforms and systems. AdComp will collect an agreed-upon technology /convenience fee from the customers that wish to use these services.

- Payments received in AdComp’s Bank Account will be transferred to the Client’s Bank account (account info provided below), using the ACH process, on the next banking business day and no later than 72 hours from when the payment is received.
- comp will provide real-time online reports of all transactions to the Client.
- The Client or AdComp can terminate this authorization with a 30-day written notice.
- This Authorization will remain in effect until terminated by the Client. Any payments due to the Client will be settled prior to termination. Any customer payments outstanding from AdComp to the Client will survive the termination.

Client

AdComp Systems Inc.

Signature



Name

Mansur Plumber

Title

CEO

Date

09/20/2021

Client’s Bank Information

Clients will ensure that the following bank account will not block any payments received from AdComp Systems and provides AdComp the authorization to deposit payments to this account. The funds deposited to the Client will originate from T Bank. Account # 12007723 Routing# 111024975.

Bank Name	
Client Account Name	
Bank Routing Number (9 digits)	
Bank Account Number	
Re-enter Bank Account Number	

ENGINEERING/ARCHITECTURAL/SURVEYOR SERVICES

PART I AGREEMENT

THIS AGREEMENT, entered into this _____ day of _____, by and between the CITY OF BIG SPRING hereinafter called the "City", acting herein by _____ hereunto duly authorized, and Freese and Nichols, Inc. hereinafter called "Firm," acting herein by _____.

WITNESSETH THAT:

WHEREAS, the City of Big Spring desires to implement the following: Sidewalk reconstruction and associated improvements in downtown on Main Street between 1st Street and 2nd Street under the general direction of the Texas Community Development Block Grant (hereinafter called "TxCDBG") Program administered by the Texas Department of Agriculture (TDA); and Whereas the City desires to engage Freese and Nichols, Inc. to render certain engineering/surveyor/architectural services in connection with the TxCDBG Project, Contract Number _____.

NOW THEREFORE, the parties do mutually agree as follows:

1. Scope of Services

The Firm will perform the services set out in Part II, Scope of Services.

2. Time of Performance - The services of the Firm shall commence once a Notice to Proceed is issued by the City. In any event, all of the services required and performed hereunder shall be completed within 12 months of the execution of this Agreement.

3. Local Program Liaison - For purposes of this Agreement, the City Manager or equivalent authorized person will serve as the Local Program Liaison and primary point of contact for the Firm. All required progress reports and communication regarding the project shall be directed to this liaison and other local personnel as appropriate.

4. Access to Records - The U.S. Department of Housing and Urban Development (HUD), Inspectors General, the Comptroller General of the United States, the Texas Department of Agriculture (TDA), and the City, or any of their authorized representatives, shall have access to any documents, papers, or other records of the Firm which are pertinent to the TxCDBG award, in order to make audits, examinations, excerpts, and transcripts, and to closeout the City's TxCDBG contract with TDA.

5. Retention of Records - The Firm shall retain all required records for three years after the City makes its final payment and all pending matters are closed.

6. Compensation and Method of Payment - The maximum amount of compensation and reimbursement to be paid hereunder shall not exceed \$55,000.00. Payment to the Firm shall be

based on satisfactory completion of identified milestones in Part III - Payment Schedule of this Agreement.

7. Indemnification – The Firm shall comply with the requirements of all applicable laws, rules and regulations, and shall exonerate, indemnify, and hold harmless the City and its agency members from and against any and all claims, costs, suits, and damages, including attorney’s fees, arising out of the Firm’s performance or nonperformance of the activities, services or subject matter called for in this Agreement, and shall assume full responsibility for payments of Federal, State and local taxes on contributions imposed or required under the Social Security, worker's compensation and income tax laws.

9. Miscellaneous Provisions

- a. This Agreement shall be construed under and accord with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Howard County, Texas.
- b. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns where permitted by this Agreement.
- c. In any case one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
- d. If any action at law or in equity is necessary to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, costs, and necessary disbursements in addition to any other relief to which such party may be entitled.
- e. This Agreement may be amended by mutual agreement of the parties hereto and a writing to be attached to an incorporated into this Agreement.

10. Extent of Agreement

This Agreement, which includes Parts I-V, represents the entire and integrated agreement between the City and the Firm and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by authorized representatives of both City and the Firm.

IN WITNESSETH WHEREOF, the parties have executed this Agreement by causing the same to be signed on the day and year first above written.

BY: _____
(Local City Official)

(Printed Name)

(Title)

BY: _____
(Firm's Authorized Representative)

(Printed Name)

(Title)

PART II SCOPE OF SERVICES

PROJECT UNDERSTANDING

The City of Big Spring has qualified for 2021 CDBG Downtown Revitalization Program funds for use in improving pedestrian facilities and associated additional improvements in downtown Big Spring. FNI shall provide design and construction phase services along Main Street between 1st Street and 2nd Street as summarized below:

Sidewalk, pavers, curb and gutter, ADA ramps and related improvements to the east side of Main Street from 1st St to 2nd St, and on the west side of Main Street from 1st St to the alley south of 1st St.

Roadway reconstruction over non-parking areas from 1st St to the alley south of 1st St.

Waterline replacement on Main Street from 1st St to 2nd St (up to 350 linear feet)

BASIC SERVICES

The Firm shall render the following professional services necessary for the development of the project:

1. Attend a preliminary conference with the City regarding the requirements of the project.
2. Make any necessary surveys of existing rights-of-way, topography, utilities, or other field data required for proper design of the project. Provide consultation and advice as to the necessity of the City providing or obtaining other services such as auger borings, core borings, soil tests, or other subsurface explorations; laboratory testing and inspecting of samples or materials; other special consultations.
3. Prepare draft engineering construction documents and specifications to include preliminary layouts, sketches and cost estimates for the project, and to set forth clearly the Firm's recommendations.
4. Furnish the City with digital copies of the draft engineering construction documents and specifications.
5. Submit detailed drawings and plans/specifications to appropriate regulatory agency(ies) and obtain clearance.
6. Furnish the City with up to ten (10) sets of final construction documents (plans/specifications).
7. Bid Phase - Prepare bid packet/contract documents/advertisement for bids. At the time the bid packet is completed, the Firm shall also furnish to the City an updated written Estimate of Probable Costs for the Project.
8. Make 10-day call to confirm prevailing wage decision.
9. Incorporate any and all wage rate modifications or supersedes via bid addendum (if applicable).
10. Conduct bid opening and prepare minutes.
11. Tabulate, analyze, and review bids for completeness and accuracy.
12. Accomplish construction contractor's eligibility verification through www.SAM.gov.
13. Construction Phase (General Representation) - Make periodic visits, no less than every 30 days during the construction period, to the construction site to observe the progress and quality of the work, to ensure that the work conforms with the approved plans and specifications, and to determine if the work is proceeding in accordance with the Agreement.
14. Furnish the City a written monthly status report at least seven (7) days prior to the regularly scheduled council meeting until the project is closed by TDA. The format for this report is attached to this Agreement as Exhibit 1.

15. Conduct pre-construction conference and prepare copy of report/minutes.
16. Issue Notice to Proceed to construction contractor.
17. Provide in all proposed construction contracts deductive alternatives where feasible, so that should the lowest responsive base bid for construction exceed the funds available, deductive alternatives can be taken to reduce the bid price.
18. Design for access by persons with disabilities for those facilities to be used by the public in accordance with Public Law 504.
19. Use TDA-approved forms for instructions to bidders, general conditions, contract, bid bond, performance bond, and payment bond.
20. Consult with and advise the City during construction; issue to contractors all instructions requested by the City; and prepare routine change orders if required, at no charge for engineering services to the City when the change order is required to correct errors or omissions by the Firm; provide price analysis for change orders; process change orders approved by City and the Firm and submit to TDA for approval prior to execution with the construction contractor.
21. Review shop and working drawings furnished by contractors for compliance with design concept and with information given in contract documents (contractors will be responsible for dimensions to be confirmed and correlated at job site).
22. Resolve all payment requests within 14 days of receipt of signed pay request from the construction contractor.
23. Based on the Firm's on-site observations and review of the contractor's applications for payment, determine the amount owed to the contractor in such amounts; such approvals of payment to constitute a representation to the City, based on such observations and review, that the work has progressed to the point indicated and that the quality of work is in accordance with the plans, specifications and contract documents.
24. Recommend that a 10% retainage is withheld from all payments on construction contracts until final acceptance by the City and approval by TDA, unless State or local law provides otherwise.
25. Prepare Certificate of Construction Completion and Clean Lien Certificate. A Clean Lien Certificate may be prepared for each of the Prime Contractor(s) and each of the subcontractor(s).
26. Conduct interim/final inspections up to once a week for ten (10) weeks. Total NOT TO EXCEED of 80 hours.
27. Revise contract drawings to show the work as actually constructed, and furnish the City with a set of "record drawings" plans.
29. The Firm will provide a copy of the final project record drawing(s) engineering schematic(s), as constructed using funds under this contract. These maps shall be provided in digital format containing the source map data (original vector data) and the graphic data in files on machine readable media, such as compact disc (CD), which are compatible with computer systems owned or readily available to the owner. The digital copy provided shall not include a digital representation of the engineer's seal but the accompanying documentation from the Firm shall include a signed statement of when the map was authorized, that the digital map is a true representation of the original sealed document, and that a printed version with the seal has been provided to the City. In addition, complete documentation as to the content and layout of the data files and the name of the software package(s) used to generate the data and maps shall be provided to the owner in written form.

SUBCONTRACTS

1. No work under this Agreement shall be subcontracted by the Firm without prior approval, in writing, from the City.

2. The Firm shall, prior to proceeding with the work, notify the City in writing of the name of any subcontractors proposed for the work, including the extent and character of the work to be done by each.
3. If any time during progress of the work, the City determines that any subcontractor is incompetent or undesirable, the City will notify the Firm who shall take reasonable and immediate steps to satisfactorily cure the problem, substitute performance, or cancel such subcontract. Subletting by subcontractors shall be subject to the same regulations. Nothing contained in this Agreement shall create any contractual relation between any subcontractor and the City.
4. The Firm will include in all contracts and subcontracts in excess of \$150,000 a provision which requires compliance with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C 7401-7671q) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251-1387). The provisions shall require reporting of violations to TDA and to the Regional Office of the Environmental Protection Agency (EPA).
5. The Firm will include in all contracts and subcontracts in excess of \$150,000 provisions or conditions which will allow for administrative, contractual or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.
6. The Firm will include in all contracts and subcontracts in excess of \$10,000 provisions addressing termination for cause and for convenience by the City including the manner by which it will be effected and the basis for settlement.
7. The Firm will include in all contracts and subcontracts provisions requiring compliance with the following, if applicable:
 - a. Prime construction contracts in excess of \$2,000, compliance with the Davis-Bacon Act, as amended (40 U.S.C.3141-3144, 3146-3148) as supplemented by Department of Labor regulations (29 CFR part 5);
 - b. Prime construction contracts in excess of \$2,000, compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR part 3)
 - c. Contracts greater than \$10,000, the inclusion of the Equal Opportunity clause provided under 41 CFR 60-1.4(b) (Executive Order 11246);
 - d. Section 3 of the Housing and Urban Development Act of 1968;
 - e. Contracts exceeding \$100,000, compliance with the Byrd Anti-Lobbying Amendment (31 U.S.C. 1352);
 - f. For contracts in excess of \$100,000 that involve the employment of mechanics or laborers, compliance with the Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708), including work week requirements and safety conditions for workers, as supplemented by Department of Labor regulations (29 CFR Part 5); and
8. The Firm will include in all negotiated contracts and subcontracts a provision which indicates that funds will not be awarded under this contract to any party which is debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs under Executive Order 12549 and 2 CFR Part 2424. A certification shall be provided and received from each proposed subcontractor under this contract and its principals.
9. The Firm will include in all negotiated contracts and subcontracts a provision to the effect that the City, TDA, the Texas Comptroller of Public Accounts, the Comptroller General of the United States, the U.S. Department of Housing and Urban Development (HUD), or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the contractor which are directly pertinent to that specific contract, for the purpose of making audit, examination, excerpts, and transcriptions.
10. The Firm will include in all contracts and subcontracts a requirement that the contractor maintain all relevant project records for three (3) years after the City has made final payment to the contractor and all other pending matters are closed.

STANDARD OF PERFORMANCE AND DEFICIENCIES

1. All services of the Firm and its independent professional associates, consultants and subcontractors will be performed in a professional, reasonable and prudent manner in accordance with generally accepted professional practice. The Firm represents that it has the required skills and capacity to perform work and services to be provided under this Agreement.
 2. The Firm represents that services provided under this Agreement shall be performed within the limits prescribed by the City in a manner consistent with that level of care and skill ordinarily exercised by other professional consultants under similar circumstances.
 3. Any deficiency in Firm's work and services performed under this contract shall be subject to the provisions of applicable state and federal law. Any deficiency discovered shall be corrected upon notice from City and at the Firm's expense if the deficiency is due to Firm's negligence. The City shall notify the Firm in writing of any such deficiency and provide an opportunity for mutual investigation and resolution of the problem prior to pursuit of any judicial remedy. In any case, this provision shall in no way limit the judicial remedies available to the City under applicable state or federal law.
 4. The Firm agrees to and shall hold harmless the City, its officers, employees, and agents from all claims and liability of whatsoever kind or character due to or arising solely out of the negligent acts or omissions of the Firm, its officers, agents, employees, subcontractors, and others acting for or under the direction of the Firm doing the work herein contracted for or by or in consequence of any negligence in the performance of this Agreement, or by or on account of any omission in the performance of this Agreement.
-

**PART III -
PAYMENT SCHEDULE**

City shall reimburse the Firm for professional services provided upon completion of the following project milestones per the following percentages of the maximum contract amount:

Milestone	% of Contract Fee
• Approval of Preliminary Engineering Plans and Specifications by City.	20%
• Approval of Plans and Specifications by Regulatory Agency(ies).	30%
• Completion of bid advertisement and contract award.	20%
• Completion of Final Closeout Assessment and submittal of "As Builts" to City.	20%
• Completion of final inspection and acceptance by the City.	10%
Total	100%

PART IV
TERMS AND CONDITIONS

1. Termination of Agreement for Cause. If the Firm fails to fulfill in a timely and proper manner its obligations under this Agreement, or if the Firm violates any of the covenants, conditions, agreements, or stipulations of this Agreement, the City shall have the right to terminate this Agreement by giving written notice to the Firm of such termination and specifying the effective date thereof, which shall be at least five days before the effective date of such termination. In the event of termination for cause, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by the Firm pursuant to this Agreement shall, at the option of the City, be turned over to the City and become the property of the City. In the event of termination for cause, the Firm shall be entitled to receive reasonable compensation for any necessary services actually and satisfactorily performed prior to the date of termination.

Notwithstanding the above, the Firm shall not be relieved of liability to the City for damages sustained by the City by virtue of any breach of the Agreement by the Firm, and the City may set-off the damages it incurred as a result of the Firm's breach of the contract from any amounts it might otherwise owe the Firm.

2. Termination for Convenience of the City.
City may at any time and for any reason terminate Contractor's services and work at City's convenience upon providing written notice to the Contractor specifying the extent of termination and the effective date. Upon receipt of such notice, Contractor shall, unless the notice directs otherwise, immediately discontinue the work and placing of orders for materials, facilities and supplies in connection with the performance of this Agreement.
3. Changes. The City may, from time to time, request changes in the services the Firm will perform under this Agreement. Such changes, including any increase or decrease in the amount of the Firm's compensation, must be agreed to by all parties and finalized through a signed, written amendment to this Agreement.
4. Resolution of Program Non-Compliance and Disallowed Costs. In the event of any dispute, claim, question, or disagreement arising from or relating to this Agreement, or the breach thereof, including determination of responsibility for any costs disallowed as a result of non-compliance with federal, state or TxCDBG program requirements, the parties hereto shall use their best efforts to settle the dispute, claim, question or disagreement. To this effect, the parties shall consult and negotiate with each other in good faith within 30 days of receipt of a written notice of the dispute or invitation to negotiate, and attempt to reach a just and equitable solution satisfactory to both parties. If the matter is not resolved by negotiation within 30 days of receipt of written notice or invitation to negotiate, the parties agree first to try in good faith to settle the matter by mediation administered by the American Arbitration Association under its Commercial Mediation Procedures before resorting to arbitration, litigation, or some other dispute resolution procedure. The parties may enter into a written amendment to this Amendment and choose a mediator that is not affiliated with the American Arbitration Association. The parties shall bear the costs of such mediation equally. If the matter is not resolved through such mediation within 60 days of the initiation of that procedure, either party may proceed to file suit.
5. Personnel.

- a. The Firm represents that it has, or will secure at its own expense, all personnel required in performing the services under this Agreement. Such personnel shall not be employees of or have any contractual relationship with the City.
 - b. All of the services required hereunder will be performed by the Firm or under its supervision and all personnel engaged in the work shall be fully qualified and shall be authorized or permitted under State and Local law to perform such services.
 - c. None of the work or services covered by this Agreement shall be subcontracted without the prior written approval of the City. Any work or services subcontracted hereunder shall be specified by written contract or agreement and shall be subject to each provision of this Agreement.
6. Assignability. The Firm shall not assign any interest on this Agreement, and shall not transfer any interest in the same (whether by assignment or novation), without the prior written consent of the City thereto; Provided, however, that claims for money by the Firm from the City under this Agreement may be assigned to a bank, trust company, or other financial institution without such approval. Written notice of any such assignment or transfer shall be furnished promptly to the City.
7. Reports and Information. The Firm, at such times and in such forms as the City may require, shall furnish the City such periodic reports as it may request pertaining to the work or services undertaken pursuant to this Agreement, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this Agreement.
8. Records and Audits. The Firm shall insure that the City maintains fiscal records and supporting documentation for all expenditures of funds made under this contract in a manner that conforms to 2 CFR 200.300-.309, 24 CFR 570.490, and this Agreement. Such records must include data on the racial, ethnic, and gender characteristics of persons who are applicants for, participants in, or beneficiaries of the funds provided under this Agreement. The Firm and the City shall retain such records, and any supporting documentation, for the greater of three years from closeout of the Agreement or the period required by other applicable laws and regulations.
9. Findings Confidential. All of the reports, information, data, etc., prepared or assembled by the Firm under this contract are confidential and the Firm agrees that they shall not be made available to any individual or organization without the prior written approval of the City.
10. Copyright. No report, maps, or other documents produced in whole or in part under this Agreement shall be the subject of an application for copyright by or on behalf of the Firm.
11. Compliance with Local Laws. The Firm shall comply with all applicable laws, ordinances and codes of the State and local governments, and the Firm shall save the City harmless with respect to any damages arising from any tort done in performing any of the work embraced by this Agreement.
12. Conflicts of interest.
- a. Governing Body. No member of the governing body of the City and no other officer, employee, or agent of the City, who exercises any functions or responsibilities in connection with administration, construction, engineering, or implementation of TxCDBG award between TDA and the City, shall have any personal financial interest, direct or indirect, in the Firm or this Agreement; and the Firm shall take appropriate steps to assure compliance.

- b. Other Local Public Officials. No other public official, who exercises any functions or responsibilities in connection with the planning and carrying out of administration, construction, engineering or implementation of the TxCDBG award between TDA and the City, shall have any personal financial interest, direct or indirect, in the Firm or this Agreement; and the Firm shall take appropriate steps to assure compliance.
- a. The Firm and Employees. The Firm warrants and represents that it has no conflict of interest associated with the TxCDBG award between TDA and the City or this Agreement. The Firm further warrants and represents that it shall not acquire an interest, direct or indirect, in any geographic area that may benefit from the TxCDBG award between TDA and the City or in any business, entity, organization or person that may benefit from the award. The Firm further agrees that it will not employ an individual with a conflict of interest as described herein.

13. Debarment and Suspension (Executive Orders 12549 and 12689)

The Firm certifies, by entering into this Agreement, that neither it nor its principals are presently debarred, suspended, or otherwise excluded from or ineligible for participation in federally-assisted programs under Executive Orders 12549 (1986) and 12689 (1989). The term "principal" for purposes of this Agreement is defined as an officer, director, owner, partner, key employee, or other person with primary management or supervisory responsibilities, or a person who has a critical influence on or substantive control over the operations of the Firm. The Firm understands that it must not make any award or permit any award (or contract) at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, "Debarment and Suspension."

Federal Civil Rights Compliance.

14. Equal Opportunity Clause

During the performance of this contract, the Firm agrees as follows:

- a. The Firm will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The Firm will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but 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 Firm agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.
- b. The Firm will, in all solicitations or advertisements for employees placed by or on behalf of the Firm, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.
- c. The Firm will not discourage or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such

disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.

- d. The Firm will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the Firm's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
 - e. The Firm will comply with all provisions of Executive Order 11246 of September 24, 1965, "Equal Employment Opportunity," and of the rules, regulations, and relevant orders of the Secretary of Labor.
 - f. The Firm will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
 - g. In the event of the Firm's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the Firm may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
 - h. The Firm will include the portion of the sentence immediately preceding paragraph (a) and the provisions of paragraphs (a) through (h) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Firm will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event a Firm becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency the Firm may request the United States to enter into such litigation to protect the interests of the United States.
15. Civil Rights Act of 1964. Under Title VI of the Civil Rights Act of 1964, no person shall, on the grounds of race, color, religion, sex, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
16. Section 109 of the Housing and Community Development Act of 1974. The Firm shall comply with the provisions of Section 109 of the Housing and Community Development Act of 1974. No person in the United States shall on the ground of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.
17. Section 504 of the Rehabilitation Act of 1973, as amended. The Firm agrees that no otherwise qualified individual with disabilities shall, solely by reason of his/her disability, be denied the

benefits of, or be subjected to discrimination, including discrimination in employment, under any program or activity receiving federal financial assistance.

18. Age Discrimination Act of 1975. The Firm shall comply with the Age Discrimination Act of 1975 which provides that no person in the United States shall on the basis of age be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

PART V
PROJECT TIME SCHEDULE
ENGINEERING/ARCHITECTURAL/SURVEYOR
PROFESSIONAL SERVICES

TIME OF COMPLETION: Firm is authorized to commence work on the Project upon execution of this Agreement. This contract shall be for twelve (12) months from the date of execution. Firm agrees to complete the services and provide deliverables according to the following schedule:

Professional Services - 32 weeks from NTP

Task	Task Name	Timeline
1	Project Setup	1 week
2	Survey	4 weeks
3	Development of DRAFT construction documents	5 weeks
4	Development of FINAL construction documents	2 weeks
5	Advertise/Bid/Award	7 weeks
6	Construction	12 weeks
7	Close out	1 week

If Firm's services are delayed through no fault of Firm, Firm shall be entitled to adjust contract schedule consistent with the number of days of delay. These delays may include but are not limited to delays in City or regulatory reviews, delays on the flow of information to be provided to Firm, governmental approvals, etc. These delays may result in an adjustment to compensation.

Exhibit 1.

MONTHLY STATUS REPORT

Grant Recipient: _____ Date Submitted: _____

Grant No.: _____ Reporting Period: _____

Project Status:

Date of Last Inspection: _____

Name of Inspector: _____

Inspection Description:

Projected Date of Construction Completion: _____

Amount of Last Pay Request: _____

Date of Last Pay Request: _____

Status of Last Pay Request: _____

List of Subcontractors Onsite

Name	Date Cleared by Grant Administrator
------	-------------------------------------

_____	_____
_____	_____
_____	_____

**This report may be e-mailed or faxed to the Grant Recipient*

**City of Big Spring
Cash and Texpool Account Balances
Quarter Ending December 31, 2021**


	Market Value 9/30/21	Quarterly Interest Income	Net Additions/ Decreases	Market Value 12/31/21
<u>Checking Accounts</u>				
Operating Checking Account	\$ 8,706,142.37	\$ -	\$ (343,539.36)	\$ 8,362,603.01
Payroll Checking Account	\$ 66,015.25	\$ -	\$ 24,216.32	\$ 90,231.57
Health Insurance Checking Account	\$ 163,081.90	\$ -	\$ 594,816.12	\$ 757,898.02
Worker's Comp Insurance Account	\$ 1,117,778.46	\$ -	\$ 254,479.87	\$ 1,372,258.33
Total Checking	\$ 10,053,017.98	\$ -	\$ 529,972.95	\$ 10,582,990.93
<u>TexPool Funds</u>				
Utility Escrow	\$ -	\$ -	\$ -	\$ -
Airpark	\$ 526,534.52	\$ 49.06	\$ -	\$ 526,583.58
Landfill Closure	\$ 4,411,773.95	\$ 411.18	\$ -	\$ 4,412,185.13
Operating Account	\$ 3,071,056.39	\$ 286.22	\$ -	\$ 3,071,342.61
Cemetery	\$ 372,171.29	\$ 34.60	\$ -	\$ 372,205.89
Health Insurance	\$ -	\$ -	\$ -	\$ -
Total TexPool	\$ 8,381,536.15	\$ 781.06	\$ -	\$ 8,382,317.21
<u>Prosperity Bank</u>				
CD - Maturity 12/11/20	\$ 13,013.95	\$ 3.81	\$ -	\$ 13,017.76
Total Prosperity Bank	\$ 13,013.95	\$ 3.81	\$ -	\$ 13,017.76
<u>BBVA Compass</u>				
Money Market - 6748561224	\$ 6,749,693.32	\$ 225.60	\$ -	\$ 6,749,918.92
Total BBVA Compass	\$ 6,749,693.32	\$ 225.60	\$ -	\$ 6,749,918.92
<u>Brokerage CD's</u>				
Beginning Date 3/13/20				
American Express	\$ 248,000.00	\$ -	\$ -	\$ 248,000.00
BMW Bank	\$ 248,000.00	\$ -	\$ -	\$ 248,000.00
Romney Bank	\$ 249,000.00	\$ 713.92	\$ -	\$ 249,000.00
Eagle Bank	\$ 249,000.00	\$ 962.23	\$ -	\$ 249,000.00
Evergreen Bank	\$ 249,000.00	\$ 620.80	\$ -	\$ 249,000.00
1st Jackson Bank	\$ 249,000.00	\$ 713.92	\$ -	\$ 249,000.00
1st Source Bank	\$ 247,000.00	\$ -	\$ -	\$ 247,000.00
Independent Bank	\$ 249,000.00	\$ 620.80	\$ -	\$ 249,000.00
Luana Savings Bank	\$ 247,000.00	\$ -	\$ -	\$ 247,000.00
Northpointe Bank	\$ 249,000.00	\$ 465.59	\$ -	\$ 249,000.00
Preferred Bank	\$ 249,000.00	\$ 651.83	\$ -	\$ 249,000.00
Five Nine Bank	\$ 249,000.00	\$ 310.40	\$ -	\$ 249,000.00
Encore Bank	\$ 249,000.00	\$ 279.37	\$ -	\$ 249,000.00
Sunwest Bank	\$ 249,000.00	\$ 279.37	\$ -	\$ 249,000.00
Minnesota West Bank	\$ 249,000.00	\$ 310.40	\$ -	\$ 249,000.00
Belmont Bank	\$ 249,000.00	\$ 279.37	\$ -	\$ 249,000.00
First Community Bank	\$ 249,000.00	\$ 310.40	\$ -	\$ 249,000.00
Balboa Thrift Bank	\$ 249,000.00	\$ 251.04	\$ -	\$ 249,000.00
Bankwell Bank	\$ 249,000.00	\$ -	\$ -	\$ 249,000.00
Bank United National Assn	\$ 247,000.00	\$ 215.52	\$ -	\$ 247,000.00
US Treas Sec Stripped Int Pmt	\$ 509,000.00	\$ -	\$ -	\$ 509,000.00
Total Brokerage CD's	\$ 5,481,000.00	\$ 6,984.96	\$ -	\$ 5,481,000.00
<u>Agency Bond</u>				
	\$1,000,000.00	\$ -	\$ -	\$1,000,000.00
Total Cash & Investments	\$ 30,678,261.40	\$ 7,995.43	\$ 529,972.95	\$ 32,209,244.82

**City of Big Spring
Monthly Interest Rates
Quarter Ending December 31, 2021**

		<u>OCT</u>	<u>NOV</u>	<u>DEC</u>	<u>Average</u>
TexPool Funds		0.0354%	0.0381%	0.0376%	0.0370%
Prosperity Bank	12 month CD	0.1500%	0.1500%	0.1500%	0.1500%
BBVA Compass	Money Market	0.0100%	0.0100%	0.0100%	0.0100%



 Sandra G. Smith - Finance Director



 Todd Darden - City Manager