



**CITY OF WHARTON
FINANCE COMMITTEE MEETING**

**Monday, April 25, 2022
6:30 PM**

***CITY HALL 120 EAST CANEY STREET
WHARTON, TEXAS 77488***

**NOTICE OF
CITY OF WHARTON
FINANCE COMMITTEE MEETING**

Notice is hereby given that a Finance Committee Meeting will be held on Monday, April 25, 2022 at 6:30 PM at the Wharton City Hall, 120 East Caney Street, Wharton, Texas, at which time the following subjects will be discussed to-wit:

SEE ATTACHED AGENDA

Dated this 21st day of April 2022.


By: 
Joseph R. Pace, City Manager

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Finance Committee Meeting is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board, at City Hall of said City or Town in Wharton, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on April 21, 2022, at 4:30 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

The Wharton City Hall is wheelchair accessible. Access to the building and special parking is available at the primary entrance. Persons with disabilities, who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at (979) 532-4811 Ext. 225 or by FAX (979) 532-0181 at least two (2) days prior to the meeting date. BRAILLE IS NOT AVAILABLE.

Dated this 21st day of April 2022.

CITY OF WHARTON

By: 
Paula Favors
City Secretary



A G E N D A
CITY OF WHARTON
Finance Committee Meeting
Monday, April 25, 2022
City Hall - 6:30 PM

Call to Order.

Roll Call.

Public Comments.


Review & Consider:

1. Minutes from the meeting held February 14, 2022.
2. American Rescue Plan Act (ARPA) – Coronavirus Local Fiscal Recovery Funds (CLFRF) Allocation:
 - A. Resolution: A resolution of the Wharton City Council authorizing the approval of the Wharton Recovery Plan associated with the implementation of the City’s American Rescue Plan Act (ARPA) – Coronavirus Local Fiscal Recovery Funds (CLFRF) allocation and authorizing the Mayor of the City of Wharton to execute all necessary documents associated with said plan.
 - B. Resolution: A resolution of the Wharton City Council adopting the attached policies in connection with the City of Wharton, Texas participation in federally funded projects associated with the American Rescue Plan Act – Coronavirus Local Fiscal Recovery Fund (ARPA – CLFRF) and adherence to the regulations described therein and authorizing the Mayor of the City of Wharton to execute all necessary documents associated with said adoption.
 - C. Resolución: Una resolución del concejo municipal de Wharton que adopta las políticas adjuntas en relación con la participación de la Ciudad de Wharton, Texas en proyectos financiados con fondos federales asociados con la ley del Plan de Rescate Estadounidense – Rondo de Recuperación Fiscal Local de Coronavirus (ARPA-CLFRF) y el cumplimiento de las regulaciones descritas en el mismo y autorizando al Alcalde de la Ciudad de Wharton a ejecutar todos los documentos necesarios asociados con dicha adopción.
 - D. Resolution: A resolution of the Wharton City Council authorizing the acceptance of American Rescue Plan Act (ARPA) – Coronavirus Local Fiscal Recovery Funds (CLFRF); and authorizing the Mayor and City Manager to act as the City’s Executive Officers and authorized representatives in all matters pertaining to the City’s implementation of the American Rescue Plan Act (ARPA) – Coronavirus Local Fiscal Recovery Funds (CLFRF) Funds and authorizing the Mayor of the City of Wharton to execute all necessary documents associated with said designation.

Adjournment.

City of Wharton
120 E. Caney Street
Wharton, TX 77488

FINANCE COMMITTEE

Meeting Date:	4/25/2022	Agenda Item:	Minutes from the meeting held February 14, 2022.
Attached are a copy of the draft minutes from the meeting held February 14, 2022.			
City Manager: Joseph R. Pace		Date: Thursday, April 21, 2022	
Approval: 			
Mayor: Tim Barker			

**MINUTES
OF
CITY OF WHARTON
FINANCE COMMITTEE MEETING
120 EAST CANEY STREET
WHARTON, TEXAS 77488
Monday, February 14, 2022–5:30 p.m.**

City Manager, Joseph R. Pace, declared a meeting of the City Council Finance Committee duly open for the transaction of business at 5:36 p.m.

Committee Members present were: Mayor, Tim Barker and Councilmember, Russell Machann.

Committee Member absent was: Councilmember, Alice Heard-Roberts.

City Council Member present was: Councilmember, Clifford Jackson.

Staff members present were: City Manager, Joseph R. Pace; Assistant to the City Manager, Brandi Jimenez; Finance Director, Joan Anel; City Secretary, Paula Favors; Assistant to the Building Official, Claudia Velazquez; Director of Planning & Development, Gwyn Teves and Public Works Director Anthony Arcidiacono.

Staff member absent was: None.

Visitors: None.

Public Comments. There were no public comments.

The first item on the agenda was to review and consider minutes from the meeting held January 10, 2022. Councilmember, Russell Machann, made a motion to approve the minutes as presented. Mayor, Tim Barker, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider a Resolution: A resolution of the Wharton City Council amending fees for the City of Wharton Code of Ordinances, Chapter 18, Building and Construction, Article III. Construction Codes, in accordance with Section 18-68. Building Permit Fees and Inspection Fees. Assistant to the Building Official, Claudia Velazquez, presented a memo from the Code Enforcement Department requesting to amend the schedule of fees pertaining to the City of Wharton Code of Ordinances, Chapter 18, Building and Construction for the following Article:

1. Article III- Construction Codes (Building):
 - Sec. 18-68. Modifying building permit fees and establishing civil fees.

After some discussion, Councilmember, Russell Machann, made a motion to recommend to the City Council to approve the resolution amending the fees for the City of Wharton Code of Ordinances, Chapter 18, Building Permit Fees and Inspection Fees. Mayor, Tim Barker, seconded the motion. All voted in favor.

The third item on the agenda was to review and consider FEMA DR4269-512 Public Assistance for Riverfront Park Update.

Director of Planning & Development, Gwyn Teves, stated to the Committee that during the flooding event in April 2016, Riverfront Park, was damaged and public assistance was requested from FEMA for repairs in the amount of \$1,650,518.00 with additional mitigation funds of \$1,624,077.00. She stated that the assistance was only approved for \$158,577.14. She stated that the City Staff appealed the determination. She stated that on June 25, 2019, the appeal for the determination was approved and the staff had been working with FEMA and TDEM to get the funds obligated. She stated that during this process the City was notified that the Wharton Levee had been funded and that the construction of the levee system could

potentially impact access to the park. She stated that the City Staff was advised by FEMA that additional geotechnical studies of the area would be required to obligate the funds in 2021. She stated that the City staff continued to work with FEMA to not needlessly spend additional time and money into the project and requested that FEMA obligate the funds to the City. She stated that on January 19, 2022, the City Staff had met with FEMA, TDEM and USACE to discuss the obligation of funds, the impacts the levee could have on the location and possible alternate uses for the funding. She stated that the staff was advised on this call that FEMA would no longer require additional geotechnical studies to obligate the funds. She stated that park access was also going to be impacted by the construction of the levee system and the space would not be accessible or usable unless the City built new access over the levee system and would be required to go through the 408 permitting process with the USACE after construction of the levee system is complete. She stated that the City Staff was also advised on this call that the funds would only be available until eight (8) years after the disaster and that FEMA would close out the funding for that disaster at that time. She stated that this meant the funds would have to be expended by April 2024. She stated that the funds were obligated at a 25/75 percent split to the City. She stated that the mitigation funds were also approved conditionally pending the approval of a scope of work by FEMA. She stated that if alternate projects were selected the City would not be able to utilize the mitigation funds, only the initial public assistance funds of \$1,624,077.00. She stated that some previously approved alternate project examples were:

- Repair, expand, mitigate, or construct a facility;
- Demolish facilities;
- Purchase capital equipment;
- Fund project shortfalls due to mandatory flood insurance reductions taken from PA Program funding for repairs to buildings in SFHAs;
- Supplement funds for an Improved Project; and,
- Conduct cost-effective hazard mitigation measures.

She stated that it was the City Staff's recommendation to utilize the available funds of \$1,624,077.00 for alternate projects at this time. After some discussion, Mayor, Tim Barker, made a motion to recommend to the City Council to utilize the available funds of \$1,624,077.00 for alternate projects at this time. Councilmember, Russell Machann, seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider a Resolution: A resolution of the Wharton City Council approving a contract for Administration Services in connection with the American Rescue Plan Act of 2021 (ARPA) and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. Director of Planning & Development, Gwyn Teves, stated to the Committee that the City Council had approved the establishment of a Consultant Selection Committee on July 26, 2021 and authorized that the City Staff to go out for administration services for the American Rescue Plan Act of 2021 (ARPA). She stated that the proposals were received at City Hall on February 1, 2022. The Committee scored and ranked the proposals. After some discussion, Councilmember, Russell Machann, made a motion to recommend to the City Council the approval of a contract to Public Management for the administration services in connection with the American Rescue Plan Act of 2021 (ARPA). Mayor, Tim Barker, seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider a Resolution: A resolution of the Wharton City Council approving a contract for Administration Services in connection with the Texas Water Development Board Flood Infrastructure Fund (FIF) Project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. Director of Planning & Development, Gwyn Teves, stated to the Committee that the City Council had approved the establishment of a Consultant Selection Committee on July 26, 2021 and had authorized that the City Staff to go out for administration services for the Texas Water Development Board Flood Infrastructure Fund (FIF). She stated that the City of Wharton had been approved for funding to complete a citywide drainage study and construction projects. She stated that proposals were received at City Hall on February 1, 2022. The Committee scored and ranked the proposals. After some discussion, Councilmember, Russell Machann, made a motion to recommend to the City Council the approval of a contract to Langford for the contract for Administration Services in connection with the Texas Water Development Board Flood Infrastructure Fund (FIF) Project. Mayor, Tim Barker seconded the motion. All voted in favor.

The sixth item on the agenda was adjournment.

The meeting adjourned at 5:46 p.m.

Joseph R. Pace, City Manager

City of Wharton
 120 E. Caney Street
 Wharton, TX 77488

FINANCE COMMITTEE

<p>Meeting Date:</p>	<p>4/25/2022</p>	<p>Agenda Item:</p>	<p>American Rescue Plan Act (ARPA) – Coronavirus Local Fiscal Recovery Funds (CLFRF) Allocation:</p> <ul style="list-style-type: none"> A. Resolution: A resolution of the Wharton City Council authorizing the approval of the Wharton Recovery Plan associated with the implementation of the City’s American Rescue Plan Act (ARPA) – Coronavirus Local Fiscal Recovery Funds (CLFRF) allocation and authorizing the Mayor of the City of Wharton to execute all necessary documents associated with said plan. B. Resolution: A resolution of the Wharton City Council adopting the attached policies in connection with the City of Wharton, Texas participation in federally funded projects associated with the American Rescue Plan Act – Coronavirus Local Fiscal Recovery Fund (ARPA – CLFRF) and adherence to the regulations described therein and authorizing the Mayor of the City of Wharton to execute all necessary documents associated with said adoption. C. Resolución: Una resolución del concejo municipal de Wharton que adopta las políticas adjuntas en relación con la participación de la Ciudad de Wharton, Texas en proyectos financiados con fondos federales asociados con la ley del Plan de Rescate Estadounidense – Rondo de Recuperación Fiscal Local de Coronavirus (ARPA-CLFRF) y el cumplimiento de las regulaciones descritas en el mismo y autorizando al Alcalde de la Ciudad de Wharton a ejecutar todos los documentos necesarios asociados con dicha adopción. D. Resolution: A resolution of the Wharton City Council authorizing the acceptance of
----------------------	------------------	---------------------	---

			<p>American Rescue Plan Act (ARPA) – Coronavirus Local Fiscal Recovery Funds (CLFRF); and authorizing the Mayor and City Manager to act as the City’s Executive Officers and authorized representatives in all matters pertaining to the City’s implementation of the American Rescue Plan Act (ARPA) – Coronavirus Local Fiscal Recovery Funds (CLFRF) Funds and authorizing the Mayor of the City of Wharton to execute all necessary documents associated with said designation.</p>
--	--	--	---

The City of Wharton received a direct allocation from the federal government in reference to the American Rescue Plan Act (ARPA) – Coronavirus Local Fiscal Recovery Funds (CLFRF) Allocation. As part of the requirements for that funding, the City is required to adopt a Recovery Plan to submit to the Treasury Department by April 30th.

Attached is the draft Recovery Plan and Draft Resolution adopting the Plan.


The implementation of the funding also requires that the following plans and policies be adopted specific to the ARPA Funds:

1. Citizen Participation Plan and Grievance Procedures; and,
2. Section 3 Policy; and,
3. Excessive Force Policy; and,
4. Section 504 Policy and Grievance Procedures; and,
5. Limited English Proficiency Plan; and,
6. Fair Housing Policy; and,
7. Code of Conduct Policy

Also attached are the plans and policies.

There must also be designated signatories and the resolution assigning those signatories is attached.

Director of Planning & Development, Gwyn Teves, will be present to answer any questions.

City Manager: Joseph R. Pace	Date: Thursday, April 21, 2022
Approval: 	
Mayor: Tim Barker	



City of Wharton

120 E. Caney • Wharton, TX 77488
Phone (979) 532-2491 • Fax (979) 532-0181

MEMORANDUM

DATE: April 19, 2022

FROM: Gwyneth Teves, Director of Planning & Development

TO: Honorable Mayor and City Councilmembers, City Manager Mr. Pace, and City Attorney Paul Webb

SUBJECT: AMERICAN RESCUE PLAN ACT (ARPA) – CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS (CLFRF) ALLOCATION

The City of Wharton received a direct allocation from the federal government in reference to the AMERICAN RESCUE PLAN ACT (ARPA) – CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS (CLFRF) ALLOCATION. As part of the requirements for that funding the City is required to adopt a Recovery Plan to submit to the Treasury Department by April 30th.

Attached is the draft Recovery Plan and Draft Resolution adopting the Plan.

The implementation of the funding also requires that the following plans and policies be adopted specific to the ARPA Funds:

1. Citizen Participation Plan and Grievance Procedures; and
2. Section 3 Policy; and
3. Excessive Force Policy; and
4. Section 504 Policy and Grievance Procedures; and
5. Limited English Proficiency Plan; and
6. Fair Housing Policy; and
7. Code of Conduct Policy

The plans and policies are attaches as well as the resolution to adopt.

There must also be designated signatories and the resolution assigning those signatories is attached.

If you should have any questions, please contact me at 979-532-2491 ext 238. Thank You.

DRAFT

COVID-19 Pandemic Relief Recovery Plan

City of Wharton, Texas



American Rescue Plan Act of 2021
Coronavirus Local Fiscal Recovery Fund

Approved on {{approvalDate}}

TABLE OF CONTENTS

<u>TABLE OF CONTENTS</u>	1
<u>BACKGROUND</u>	2
<u>OPPORTUNITY FOR CITY OF WHARTON</u>	3
<u>ARPA ALLOCATION</u>	4
<u>NEED IN CITY OF WHARTON</u>	5
<u>RECOVERY GOALS AND OBJECTIVES</u>	6
<u>IMPLEMENTING ARPA</u>	6
<u>PROJECT IDENTIFICATION</u>	8
<u>REVENUE LOSS CALCULATION</u>	9
<u>SCHEDULE FOR IMPLEMENTING ARPA FUNDS</u>	10
<u>APPENDIX I</u>	11
<u>APPENDIX II</u>	12

ARPA BACKGROUND

Since the first case of coronavirus disease 2019 (COVID-19) was discovered in the United States in January 2020, the disease has infected over 46.4 million and killed over 750,000 Americans (*Center for Disease Control data as of November 9, 2021*). The disease has impacted every part of life: as social distancing became a necessity, businesses closed, schools transitioned to remote education, travel was sharply reduced, and millions of Americans lost their jobs. In April 2020, the national unemployment rate reached its highest level in over seventy years following the most severe month-over-month decline in employment on record. As of April 2021, there were still 8.2 million fewer jobs than before the pandemic. During this time, a significant share of households have faced food and housing insecurity. Economic disruptions impaired the flow of credit to households, State and local governments, and businesses of all sizes. As businesses weathered closures and sharp declines in revenue, many were forced to shut down, especially small businesses.

Amid this once-in-a-century crisis, State, local and Tribal governments have been called on to respond at an immense scale. Governments have faced a myriad of needs to prevent and address the spread of COVID-19, including testing, contact tracing, isolation and quarantine, public communications, issuance and enforcement of health orders, expansions to health system capacity like alternative care facilities, and in recent months, a massive nationwide mobilization around vaccinations. Governments also have supported major efforts to prevent COVID-19 spread through safety measures in settings like nursing homes, schools, congregate living settings, dense worksites, incarceration settings, and public facilities.

At the same time, State, local and Tribal governments launched major efforts to address the economic impacts of the pandemic. These efforts have been tailored to the needs of their communities and have included expanded assistance to unemployed workers; food assistance; rent, mortgage, and utility support; cash assistance; internet access programs; expanded services to support individuals experiencing homelessness; support for individuals with disabilities and older adults; and assistance to small businesses facing closures or revenue loss or implementing new safety measures.

In responding to the public health emergency and its negative economic impacts, State, local, and Tribal governments have seen substantial increases in costs to provide these services, often amid substantial declines in revenue due to the economic downturn and changing economic patterns during the pandemic. Facing these budget challenges, many State, local, and Tribal governments have been forced to make cuts to services or their workforces or delay critical investments. From February to May of 2020, State, local, and Tribal governments reduced their workforces by more than 1.5 million jobs and, in April of 2021, State, local, and Tribal government employment remained nearly 1.3 million jobs below pre-pandemic levels. These cuts to State, local, and Tribal government workforces come at a time when demand for government services is high, with State, local, and Tribal governments on the frontlines of fighting the pandemic. Furthermore, State, local, and Tribal government austerity measures can hamper overall economic growth, as occurred in the recovery from the Great Recession.

Finally, although the pandemic's impacts have been widespread, both the public health and economic impacts of the pandemic have fallen most severely on communities and populations disadvantaged before

it began. Low-income communities, people of color, and Tribal communities have faced higher rates of infection, hospitalization, and death, as well as higher rates of unemployment and lack of basic necessities like food and housing. Pre-existing social vulnerabilities magnified the pandemic in these communities, where a reduced ability to work from home and, frequently, denser housing amplified the risk of infection. Higher rates of pre-existing health conditions also may have contributed to more severe COVID-19 health outcomes. Similarly, communities or households facing economic insecurity before the pandemic were less able to weather business closures, job losses, or declines in earnings and were less able to participate in remote work or education due to the inequities in access to reliable and affordable broadband infrastructure. Finally, though schools in all areas faced challenges, those in high poverty areas had fewer resources to adapt to remote and hybrid learning models. Unfortunately, the pandemic also has reversed many gains made by communities of color in the prior economic expansion.

OPPORTUNITY FOR CITY OF WHARTON

On March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law by the President. Within this legislation, 16 Section 9901 of ARPA amended Title VI of the Social Security Act¹⁷ (the Act) to add section 602, which establishes the Coronavirus State Fiscal Recovery Fund, and section 603, which establishes the Coronavirus Local Fiscal Recovery Fund (together, the Fiscal Recovery Funds). The Fiscal Recovery Funds are intended to provide support to State, local, and Tribal governments (together, recipients) in responding to the impact of COVID-19 and in their efforts to contain COVID-19 on their communities, residents, and businesses. The Fiscal Recovery Funds build on and expand the support provided to these governments over the last year, including through the Coronavirus Relief Fund (CRF).

Through the Fiscal Recovery Funds, Congress provided State, local, and Tribal governments with significant resources to respond to the COVID-19 public health emergency and its economic impacts through four categories of eligible uses. Section 602 and section 603 contain the same eligible uses; the primary difference between the two sections is that section 602 establishes a fund for States, territories, and Tribal governments and section 603 establishes a fund for metropolitan cities, non-entitlement units of local government, and counties. Sections 602(c)(1) and 603(c)(1) provide that funds may be used:

- a) To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- b) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;
- c) For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and
- d) To make necessary investments in water, sewer, or broadband infrastructure.

The ARPA provides a substantial infusion of resources to meet pandemic response needs and rebuild a stronger, more equitable economy as the country recovers. First, payments from the Fiscal Recovery Funds help to ensure that State, local, and Tribal governments have the resources needed to continue to take actions

to decrease the spread of COVID-19 and bring the pandemic under control. Payments from the Fiscal Recovery Funds may also be used by recipients to provide support for costs incurred in addressing public health and economic challenges resulting from the pandemic, including resources to offer premium pay to essential workers, in recognition of their sacrifices over the last year. Recipients may also use payments from the Fiscal Recovery Funds to replace State, local, and Tribal government revenue lost due to COVID-19, helping to ensure that governments can continue to provide needed services and avoid cuts or layoffs. Finally, these resources lay the foundation for a strong, equitable economic recovery, not only by providing immediate economic stabilization for households and businesses, but also by addressing the systemic public health and economic challenges that may have contributed to more severe impacts of the pandemic among low-income communities and people of color.

Within the eligible use categories outlined in the Fiscal Recovery Funds provisions of ARPA, State, local, and Tribal governments have flexibility to determine how best to use payments from the Fiscal Recovery Funds to meet the needs of their communities and populations. Eligible uses of ARPA funds build on eligible expenditures under the CRF, including some expansions in eligible uses to respond to the public health emergency, such as vaccination campaigns. They also reflect changes in the needs of communities, as evidenced by, for example, nationwide data demonstrating disproportionate impacts of the COVID-19 public health emergency on certain populations, geographies, and economic sectors. Implementation of the Fiscal Recovery Funds also reflect the importance of public input, transparency, and accountability.

ARPA ALLOCATION

The ARPA-CLFRF provides \$19.53 billion to states for distribution to Non-entitlement Units of local Government (NEUs). The Act further requires that a State is required to allocate and distribute the Local Fiscal Recovery Fund payment received from Treasury to each NEU in the State an amount that bears the same proportion to the amount of such payment as the population of the NEU bears to the total population of all the NEUs in the State. However, the total amount to be distributed to an NEU may not exceed the amount equal to 75 percent of its most recent budget as of January 27, 2020

Based on this methodology, City of Wharton received an allocation of \$2,140,127.24 paid out in two tranches. Tranche No. 1 is \$1,070,063.62 with Tranche No. 2. In the amount of \$1,070,063.62.

On July 1, 2021, the Texas Division of Emergency Management (TDEM) announced they would be the state agency in charge with distributing NEU allocations – as detailed by the legislation, the state is required to distribute NEU allocations and not the U.S. Treasury. Following the July 1st announcement, TDEM opened their Grant Management System (GMS) portal and the City officially requested their first tranche on July 12, 2021. On October 1, 2021 TDEM deposited into the City's account their 1st tranche. The second tranche can be requested approximately twelve months from the receipt of the first tranche on or around August 21, 2022. A supplemental amount was redistributed to the City based on the unclaimed ARPA funds. This initial supplemental allocation is \$2,114.79 which was deposited into the City's account on March 11, 2022. This supplemental deposit brings the total allocation for the City of Wharton's ARPA-CLRF program to \$2,142,242.03.

NEED IN CITY OF WHARTON

Based on the American Community Survey (ACS) 2020 5-year estimate, City of Wharton is currently home to 8,654 residents. Situated in Southeast Texas approximately sixty miles southwest of Houston. Located along the Colorado River, the city is surrounded by the City of El Campo to the southwest, the City of Bay City to the southeast, and the City of East Bernard to the north. City of Wharton encompasses an area of approximately 7.5 square miles and is rural in nature. Further demographic analysis of the city lists the following critical statistics:

- Poverty Rate for persons under 18: 18.3% (ACS 5-year estimate data table DP03)
- Language spoken at home other than English: 27.5% (ACS 5-year estimate data table DP02)
- Disability: 17.0% (ACS 5-year estimate data table DP02)
- Without Health Insurance: 29.8% (ACS 5-year estimate data table DP03)
- Unemployment Rate: 5.6% (ACS 5-year estimate data table DP03)
- Per Capita Income: \$21,848.00 (ACS 5-year estimate data table DP03)
- At risk population aged 65 years and older: 17.1% (ACS 5-year estimate data table DP05)

The demographic data coupled with the Low-to-Moderate Income Statistical Data (LMISD) as provided by the United States Department of Housing and Urban Development (HUD), establishes the City and surrounding Census Tracts and Block Groups as low income with social disparities. Data collected from the LMISD shows the city to have 51.7% LMI population with multiple block groups with the surrounding area of the city which are equal to or greatly exceed HUD's 51% LMI threshold to be deemed disadvantaged. Moreover, maps have been developed and included with this plan which detail the following boundary and thematic data (see Appendix I):

- Wharton County COVID-19 Trend
- City Social Vulnerability Index
- City Uninsured Index
- Difficult Development Area (DDA) & Qualified Census Tracts (QCT)

The collection of this data suggests that the city is a high priority area for pandemic assistance. Various statistical data sets confirm the City's overall need for pandemic recovery compared to the national averages.

RECOVERY GOALS AND OBJECTIVES

The purpose of the recovery plan is to create transparency and accountability of the fund's designation and expenditure. City of Wharton seeks to establish the following goals and objectives to determine the greatest need and best use of funds:

Goal #1: Sustainable Recovery Identification

Objective #1: Coordinate with local stakeholders about recovery needs.

Objective #2: Develop projects and programs that aid in recovery efforts.

Goal #2: Transparent Process

Objective #1: Create a recovery plan with a detailed assessment and implementation schedule.

Objective #2: Adopt a recovery plan and publish for public consumption.

Objective #3: Develop period reporting that tracks recovery activities and makes them available to the public.

Goal #3: Implement recovery

Objective #1: Develop program implementation processes for tracking reporting.

Objective #2: Develop program/project delivery schedules to ensure funds are allocated timely.

Objective #3: Monitor and document recordkeeping for audit and accountability requirements.

Goal #4: Finalize Recovery

Objective #1: Develop a final recovery report that details performance and fund utilization.

Objective #2: Present a final report to the governing body for review and approval.

Objective #3: Make the final report available to the public.

City of Wharton understands the federal requirements which govern these funds and will adhere to all applicable laws and regulations. Moreover, the City seeks to establish a program which guides program/project implementation that clearly details program/projects needs and justification as well as the process implementation that will be followed to ensure transparency and accountability.

IMPLEMENTING ARPA

The ARPA-CLFRF is a direct allocation with a broad range of eligible uses. Additionally, the published regulatory guidance is rather vague in some instances and clear in others. For these reasons the following procedures have been established to ensure consistent management practices for this funding and transparent records to validate compliance with the federal requirements. To this end, we believe the following implementation practices will apply:

- 2 CFR 200 - This includes all applicable sections of the code with special attention placed on the sections related to Methods of Procurement, Financial Management, Monitoring, Reporting and Audit Requirements.
- Davis Bacon and Related Acts (DBRA) - Options are presented by the Treasury's guidance that encourage fair labor provisions for constructed projects. However, the most practical for implementation, reporting and tracking are those related to DBRA.
- Civil Rights & Fair Housing - References within the Treasury's guidance are made to ensure funds are allocated to areas that have been disproportionately impacted by the COVID-19 Pandemic. The associated Terms and Conditions for fund distribution reflect adherence to Title VI of the Civil Rights Act of 1964. Implementation will ensure civil rights and fair housing activities are met and that funds are utilized in a fair and equitable manner.
- Uniform Relocation Act (URA) - It is understood that construction projects that require the acquisition of real property for designated and eligible uses must follow URA requirements and proper notification, valuation, and documentation will be necessary.
- Environmental Review - The Treasury has made clear in the various iterations of the Frequently Asked Questions (FAQ) that National Environmental Policy Act provisions do not apply to the administration of these funds unless these funds are combined with other federal funds where such provisions do apply. However, it is noted in the Terms and Conditions for fund distribution to follow all generally applicable federal laws and regulations. Due to the conflicting statements, and the general lack of clarity from the Treasury on the environmental review process, for construction projects a preliminary environmental review will be conducted to determine general environmental impacts. Based on these findings, on a per project basis, additional assessment will be conducted to determine the necessity for historic preservation, biological surveys, wetlands delineation, and USACE permitting.
- Reporting - The City is subject to reporting requirements directly to the Treasury. The Treasury Department has developed an online portal where recipients of ARPA-CLFRF dollars will submit reports. Specific reporting requirements as outlined by the Treasury are:
 - The initial project and expenditure report for annual filers will be due April 30, 2022 and will cover the period of March 3, 2021 to March 31, 2022.
 - The subsequent annual reports must be submitted to Treasury by April 30 each year.
- Financial Management - Records will be maintained according to the Generally Accepted Accounting Principles (GAAP) best practices. Included in this process are the development of financial ledgers, Purchase Order (PO), invoice and receipt review and payment, aligned with all applicable source and back-up documentation to procurement, contracting, and payments that comply with the applicable financial requirements as stated in 2 CFR 200.
- Procurement & Contracting - The City will comply with the local government code for procurement and contracting where applicable. However, it is noted that 2 CFR 200.320 Methods of Procurement will be followed in the implementation of these funds.

Administrative guidance is expected to evolve and modifications to implementation practices will be made accordingly. However, the proposed implementation strategy is to identify and utilize processes which require the most stringent management practices (similar to CDBG and FEMA implementation).

PROJECT IDENTIFICATION

The following project listing represents the City's proposed projects for ARPA-CLFRF. The table includes the project title, priority ranking, estimated budget, project schedule, and eligibility category according to the ARPA-CLFRF, as well as the justification of the project for expenditure using these funds. Appendix II includes the detailed project description and funding justification for each project.

The intent of this project listing is to provide a prioritized list of projects to select from. While this is not an exhaustive list of projects, it does represent eligible uses that would be critical to the overall City recovery efforts. Additionally, the listing of projects exceeds the total allocation to the city, however it is presented here for evaluation purposes. The ranking order may change based on project costs and timeframes which will impact the final selection of projects.

<u>Project</u>	<u>Priority</u>	<u>Estimated Cost</u>	<u>Schedule</u>	<u>Eligibility</u>
Bar Screens @ WWTP No. 1	1	\$1,450,000.00	18	Water/Sewer/Broadband
FEMA Project Match	2	\$400,000.00	24	Revenue Loss
GIS System	3	\$100,000.00	12	Revenue Loss
Rotary Drum Screen @ WWTP No. 2	4	\$150,000.00	9	Water/Sewer/Broadband
Downtown Strategic Plan	5	\$100,000.00	12	Revenue Loss
Management/Administration	N/A	\$80,000.00	N/A	Professional Services
<i>Total</i>		<i>\$2,280,000.00</i>	<i>24</i>	<i>Various</i>

Based on the projects listed above, the city has identified and prioritized five (5) project activities. Project budgets range from \$100,000 to \$1,450,000 for a combined total project listing of \$2,200,000.00. Another \$80,000 will be spent on program administration and contract management. The total project and professional service budget exceeds the City's overall allocation by \$137,757.97 which the city will cover with general revenue funds. The acceptance of this Recovery Plan does not commit the city to these expenditures. Rather, the Recovery Plan details the total list of potential expenditures that are aligned with eligible activities and project costs as defined by the Treasury.

The projects detailed in the tables above are based on preliminary assessments of need and may be subject to change if the project is officially pursued. The City deems all listed projects to be in line with the Treasury's guidance on project identification and eligibility. Significant changes to proposed projects may require an amendment to the Recovery Plan, but minor changes in scope and budget will not necessitate an amendment.

The City recognizes the federal regulations associated with the implementation of these funds and deems any professional service that assists with the management, implementation, planning, design, feasibility, and any other direct and indirect activities necessary in the compliance of the ARPA-CLFRF. To that end, the City will comply with applicable procurement of professional services to document and justify their costs.

REVENUE LOSS CALCULATION

Recipients may use payments from the ARPA-CLFRF for the provision of government services to the extent of the reduction in revenue experienced due to the COVID-19 public health emergency. Pursuant to sections 602(c)(1)(C) and 603(c)(1)(C) of the Act, a recipient's reduction in revenue is measured relative to the revenue collected in the most recent full fiscal year prior to the emergency.

The final rule offers a standard allowance for revenue loss of up to \$10 million, not to exceed a recipient's SLFRF award amount, allowing recipients to select between a standard amount of revenue loss or complete a full revenue loss calculation. Recipients that select the standard allowance may use that amount for government services.

To the extent that the City wishes to compute the projected revenue loss calculation it is determined by the reduction in revenue by comparing actual revenue to a counterfactual trend representing what could have been expected to occur in the absence of the pandemic. This approach measures losses in revenue relative to the most recent fiscal year prior to the COVID-19 public health emergency by using the most recent pre-pandemic fiscal year as the starting point for estimates of revenue growth absent the pandemic. In other words, the counterfactual trend starts with the last full fiscal year prior to the COVID-19 public health emergency and then assumes growth at a constant rate in the subsequent years. Because recipients can estimate the revenue shortfall at multiple points in time throughout the covered period as revenue is collected, this approach accounts for variation across recipients in the timing of pandemic impacts. Although revenue may decline for reasons unrelated to the COVID-19 public health emergency, to minimize the administrative burden on recipients and taking into consideration the devastating effects of the COVID-19 public health emergency, any diminution in actual revenues relative to the counterfactual pre-pandemic trend would be presumed to have been due to the COVID-19 public health emergency.

For purposes of measuring revenue growth in the counterfactual trend, recipients may use a growth adjustment of either 4.1 percent per year or the recipient's average annual revenue growth over the three full fiscal years prior to the COVID-19 public health emergency, whichever is higher. The option of 4.1 percent represents the average annual growth across all State and local government "General Revenue from Own Sources" in the most recent three years of available data. This approach provides recipients with a standardized growth adjustment when calculating the counterfactual revenue trend and thus minimizes administrative burden, while not disadvantaging recipients with revenue growth that exceeded the national average prior to the COVID-19 public health emergency by permitting these recipients to use their own revenue growth rate over the preceding three years.

Recipients should calculate the extent of the reduction in revenue as of four points in time: December 31, 2020; December 31, 2021; December 31, 2022; and December 31, 2023. To calculate the extent of the reduction in revenue at each of these dates, recipients should follow a four-step process:

- Step 1: Identify revenues collected in the most recent full fiscal year prior to the public health emergency (i.e., last full fiscal year before January 27, 2020), called the base year revenue.

- Step 2: Estimate counterfactual revenue, which is equal to base year revenue * [(1 + growth adjustment) ^{n/12}], where n is the number of months elapsed since the end of the base year to the calculation date, and growth adjustment is the greater of 4.1 percent and the recipient's average annual revenue growth in the three full fiscal years prior to the COVID-19 public health emergency.
- Step 3: Identify actual revenue, which equals revenues collected over the past twelve months as of the calculation date.
- Step 4: The extent of the reduction in revenue is equal to counterfactual revenue less actual revenue. If actual revenue exceeds counterfactual revenue, the extent of the reduction in revenue is set to zero for that calculation date.

SCHEDULE FOR ARPA FUNDS

The Treasury has implemented a general fund obligation and expenditure timeline. As a recipient of an award, the City may use ARPA-CLFRF funds to cover eligible costs incurred during the period that begins on March 3, 2021 and ends on December 31, 2024, as long as the award funds for the obligations incurred by December 31, 2024 are expended by December 31, 2026. Costs for projects incurred prior to March 3, 2021 are not eligible, as provided for in Treasury's Final Rule.

Projects detailed in the section above have varying project schedules ranging from nine (9) to twenty-four (24) months. Project schedules may either be advanced or delayed depending on various factors, including, but not limited to: market conditions, material costs and supply chain delays, scope modification, design delays, permitting, and environmental coordination and compliance.



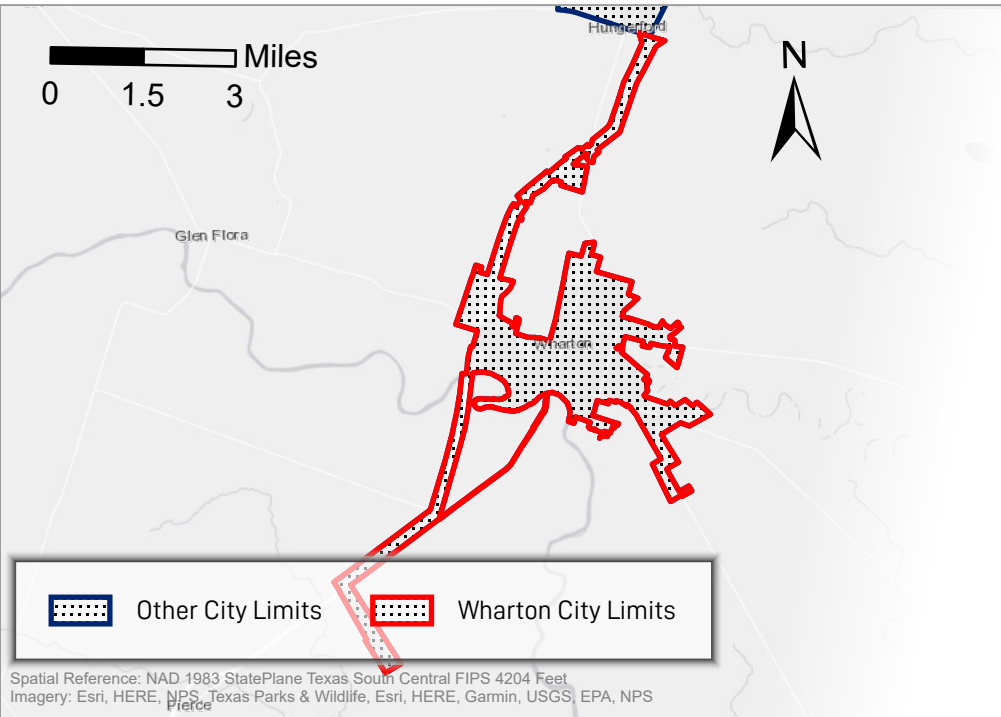
APPENDIX I

Wharton County, TX COVID-19 Data

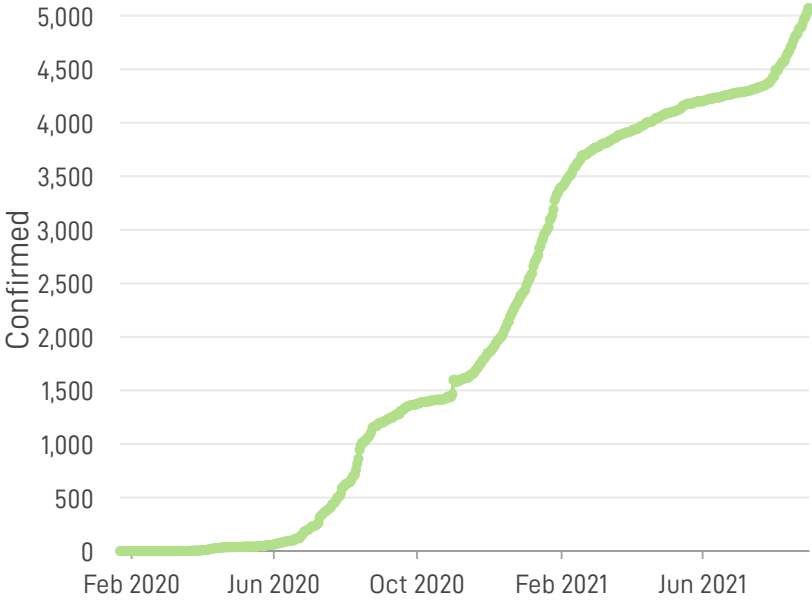
6,068
Total Number of Cases

162
Total Number of Deaths

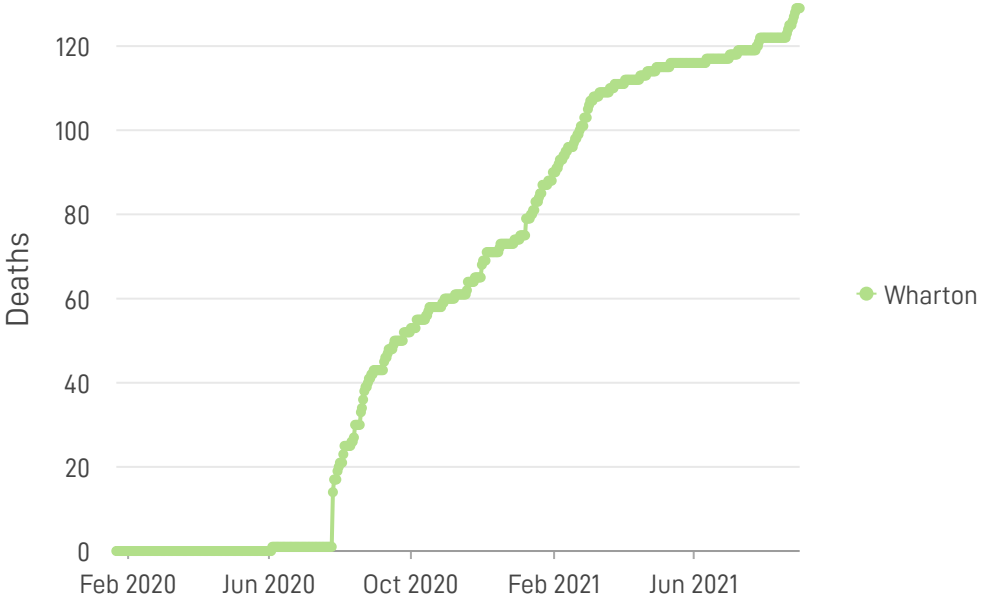
Sources: Johns Hopkins University CSSE

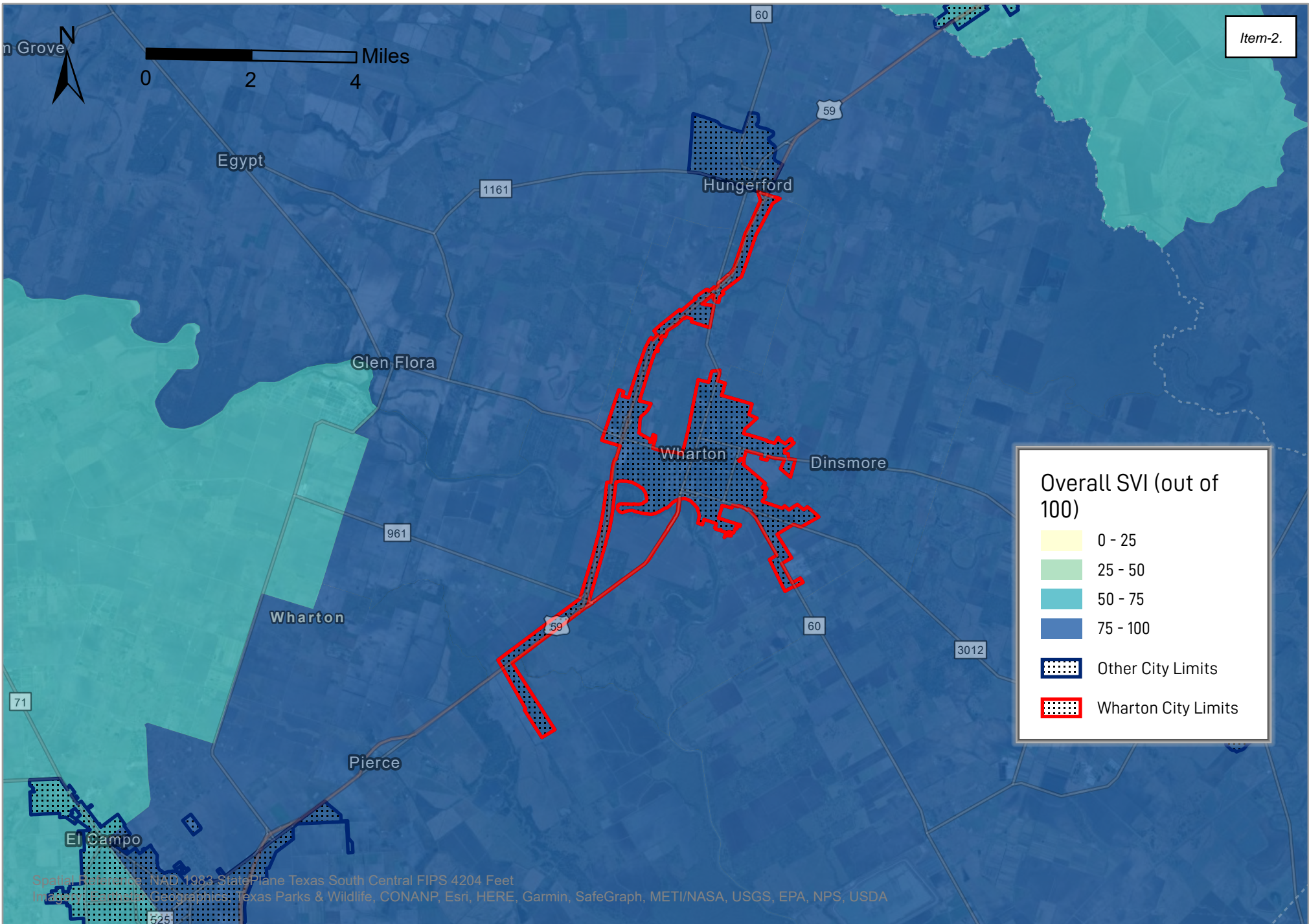


COVID Cases Over Time

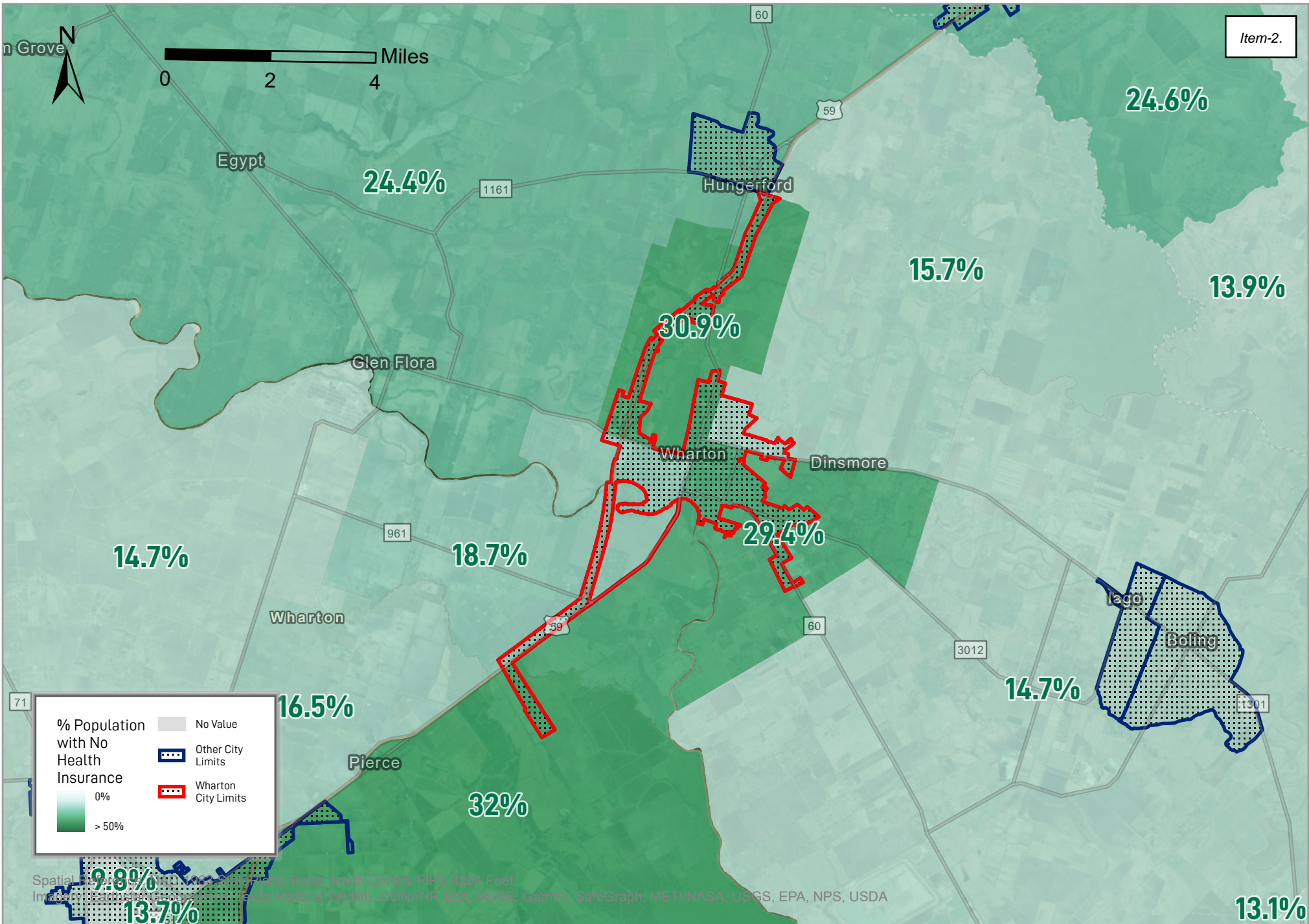


COVID Deaths Over Time





Spatial Reference: NAD 1983 StatePlane Texas South Central FIPS 4204 Feet
Image Credits: Esri, Texas Parks & Wildlife, CONANP, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA



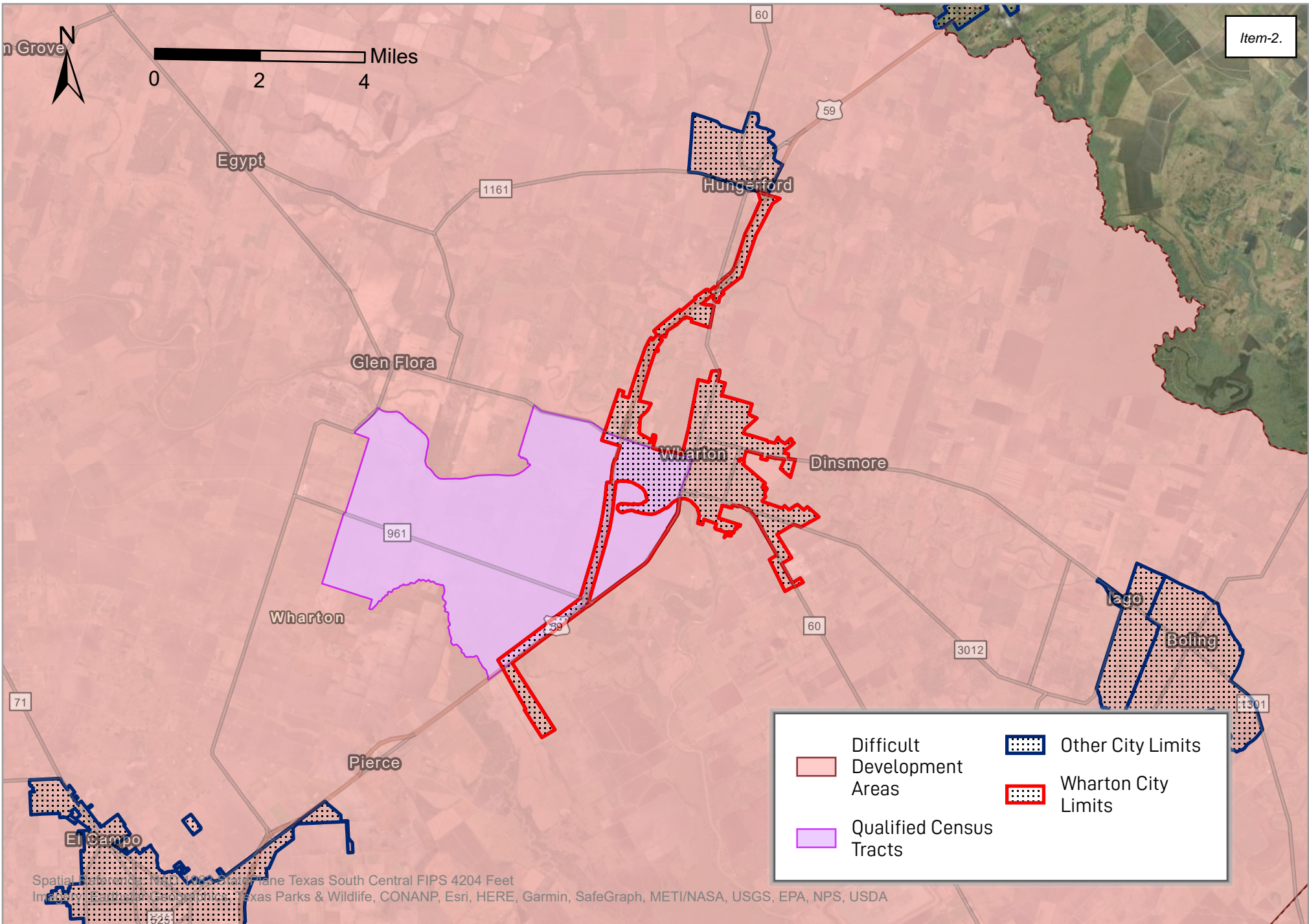
% Population with No Health Insurance

- 0% (Lightest Green)
- > 50% (Darkest Green)

Legend:

- No Value (Grey box)
- Other City Limits (Blue dashed outline)
- Wharton City Limits (Red solid outline)

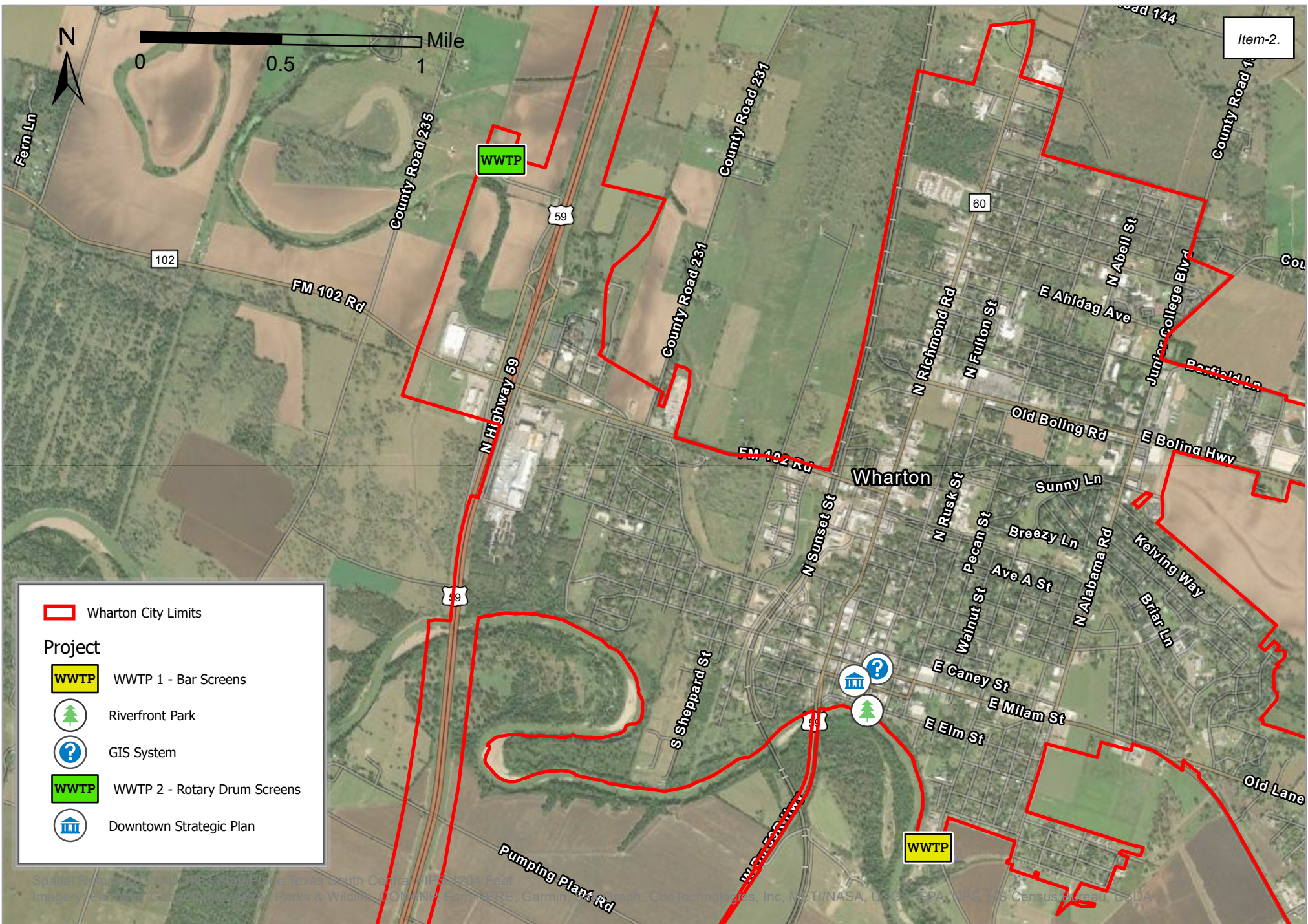
Spatial Reference: NAD 83 Texas South Central FIPS 4204 Feet
 Imagery: Esri, DigitalGlobe, GeoEye, Earthstar (United States), CNR, Aermap, IGN, Texas Parks & Wildlife, CONANP, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA



Spatial Reference: NAD 83 StatePlane Texas South Central FIPS 4204 Feet
 Imagery: Esri, DeLorme, GeoEye, Texas Parks & Wildlife, CONANP, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA



APPENDIX II



Wharton City Limits

Project

- WWTP 1 - Bar Screens
- Riverfront Park
- GIS System
- WWTP 2 - Rotary Drum Screens
- Downtown Strategic Plan

Spatial Data Co. 1991, 1983 StatePlane Texas South Central NAD 1983 11 Feet
Imagery: Canisler Geographics, Texas Parks & Wildlife, COMANT, Esri, HERE, Garmin, DeLorme, GeoTechnology, Inc., NICTA/NASA, USGS, EPA, NPS, US Census Bureau, USDA

Project Title:	Bar Screens @ Wastewater Treatment Plant	Priority:	1
Project Description:	Replace the existing and non-functioning catenary mechanical screen at the headworks of Wastewater Treatment Plant (WWTP) No. 1. The existing control panel and electrical conduit and conductors will be replaced. A new control panel will be installed with new instruments, hardware, conduit and conductors. A new ultrasonic level transducer will be installed in the upstream portion of the channel to automatically control the screen. Ancillary modifications including increasing the capacity of the auto-dialer and human-machine-interface (HMI) features will be including in this design. The existing walls in the mechanical screen channel will receive up to 1/2 -inch repair mortar should it be required after a surface preparation of the walls, and a protective coating will be applied over the top of the existing walls.		
Cost Estimate:	\$1,450,000.00	Project Schedule:	18 Months
Requesting Department:	Public Works	Eligibility Category:	Water/Sewer/Broadband
Funding Justification:	The project is aligned with necessary investment in water, sewer, and broadband infrastructure. This capital expenditure is critical to the operation of the plant. Improvements at the plant will ensure the City can adequately treat sewage and maintain consistent operation. The improvements further protect the community from operation disruptions that are associated with filtration malfunctions.		

Project Title:	FEMA Project Match	Priority:	2
Project Description:	The City of Wharton received funding under FEMA DR 4269-PW512 City of Wharton Riverfront Park Repairs. Due to the Wharton Levee Project being fully funded and the Levee restricting access to the Riverfront Park, the City of Wharton is utilizing the funds via an alternate project. As a requirement of the PA assistance the City is require to provide a 25% match to this funding.		
Cost Estimate:	\$400,000.00	Project Schedule:	24 Month
Requesting Department:	Administration	Eligibility Category:	Revenue Loss
Funding Justification:	The City has elected to associate this expenditure to the Treasury's Final Rule regarding Revenue Loss of up to \$10 million. Due to the City's budgetary shortfalls, and ever-expanding infrastructure needs, the match for the FEMA Project (EMA DR 4269-PW512 City of Wharton Riverfront Park Repairs Alternate Project) paid from the ARPA allocation will be critical for the City's operating budget needs.		

Project Title:	GIS System	Priority:	3
Project Description:	The City seeks to develop a comprehensive GIS system that will log and store all appropriate municipal infrastructure into a single database. Additionally, the City will incorporate jurisdiction boundary mapping, land use mapping, and CAD data for parcels that will assist the City with development and planning needs.		
Cost Estimate:	\$100,000.00	Project Schedule:	12 Months
Requesting Department:	Administration	Eligibility Category:	Revenue Loss
Funding Justification:	Developing GIS data systems has been a top priority for the City of Wharton for several years. The Treasury's Final Rule regarding Revenue Loss of up to \$10 million allows the City to capitalize on software development and upgrades.		

Project Title:	Rotary Drum Screen @ WWTP	Priority:	4
Project Description:	Replace the existing and original rotary drum screen that is in poor condition at the headworks of Wastewater Treatment Plant (WWTP) No. 2. The existing pedestal will receive repair mortar should it be required after a surface preparation of the walls, and a protective coating will be applied over the top of the existing concrete pedestal.		
Cost Estimate:	\$150,000.00	Project Schedule:	9 Months
Requesting Department:	Public Works	Eligibility Category:	Water/Sewer/Broadband
Funding Justification:	The project is aligned with necessary investment in water, sewer, and broadband infrastructure. This expenditure will address the aging components at the plant and will allow for more efficient operation.		

Project Title:	Downtown Strategic Plan	Priority:	5
Project Description:	The City seeks to develop a Downtown Strategic Plan that will guide the City's development and take advantage of the City's regional significance as well as capitalize on the historic and natural features of the City. The Plan will incorporate updated central business district designation, current and future land use development, zoning and ordinance development/review, the creation of economic incentive policies, as well as strategic capital expenditures to encourage future development and growth of the community.		
Cost Estimate:	\$100,000.00	Project Schedule:	12 Months
Requesting Department:	Administration	Eligibility Category:	Revenue Loss
Funding Justification:	Developing a Downtown Strategic plan has been a top priority for the City of Wharton for several years. The Treasury's Final Rule regarding Revenue Loss of up to \$10 million allows the City to capitalize on this planning initiative.		

Project Title:	Management/Administration	Priority:	N/A
Project Description:	Management and program administration for American Rescue Plan Act Implementation. Services are associated, but not limited to, Reporting, Administration compliance, financial management, procurement and contracting, environmental assessment, labor standards,		
Cost Estimate:	\$80,000.00	Project Schedule:	N/A
Requesting Department:	Administration	Eligibility Category:	All
Funding Justification:	Compliance with all applicable laws and regulations as well as the unique compliance regulations associated with using federal funds for construction projects necessitates the use of 3 rd part management. Professional services are an eligible expense for project development and implementation according to the U.S. Department of Treasury's latest guidance.		

CITIZEN PARTICIPATION PLAN

AMERICAN RESCUE PLAN ACT – CORONAVIRUS LOCAL FISCAL RECOVERY FUND (ARPA – CLFRF)

COMPLAINT PROCEDURES

These complaint procedures comply with the requirements of the United States Treasury Department’s ARP - CLFRF Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at the City of Wharton, 120 East Caney Street, Wharton, TX 77488, (979) 532-2491, during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the ARP - CLFRF project.

1. A person who has a complaint or grievance about any services or activities with respect to the ARP - CLFRF project, whether it is a proposed, ongoing, or completed ARP - CLFRF should contact the City of Wharton, 120 East Caney Street, Wharton, TX 77488, (979) 532-2491.
2. A copy of the complaint or grievance shall be transmitted by the City Secretary to the entity that is the subject of the complaint or grievance and to the City Attorney within five (5) working days after the date of the complaint or grievance was received.
3. The City shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to the person who made the complaint or grievance within ten (10) days.
4. If the investigation cannot be completed within ten (10) working days per 3 above, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.
5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the ARP - CLFRF for their further review and comment.
6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

TECHNICAL ASSISTANCE

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

PUBLIC HEARING PROVISIONS

For each public hearing scheduled and conducted by the City, the following public hearing provisions shall be observed:

1. Public notice of all hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice must include the date, time, location, and topics to be considered at the public hearing. A published newspaper article can also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.

2. When a significant number of non-English speaking residents are a part of the potential service area of an ARP - CLFRF project, vital documents such as notices should be published in the predominant language of these non-English speaking citizens.
3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and the City must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to the hearing.
4. A public hearing held prior to the submission of a ARP - CLFRF application must be held after 5:00 PM on a weekday or at a convenient time on a Saturday or Sunday.
5. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City shall comply with the following citizen participation requirements for the preparation and submission of an application for an ARP - CLFRF project:

1. At a minimum, the City shall hold at least one (1) public hearing prior to submitting the application to the United States Treasury Department.
2. The City shall retain documentation of the hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the proposed use of funds for three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.
3. The public hearing shall include a discussion with citizens as outlined in the applicable ARP - CLFRF application manual to include, but is not limited to, the development of housing and community development needs, the amount of funding available, all eligible activities under the ARP - CLFRF program, and the use of past ARP - CLFRF contract funds, if applicable. Citizens, with particular emphasis on persons of low- and moderate-income who are residents of slum and blight areas, shall be encouraged to submit their views and proposals regarding community development and housing needs. Citizens shall be made aware of the location where they may submit their views and proposals should they be unable to attend the public hearing.
4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City must comply with the following citizen participation requirements in the event that the City receives funds from the ARP - CLFRF program:

1. The City shall also hold a public hearing concerning any substantial change, as determined by ARP - CLFRF, proposed to be made in the use of ARP - CLFRF funds from one eligible activity to another again using the preceding notice requirements.
2. Upon completion of the ARP - CLFRF project, the City shall hold a public hearing and review its program performance including the actual use of the ARP - CLFRF funds.
3. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, for either a public hearing concerning substantial change to the ARP - CLFRF project or for the closeout of the ARP - CLFRF project, publish notice in both English and Spanish, or other appropriate language and provide an interpreter at the hearing to accommodate the needs of the non-English speaking residents.

4. The City shall retain documentation of the ARP - CLFRF project, including hearing notice(s), a listing Item-2. persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.

Tim Barker, Mayor

Date

**PLAN DE RESCATE AMERICANO - CORONAVIRUS LOCAL FISCAL RECOVERY FUND Y
ADHRENCIA REGULACIÓN DE ARPA - CLFRF**

PROCEDIMIENTOS QUEJAS DEL

Estos procedimientos de quejas cumplen con los requisitos del Programa ARP - CLFRF del Departamento del Tesoro de los Estados Unidos y los Requisitos del Gobierno Local que se encuentran en 24 CFR §570.486 (Código de Regulaciones Federales). Los ciudadanos pueden obtener una copia de estos procedimientos en la Ciudad de Wharton, 120 East Caney Street, Wharton, TX 77488, (979) 532-2491, durante el horario comercial habitual.

A continuación, se muestran los procedimientos formales de quejas y quejas con respecto a los servicios prestados en el marco del proyecto ARP - CLFRF.

1. Una persona que tenga una queja o queja sobre cualquier servicio o actividad con respecto al proyecto ARP - CLFRF, ya sea un ARP - CLFRF propuesto, en curso o completado, debe comunicarse con la Ciudad de Wharton, 120 East Caney Street, Wharton, TX 77488, (979) 532-2491.
2. El secretario de la Ciudad transmitirá una copia de la queja o queja formal a la entidad que es objeto de la queja o queja y a la Ciudad Fiscal de dentro de los cinco (5) días hábiles. después de la fecha de recepción de la queja o agravio.
3. La Ciudad completará una investigación de la queja o queja, si es posible, y proporcionará una respuesta por escrito oportuna a la persona que presentó la queja o queja dentro de los diez (10) días.
4. Si la investigación no se puede completar dentro de los diez (10) días hábiles de los 3 anteriores, se notificará a la persona que presentó la queja o queja, por escrito, dentro de los quince (15) días, cuando sea posible, después de recibir la queja o queja original y deberá detalle cuándo debe completarse la investigación.
5. Si es necesario, la queja y una copia por escrito de la investigación posterior se enviarán al ARP - CLFRF para su revisión y comentarios adicionales.
6. Si corresponde, proporcione copias de los procedimientos de quejas y respuestas a las quejas tanto en inglés como en español, o en otro idioma apropiado.

ASISTENCIA TÉCNICA

Cuando se solicite, la Ciudad proporcionará asistencia técnica a grupos que sean representativos de personas de ingresos bajos y moderados en el desarrollo de propuestas para el uso de fondos ARP - CLFRF. La Ciudad, según las necesidades específicas de los residentes de la comunidad en el momento de la solicitud, determinará el nivel y el tipo de asistencia.

DISPOSICIONES DE AUDIENCIA PÚBLICA

Para cada audiencia pública programada y conducida por la Ciudad, se observarán las siguientes disposiciones de audiencia pública:

1. El aviso público de todas las audiencias debe publicarse al menos setenta y dos (72) horas antes de la audiencia programada. El aviso público debe publicarse en un periódico local. Cada aviso público debe incluir la fecha, la hora, el lugar y los temas que se considerarán en la audiencia pública. Un artículo de periódico publicado también se puede utilizar para cumplir con este requisito siempre que cumpla con todos los requisitos de contenido y tiempo. Los avisos también deben colocarse en un lugar destacado

edificios públicos y distribuirse a las autoridades locales de vivienda pública y otros grupos comunitarios interesados.

2. Cuando un número significativo de residentes que no hablan inglés forman parte del área de servicio potencial del proyecto ARP - CLFRF, los documentos vitales, como los avisos, deben publicarse en el idioma predominante de estos ciudadanos que no hablan inglés.
3. Cada audiencia pública se llevará a cabo en un momento y lugar convenientes para los beneficiarios potenciales o reales e incluirá adaptaciones para personas con discapacidades. Las personas con discapacidades deben poder asistir a las audiencias y la Ciudad debe hacer arreglos para las personas que requieren ayudas o servicios auxiliares si se contactan al menos dos días antes de la audiencia.
4. Una audiencia pública que se lleve a cabo antes de la presentación de una solicitud ARP - CLFRF debe realizarse después de las 5:00 p.m. En un día laborable o en un horario conveniente los sábados o domingos.
5. Cuando se puede esperar razonablemente que un número significativo de residentes que no hablan inglés participe en una audiencia pública, un intérprete debe estar presente para satisfacer las necesidades de los residentes que no hablan inglés.

La Ciudad deberá cumplir con los siguientes requisitos de participación ciudadana para la preparación y presentación de una solicitud para un proyecto ARP - CLFRF:

1. Como mínimo, la Ciudad deberá celebrar al menos una (1) audiencia pública antes de presentar la solicitud al Departamento del Tesoro de los Estados Unidos.
2. La Ciudad conservará la documentación de los avisos de audiencia, una lista de las personas que asistieron a las audiencias, las actas de las audiencias y cualquier otro registro relacionado con el uso propuesto de fondos durante tres (3) años desde el cierre de la subvención al estado. Dichos registros se pondrán a disposición del público de acuerdo con el Capítulo 552 del Código de Gobierno de Texas.
3. La audiencia pública incluirá una discusión con los ciudadanos como se describe en el manual de solicitud ARP - CLFRF aplicable para incluir, pero no se limita a, el desarrollo de las necesidades de desarrollo de vivienda y comunidad, la cantidad de fondos disponibles, todas las actividades elegibles bajo el ARP - Programa CLFRF, y el uso de fondos anteriores del contrato ARP - CLFRF, si corresponde. Se alentará a los ciudadanos, con especial énfasis en las personas de ingresos bajos y moderados que residen en barrios marginales y áreas deterioradas, a presentar sus puntos de vista y propuestas con respecto al desarrollo de la comunidad y las necesidades de vivienda. Los ciudadanos deberán conocer el lugar donde pueden presentar sus opiniones y propuestas en caso de que no puedan asistir a la audiencia pública.
4. Cuando se puede esperar razonablemente que un número significativo de residentes que no hablan inglés participe en una audiencia pública, un intérprete debe estar presente para satisfacer las necesidades de los residentes que no hablan inglés.

La Ciudad debe cumplir con los siguientes requisitos de participación ciudadana en caso de que la Ciudad reciba fondos del programa ARP - CLFRF:

1. La Ciudad también deberá realizar una audiencia pública sobre cualquier cambio sustancial, según lo determine ARP - CLFRF, propuesto para ser realizado en el uso de fondos ARP - CLFRF de una actividad elegible a otra nuevamente utilizando los requisitos de notificación anteriores.
2. Una vez finalizado el proyecto ARP - CLFRF, la ciudad celebrará una audiencia pública y revisará el desempeño de su programa, incluido el uso real de los fondos ARP - CLFRF.
3. Cuando se pueda esperar razonablemente que un número significativo de residentes que no hablen inglés participe en una audiencia pública, ya sea para una audiencia pública relacionada con un cambio sustancial en el proyecto ARP - CLFRF o para el cierre del proyecto ARP - CLFRF, publique un aviso en ambos

inglés y español, u otro idioma apropiado y proporcionar un intérprete en la audiencia para satisfacer necesidades de los residentes que no hablan inglés.

Item-2.

4. La Ciudad conservará la documentación del proyecto ARP - CLFRF, incluidos los avisos de audiencia, una lista de las personas que asistieron a las audiencias, las actas de las audiencias y cualquier otro registro relacionado con el uso real de los fondos. por un período de tres (3) años a partir del cierre de la subvención al estado. Dichos registros se pondrán a disposición del público de acuerdo con el Capítulo 552 del Código de Gobierno de Texas.

Tim Barker, Alcalde

Fecha

Section 3 Policy

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

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

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

Tim Barker, Mayor

Date

De acuerdo con 12 USC 1701u la Ciudad de Wharton acuerda implementar los siguientes pasos, que, en *la mayor medida posible*, proporcionarán capacitación, laboral empleo y oportunidades de contratación para los residentes de la Sección 3 y las empresas de la Sección 3 de las áreas en las que se está llevando a cabo el programa / proyecto.

- A. Introducir y aprobar una resolución adoptando este plan como una política para esforzarse por alcanzar las metas de cumplimiento de las regulaciones de la Sección 3 al aumentar las oportunidades de empleo y contratación para los residentes y empresas de la Sección 3.
- B. Asignar deberes relacionados con la implementación de este plan al Oficial de Derechos Civiles designado.
- C. Notificar a los residentes de la Sección 3 y las inquietudes comerciales sobre posibles nuevos empleos y oportunidades de contratación a medida que se desencadenan por las subvenciones ARP - CLFRF mediante el uso de: Audiencias públicas y anuncios relacionados; avisos públicos; anuncios de licitación y documentos de licitación; notificación a organizaciones comerciales locales como la (s) Cámara (s) de Comercio o la Urban League; medios publicitarios locales, incluida la señalización pública; comités de área de proyecto y juntas asesoras ciudadanas; agencias de planificación regional; y todas las demás fuentes de referencia apropiadas. Incluya cláusulas de la Sección 3 en todas las solicitudes y contratos cubiertos.
- D. Mantener una lista de aquellas empresas que se han identificado a sí mismas como empresas de la Sección 3 para su utilización en adquisiciones financiadas por ARP - CLFRF, notificar a esas empresas sobre oportunidades contractuales pendientes y hacer que esta lista esté disponible para las necesidades generales de adquisiciones del Beneficiario de la Subvención.
- E. Mantenga una lista de aquellas personas que se han identificado a sí mismas como residentes de la Sección 3 y comuníquese con esas personas cuando haya oportunidades de contratación / capacitaciones disponibles a través del Beneficiario de la Subvención o los contratistas.
- F. Exigir que todos los contratistas y subcontratistas Prime con contratos de más de \$ 100,000 se comprometan con este plan como parte de su trabajo por contrato. Supervisar el desempeño de los contratistas con respecto al cumplimiento de los requisitos de la Sección 3 y exigir que presenten informes según lo requiera TREASURY al Beneficiario de la Subvención.
- G. Presentar informes según lo requiera TREASURY con respecto a la contratación con empresas de la Sección 3 y / o empleo a medida que ocurren; y presentar informes dentro de los 20 días posteriores al final del año fiscal federal (antes del 20 de octubre) que identifiquen y cuantifiquen las empresas y los empleados de la Sección 3.
- H. Mantener registros, incluidas copias de correspondencia, memorandos, etc., que documenten todas las acciones tomadas para cumplir con las regulaciones de la Sección 3.

Como funcionarios y representantes de la Ciudad de Wharton, los abajo firmantes hemos leído y estamos totalmente de acuerdo con este plan y nos convertimos en parte de la implementación completa de este programa.

Tim Barker, Alcalde

Fecha

Excessive Force Policy

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

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

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

Tim Barker, Mayor

Date

Política de fuerza excesiva

De acuerdo con 24 CFR 91.325 (b) (6), la Ciudad de Wharton por la presente adopta y hará cumplir la siguiente política con respecto al uso de fuerza excesiva:

1. Es la política de la Ciudad de Wharton prohibir el uso de fuerza excesiva por parte de los organismos encargados de hacer cumplir la ley dentro de su jurisdicción contra cualquier individuo involucrado en manifestaciones no violentas de derechos civiles;
2. También es política de la Ciudad de Wharton hacer cumplir las leyes estatales y locales aplicables contra la restricción física de la entrada o salida de una instalación o ubicación que sea objeto de manifestaciones no violentas de derechos civiles dentro de su jurisdicción.
3. La ciudad de Wharton presentará y aprobará una resolución adoptando esta política.

Como funcionarios y representantes de la Ciudad de Wharton, los abajo firmantes hemos leído y estamos totalmente de acuerdo con este plan, y nos convertimos en parte de la implementación completa de este programa.

Tim Barker, Alcalde

Fecha

Section 504 Policy Against Discrimination
based on Handicap and Grievance Procedures

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

1. **Discrimination prohibited.** No otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Treasury.
2. The City of Wharton does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its federally assisted programs and activities.
3. The City of Wharton recruitment materials or publications shall include a statement of this policy in 1. above.
4. The City of Wharton shall take continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients that it does not discriminate on the basis of handicap in violation of 24 CFR Part 8.
5. For hearing and visually impaired individuals eligible to be served or likely to be affected by the ARP - CLFRF program, City of Wharton shall ensure that they are provided with the information necessary to understand and participate in the ARP - CLFRF program.
6. **Grievances and Complaints**
 - A. Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for City of Wharton to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
 - B. Complaints should be addressed to: City of Wharton, City Secretary, 120 East Caney Street, Wharton, TX 77488, (979) 532-2491, who has been designated to coordinate Section 504 compliance efforts
 - C. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
 - D. A complaint should be filed within thirty (30) working days after the complainant becomes aware of the alleged violation.
 - E. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by City. Informal but thorough investigations will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
 - F. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by City, and a copy forwarded to the complainant with fifteen (15) working days after the filing of the complaint where practicable.
 - G. The Section 504 coordinator shall maintain the files and records of the City of Wharton relating to the complaint's files.
 - H. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the determination/resolution as described in f. above. The request for reconsideration should be made to the City of Wharton within ten working days after the receipt of the written determination/resolution.

- I. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Treasury. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- J. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the City of Wharton complies with Section 504 and Treasury regulations.

Tim Barker, Mayor

Date

**Sección 504 Política contra la discriminación
basada en discapacidades y procedimientos de quejas**

Item-2.

De acuerdo con 24 CFR Sección 8, No discriminación basada en discapacidades en programas y actividades con asistencia federal del Plan de Rescate Estadounidense del Tesoro de los Estados Unidos, Sección 504 de la Ley de Rehabilitación de 1973, según enmendada (29 USC 794), y la Sección 109 de la Ley de Vivienda y Desarrollo Comunitario de 1974, según enmendada (42 USC 5309), la Ciudad de Wharton adopta la siguiente política y procedimientos de quejas:

1. Prohibida la discriminación. Ninguna persona calificada con discapacidades en los Estados Unidos, únicamente por razón de su discapacidad, será excluida de la participación, se le negarán los beneficios o será objeto de discriminación en cualquier programa o actividad que reciba asistencia financiera federal de la Tesorería.
2. La Ciudad de Wharton no discrimina por motivos de discapacidad en la admisión o acceso, tratamiento o empleo en sus programas y actividades con asistencia federal.
3. Los Ciudad de Wharton materiales o publicaciones de reclutamiento de la deberán incluir una declaración de esta política en 1. arriba.
4. La Ciudad de Wharton tomará medidas continuas para notificar a los participantes, beneficiarios, solicitantes y empleados, incluidos aquellos con problemas de visión o audición, y sindicatos u organizaciones profesionales que tengan convenios colectivos o acuerdos profesionales con los destinatarios que no discrimina. la base de la discapacidad en violación de 24 CFR Parte 8.
5. Para las personas con discapacidades auditivas y visuales elegibles para recibir servicios o que puedan verse afectadas por el programa ARP - CLFRF, la Ciudad de Wharton se asegurará de que se les proporcione la información necesaria para comprender y participar en el programa ARP - CLFRF.
6. Quejas formales y quejas
 - A. Cualquier persona que crea que ha sido objeto de discriminación por motivos de discapacidad puede presentar una queja conforme a este procedimiento. Es contra la ley que la Ciudad de Wharton tome represalias contra cualquier persona que presente una queja o coopere en la investigación de una queja.
 - B. Las quejas deben dirigirse a: Ciudad de Wharton, secretario de la ciudad, 120 East Caney Street, Wharton, TX 77488, (979) 532-2491, que ha sido designado para coordinar los esfuerzos de cumplimiento de la Sección 504
 - C. Una queja debe presentarse por escrito o verbalmente, contener el nombre y la dirección de la persona que la presenta, y describa brevemente la supuesta violación de las regulaciones.
 - D. Una queja debe ser presentada dentro de los treinta (30) hábiles días después de que el demandante tenga conocimiento de la presunta violación.
 - E. Una investigación, según corresponda, seguirá a la presentación de una queja. La investigación será realizada por la Ciudad. Las investigaciones informales pero exhaustivas brindarán a todas las personas interesadas y a sus representantes, si los hay, la oportunidad de presentar pruebas relevantes para una queja.
 - F. Una determinación escrita en cuanto a la validez de la queja y la descripción de la resolución, en su caso, será expedido por Ciudad, y una copia remitida al demandante con quince (15) hábiles días siguientes a la presentación de la demanda siempre que sea posible.
 - G. El coordinador de la Sección 504 mantendrá los archivos y registros de la Ciudad de Wharton relacionados con los archivos de la queja.

- H. El denunciante puede solicitar una reconsideración del caso en los casos en que no esté satisfecho con la determinación / resolución como se describe en f. encima. La solicitud de reconsideración debe hacerse a la Ciudad de Wharton en cuestión de diez de trabajo días después de la recepción de la resolución / resolución por escrito.
- I. El derecho de una persona a una resolución pronta y equitativa de la queja presentada a continuación no se verá afectado por la búsqueda de otros recursos por parte de la persona, como la presentación de una queja de la Sección 504 ante el Departamento del Tesoro de los EE. UU. La utilización de este procedimiento de quejas no es un requisito previo para la búsqueda de otros recursos.
- J. Estos procedimientos se interpretarán para proteger los derechos sustantivos de las personas interesadas, para cumplir con los estándares de debido proceso apropiados y asegurar que la Ciudad de Wharton cumpla con la Sección 504 y las regulaciones del Tesoro.

Tim Barker, Alcalde

Fecha

Fair Housing Policy

In accordance with Fair Housing Act, the City of Wharton hereby adopts the following policy with respect to the Affirmatively Furthering Fair Housing:

1. City of Wharton agrees to affirmatively further fair housing choice for all seven protected classes (race, color, religion, sex, disability, familial status, and national origin).
2. City of Wharton agrees to plan at least one activity during the contract term to affirmatively further fair housing.
3. City of Wharton will introduce and pass a resolution adopting this policy.

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

Tim Barker, Mayor

Date

Política de vivienda justa

De acuerdo con la Ley de Vivienda Justa, la Ciudad de Wharton por la presente adopta la siguiente política con respecto a Promover Afirmativamente la Vivienda Justa: La

1. La Ciudad de Wharton acuerda afirmar más opciones de vivienda justa para las siete clases protegidas (raza, color, religión, sexo, discapacidad, situación familiar y nacionalidad).
2. La Ciudad de Wharton acuerda planificar al menos una actividad durante el plazo del contrato para promover afirmativamente la vivienda justa.
3. La Ciudad de Wharton presentará y aprobará una resolución adoptando esta política.

Como funcionarios y representantes de la Ciudad de Wharton, los abajo firmantes hemos leído y estamos totalmente de acuerdo con este plan y nos convertimos en parte de la implementación completa de este programa.

Tim Barker, Alcalde

Fecha

CODE OF CONDUCT**CONFLICT OF INTEREST POLICY PERTAINING TO PROCUREMENT PROCEDURES**

As a Grant Recipient of a federal or state grant contract (including ARP - CLFRF), the City of Wharton shall avoid, neutralize or mitigate actual or potential conflicts of interest so as to prevent an unfair competitive advantage or the existence of conflicting roles that might impair the performance of the federal or state grant contract or impact the integrity of the procurement process.

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

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

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

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

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

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

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

Tim Barker, Mayor

Date

CÓDIGO DE CONDUCTA
POLÍTICA DE CONFLICTO DE INTERÉS RELATIVO A LOS PROCEDIMIENTOS DE
ADQUISICIÓN

Como beneficiario de una subvención de un contrato de subvención federal o estatal (incluido ARP - CLFRF), la Ciudad de Wharton deberá evitar, neutralizar o mitigar los conflictos de intereses reales o potenciales a fin de evitar una ventaja competitiva injusta o la existencia de roles en conflicto que puedan afectar el desempeño del contrato de subvención federal o estatal o afectar la integridad del proceso de adquisición.

Para la adquisición de bienes y servicios, ningún empleado, funcionario o agente de la Ciudad de Wharton participará en la selección, adjudicación o administración de un contrato respaldado por fondos de subvención federales o estatales (incluido ARP - CLFRF) si él o ella tiene un conflicto de intereses real o aparente. Tal conflicto podría surgir si el empleado, funcionario o agente; cualquier miembro de su familia inmediata; su pareja; o una organización que emplea o está a punto de emplear a cualquiera de las partes indicadas en este documento, tiene un interés financiero o de otro tipo o un beneficio personal tangible de una empresa considerada para un contrato.

Ningún funcionario, empleado o agente de la Ciudad de Wharton solicitará o aceptará gratificaciones, favores o cualquier cosa de valor monetario de contratistas o firmas, contratistas potenciales o firmas, o partes de sub-acuerdos, excepto cuando el interés financiero no sea sustancial o el obsequio es un artículo no solicitado de valor intrínseco nominal.

Los contratistas que desarrollen o redacten especificaciones, requisitos, declaraciones de trabajo o invitaciones a licitaciones o solicitudes de propuestas deben ser excluidos de competir por tales adquisiciones.

Para todos los demás casos, ningún empleado, agente, consultor, funcionario o funcionario electo o designado del estado, o de una unidad del gobierno local general, o de cualquier agencia pública designada, o subbeneficiarios que estén recibiendo fondos de subvenciones federales o estatales (incluyendo ARP - CLFRF), que tiene alguna función / responsabilidad relacionada con la subvención, o que está en posición de participar en un proceso de toma de decisiones u obtener información privilegiada, puede obtener un interés financiero o beneficiarse de la actividad de subvención federal o estatal.

Las restricciones de conflicto de intereses y los requisitos de adquisición identificados en este documento se aplicarán a una empresa que se beneficie, un proveedor de servicios públicos u otra entidad de terceros que esté recibiendo asistencia, directa o indirectamente, en virtud de un contrato o adjudicación de subvención federal o estatal, o que deba completar algunos o todos trabajan bajo el contrato de subvención federal o estatal para cumplir con los Objetivos del Programa Nacional.

Cualquier persona o entidad, incluida cualquier empresa que se beneficie, proveedor de servicios públicos u otra entidad de terceros que esté recibiendo asistencia, directa o indirectamente, en virtud de un contrato o adjudicación de subvención federal o estatal (incluido ARP - CLFRF), o que deba completar algunos o Todo el trabajo bajo el contrato de subvención federal o estatal para cumplir con un Objetivo del Programa Nacional, que potencialmente podría recibir beneficios de la subvención federal o estatal, no puede participar en la selección, adjudicación o administración de un contrato respaldado por una subvención federal o estatal. fondos.

Cualquier presunta violación de estos estándares de conducta será referida allá Ciudad de Wharton 's Abogado de. Cuando parezca que se han producido infracciones, el empleado, funcionario o agente infractor estará sujeto a medidas disciplinarias, que incluyen, entre otras, el despido o la transferencia; cuando las violaciones o infracciones parezcan ser de naturaleza sustancial, el asunto puede remitirse a los funcionarios correspondientes para una investigación penal y un posible enjuiciamiento.

Tim Barker, Alcalde

Fecha

Limited English Proficiency Plan

Grantee:	City of Wharton
Community Population:	8,103
LEP Population:	914 (11.3%)
Languages Spoken:	
1. By more than 5% of the eligible population or beneficiaries and has more than 50 in number; or	Spanish
2. By more than 5% of the eligible population or beneficiaries but has less than 50 or less in number; or	
3. By more than 1,000 individuals in the eligible population in the market area or among current beneficiaries.	

Program activities to be accessible to LEP persons:

- Public notices and hearings regarding applications for grant funding, amendments to project activities, and completion of grant-funded projects.
- Publications regarding ARP - CLFRF applications, grievance procedure, complaint procedures, answers to complaints, notices, notices of rights and disciplinary action, and other vital hearings, documents, and program requirements.
- N/A Other program documents:

Resources available to Grant Recipient:

- Translation services: City will retain translation services upon request.
- Interpreter services: City will retain translation services upon request.
- N/A Other resources:

Language assistance to be provided:

- Translation (oral and/or written) of advertised notices and vital documents for: City will provide translated documents upon request and retain services to accommodate populations with limited English proficiency.
- Referrals to community liaisons proficient in the language of LEP person: City will identify community liaisons that will assist to provide accommodations to LEP person and provide these services upon request.
- Public meetings conducted in multiple languages: City will conduct public meetings in multiple languages upon request.
- Notices to recipients of the availability of LEP services: City will reference the availability of accommodations in public notices and post documents to accommodate LEP persons in public buildings.
- N/A Other Services:

Signature - Chief Elected Official or Civil Rights Officer

Date

Beneficiario del:	Ciudad de
Wharton	
Población Comunitaria:	8,103
Población LEP:	914 (11.3%)
Idiomas Hablados:	
1. Por más del 5% de la población elegible o beneficiarios y tiene más de 50 en número; o	Spanish
2. Por más del 5% de la población elegible o beneficiarios, pero tiene menos de 50 o menos en número; o	
3. Por más de 1,000 personas en la elegible población en el área del mercado o entre los beneficiarios actuales.	

Las actividades del programa deben ser accesibles para las personas LEP:

Avisos públicos y audiencias con respecto a las solicitudes de financiamiento de subvenciones, enmiendas a las actividades del proyecto y finalización de proyectos financiados por subvenciones.

Publicaciones sobre solicitudes ARP - CLFRF, procedimiento de quejas, procedimientos de quejas, respuestas a quejas, avisos, avisos de derechos y acción disciplinaria, y otras audiencias, documentos y requisitos del programa vitales.

N / A Otros documentos del programa:

Recursos disponibles para el beneficiario de la subvención:

Servicios de traducción: La ciudad retendrá los servicios de traducción a pedido.

Servicios de intérprete: la ciudad contratará los servicios de traducción a pedido.

N / A Otros recursos:

Se proporcionará asistencia con el idioma:

Traducción (oral y / o escrita) de avisos publicitarios y documentos vitales para: La ciudad proporcionará documentos traducidos a pedido y retendrá los servicios para adaptarse a las poblaciones con dominio limitado del inglés.

Referencias a enlaces comunitarios que dominen el idioma de la persona LEP: la ciudad identificará a los enlaces comunitarios que ayudarán a proporcionar adaptaciones a la persona LEP y proporcionarán estos servicios a pedido.

Reuniones públicas realizadas en varios idiomas: la ciudad llevará a cabo reuniones públicas en varios idiomas a pedido.

Avisos a los destinatarios de la disponibilidad de servicios LEP: la ciudad hará referencia a la disponibilidad de adaptaciones en avisos públicos y publicará documentos para alojar a personas LEP en edificios públicos.

N / A Otros servicios:

Firma - funcionario principal electo o Funcionario de derechos civiles

Fecha

**CITY OF WHARTON
RESOLUTION NO. 2022-XX**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE APPROVAL OF THE WHARTON RECOVERY PLAN ASSOCIATED WITH THE IMPLEMENTATION OF THE CITY’S AMERICAN RESCUE PLAN ACT (ARPA) – CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS (CLFRF) ALLOCATION AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL NECESSARY DOCUMENTS ASSOCIATED WITH SAID PLAN.

WHEREAS, The City of Wharton desires to develop a transparent and viable program to ensure funding and program identification are clearly discussed and presented that will allow the City to recover and respond to the COVID-19 Pandemic; and,

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

WHEREAS, It is necessary and in the best interests of City of Wharton to approve the Recovery Plan to utilize and implement ARPA - CLFRF funding.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS as follows:

Section I. Approves the Wharton Recovery Plan associated with the implementation of the city’s American Rescue Plan Act (ARPA) – Coronavirus Local Fiscal Recovery Funds (CLFRF) allocation.

Section II. That the Mayor of the City of Wharton is hereby authorized to sign any documents relating to the afore-mentioned plan.

Section III. That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 25th day of April 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2022-XX**

A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING THE ATTACHED POLICIES IN CONNECTION WITH THE CITY OF WHARTON, TEXAS PARTICIPATION IN FEDERALLY FUNDED PROJECTS ASSOCIATED WITH THE AMERICAN RESCUE PLAN ACT – CORONAVIRUS LOCAL FISCAL RECOVERY FUND (ARPA – CLFRF) AND ADHERENCE TO THE REGULATIONS DESCRIBED THEREIN AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL NECESSARY DOCUMENTS ASSOCIATED WITH SAID ADOPTION.

WHEREAS, The City of Wharton, Texas, (hereinafter referred to as “City”) has been awarded ARP - CLFRF funding through an ARP - CLFRF grant from the United States Treasury Department (hereinafter referred to as “TREASURY”); and,

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

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

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

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

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

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

WHEREAS, The City, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC

3608(e)(5)) that requires federal programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period of the ARP - CLFRF contract, to affirmatively further fair housing; and,

WHEREAS, The City, agrees to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS as follows:

Section I. The Wharton City Council adopts the following:

1. Citizen Participation Plan and Grievance Procedures; and
2. Section 3 Policy; and
3. Excessive Force Policy; and
4. Section 504 Policy and Grievance Procedures; and
5. Limited English Proficiency Plan; and
6. Fair Housing Policy; and
7. Code of Conduct Policy.

Section II. That the Mayor of the City of Wharton is hereby authorized to sign any documents relating to the afore-mentioned adoption.

Section III. That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 25th day of April 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CIUDAD DE WHARTON
RESOLUCIÓN NO. 2022-XX**

UNA RESOLUCIÓN DEL CONCEJO MUNICIPAL DE WHARTON QUE ADOPTA LAS POLÍTICAS ADJUNTAS EN RELACIÓN CON LA PARTICIPACIÓN DE LA CIUDAD DE WHARTON, TEXAS EN PROYECTOS FINANCIADOS CON FONDOS FEDERALES ASOCIADOS CON LA LEY DEL PLAN DE RESCATE ESTADOUNIDENSE – FONDO DE RECUPERACIÓN FISCAL LOCAL DE CORONAVIRUS (ARPA – CLFRF) Y EL CUMPLIMIENTO DE LAS REGULACIONES DESCRITAS EN EL MISMO Y AUTORIZANDO AL ALCALDE DE LA CIUDAD DE WHARTON A EJECUTAR TODOS LOS DOCUMENTOS NECESARIOS ASOCIADOS CON DICHA ADOPCIÓN.

CONSIDERANDO QUE, La Ciudad de Wharton, Texas, (en lo sucesivo denominada "Ciudad") ha recibido fondos ARP - CLFRF a través de una subvención ARP - CLFRF del Departamento del Tesoro de los Estados Unidos (en lo sucesivo denominado "TESORO"); y,

CONSIDERANDO QUE, La Ciudad, de conformidad con la Sección 109 del Título I de la Ley de Vivienda y Desarrollo Comunitario. (24 CFR 6); la Ley de Discriminación por Edad de 1975 (42 U.S.C. 6101-6107); y la Sección 504 de la Ley de Rehabilitación de 1973 (29 U.S.C. 794) y para contratos de construcción superiores a \$10,000, debe tomar medidas para garantizar que a ninguna persona o grupo se le nieguen beneficios como el empleo, capacitación, vivienda y contratos generados por la actividad de la CLFRF, por motivos de raza, color, religión, sexo, origen nacional, edad o discapacidad; y,

CONSIDERANDO QUE, La Ciudad, en consideración por la recepción y aceptación de fondos federales, acuerda cumplir con todas las reglas y regulaciones federales, incluidas las reglas y regulaciones que rigen la participación ciudadana y la protección de los derechos civiles; y,

CONSIDERANDO QUE, La Ciudad, de conformidad con la Sección 3 de la Ley de Vivienda y Desarrollo Urbano de 1968, según enmendada, y 24 CFR Parte 135, está obligada, en la mayor medida posible, a proporcionar oportunidades de capacitación y empleo a residentes de bajos ingresos y oportunidades de contrato a empresas en el área del proyecto ARP - CLFRF; y,

CONSIDERANDO QUE, La Ciudad, de conformidad con la Sección 104(1) de la Ley de Vivienda y Desarrollo Comunitario, según enmendada, y los requisitos de certificación del Estado en 24 CFR 91.325(b)(6), debe adoptar una política de fuerza excesiva que prohíba el uso de fuerza excesiva contra manifestaciones no violentas de derechos civiles; y,

CONSIDERANDO QUE, La Ciudad, de acuerdo con la Orden Ejecutiva 13166, debe tomar medidas razonables para garantizar un acceso significativo a los servicios en programas y actividades con asistencia federal por parte de personas con dominio limitado del inglés (LEP) y debe tener un plan LEP específico para la localidad y los beneficiarios para ca

proyecto ARP - CLFRF; y,

CONSIDERANDO QUE, La Ciudad, de acuerdo con la Sección 504 de la Ley de Rehabilitación de 1973, no discrimina por motivos de discapacidad y acuerda garantizar que las personas calificadas con discapacidades tengan acceso a programas y actividades que reciben fondos federales; y,

CONSIDERANDO QUE, La Ciudad, de conformidad con la Sección 808 (e) (5) de la Ley de Vivienda Justa (42 USC 3608 (e) (5)) que requiere que los programas y actividades federales se administren de manera afirmativa para promover las políticas de la Ley de Vivienda Justa, acuerda realizar al menos una actividad durante el período del contrato ARP - CLFRF, promover afirmativamente una vivienda justa; y,

CONSIDERANDO QUE, La Ciudad, se compromete a mantener normas escritas de conducta que cubran los conflictos de intereses y rijan las acciones de sus empleados involucrados en la selección, adjudicación y administración de contratos.

AHORA, POR LO TANTO, SEA RESUELTO POR EL CONCEJO MUNICIPAL DE LA CIUDAD DE WHARTON, TEXAS de la siguiente manera:

Sección I. El Ayuntamiento de Wharton adopta lo siguiente:

1. Plan de Participación Ciudadana y Procedimientos de Quejas; y
2. Sección 3 Política; y
3. Política de Fuerza Excesiva; y
4. Sección 504 Política y Procedimientos de Quejas; y
5. Plan de dominio limitado del inglés; y
6. Política de Vivienda Justa; y
7. Política del Código de Conducta.

Sección II. Que el Alcalde de la Ciudad de Wharton está autorizado a firmar cualquier documento relacionado con la adopción antes mencionada.

Sección III. Que la presente resolución entrará en vigor inmediatamente después de su aprobación.

Aprobado, Aprobado y Adoptado este día 25 de abril de 2022.

CITY OF WHARTON, TEXAS

Por: _____

TIM BARKER

Mayor

ATESTIGUAR:

PAULA FAVOR
Secretario de la Ciudad

**CITY OF WHARTON
RESOLUTION NO. 2022-XX**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE ACCEPTANCE OF AMERICAN RESCUE PLAN ACT (ARPA) – CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS (CLFRF); AND AUTHORIZING THE MAYOR AND CITY MANAGER TO ACT AS THE CITY’S EXECUTIVE OFFICERS AND AUTHORIZED REPRESENTATIVES IN ALL MATTERS PERTAINING TO THE CITY’S IMPLEMENTATION OF THE AMERICAN RESCUE PLAN ACT (ARPA) – CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS (CLFRF) FUNDS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL NECESSARY DOCUMENTS ASSOCIATED WITH SAID DESIGNATION.

WHEREAS, the City Council of Wharton desires to develop a viable community, including decent housing, suitable living environment, expanding economic opportunities, addressing health and safety needs, and improving critical infrastructure in response to the COVID-19 Pandemic; and

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

WHEREAS, it is necessary and in the best interests of the City of Wharton to utilize and implement ARPA - CLFRF funding.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS as follows:

Section I. That the ARPA-CLFRF is hereby authorized to be accepted on behalf of the City from the United States Treasury Department.

Section II. That the City’s allocation be split into two (2) tranches in the amount of \$2,140,127.24 with Tranche No.1 being \$1,070,063.62 and Tranche No. 2 being \$1,070,063.62.

Section III. That the City will receive supplemental Tranche payments in the amount of \$2,114.79.

Section IV. That the City Council directs and designates the following to act in all matters in connection with the City’s participation in the ARPA - CLFRF:

- The Mayor and City Manager shall serve as the City’s Chief Executive Officers and Authorized Representatives to execute funding requests, authorizations, and any subsequent contractual documents; and
- The City Manager is authorized to execute environmental review documents and to certify to environmental clearance matters associated with the ARPA – CLFRF funds; and

- The Mayor, City Manager, Finance Director, and Director of Planning & Development are authorized to execute payment documents and/or other forms required to reimburse project costs.

Section V. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements as directed by the United States Treasury Department.

Section VI. That the Mayor of the City of Wharton is hereby authorized to sign any documents relating to the afore-mentioned designation.

Section VII. That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 25th day of April 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary