



**CITY OF WHARTON
PUBLIC WORKS COMMITTEE MEETING**

**Monday, October 12, 2020
6:15 PM**


CITY HALL

**NOTICE OF
CITY OF WHARTON
PUBLIC WORKS COMMITTEE MEETING**

Notice is hereby given that a Public Works Committee Meeting will be held on Monday, October 12, 2020 at 6:15 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 8th day of October 2020.


By: 
Andres Garza, Jr., City Manager

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Public Works 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 October 8, 2020, 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 8th day of October 2020.

CITY OF WHARTON

By: 
Paula Favors
City Secretary



A G E N D A
CITY OF WHARTON
Public Works Committee Meeting
Monday, October 12, 2020
City Hall - 6:15 PM

Call to Order.

Roll Call.

Public Comments.

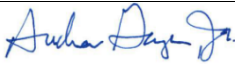
Review & Consider:

1. Minutes from the meeting held September 28, 2020.
2. Community Development Block Grant-Mitigation (CDBG-MIT):
 - A. Resolution: A resolution of the Wharton City Council authorizing the submission of a Community Development Block Grant-Mitigation (CDBG-MIT) Application to the Texas General Land Office 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 participation in the CDBG-MIT Program.
 - B. Resolution: A resolution of the Wharton City Council adopting a procedure for financial payments and authorizing the Mayor of the City of Wharton to execute all documents related to said plan.
 - C. Resolution: A resolution of the Wharton City Council adopting procurement policies and procedures for federal grants for the Texas General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Program and authorizing the Mayor of the City of Wharton to execute all documents related to said plan.
 - D. Resolution: A resolution of the Wharton City Council adopting a Citizen Participation Plan for the Texas General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Program and authorizing the Mayor of the City of Wharton to execute all documents related to said plan.

Adjournment.

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

PUBLIC WORKS COMMITTEE

Meeting Date:	10/12/2020	Agenda Item:	Minutes from the meeting held September 28, 2020.
Attached are the draft minutes from the meeting held September 28, 2020.			
City Manager: Andres Garza, Jr.		Date: Thursday, October 8, 2020	
Approval: 			
Mayor: Tim Barker			

**MINUTES
OF
CITY OF WHARTON
PUBLIC WORKS COMMITTEE MEETING
City Hall, 120 East Caney Street, Wharton, Texas
Monday, September 28, 2020 5:30 p.m.**

Finance Director Joan Andel declared a meeting of the City Council Public Works Committee duly open for the transaction of business at 5:31 p.m.

Committee Members present: Councilmember Don Mueller, Councilmember Clifford Jackson and Councilmember Terry Freese.

Committee Member absent: None.

Staff Members present: Assistant to the City Manager Brandi Jimenez, Community Development Director Gwyneth Teves, Finance Director Joan Andel and Public Works Director John Plaia.

Staff Members absent: City Manager Andres Garza, Jr.

Visitors present: None.

Public comments. There were no public comments.

The first item on the agenda was to review and consider minutes from the meeting held September 14, 2020. Councilmember Don Mueller made a motion to approve the minutes as presented. Councilmember Clifford Jackson seconded. All voted in favor.

The second item on the agenda was to review and consider a Resolution: A resolution of the Wharton City Council authorizing the submission of the Notice of Intent (NOI) and an application to the Texas Water Development Board for a City Drainage Plan and Projects and authorizing the Mayor of the City of Wharton to execute all documents related to said submissions. Community Development Director Gwyn Teves stated to the Committee that the City Council had authorized the submission of the prequalification application for the Texas Water Development Board Flood Infrastructure Fund on June 22, 2020. She stated that since then the City Staff had been notified that the City's application had been approved to submit a complete application. She stated that the City must submit a Notice of Intent by September 30, 2020 and the completed application is due by October 19, 2020. After some discussion, Councilmember Don Mueller made a motion to recommend to the City Council to proceed with the submission of the Notice of Intent (NOI) and the application to the Texas Water Development Board for a City Drainage Plan and Projects. Councilmember Clifford Jackson seconded the motion. All voted in favor.

The third item on the agenda was to review and consider 2020 Street Improvement Project:

A. Changes to Change Order No. 1.

Public Works Director John Plaia stated to the Committee that there was an addition to Change Order No. 1. He stated that the addition to Change Order No. 1 would include

adding a street extension to Koonce Lane (from Rugeley Lane to Harrison Lane). He also stated that included in Change Order No.1 would be the prime coat oil for the roadways that needed treatment before the seal coating. He stated that the additions to Change Order No. 1 would be submitted to BEFCO Engineering for a formal Change Order that would be placed on the City Council Agenda for October 12, 2020. After some discussion, no action was taken.

The fourth item on the agenda was adjournment. Councilmember Don Mueller moved to adjourn. Councilmember Terry Freese seconded. All voted in favor. The meeting adjourned at 5:50 p.m.

Andres Garza, Jr. City Manager

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

PUBLIC WORKS COMMITTEE

Meeting Date:	10/12/2020	Agenda Item:	<p>Community Development Block Grant-Mitigation (CDBG-MIT):</p> <ul style="list-style-type: none"> A. Resolution: A resolution of the Wharton City Council authorizing the submission of a Community Development Block Grant-Mitigation (CDBG-MIT) Application to the Texas General Land Office 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 participation in the CDBG-MIT Program. B. Resolution: A resolution of the Wharton City Council adopting a procedure for financial payments and authorizing the Mayor of the City of Wharton to execute all documents related to said plan. C. Resolution: A resolution of the Wharton City Council adopting procurement policies and procedures for federal grants for the Texas General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Program and authorizing the Mayor of the City of Wharton to execute all documents related to said plan. D. Resolution: A resolution of the Wharton City Council adopting a Citizen Participation Plan for the Texas General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Program and authorizing the Mayor of the City of Wharton to execute all documents related to said plan.
<p>During the August 24, 2020 City Council Regular meeting the Council awarded a grant administration services contract and an engineering contract. The City Staff has been working with GrantWorks, Inc. and Gunda Engineering to create a viable project for application. A project has been identified and the application process has begun. The project application could possibly be for up to \$28,000,000. The</p>			


City Staff and consultants have identified a project to reduce the infiltration and inundation into the City's system.

Part of the GLO requirements are that the City have in place the following three policies and procedures:

1. Citizen's Participation Plan.
2. Procurement Policy.
3. Procedures for Financial Payments.

Attached are all three draft resolutions adopting the plans and procedures.

Community Development Director Gwyn Teves will be present to answer any questions.

City Manager: Andres Garza, Jr.	Date: Thursday, October 8, 2020
Approval: 	
Mayor: Tim Barker	



City of Wharton

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

MEMORANDUM

DATE: October 7, 2020
FROM: Gwyneth Teves, Community Development Director
TO: Andres Garza, Jr., City Manager
SUBJECT: CDBG-MIT administered by the GLO application and policies

The Community Development Block Grant - Mitigation (CDBG-MIT) grant program administered by the Texas General Land Office (GLO) is taking applications that are due October 28, 2020.

During the August 24th City Council meeting the Council awarded grant administration and engineering contracts. City staff has been working with GrantWorks, Inc. and Gunda Engineering to create a viable project for application. A project has been identified and the application has been started. The project application could possibly be for up to \$28,000,000. City staff and consultants have identified a project to reduce the infiltration and inundation into the City's system.

It is my recommendation that the City Council authorize the submission of the grant application for funding under the CDBG-MIT grant program.

Part of the GLO requirements is also that the City have in place the following 3 policies and procedures.

1. Citizen's Participation Plan
2. Procurement Policy
3. Procedures for Financial Payments

Attached are all 3 drafts and resolutions adopting the plans and procedures.

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

City of Wharton Financial Procedures

INTRODUCTION

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

SCOPE OF AUTHORITY

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

Financials

A. Bank Depository

The City maintains funds in a Bank, designated as its depository for banking services. The City Council reviews the selection every three years and may be extended for an additional one-year period not to exceed two additional years upon written agreement by both parties.

B. Accounts Payable

Three individuals are authorized to sign checks written on the bank depository account: Mayor, City Manager, and Finance Director. All checks require two authorized signatures.

C. Accounting

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

D. Audit of Accounts

An independent audit of the City accounts is performed annually. The Auditor is retained by and is accountable directly to the City Council. The City Council reviews the selection every 3 years and may be extended for an additional (1) year period, not to exceed 2 additional years upon written agreement by both parties.

E. Internal Controls

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

Whenever possible, the City ensures duties and responsibilities are segregated so that no one individual has complete authority over a financial transaction.

PROCEDURES

1. Input Invoice into Record Keeping System –*Incode Accounting Software is used to record the accounts payable invoice. A purchase order system is maintained thru an Excel spreadsheet and invoices are verified against the spreadsheet before entering into our accounting system.*
2. Review of Invoice –
Each department head reviews and approves invoices prior to checks being issued.
3. Timeline for Payment –
30 days or less
4. Issue Payment –

The Accounts Payable Clerk generates the checks from department head approved invoices. Two signatures required before distribution. List of all checks written are submitted to City Council monthly. A separate list of checks written greater than \$5,000 is also submitted to City Council monthly.

5. Payment Reconciliation –

The Finance Accountant reconciles bank statements monthly.

6. Record Keeping –

All documents are maintained in the Finance department and are retained according to the records retention policy established by the City.

PROCEDURES FOR GRANT PAYMENTS

1. Invoice is received and, if necessary, a request for payment is prepared by grant consultant or Community Development Director and proper signatures obtained from Mayor, City Manager and Finance Director as authorized in original grant approval. Finance department office reviews the invoice and compares it to the grant budget.
2. Invoice must be approved by the department head involved in the grant implementation. Approval is acknowledged by initialing the original invoice or through Council action.
3. Once grant funds are received and invoice approval acknowledged by signature on the original invoice, a check is entered into the accounting system by the Accounts Payable's office, then printed and disbursed. Either the Mayor, City Manager or Finance Director's signature appear on the approved checks (2 signatures required). Checks are then disbursed to the appropriate vendors. The Finance Director is responsible for ensuring that checks are signed and disbursed within five (5) calendar days for the Texas Department of Agriculture and three (3) calendar days for the Texas General Land Office of receiving grant funds.
4. Copies of the request for payment, invoice, canceled check copy and bank statement showing receipt of grant money is retained in the grant file in the Community Development Director's office.

The City Manager and Finance Director authorize payments and issuance of checks. Two signatures are required on each check, either the Mayor, City Manager or Finance Director. The Finance Accountant is responsible for reconciling the monthly bank statements.

CASH MANAGEMENT AND DISBURSEMENT - TIMELY EXPENDITURES

The City shall make timely payments to vendors and minimize the time between transferring funds from the State Treasury and disbursement of funds to vendors in compliance with the terms and conditions of the federal contract, grant, regulation, or statute.

To ensure vendor compliance, invoices/pay applications/pay estimates will be reviewed for accuracy for such items but not limited to change order approvals, outstanding lien/payments to subcontractors, labor standards, and verification of work completed as invoiced prior to disbursement or request for funds from State Agency. The City shall notify a vendor of an error in an invoice submitted for payment by the vendor.

ADVANCE PAYMENT PROCEDURES

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

Advance payments of federal grant funds will be deposited and maintained in a separate insured account. The City will maintain advance payments of federal awards in interest-bearing accounts, unless one or more of the following apply: City receives less than \$120,000 in Federal awards per year; the City is not expected to earn interest in excess of \$500 per year on Federal cash balances; or the depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources. (2 CFR 200.302(b)(6) and 200.305)

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

Item-2.

LIST TITLES HERE

Mayor
City Manager
Finance Director

Tim Barker, Mayor

Date



City of Wharton

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

Procurement Policies and Procedures for Federal Grants

Policies

1. Those closely involved in the establishment of the written selection criteria and selection shall have no potential conflicts of interest with any of the individuals, firms, or agencies under review (e.g., family relationships, close friendships, business dealings). Any person who might potentially receive benefits from grant-assisted activities may not participate in the decision-making process. Nepotism and conflict of interest regulations can be found in the Texas Government Code Chapter 573, Texas Local Government Code Chapter 171, and 2 CFR 200.318 – 2 CFR 200.326 and Appendix II to Part 200.
2. All procurement transactions will be conducted in a manner providing full and open competition.
 - a. No unreasonable requirements are placed on firms in order for them to qualify;
 - b. No unnecessary experience or excessive bonding required;
 - c. Noncompetitive pricing practices between firms or between affiliated companies is disallowed;
 - d. Noncompetitive contracts to consultants that are on retainer contracts;
 - e. No organizational conflicts of interest;
 - f. If a “brand name” product is specified, an equal or like product is acceptable; and
 - g. A vendor that intends to respond to the Request for Proposals, Request for Qualifications and/or Invitation for Bid may not participate in the development or drafting of specifications, requirements, statements of work, or invitations for bids or requests for proposals, including, but not limited to, the development of the scoring criteria, the final selection of firms to be contacted, or the scoring of proposals.
3. All procurement transactions shall incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured.
4. All procurement transactions shall identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.
5. If the City of Wharton uses a prequalified list when acquiring goods or services, the City of Wharton will ensure the list is updated regularly, provides enough qualified sources to ensure maximum open and free competition.
6. All procurement transactions must conform to applicable local, state, and federal laws and regulations.
7. Small and minority businesses, women's business enterprises, and labor surplus area firms are encouraged to participate. If the awarded vendor is a prime contractor and may use subcontractors, the following affirmative steps are required of the prime contractor:
 - a. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - b. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

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

Procedures

Procurement Cycle Steps

Need Defined—City of Wharton department head submits request and specifications to Finance Director or Community Development Director. Purchaser reviews request and specifications for unnecessary or duplicative items in accordance with 2 CFR 200.318 (d).

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

Contract Cost and Price - A cost or price analysis must be conducted in connection with every procurement action more than the federal Simplified Acquisition Threshold including contract modifications (2 CFR 200.323).

The simplified acquisition threshold for federal procurement actions is currently set by the Federal Acquisition Regulation at 48 CFR Subpart 2.1 (Definitions) and in accordance with 41 U.S.C. 1908 as \$50,000, but this threshold is periodically adjusted for inflation. 2 C.F.R. §200.88

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, an independent estimate must be made before receiving bids or proposals. 2 C.F.R. § 200.323(a).

Cost analysis is the evaluation of the separate elements (e.g., labor, materials, etc.) that make up a contractor's total cost proposal or price (for both new contracts and modifications) to determine if they are allowable, directly related to the requirement and ultimately, reasonable.

Price analysis is essentially price comparison. It is the evaluation of a proposed price (i.e., lump sum) without analyzing any of the separate cost elements of which it is composed.

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

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

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

Negotiation of Profit - Federal Guidelines require negotiations of profit as a separate element of the price for each contract and modification in which there is no price competition and, in all cases, where cost analysis must be performed. 2 C.F.R. § 200.323(b)

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

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

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

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

2. Small Purchase

Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that cost less than the lesser of the Federal Simplified Acquisition Threshold or the \$50,000 threshold defined in state law (Local Government Code §262.003 for counties and §252.021 for municipalities). If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.

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

3. Construction and Materials Contracts

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

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

If sealed bids are used, the following requirements apply:

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

4. Professional Services Contracts

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

- a. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
- b. Proposals must be solicited from an adequate number of qualified sources;
- c. The City of Wharton must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
- d. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
- e. The City of Wharton may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

5. Noncompetitive Proposals

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

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

These Policies and Procedures are implemented through of the City of Wharton’s administrative team of:

Mayor

City Manager

Finance Director

Community Development Director

Timothy Barker, Mayor

Date

**THE CITY OF WHARTON
CITIZEN PARTICIPATION PLAN
TEXAS GENERAL LAND OFFICE (GLO) COMMUNITY DEVELOPMENT BLOCK
GRANT MITIGATION (CDBG-MIT) PROGRAM**

COMPLAINT PROCEDURES

These complaint procedures comply with the requirements of the Texas General Land Office Community Development Block Grant Mitigation (CDBG-MIT) 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 E. 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 CDBG-MIT project(s).

1. A person who has a complaint or grievance about any services or activities with respect to the CDBG-MIT project(s), whether it is a proposed, ongoing, or completed CDBG-MIT project(s), may during regular business hours submit such complaint or grievance, in writing to the City Manager, at 120 E. Caney Street, Wharton, TX 77488 or may contact 979-532-2491.
2. A copy of the complaint or grievance shall be transmitted by the City Manager 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 Manager shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to person who made the complaint or grievance within ten (10) days.
4. If the investigation cannot be completed within ten (10) working days per 3 above, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.
5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the CDBG-MIT program for their further review and comment.
6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

TECHNICAL ASSISTANCE

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

PUBLIC OUTREACH EFFORTS

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

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

PUBLIC HEARING PROVISIONS (IF APPLICABLE)

If a public hearing is scheduled and conducted by a CDBG-MIT applicant or recipient, the following public hearing provisions shall be observed:

1. Furnish citizens information, including but not limited to:
 - (a) The amount of CDBG-MIT funds available per application;
 - (b) The range of activities that may be undertaken with the CDBG-MIT funds;
 - (c) The estimated amount of the CDBG-MIT funds proposed to be used for activities that will meet the national objective of benefit to low- and moderate-income persons; and

- (d) The proposed CDBG-MIT activities likely to result in displacement and the unit of general local government's antidisplacement and relocation plans required under 24 CFR 570.488.
2. Public notice of any hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice MUST include the DATE, TIME, LOCATION and TOPICS to be considered at the public hearing. A published newspaper article may also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.
 3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and an applicant must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to each hearing.
 4. When a considerable number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter will be present to accommodate the needs of the non-English speaking residents.
 5. City may conduct a public hearing via webinar if they also follow the provisions above. If the webinar is used to conduct a public hearing, a physical location with associated reasonable accommodations must be made available for citizens to participate so as to ensure that those individuals without necessary technology are able to participate.
 6. If applicable, the locality must retain documentation of the hearing notice(s), attendance lists, minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three years after the project is closed out. Such records must be made available to the public in accordance with Chapter 552, Government Code.

Timothy Barker, Mayor
City of Wharton

Date

LA CIUDAD DE WHARTON
PLAN DE PARTICIPACIÓN DEL CIUDADANO
TEXAS GENERAL LAND OFFICE (GLO) PROGRAMA DE MITIGACION (CDBG-
MIT) BLOQUE DE DESARROLLO COMUNITARIO

PROCEDIMIENTOS DE QUEJAS

Estos procedimientos de queja cumplen con los requisitos del Programa de Recuperación de Desastres (CDBG-MIT) y los Requisitos de Gobiernos Locales del Código de Regulaciones Federales (CFR §570.486). Los ciudadanos pueden obtener una copia de estos procedimientos en la ciudad de Wharton, 120 E. Caney Street, Wharton, TX 77488, 979-532-2491 (Teléfono) durante las horas de negocio.

A continuación se presentan los procedimientos formales de quejas y quejas en relación con los servicios prestados en el marco del proyecto (s) CDBG-MIT.

1. Una persona que tenga una queja o queja acerca de cualquier servicio o actividad con respecto al (los) proyecto (s) CDBG-MIT, si se trata de un proyecto (s) CDBG-MIT propuesto, en curso o terminado, presentar dicha queja o queja, por escrito al 120 E. Caney Street, Wharton, TX 77488 o puede llamar a 979-532-2491 (teléfono).
2. Una copia de la queja o queja será transmitida por el Administrador de la ciudad a la entidad que es el sujeto de la queja o queja y al Abogado de la ciudad dentro de los cinco (5) días hábiles después de la fecha de la queja o queja fue recibida .
3. El Administrador de la ciudad completará una investigación de la queja, si es factible, y proporcionará una respuesta escrita a tiempo a la persona que hizo la queja o queja dentro de diez (10) días.
4. Si la investigación no puede completarse dentro de los diez (10) días hábiles por no. 3 anterior, la persona que hizo la queja o queja será notificada por escrito dentro de los quince (15) días cuando sea posible después de recibir la queja o queja original y detallará cuándo debe concluirse la investigación.
5. Si es necesario, la queja y una copia escrita de la investigación posterior serán enviadas al programa CDBG-MIT para su revisión y comentario.
6. Si es apropiado, proporcione copias de los procedimientos de quejas y respuestas a las quejas en inglés y español, u otro idioma apropiado.

ASISTENCIA TÉCNICA

Cuando se le solicite, la ciudad proporcionará asistencia técnica a grupos que sean representativos de personas de ingreso bajo o moderado en el desarrollo de propuestas para el uso de fondos de CDBG-MIT. La ciudad, basado en las necesidades específicas de los residentes de la comunidad en el momento de la solicitud, determinará el nivel y tipo de asistencia.

ESFUERZOS PUBLICOS

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

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

DISPOSICIONES PARA LA AUDIENCIA PÚBLICA (SI ES APLICABLE)

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

1. Proporcionar a los ciudadanos información, que incluye pero no se limita a:
 - a) La cantidad de fondos de CDBG-MIT disponibles por solicitud;
 - b) El rango de actividades que se pueden realizar con los fondos de la CDBG-MIT;

- c) El monto estimado de los fondos de CDBG-MIT propuestos para ser utilizados en actividades que cumplirán el objetivo nacional de beneficiar a las personas de ingresos bajos y moderados; y
 - d) Las actividades propuestas de CDBG-MIT que probablemente resulten en desplazamiento y la unidad de los planes generales de antidesubicación y reubicación del gobierno local requeridos bajo 24 CFR 570.488
2. El aviso público de cualquier audiencia debe ser publicado por lo menos setenta y dos (72) horas antes de la audiencia programada. El aviso público debe ser publicado en un periódico local. Cada aviso público DEBE incluir la FECHA, TIEMPO, LOCALIZACIÓN y TEMAS a ser considerados en la audiencia pública. Un artículo de periódico publicado también puede usarse para cumplir este requisito, siempre y cuando cumpla con todos los requisitos de contenido y tiempo. Los avisos también deben ser destacados en los edificios públicos y distribuidos a las Autoridades Locales de Vivienda ya otros grupos comunitarios interesados.
 3. Cada audiencia pública se celebrará en un momento y lugar conveniente para los beneficiarios potenciales o reales e incluirá alojamiento para personas con discapacidades. Las personas con discapacidades deben ser capaces de asistir a las audiencias y el solicitante debe hacer arreglos para las personas que requieren ayudas auxiliares o servicios si se ponen en contacto por lo menos dos días antes de cada audiencia.
 4. Cuando un número significativo de residentes que no hablan inglés puede ser razonablemente esperado para participar en una audiencia pública, un intérprete estará presente para acomodar las necesidades de los residentes que no hablan inglés.
 5. La ciudad puede conducir una audiencia pública vía webinar si también siguen las disposiciones anteriores. Si el seminario web se utiliza para llevar a cabo una audiencia pública, debe ponerse a disposición de los ciudadanos un lugar físico con adaptaciones razonables asociadas para garantizar que los individuos sin la tecnología necesaria puedan participar.
 6. Si es aplicable, la localidad debe conservar la documentación de los avisos de audiencia, las listas de asistencia, las actas de las audiencias y cualquier otro registro referente al uso real de los fondos por un período de tres años después del cierre del proyecto. Dichos registros deben ponerse a disposición del público de conformidad con el Capítulo 552, Código del Gobierno.

Timothy Barker, Alcalde
La ciudad de Wharton

Date

**CITY OF WHARTON
RESOLUTION NO. 2020-XX**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT-MITIGATION (CDBG-MIT) APPLICATION TO THE TEXAS GENERAL LAND OFFICE 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 PARTICIPATION IN THE CDBG-MIT PROGRAM.

WHEREAS, The City of Wharton desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income; and,

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

WHEREAS, It is necessary and in the best interests of to apply for funding under the CDBG-MIT Program.

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

Section I. That a CDBG-MIT application is hereby authorized to be filed with the Texas General Land Office for funding consideration under the Community Development Block Grant-Mitigation.

Section II. That the application be for up to \$28,000,000 of grant funds to provide citywide wastewater improvements.

Section III. That the Mayor and City Manager are designated as the Chief Executive Officers and Authorized Representatives to act in all matters in connection with this application and participation in the CDBG-MIT Program.

Section IV. That the Mayor is designated to oversee all grant activities so as to ensure there are no Conflicts of Interest.

Section V. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.

Section VI. That contributing funds in the amount of up to \$280,000 in cash are committed by the City of Wharton toward application activities.

2020-XX
Page 2

Passed, Approved and Adopted this 12th day of October 2020.

CITY OF WHARTON, TEXAS

By: _____
Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary

DRAFT

**CITY OF WHARTON
RESOLUTION NO. 2020-XX**

A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING A PROCEDURE FOR FINANCIAL PAYMENTS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PLAN.

WHEREAS, The City of Wharton is required to develop and adopt Procedures for Financial Payments; and,

WHEREAS, The Procedures for Financial Payments is attached as Exhibit A; and,

WHEREAS, The Wharton City Council wishes to adopt the City of Wharton Procedures for Financial Payments.

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

Section I. The Wharton City Council hereby approves and adopts the City of Wharton Procedures for Financial Payments Exhibit A as attached.

Section II. The Wharton City Council hereby authorizes the Mayor or the City of Wharton to execute all documents related to said plan.

Passed, Approved and Adopted this 12th day of October 2020.

CITY OF WHARTON, TEXAS

By: _____
Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2020-XX**

A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING PROCUREMENT POLICIES AND PROCEDURES FOR FEDERAL GRANTS FOR THE TEXAS GENERAL LAND OFFICE (GLO) COMMUNITY DEVELOPMENT BLOCK GRANT MITIGATION (CDBG-MIT) PROGRAM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PLAN.

WHEREAS, The City of Wharton is required to develop and adopt Procurement Policies and Procedures for Federal Grants for the Texas General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Program; and,

WHEREAS, The Procurement Policies and Procedures for Federal Grants is attached as Exhibit A; and,

WHEREAS, The Wharton City Council wishes to adopt Procurement Policies and Procedures for Federal Grants for the Texas General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Program.

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

Section I. The Wharton City Council hereby approves and adopts the Procurement Policies and Procedures for Federal Grants for the Texas General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Program Exhibit A as attached.

Section II. The Wharton City Council hereby authorizes the Mayor or the City of Wharton to execute all documents related to said plan.

Passed, Approved and Adopted this 12th day of October 2020.

CITY OF WHARTON, TEXAS

By: _____
Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2020-XX**

A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING A CITIZEN PARTICIPATION PLAN FOR THE TEXAS GENERAL LAND OFFICE (GLO) COMMUNITY DEVELOPMENT BLOCK GRANT MITIGATION (CDBG-MIT) PROGRAM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PLAN.

WHEREAS, The City of Wharton is required to develop and adopt a Citizen Participation Plan for the Texas General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Program; and,

WHEREAS, The Plan is in both English (Exhibit A) and Spanish (Exhibit B); and,

WHEREAS, The Wharton City Council wishes to adopt a Citizen Participation Plan for the Texas General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Program.

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

Section I. The Wharton City Council hereby approves and adopts the Citizen Participation Plan for the Texas General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Program in both English (Exhibit A) and Spanish (Exhibit B) as attached.

Section II. The Wharton City Council hereby authorizes the Mayor or the City of Wharton to execute all documents related to said plan.

Passed, Approved and Adopted this 12th day of October 2020.

CITY OF WHARTON, TEXAS

By: _____
Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary