CITY OF TOMBALL

ADMINISTRATIVE POLICY MANUAL

CITY OF TOMBALL ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

Implementation of Policy and Procedures System

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CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
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Repealed	REVISED:	APPROVED BY CITY MANAGER: October 3, 2022	
	SUPERSEDES: August 3, 2009	APPROVED BY CITY COUNCIL: October 3, 2022	

REPEALED BY CITY COUNCIL ON OCTOBER 3, 2022

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
SPECIAL EVENTS AND FIREWORKS	2	August 1, 2022	PAGE 1 OF 4
	REVISED:	APPROVED BY CITY MANAGER: August 1, 2022	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: August 1, 2022	

SPECIAL EVENTS

DEFINITION: Any organized activity or event and open to the general public that involves the use of, or having an impact upon, public property, facilities, public parks, sidewalks, or street areas in the City of Tomball require prior approval and must meet certain requirements for consideration.

PROCEDURES: Several procedures and guidelines must be followed before any non-city staged event may take place. Those include, but are not limited to, the following:

1. A completed Special Event application must be submitted to the Tomball Department of Marketing & Tourism at least 180 days prior to any proposed festival or event. Tomball City Council approval is required if event meets one of the following criteria: sale of alcohol, street closures, fireworks, or contains a request for in-kind donations from the City of Tomball.
2. A written proposal must accompany the application. The proposal should include the overall event concept, a detailed site map, a list of planned activities, hours of operation, proposed vendors, food and beverage, entertainment and any other relevant aspects of the event.
3. If a charity is involved, or is the beneficiary of funds raised, information about the charity needs to be included as a part of the application process, as well as proof of non-profit status. If requesting in-kind services, preference will be given to organizations providing donations to agencies within the city limits of Tomball.
4. A fee equal to the actual cost of city services to host the event will be required of for-profit event planners to be paid no less than ten business days before the event. Non-profit organizations may request city services as an in-kind donation.
5. A meeting will be scheduled with the Tomball Events Team (representatives of Tomball Police, Fire, Public Works, Marketing and Northwest EMS) to discuss the merits and feasibility of the proposed event. The applicant is required to be at this meeting to answer questions regarding the application. Failure to attend will result in the event being cancelled by the City of Tomball.
6. If approved by the Tomball Events Team, the proposed event will be presented to City Council for final approval. The applicant is required to be at this meeting to answer questions regarding the application if necessary.
7. Ten days prior to the event, proof of general liability insurance ($1,000,000 minimum) must be provided by the event organizer naming the City of Tomball as additional insured.
8. Event coordinators must provide their own volunteers or staff; oversee food and beverage permits, vendors, site clean-up and other aspects of staging a festival/special event.
9. Failure to comply with the guidelines listed above will preclude applicant from staging future events.
10. If Fireworks are a part of the event, a Fireworks Event Application shall accompany the Special Event Application.

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SPECIAL EVENTS AND FIREWORKS	2	August 1, 2022	PAGE 2 OF 4
	REVISED:	APPROVED BY CITY MANAGER: August 1, 2022	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: August 1, 2022	

An application to stage an event within the City of Tomball shall be filed with the Community Events Coordinator at least 180 days prior to the event. This application is not to be construed as authorizing or agreeing to any event until formally approved by Tomball City Council.

Request for permission to use a public venue for the following type of event (please check one):

Festival ___ Community Event ___ Arts & Crafts Event ___ Music Event ___ Other (specify) ____

_____

1. Event title: _____
2. Sponsoring entity: _____
3. Is this organization based in Tomball: Yes ___ No ___
4. Is this organization *non-profit* ___ or *for-profit* ___ *Attach 501 (c) (3) tax exemption if applicable
5. Contact: _____ Phone: _____
6. Contact address: _____
7. Contact email: _____
8. Event date: _____
9. Event times: Start _____ Finish _____ Set-up _____ Breakdown _____
10. Is this event for charity? Yes ___ No ___
11. If yes, what charity? _____ Tax ID _____
12. If yes, what percentage of net proceeds will be donated to the charity? ____
13. On-site contact: _____ Mobile Phone: _____
14. Estimated number of attendees: _____
15. Detailed site map in attached: Yes ___ No ___
16. Is this event open to the public: Yes ___ No ___
17. Admission fee: $_____ Free ____
18. Time at which event staff will begin to arrive: _____
19. The applicant will defend and hold harmless the City of Tomball from all claims, demands, actions or causes of action, of whatsoever nature or character, arising out of or by reason of the conduct of the activity authorized by such application including attorney fees and expenses.

Initial_____

20. The applicant will provide proof of general liability insurance for the event naming the City of Tomball as additional insured.

Initial_____

21. Name of insurance carrier: _____
22. Are Fireworks included in your event? _____No _____ Yes (Must submit Fireworks Event Application)

SUBJECT	NUMBER:	EFFECTIVE DATE:	
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	REVISED:	APPROVED BY CITY MANAGER: August 1, 2022	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: August 1, 2022	

FIREWORKS EVENT

DEFINITION: Any non-sanctioned city event, including but not limited to wedding, party, or other gathering, involving the use of any firework. A firework is defined as any firecrackers, cannon crackers, skyrockets, torpedoes, roman candles, sparklers, squibs, fire balloons, star shells, gerbs or any other substance in whatever combination by any designated name intended for use in obtaining visible or audible pyrotechnic display; and such term shall include all articles or substances within the commonly accepted meaning of fireworks whether specially designated and defined or not.

PROCEDURES: Several procedures and guidelines must be followed before any non-city sanctioned event may take place involving fireworks. Those include, but are not limited to, the following:

1. A completed Fireworks Application must be submitted to the Tomball Fire Department at least 90 days prior to any proposed festival or event. Tomball City Council approval is required if event meets one of the following criteria: sale of alcohol, street closures, fireworks, or contains a request for in-kind donations from the City of Tomball.
2. A written proposal must accompany the application. The proposal should include the overall event concept, location, a detailed site map, hours of fireworks show, type of fireworks show (aerial or ground effects). **THIS DOES NOT CONSTITUTE A PERMIT FROM THE FIRE MARSHAL'S OFFICE.**
    a. Aerial Fireworks Shooting Sites shall not be within
        i. 1000 feet of a structure on an abutting property
        ii. 500 feet of a lot line where livestock are present
    b. Sparklers shall not be approved or permits shall be revoked if the Keetch-Byram Drought Index is above 625
3. If approved by the Tomball Fire Department, the proposed event will be presented to City Council for final approval. The applicant is required to be at this meeting to answer questions regarding the application if necessary.
4. If approved by the Tomball City Council, no less than 14 days prior to the event the applicant's state licensed pyro-technician shall submit appropriate documentation for permitting to the Tomball Fire Department Fire Prevention Division for permitting.
    a. A nominal plan review fee will be charged according to the most recent City of Tomball Council adopted Fee Schedule.
5. Failure to comply with these guidelines may result in a fine not to exceed $2000.

SUBJECT	NUMBER:	EFFECTIVE DATE:	
SPECIAL EVENTS AND FIREWORKS	2	August 1, 2022	PAGE 4 OF 4
	REVISED:	APPROVED BY CITY MANAGER: August 1, 2022	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: August 1, 2022	

An application to stage an event within the City of Tomball shall be filed with the Tomball Fire Department at least 90 days prior to the event. This application is not to be construed as authorizing or agreeing to any event until formally approved by Tomball City Council and permitted by the Tomball Fire Department.

Request for permission to conduct and Fireworks Show for the following type of event (please check one):

Festival ___ Community Event ___ Wedding ___ Music Event ___ Other (specify) ____

_____

1. Event title: _____
2. Contact: _____ Phone: _____
3. Contact address: _____
4. Contact email: _____
5. Event date: _____
6. Firework Show Event times: Start _____ Finish _____ Set-up _____ Breakdown _____
7. Fireworks Show Type (Check All that Apply): _____ Aerial _____ Ground Effects
8. State -Licensed Fireworks Provider: _____ Phone: _____
9. On-site contact: _____ Mobile Phone: _____
10. Estimated number of attendees: _____
11. Detailed site map is attached: Yes ___ No ___
12. Is this event open to the public: Yes ___ No ___
13. Admission fee: $_____ Free ____

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
MUNICIPAL COURT TEMPORARY/ALTERNATE JUDGE SELECTION PROCEDURE	3	June 21, 2010	PAGE 1 OF 1
	REVISED:	APPROVED BY CITY COUNCIL: June 21, 2010	
	SUPERSEDES:	December 19, 1995	

1. The Municipal Court Judge will set the schedule for Temporary/Alternate Judges to appear at dockets, and set the order in which the Temporary/Alternate Judges are to be contact for magistration duties. For instances when that order cannot be followed, the following procedures should be used.

2. For magistrate duties, the dispatcher shall first attempt to contact the Municipal Judge, and if unable to reach him/her, then the dispatcher will attempt to contact a Temporary/Alternate Judge, then the Mayor.

   - Magistration duties for Temporary/Alternate Judges can include but are not limited to
     a. Informing the defendant of the accusation(s) against them
     b. Informing the defendant of their rights
     c. Acceptance of pleas from defendants

   The cost for the magistrating by the temporary judge will be $100.00 per call. If more than one prisoner needs magistrating, he/she would only be paid for the one call.

3. In the event that the Judge is unavailable for arraignments due to illness, then one of the temporary judges will be contacted. Each of the temporary judges will be paid for his/her services at the rate of $250.00 per docket.

4. All other circumstances which would require the use of a temporary/alternate judge are to be brought to the attention of the City Manager and the City Manager will make a decision as to how the circumstances will be handled.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
	4	July 20, 1998	PAGE 1 OF 1
POLICY AFFECTING BUDGET AMENDMENTS	REVISED:	APPROVED BY CITY MANAGER: July 20, 1998	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: July 20, 1998	

BUDGET AMENDMENT POLICY

Per Law, an amendment changing an adopted Budget has to be approved by resolution of City Council. However, by City of Tomball ordinance, the City Manager has the authority to amend a department's budget, within the department. This type of amendment does not raise the overall budget, but only adjusts a line item or line items by category.

A department head must initiate a Budget Amendment within his department through a memo to the Finance Director. The Finance Director will then review the current financial reports and make a recommendation to the City Manager, who will sign off on the adjustment.

A memo requesting a Budget Amendment should include the following:

1. Account number and amount of the budget increase being requested.
2. Account number and amount for the offsetting decrease.
3. Explanation for the request.
4. Signature of the department head requesting the adjustment.
5. Date.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
LEGAL ADVERTISING	5	July 20, 1998	PAGE 1 OF 1
	REVISED:	APPROVED BY CITY MANAGER: July 20, 1998	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: July 20, 1998	

All legal advertisements shall comply with State Law and City of Tomball Charter. All legal advertisements shall be placed in the official newspaper of the City of Tomball unless otherwise required by State Law.

CITY OF TOMBALL **ADMINISTRATIVE POLICIES, RULES AND PROCEDURES**			
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	SUPERSEDES:	APPROVED BY CITY COUNCIL: July 20, 1998	

REPEALED BY CITY COUNCIL NOVEMBER 7, 2022

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	PAGE 1 OF 1
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	REVISED: September 7, 2021	APPROVED BY CITY MANAGER: September 7, 2021	
	SUPERSEDES: July 20, 1998	APPROVED BY CITY COUNCIL: September 7, 2021	

CREDIT CARD POLICY

Credit Cards are accepted for all payments to the City of Tomball. A convenience fee of 3% applies to the total charge.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
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	REVISED: April 17, 2006	APPROVED BY CITY MANAGER: April 17, 2006	
	SUPERSEDES: 12/7/1995	APPROVED BY CITY COUNCIL: April 17, 2006	

THIS POLICY WAS REPEALED BY CITY COUNCIL ON OCTOBER 5, 2009. ACCOUNTABILITY REQUIREMENTS FOR ORGANIZATIONS REQUESTING CITY OF TOMBALL HOTEL OCCUPANCY TAX FUNDS ARE COVERED IN ADMINISTRATIVE POLICY NUMBER 22, ENTITLED "HOTEL OCCUPANCY TAX GRANT PROCESS".

SUBJECT	NUMBER:	EFFECTIVE DATE:	
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PROCUREMENT POLICY & MANUAL	REVISED: 9/15/2025	APPROVED BY CITY MANAGER: September 15, 2025	
	SUPERSEDES: 10/3/2022	APPROVED BY CITY COUNCIL: September 15, 2025	

City of Tomball
Procurement Policy & Manual
Finance Department

Version 1.0

City of Tomball
Procurement Policy & Manual

Finance Department
501 James St., Tomball, TX 77375

Effective September 1, 2025

Procurement Policy & Manual
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Procurement Policy and Manual
ARTICLE 1: GENERAL INFORMATION

1.1 INTRODUCTION

The City of Tomball Procurement Policy (this "Policy") is a guide to all those engaged in procurement at the City of Tomball. Updates to this Policy will be documented in **Table 1.2** below. This Policy is available at www.tomballtx.gov. If you are unable to find an answer to your question(s) or need additional information not found in this Policy, please contact the Finance Department.

This Policy provides guidance to facilitate the efficient and proper procurement of goods and services, including professional services and public works construction. This Policy guides employees on industry best practices, education, accountability, ethics, impartiality, professionalism, and transparency by:

- Ensuring compliance with local, state and federal laws applicable to procurement and contracting;
- Providing quality customer service to City departments, suppliers engaging with the City and citizens of the City community;
- Obtaining needed goods and services at the best possible price, of the highest quality and at the right time;
- Serving as stewards of the public trust by spending tax dollars wisely, efficiently, and with integrity;
- Providing all suppliers, including Historically Underutilized Businesses, equal access to the City's competitive processes for the acquisition of goods and services;
- Protecting the interests of City taxpayers by avoiding any undue influence, political pressures and protecting the integrity of the procurement process.

In order to accomplish the above, the City and its customers must partner together to ensure the appropriate planning of needs, timely submission of information, proper execution of responsibilities, compliance with rules and regulations, and commitment to the highest standards of customer service. City officials, directors and employees of the City will strive to provide equitable and competitive access to the City's procurement process for all responsible suppliers. Further, procurement will be conducted in a manner that promotes and fosters public confidence in the integrity of the City's procurement process.

1.2 ADOPTION AND SUMMARY OF POLICY CHANGES

This Policy was adopted by the City of Tomball City Council on October 3, 2022 and made effective on October 3, 2022. This Policy is reviewed annually for compliance with relevant laws and regulations or for needed updates. Amendments to this Policy are noted below.

Table 1.2		
Summary of Policy Changes		
Amendment No.	**Effective Date**	**Summary of Changes**
0	10/03/2022	Baseline policy adopted
1	09/01/2025	Changes based on State Law

1.3 LAWS AND STATUTES GOVERNING PROCUREMENT

The City of Tomball is a home-rule city, operating pursuant to Article 11, Section 5 of the Texas Constitution, state law, and the City Charter. In determining procurement practices, the City is governed by applicable federal and state law, the City Charter, City ordinances, and industry best practices, supplemented by City Council resolutions and City policies and procedures.

State of Texas regulations most pertinent to this Policy include, but are not limited to, the Texas Local Government Code ("LGC") and the Texas Government Code ("GC"). A summary of key applicable Texas regulations affecting procurement at the City is included as **Appendix A**. All applicable Texas regulations, regardless of whether specifically listed in **Appendix A** or within this Policy, shall govern and prevail unless specifically displaced by the particular provisions of this Policy or City Charter, ordinance, or resolution. Further, the principles of law and equity, including applicable provisions in the uniform commercial code of this state, the common law of contracts as applied to this state and law relative to agency, fraud, misrepresentation, duress, coercion, and mistake supplement the provisions of this Policy.

1.4 FEDERAL AND STATE REQUIREMENTS

In addition to applicable Texas and local regulations, the City is bound to comply with various applicable federal and state regulations, depending on the funding source. When purchasing with federal or state grant funds, the Finance Department shall be responsible for verifying that the potential supplier is not on an excluded parties list. In no event shall any vendor be discriminated against on the basis of the vendor's national origin, race, color, religion, disability, sex or familial status.

1.5 APPLICABILITY OF THIS POLICY

This Policy shall apply to the following:

- Every City procurement except those specific procurements found to be exempt as outlined in **Section 1.6**.
    - Note: Certain procurements exempted from competitive bidding requirements may be required to follow additional procedures outlined in this Policy.
- Contracts where there is no expenditure of public monies or where the City is offering something of value to the business community when the City determines source selection and award of a contract.

1.6 GENERAL EXEMPTIONS TO THIS POLICY

LGC 252.022 exempts the following from competitive bidding requirements:

- Emergency procurements, including:
  - A procurement made necessary because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality.
  - A procurement necessary to preserve or protect the public health or safety of the municipality's residents.
  - A procurement necessary because of unforeseen damage to public machinery, equipment, or other property.
- A procurement for personal, professional (see **Article 8**), or planning services.
- A procurement for work that is performed and paid for by the day as the work progresses.
- A purchase of land or right-of-way.
- A procurement of items that are available from only one source (see **Section 6.11**), including:
  - Items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies.
  - Films, manuscripts, or books.
  - Gas, water, and other utility services.
  - Captive replace parts or components for equipment.
  - Books, papers, and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials.
- Management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits;
- A purchase of rare books, papers, or other library materials for a public library.
- Paving drainage, street widening, and other public improvements, or related matters, if at least one-third of the cost is to be paid by or through special assessments levied on property that will benefit from the improvements.
- A payment under a contract by which a developer participates in the construction of a public improvement as provided by Subchapter C, Chapter 212, Municipal Regulation of Subdivisions and Property Development.
- Personal property sold:
  - At an auction by a state licensed auctioneer.
  - At a going out of business sale held in compliance with Subchapter F, Chapter 17, Business and Commerce Code.
  - By a political subdivision of this state, a state agency of this state, or an entity of the federal government.
  - Under an interlocal contract for cooperative purchasing administered by a regional planning commission established under LGC Chapter 391.
- Services performed by blind or severely disabled persons.
- Goods purchased by a municipality for subsequent retail sale by the municipality.
- Electricity.
- Advertising, other than legal notices.
- Bonds or warrants issued under LGC Chapter 571, Subchapter A.

- Expenditures described by LGC Chapter 252.021(a) if the governing body of the municipality finds that a method described by GC 2269 provides a better value for the municipality than the procedures described in LGC Chapter 252.

1.7 PRECEDENTS AND INTERPRETATIONS

In the event of any conflict with or need for interpretation with this Policy:

- If there is any conflict between this Policy and a state or federal law, or a rule adopted under a state or federal law, the stricter of the conflicting provisions prevails.
- The masculine, feminine, and neutral genders shall be interpreted to include the other genders as required. The singular and plural shall be interpreted to include the other numbers as required.
- Headings and titles at the beginning of the various sections of this Policy have been included only to make it easier to locate the subject matter covered by that section or subsection are not to be used in interpreting this Policy.

It is the responsibility of the Finance Director, in consultation with the City Attorney, to interpret this Policy. Any questions regarding the Finance Director's interpretation and/or application of this Policy may be addressed with the City Manager, who shall have final authority to resolve any question about any interpretation and/or application of this Policy, except where appeals to the City Council are allowed pursuant to this Policy.

1.8 REQUIREMENTS OF GOOD FAITH

This Policy requires all parties involved in the negotiation, performance, or administration of City contracts to act in good faith.

1.9 CONFIDENTIAL INFORMATION

Confidential or proprietary information shall be designated as follows:

- If a person believes that a bid, proposal, offer, specification, or protest contains information that should be withheld from public record, a statement advising the City of this fact should accompany the submission and the information shall be so identified in a clear and conspicuous manner, wherever it appears.
- Unless otherwise required by law, confidential or proprietary information will not be released until the contract is considered by Council for approval.
- Notwithstanding the above provisions, in the event records marked as confidential are requested under the Texas Public Information Act (GC 552) the City shall follow the Texas Public Information Act unless a protective order, injunctive relief, or other appropriate order from a court of competent jurisdiction, enjoins the release of the records.
- The City shall not, under any circumstances, be responsible for securing a protective order or other relief enjoining the release of records marked confidential or proprietary. Nor

shall the City be in any way financially responsible for any costs associated with securing such an order.

- The City will follow LGC 252.049 regarding confidentiality of information in bids or proposals.

1.10 DISCLOSURE OF CERTAIN RELATIONSHIPS BETWEEN CITY OFFICIALS AND VENDORS

Vendors and local government officials must disclose certain relationships between each other to the City (LGC 171 and LGC 176). The vendor and the official must file disclosure statements (Forms CIQ or CIS) if the vendor who is contracting or has contracted with the City has:

- A familial relationship with the official; and
- An employment or other business relationship with the official or a family member of the official that results in receiving more than $2,500 of taxable income over a 12-month period; or
- Given the official or family member of the official one or more gifts that have an aggregate value over $100 in the 12-month period preceding the date the official becomes aware of the contract or potential contract with the City (LG 176).

The official is not required to file a conflicts disclosure statement in relation to a gift accepted by the official or family member if the gift is a political contribution as defined by Title 15 of the Texas Election Code or food accepted as guest.

The official and vendor must file the conflicts disclosure statement with the City Secretary no later than 5:00 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing. A person commits a misdemeanor if the person knowingly violates LGC 176.003. Disclosure statements shall be posted and publicly accessible on the City's website.

Vendors are also required to file disclosure statements for certain relationships and may be subject to other City policies which may be more restrictive than state requirements.

Additionally, a local government official must file an affidavit with the City Secretary disclosing any substantial interest of the official or any family member in a business entity prior to any vote or decision or any matter involving the business entity, and must abstain from any participation in the matter requiring the affidavit (LGC 171).

1.11 PURCHASE OF MATERIALS, EQUIPMENT, AND SUPPLIES FOR PERSONAL USE

Employees of the City of Tomball cannot use the City's business accounts for personal purchases. Employees who violate this provision may be subject to disciplinary action, up to and including termination.

1.12 PROCUREMENT OF GOODS AND SERVICES FROM CITY EMPLOYEES AND/OR IMMEDIATE FAMILY MEMBERS

It is the general policy of the City of Tomball to not enter into contracts for purchases for goods, services, professional services, or public works from employees of the City or members of their immediate family (any person related in the first degree of consanguinity or affinity as determined under GC 573). Exceptions can be reviewed on a case-by-case basis. Any employee wishing to request such an exception must notify the Finance Director in writing of the request to purchase goods or services from an immediate family member or current City employee and formally request an exception to the City's Procurement Policy. The request must include full disclosure of the nature of the relationship, why the purchase is the best value for the City, why other alternatives are not available, and any other pertinent information needed to evaluate the request. The Finance Director may request additional information in order to evaluate the exception request. The Finance Director will evaluate the exception request and make a recommendation to the City Manager. The City Manager has the sole authority to grant an exception under this Section.

This section does not preclude the City from entering into contracts for purchases for goods, services, professional services, or public works from individuals previously employed by the City.

1.13 SEVERABILITY

If any provision of this Policy or the application of a provision to any person or circumstance is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remainder of this Policy and the application of its provisions to other persons and circumstances shall not be affected.

Procurement Manual
ARTICLE 2: DEFINITIONS

2.1 Definitions

Definitions not contained specifically within this Policy shall be defined per GC, LGC, or other applicable Texas statutes. Additional definitions are provided in subsequent Sections as needed.

Advertisement/Notice/Public Notice means to make a public announcement of the intention to procure goods, services, professional services, or public works.

Alternative Delivery Method (ADM) means a method of procuring construction services other than "traditional" competitive bidding. Methods include competitive sealed proposals, design-build, construction manager-agent, construction manager-at-risk, and job order.

Amendment/Addendum means a document used to change the provision of a Solicitation.

Award means the act of accepting a bid, proposal, or offer; thereby resulting in a contract between the City and a Supplier/Vendor.

Best and Final Offer ("BAFO") means a negotiation technique in which an opportunity is extended to respondents in the RFP process to review their proposals and provide a best and final offer to the City. A BAFO may be sent to all firms, the top firms, or the highest ranked firm, depending on the procurement.

Best Value means a method of evaluating price that includes an evaluation based on the total life cycle cost of the item or service. Best value is the best and lowest overall life cycle cost proposal taking into consideration various factors depending on what is being procured.

Bid means an offer to contract with an entity, submitted in response to an Invitation for Bid or informal quote.

Bid (formal) means a bid that must be submitted in a sealed envelope and in conformance with a prescribed format, to be received and opened on a specific date and at a specific time.

Bid (informal) means an unsealed competitive offer conveyed by letter, telephone, email, or other means and under conditions different from those required for formal bidding.

Bidder, Lowest Responsible means the bidder submitting the lowest *initial* price and capable of performing the propose contract as the "lowest and responsible" bid.

Bidder, Responsible means the bidder who has the capability in all respects to perform fully the contract requirements, and the experience, integrity, perseverance, reliability, capacity, facilities, equipment, and credit which will also assure good faith performance.

Bidder, Responsive means a bidder who has submitted a bid that fully conforms in all material respects to the Invitation for Bid ("IFB") and all of its requirements, including all form and substance.

Bidder, Non-resident means a person whose principal place of business is NOT in the State of Texas, including a contractor whose ultimate parent company or majority owner does NOT have its principal place of business in the State of Texas.

Bidder, Resident means a person whose principal place of business is in the State of Texas, including a contractor whose ultimate parent company or majority owner has its principal place of business in the State of Texas.

Blanket/Open Purchase Order means a purchase order issued without unit pricing, limited to a specific amount. An open purchase order is normally used when there is a recurring need for incidental goods, and contains multiple purchases over a period of time.

Bond, Bid means a bond submitted with a bid guaranteeing the bidder will proceed with the contract and will replace the bid bond with a contract, performance bond, and/or payment bonds. The bid bond is an instrument used to stop low bidders from underbidding and then withdrawing their bid. A bid bond is not statutorily required but is generally used by the City on public works contracts.

Bond, Maintenance means a guarantee that there is no defect in workmanship and/or materials for a specific time period.

Bond, Payment means to protect beneficiaries who supply materials or labor to a public works project and have a direct contractual relationship with the contractor. A payment bond is required because materials suppliers and laborers do not enjoy the same lien rights on public projects as they do on private projects. The payment bond requirement essentially replaces the protections afforded by lien rights with protections guaranteed by a surety (GC 2253).

Bond, Performance means to secure the performance and fulfillment of all the undertakings, covenants, terms, conditions, and agreements contained in the contract specifications (GC 2253).

Brand Name or Equivalent means one or more manufacturers' brand names, with identifying model numbers (or the like), used in a specification to invoke certain quality, performance, and other salient characteristics needed to meet the solicitation requirements.

Change Order means a change in plans or specifications after the performance of a contract has initiated, or if it is necessary to increase or decrease the quantity or price of work to be performed or materials, equipment, or supplies to be furnished (LGC 252.048).

City means the City of Tomball, Texas, including all departments, utilities, commissions, and boards comprising the City government.

City Council means the City Council of the City of Tomball, Texas.

City Manager means the City Manager of the City of Tomball, or the designee of the City Manager, when such designation is necessary and appropriate.

Commodity means a tangible item that can be offered for trade.

Competitive Bidding means the process that allows available vendors to compete with each other to provide goods or services. (LGC 252; GC 2269, Subchapter C).

Competitive Sealed Proposal Process means the process that allows available vendors to compete with each other to provide goods and services and permits flexibility in product solicitation and negotiation in compliance with LGC 252 or GC 2269, Subchapter D.

Component Purchases means a purchase of the component parts of an item that in normal purchasing practices would be made in a single purchase (LGC 252.062).

Construction means the process of utilizing labor and material to build, alter, repair, improve, or demolish any structure, building, or public improvement. Construction does not general apply to routine maintenance, repair, or operation of existing real property.

Contract means a legal, binding mutual agreement obligating parties to terms and conditions as outlined. In terms of purchasing, a contract is an agreement in which a buyer and seller agree to specific terms regarding the exchange of goods and services, during a specific time period, at a specific delivery point, for a specific frequency, under specific terms and conditions, at a specific quantity, and/or at a stated price.

Contract Amendment means any written alteration in specifications, delivery point, frequency of delivery, period of performance, price, quantity, or other provisions of the contract, accomplished by mutual agreement of the parties to the contract.

Cooperative Buying Agreement ("Cooperative Contract", "COOP", or "Piggyback Agreement") means competitively awarded contracts in accordance with Texas statutes, rules, policies, and procedures that have been extended for the use of other government agencies and active cooperative members. A cooperative buying agreement satisfies any state law requiring a local government to competitively source for goods or services. (GC 791; LGC 252.022(12)(D)).

Design-Build Contract means a project delivery method by which the City contracts with a single entity to provide both the design and construction services for the construction, rehabilitation, alteration, or repair of a facility (GC 2269, Subchapter G).

Design Criteria Package means a set of documents that meets the requirements specified in Texas Government Code, Chapter 2269, Subchapter G. The Design Criteria Package must provide sufficient information to permit a design-build firm to prepare a response to a City request for qualifications and to provide any additional information requested.

Department means all City funded departments or divisions, and subdivisions of them, when the purchases are funded even partially with City funds.

Disaster means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, extreme heat, other public calamity requiring emergency action, or energy emergency.

Electronic Signature ("E-Signature") means an electronic symbol, text, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

Emergency Purchase means a purchase made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the City's residents or to preserve the property of the City. Such a purchase would be deemed necessary to preserve or protect the public health or safety of the City's residents and the City's ability to serve its public would be impaired if the purchase is not made immediately.

Employee means any City elected official, appointed official, or employee when the purchase is funded even partially with City funds or anyone who acts on behalf of any of them.

Expenditure Authority means the level of approval a certain employee has to authorize an expenditure of funds for goods or services.

Family means any person related in the first degree of consanguinity or affinity as determined under GC 573.

Finance Director means the Finance Director for the City of Tomball or a designee of the Finance Director. In the event that there is no individual serving as the Finance Director, references to the Finance Director shall mean the Assistant City Manager or a designee of the Assistant City Manager.

Goods means any personal property purchased by the City, including equipment, supplies, material, and component or repair parts.

High Technology Item means a service, equipment, or good of highly technical nature, including data processing equipment and software; telecommunications, radio, and microwave systems; electronic distributed control systems; and technical services related to those items (LGC 252.001(4) and 252.021(b)).

Historically Underutilized Business ("HUB") means a business that is at least 51% owned by an economically disadvantaged group (Asian Pacific American, Black American, Hispanic American, Native American, and/or American woman or veterans who suffered at least 20% service-connected disability), is a for-profit entity that has not exceeded the size standards

prescribed by 34 TAC §20.294, has its principal place of business in Texas, and has an owner residing in Texas with a proportionate interest that actively participates in the control, operations, and management of the entity's affairs. See addition information in GC 2161, 34 TAC §20.282, and LGC 252.0215.

Invitation for Bid ("IFB") means a solicitation requesting submittal of a bid in response to the required specifications. IFBs are awarded to the lowest responsible bidder meeting the specifications. Price may not be altered or negotiated.

Invitation for Bid, Best Value ("IFB-BV") means a solicitation requesting submittal of a bid in response to the required specifications. An IFB-BV is awarded to the bidder that meets the specifications and provides the best value to the City. Published evaluation criteria are used to determine the best value, which may not be the lowest cost. Price may not be altered or negotiated.

Invoice means the document provided by the supplier/vendor requesting payment for goods or services provided.

Item means any service, equipment, good, or other tangible or intangible personal property, including insurance and high technology items. This does not include professional services as defined by GC 2254.002.

Lease means a contract for the use of real or personal property for a period of time in return for a specified compensation

Life Cycle Cost means the total cost associated with buying, owning, and using a physical product or service.

Local Cooperative Organization means an organization of governments established to provide local governments' access to contracts with vendors for the purchase of materials, supplies, services, or equipment.

Maintenance Services means routine maintenance, repair, and replacement of existing facilities, structures, or buildings.

NIGP Commodity/Service Codes means the standardized national classification codes that identify goods and services.

Negotiation means a consensual bargaining process in which multiple parties attempt to reach an agreement on a disputed, or potentially disputed, matter.

Offer means a response to a solicitation that, if accepted, would bind the offeror to perform the resulting contract.

Offeror means a person or entity who submits a response to an RFP.

Offeror, Responsible means an offeror who has the capability in all respects to perform fully the contract requirements, and the experience, integrity, perseverance, reliability, capacity, facilities, equipment, and credit which will also assure good faith performance.

Offeror, Responsive means an offeror who has submitted a proposal that fully conforms in all material respects to the RFP and all of its requirements, including form and substance.

Official means any elected or appointed official and any person authorized to act on his or her behalf.

Person means an individual, corporation, partnership, limited partnership, Limited Liability Company, association, trust, or other legal entity.

Personal Services means those services other than professional services that are performed personally by the individual who contracted to perform them. Personal services are be exempt from the competitive bid process.

Planning Services means services primarily intended to guide governmental policy to ensure the orderly and coordinated development of the state or municipal, county, metropolitan, or regional land areas.

Pre-Bid/Proposal Conference means a conference conducted by the City for the benefit of those wishing to submit a response for services or supplies required by the City which is held in order to allow vendors to ask questions about the proposed contract and particularly about the contract specifications.

Preconstruction Services means advice during the design phase and does not include manager-agent services.

Procurement Card ("P-Card") means a credit card program for authorized purchases made by the City. See Procurement Card Program for additional information.

Professional Services means services performed by an individual or group of individuals who possess the education, professional certification, professional license, and/or professional registration required to perform the service. The service is usually based on intellectual qualifications as opposed to craftsmanship, involves a higher level of knowledge and a higher order or learning, skill, and intelligence. For purposes of GC 2254, services within the scope of the practice, as defined by state law of: accounting, architecture, landscape architecture, land surveying, medicine, optometry, professional engineering, real estate appraising, professional nursing, or services provided with the professional employment or practice of a person who is licensed or registered as a certified public accounting, an architect, a landscape architect, a land surveyor, a physician (including a surgeon), an optometrist, a professional engineer, a state certified or state licensed real estate appraiser, interior designer, or a registered nurse.

Proposal means an offer submitted by a supplier in response to an RFP intended to be used as a basis to negotiate a contract.

Proprietary Information means information provided in responses to solicitations to which vendor claims ownership or exclusive rights and which may be protected from disclosure under the Texas Public Information Act, GC 552.

Public Works means constructing, altering, or repairing a public building or the construction or completion of a public work.

Purchase means any kind of acquisition, including by a lease or revenue contract.

Purchase Order means a legal contract document for the delivery of goods or services in accordance with the terms of an agreement. A purchase order should include the quantity, price, and delivery instructions. All invoices generated by purchase orders shall be for the amounts stated on the purchase order.

Qualified Products List means an approved list of supplies, services, or construction items described by model or catalog numbers (or the like), which prior to competitive solicitation, the requesting City department has determined will meet the applicable specification requirements.

Quote means a statement provided by a vendor or supplier that outlines the price and terms for specific goods or services.

Quote (informal) means a statement provided by a vendor or supplier that outlines the price and terms for specific goods or services when the purchase is less than the required threshold for competitive bidding.

Receiving Document means a document provided by the supplier/vendor listing the items shipped and their quantity, often referred to as a packing slip.

Reciprocal Law (in bid evaluation) means if a nonresident bidder's home state grants a preference to its resident bidders, an equal penalty is added to the nonresident bidder's proposal when bidding in Texas. The action is opposite; a preference becomes a penalty, but the amount is equal. Texas law prohibits cities from awarding contracts to a non-resident firm unless the amount of such a bid is lower than the lowest bid by a Texas resident by the amount the Texas resident would be required to underbid in the non-resident bidder's state.

Request for Information ("RFI") means an information gathering tool used when a purchaser cannot clearly identify product requirements or specifications.

Request for Proposals ("RFP") means a solicitation requesting submittal of a proposal in response to the required scope of services that usually includes some form of a cost proposal. An RFP requires published evaluation criteria. Price may be negotiated with firms to ensure the best value for the organization.

Request for Qualifications ("RFQ") means a solicitation requesting a statement of qualifications from individuals or firms which demonstrates competence and qualifications for the type of professional services to be performed at fair and reasonable prices.

Request for Quotes ("RFQt") means an informal process for requesting quotes from vendors or suppliers for goods and services when the purchase threshold does not require a competitive bidding process.

Requisition means a written request for a purchase order to be made.

Respondent means a person or entity which submits a response to a solicitation.

Responsible – See Bidder, Responsible or Offeror, Responsible.

Responsive – See Bidder, Responsive or Offeror, Responsive.

Retainage means the part of a public works contract payment withheld by the City to secure performance of the contract.

Reverse Auction means a real-time bidding procedure that is conducted at a pre-scheduled time and Internet location in which multiple suppliers, anonymous to each other, submit bids for designated goods and services (GC 2155.062(d); LGC 252.021(a)(2); LGC 271.906).

Scope of Work ("SOW") means a written description of the contractual requirements for materials or services contained within an RFP. The SOW can be compared to specifications within an Invitation for Bid. The SOW should establish a clear understanding of what is needed, encourage competition, satisfy the departmental need, and provide the best value for the citizens.

Sealed means packaged in such a way that nothing can be added or removed.

Separate Purchase means separating purchases that normally would be made in a single purchase.

Sequential Purchase means making purchases over a period of time that normally would be made in a single purchase.

Service means intangible products such as banking, cleaning, consultancy, education, insurance, expertise, or transportation.

Sole Source means a good or service available from only one source. The procurement is usually protected by patents, copyrights, secret processes, natural monopolies, or captive replacement parts.

Solicitation means the process of notifying prospective vendors of an opportunity to provide goods or services to the City. Depending on circumstances, solicitations may be conducted via telephone, fax, email, mail, or in person.

Specification means any description of the physical, functional, or performance characteristics, or the nature of a supply, service, or construction item. A specification includes, as appropriate, a requirement for inspecting, testing, or preparing a supply, service, or construction item for delivery.

Specification, Brand Name means a list of products or services by brand name, model, and/or other identifying specifics to limit the bidding to a single preferred product. Since this type of specification discourages competition, it should not be used unless the item is the only one that will satisfy the City's requirement. This type of specification is typically used for purchasing replacement parts where only the brand name item will work.

Specification, Combination means a specification that includes elements of both design and performance. Some features of each are included to allow a vendor to use ingenuity to meet the performance needs of the City and also require certain necessary design characteristics.

Specification, Design means a specification that gives a detailed description of a good or service, including such things as details of construction or production, dimensions, chemical composition, physical properties, materials, ingredients, plus all other details needed by the provided to produce an item of minimum acceptability. Design specifications are usually required for construction projects, custom-produced items, and for many services.

Specification, Performance means specifications that are used when the goods and/or services are described in terms of required performance. They may include such details as required power, strength of material, test methods and standards of acceptability, and recommended practices.

Statement of Work means the statement outlining the specific services a contracted is expected to perform, generally indicating the type, level, and quality of service, as well as the time schedule required.

Supplier/Vendor means a seller of commodities and/or services.

Procurement Manual
ARTICLE 3: Organization, Authorization, and Responsibilities

3.1 General Expenditure Approval Authority

City contracts, transactions, and expenditures require various levels of approval, dependent upon the total amount of a single transaction/expenditure and a cumulative purchase of goods or services from a particular vendor or in relation to a project.

The general contract/expenditure approval authorities are as follows:

Position	Expenditure Authority	Contract Authority
Department Director	May approve expenditure of up to $10,000 without additional approvals	No authority to execute contracts/agreements without necessary approvals (See 3.7)
Finance Director	May approve expenditure of up to $25,000 without additional approvals	No authority to execute contracts/agreements without necessary approvals (See 3.7)
City Manager	May approve expenditure of up to $100,000 without additional approvals	May approve contracts/agreements for service if the total not-to-exceed amount is less than $100,000
City Council	Approval required for any expenditure of $100,000 or greater	Approval required for contracts/agreements if total not-to-exceed amount is $100,000 or greater

Regardless of the expenditure approval authority, all purchases must follow the appropriate procurement procedures. For example, while a Department Director can approve a single transaction of up to $10,000, it is required that such expenditure meet any required approvals or procedures required by this Policy or state or federal law prior to such approval.

3.2 Authority of Finance Director

In accordance with the City Charter, and by adoption of this Policy, the City Council delegates procurement authority to the Finance Director and the City Manager, or their respective designees. Except as otherwise precluded by state and local law or this Policy, the Finance Director shall serve as the procurement and contracting authority of the City. The Finance Director shall have full authority to:

- Adopt operational procedures, consistent with this Policy, governing the procurement and management of all goods, services, professional services and public works, including any action that may be delegated by City Council under GC Chapter 2269;
- Procure or supervise the procurement of all goods, services, professional services and public works utilizing any procurement method or procedure as authorized by law;
- Determine which method of procurement provides the best value to the City;
- Utilize any procurement procedure or method for the construction or installation of any public work that is authorized by law;

- Establish guidelines for the management of all inventories of materials belonging to the City;
- Manage the disposal of materials belonging to the City, including the sale, trade or other method of disposal of surplus materials belonging to the City;
- Prepare, issue, revise, maintain, and monitor the use of specifications and scopes of work for goods, services, professional services and public works required by the City; and
- Delegate procurement authority to designees only as appropriate and necessary.
- Make a determination that noncompliance with any provision of this Policy is non-substantial and may allow for correction or may waive minor informalities or irregularities. The basis for the decision shall be included in the determination.

3.3 Authority of City Manager

Except as otherwise precluded by state and local law or this Policy, the City Manager shall have the authority to approve or execute:

- Purchases, contracts, and agreements in an amount not to exceed $100,000, provided funds are budgeted therefore.
- Applications for Title and Tax Exemption Certificates.
- Cooperative purchasing agreements in an amount not to exceed $100,000.
- Change orders which involve a decrease or increase of up to 25% or $50,000, whichever is less, provided the total contract expenditure remains within the budgeted amount.
- Emergency purchases as outlined in this Policy, provided that the expenditures are reported to the City Council in writing within 30 days.

The City Manager is not authorized to approve or execute the following *without Council action*:

- A contract or other legal instrument for the purchase of real property, with the exception of the purchase of easements or right-of-way under $50,000; any condemnation proceeding must be authorized by resolution of the City Council.
- The City's grant of or other action relating to any license or franchise, or other authorization pursuant to its regulatory powers.
- Any contract, contract amendment, or other legal instrument for which approval authority is separately delegated by the City Charter or another section of this Policy.
- Purchases, contracts, and agreements over $100,000.

The City Manager may make administrative directives to complement this Policy to facilitate efficient operations and ensure compliance with state law, audits, and best practices. Any administrative directives that are in place for more than 90 days shall be brought forward as an amendment to this Policy.

3.4 Execution of Documents

The Mayor shall, when authorized by the Council, sign all official documents such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts and bonds. The Mayor shall retain the authority to execute such documents, however, by this Policy, the City

Council grants the City Manager authority to execute any purchases, contracts, and agreements in an amount not to exceed $50,000, provided funds are budgeted therefore. The Council may also authorize the City Manager to execute purchases, contracts, and agreements in amounts of $50,000 or greater by formal action (City of Tomball Charter, Section 6.08).

3.5 Responsibilities of City of Tomball Departments

All City of Tomball departments and employees engaged in the procurement of goods and services must adhere to this Policy and the procedures as outlined and adopted by the City Council. Additional responsibilities of departments are as follows:

- Each department should plan in advance to avoid rush orders and emergency requests.
- Upon approval of the department director, or designee, departments may purchase goods and services of less than $3,000 directly from a vendor by methods described herein.
- Each department must submit purchase order requisitions as appropriate.
- Departments shall not place orders that exceed $3,000 without an approved purchase order.
    - Departments do not have the authority to order directly from a vendor without an approved purchase order, nor to negotiate any purchases without the required approvals.
- Department directors may not approve purchases in excess of $10,000.
- Departments are required to notify the Finance Department of any repetitive cumulative purchases that reach any designated quote or bid threshold.
- Departments are required to allow sufficient lead time for all quoted and solicited actions.
- Anticipated purchases of goods or services over $100000 shall be brought to the attention of the Finance Director as soon as the need is identified.
- Department directors may request to delegate expenditure approval authority to another employee. This delegation can only be made in very limited circumstances, such as a prolonged absence of the department director. Requests to delegate approval authority must be made in writing to the Finance Director. The Finance Director may consider the request and approve or deny the request based on the circumstances described.
- Each department director shall assume the responsibility of maintaining control of their departmental expenditures, including expenditures on annual contract.
- Departments are encouraged to monitor vendor performance. In the event that a vendor fails to perform in compliance with specifications, departments should notify the Finance Department as soon as possible.
- Departments are responsible for working with the City Attorney to develop service contracts, if applicable. Departments are responsible for obtaining all required contract signatures, and for monitoring their contracts to ensure contracts are renewed or bid prior to expiration dates.
- Pursuant to GC Chapter 2270, departments are responsible for verification on the Texas Comptroller of Public Accounts' website that the vendor:
    - Does not boycott Israel, as defined by GC 808.001; and
    - Will not boycott Israel during the term of the contract.
    - This requirement does not apply to sole proprietorships, companies with fewer than ten employees, or contracts that are less than $100,000.

- Pursuant to GC 2252, Subchapter F, departments are responsible for verification that the vendor is not identified on a list created by the Texas Comptroller of Public Accounts as a company known to have contracts with or provide supplies or services to a foreign terrorist organization.

3.6 Responsibilities of the Finance Department

In order to facilitate the efficient procurement of goods and services, the Finance Department will:

- Enforce the policy and procedures outlined in this Policy or as directed by the City Manager or designee;
- Investigate and analyze research done in the field of purchasing, in an effort to keep abreast of current developments in the fields of purchasing, price, market conditions, and new products;
- Join with other governmental agencies in cooperative purchasing plans when it is in the best interest of the City;
- Coordinate, organize, and assist departments in the specification writing process to ensure that specifications are written concisely and are not written in an exclusive manner;
- Advertise competitive solicitations to ensure compliance with competitive bidding statutes;
- Combine purchases of similar items whenever possible to allow for better pricing and establish a more competitive atmosphere; and
- Conduct purchasing training for employees who process purchase order requisitions, conduct receiving, approve purchase orders, and/or develop specifications. Additionally, individual training by the Finance Department is available at the request of departments.

3.7 Authority to Financially Bind the City

Unless delegated by the City Council and authorized by the City Manager, no City of Tomball employee is authorized to contractually bind the City. Binding the City may include, but not be limited to, verbal orders for goods and services, signing contractual documents, placing online orders, making verbal or written commitments of any type that financially commit the City. Unauthorized staff who attempt to bind the City of Tomball financially, or violate this Policy, may be subjected to disciplinary action.

Procurement Policy
ARTICLE 4: PROCESSES AND INTERNAL CONTROLS

4.1 The Purchasing Process (In General)

The following sections outline process and internal controls related to the procurement of goods and services. Specifically, this article includes areas, such as the purchase of vehicles and equipment and technology purchases, where additional approvals may be necessary. An important part of the procurement process is the management of internal controls to ensure purchases are made in accordance with Policy, funds are fully accounted for, and timely payments are made to suppliers. The purchase order process provides the mechanism through which the City can manage the procurement process and ensure purchases are in compliance with this Policy and applicable law.

4.2 Additional Approvals for Purchases of Vehicles and Equipment

All equipment and vehicle purchases must be processed through the Finance Department. Specifications must be forwarded to the Finance Director, or designee, who will be responsible for soliciting bids and authorizing the purchase of vehicles and equipment as approved by either the City Manager or City Council. Approval of the department director is required and approval by the City Council is required if the purchase exceeds $100,000.

The process for the purchase of equipment and vehicles is outlined in (**Exhibit H)**.

4.3 Additional Approvals for Technology Purchases

The purchase of all technology items, including hardware and software, requires the advance approval of the Information Technology Department. Technology items include:

- A service related to the automation of a technical system, including computer software or a computer;
- A telecommunications apparatus or device that serves as a component of a voice, data, or video communications network for transmitting, switching, routing, multiplexing, modulating, amplifying, or receiving signals on the network; and
- Technical services related to such goods and equipment.

4.4 Prepayments and Advance Payments

Generally, prepayment or advance payments are not authorized for any purchases of supplies, materials, equipment, or services, unless specifically approved in writing by the Finance Director ($3,000 or below) or City Manager ($3,001 to $100,000). Exceptions to this include: training and travel expenses per the City of Tomball Travel Policy.

4.5 Reimbursement of City Officials and Employees

Upon approval received from the Finance Director, prior to purchase, reimbursements may be processed for certain goods or services, ONLY in instances where sufficient time may not allow approval through the purchase order process. Instances where prior approval were not authorized, may be cause for non-payment of the request.

All reimbursements are processed following the Request for Reimbursement Form **(Exhibit B)**, and must include support showing that the Finance Director approved the expenditure prior to purchase.

The Finance Department will review submitted Request for Reimbursement forms and either acknowledge that the request may move forward in processing; or, if discrepancies are found, advise that the form be returned to the requesting division to correct or process through the purchase order process.

This section does not apply to reimbursements of travel expenses per the City of Tomball Travel Policy.

4.6 Check Requests (PA-7s)

For any purchase that requires payment via a check request/PA-7 form, the purchasing department is required to provide all associated documentation and invoices required by this Policy. This includes documentation that the department followed all procedures required based on the expenditure amount and the expenditure has been approved at the appropriate level.

4.7 Purchase Orders and Requisitions

Purchase orders (PO's) are required for all purchases in excess of $3,000, unless otherwise exempt as indicated below or an exception to the Policy is granted. Purchase order requisitions must be approved prior to making a purchase. Purchase order requisitions may be submitted for purchases under $3,000, but are not required. Departments may use a P-card or check request for purchases under $3,000 so long as the purchase complies with this Policy, the Procurement Card Policy, and other applicable policies or regulations.

Purchase Orders are NOT required for all purchases. Items that do not require a purchase order and may be paid with a P-Card or check request are:

- Catered event fees;
- Election fees;
- Membership or professional association dues and fees;
- Payroll and benefit payments;
- Periodicals;
- Postage;
- Registration fees;

- Regulatory fees;
- Subscriptions;
- Certain training related fees;
- Travel expenses;
- Tuition;
- Utilities; and
- Other fees as approved in advance in writing by the Finance Director.

The procedure for purchase order requisitions is included in (**Exhibit C).**

In limited circumstances, a department may request an exception to the purchase order requirement. An exception may be granted only under the following conditions:

- The purchase was necessary to respond to an urgent operational need or emergency situation where the delay in obtaining a purchase order would have resulted in a disruption to critical city services, a threat to public safety, or potential damage to city property.
- The vendor could not reasonably accommodate the City's standard purchasing procedures due to industry-specific practices (e.g., online-only or credit card transactions).
- The purchase was part of a travel or training expense that could not be prepaid or invoiced.
- The goods or services were obtained through a cooperative contract, standing agreement, or interlocal agreement and did not permit a standard purchase order process.

If a department desires an exception to the purchase order requirement, the department shall submit a written **Exception Request** to the Finance Department within two (2) business days of the purchase, including:

- A detailed explanation of the justification for the exception
- Supporting documentation (invoices, receipts, quotes, contracts, etc.)
- The name of the vendor and the amount of the purchase

The Finance Director (or designee) shall review the request and determine whether the exception is approved. Repeated or unjustified exceptions may result in additional departmental oversight or training requirements. Departments are expected to plan purchases in advance to avoid unnecessary exceptions. Exceptions will be tracked and reported periodically to the City Manager's Office for monitoring and accountability.

4.8 Procedures for Processing Payments

The Finance Department shall be responsible for the processing of all payments for the City of Tomball. Invoices received by noon on Tuesday will have payments processed by Friday the same week if all required information has been provided. The City will maintain as its goal to make payment on or before the due date. Checks shall be signed with dual signatures as outlined by the City's Charter.

4.9 Verification of Compliance

The Finance Department will verify that the New Vendor Form, W-9 and ACH Payment Authorization, if applicable, is complete and accurate before any payments are processed. If additional information is needed, the Finance Department will contact the individual originating the purchase.

4.10 Funds Verification

The Finance Director or his/her designee shall:

- Charge all purchase orders, requisitions, contracts, and salary and labor allowances to the appropriate account; and
- Certify the budget contains an ample provision for the obligations and that funds are or will be available to pay each obligation when due.

The amount allocated in the budget may not be used for any other purpose unless an unexpended balance remains in the account after full discharge of the obligation or unless the obligation is canceled in writing by the City Council.

Procurement Policy
ARTICLE 5: VENDOR SETUP

5.1 New Vendors

The New Vendor Form must be completed for each new vendor added to the City's financial management software. The Form requests important information about the vendor to ensure accurate, timely payment and reporting data. The Vendor must attach a completed W-9 with the Form. Any new vendor invoice submitted for payment that does not have a New Vendor Form will not be processed for payment. The individual originating the purchase will be contacted to obtain additional information. See **Exhibit D** for New Vendor Forms.

5.2 Insurance Certificates

Contractor shall provide a Certificate of Insurance to the City of Tomball as evidence of the required insurance coverage before work commences.

The City of Tomball will maintain the required insurance coverage until all contract work is accepted by the City. Liability Insurance shall be kept for five (5) years following the City's acceptance of work.

5.3 Tax Exemption

As a tax-exempt municipal government agency, the City of Tomball does not pay sales tax.
Any government official or employee entering into a purchasing transaction is expected to notify vendors of the City's tax exempt status and provide a copy of the tax exemption certificate, should the vendor require such documentation. The City is not exempt from hotel/motel taxes and certain other travel related taxes.

Procurement Policy
ARTICLE 6: METHODS AND THRESHOLDS FOR SOURCE SELECTION (GOODS AND SERVICES)

6.1 General Information

The following sections outline the methods of source selection available to procure goods and services for the City. They also establish when each method may be used, the key requirements of each method, the manner of the award, and the authority to award. Purchase requirements shall not be divided so as to constitute a micro purchase or small purchase under this section.

6.2 Micro Purchases (Under $3,000)

A micro purchase is a purchase of goods and services under $3,000. A micro purchase is an informal purchase and may be solicited through an informal Request for Quotes (RFQt) process. A minimum of one quote is required to process a purchase order. Whenever possible, quotes should be solicited from local service and supply providers. Informal RFQts may be issued to suppliers by departments. A response to an informal RFQt may be an electronic or a hard copy quote. P-Cards may be used to source micro purchases and shall be done in compliance with the Tomball Procurement Card Manual. Before making a purchase, active contracts should be reviewed to verify desired products or services are available to purchase on contract.

The issuance of sequential purchases, component purchases, or separate purchases to circumvent the formal competitive process is a violation of state law and may be cause for disciplinary action. If a department makes regular, repeated small purchases of similar items from a vendor, the department should contact the Finance department to ensure purchases are compliant with this policy and State law.

6.3 Small Purchases (Between $3,000 and $100,000)

A small purchase is a purchase for goods and services between $3,000 and $100,000. A small purchase is an informal purchase and may be solicited through the informal Request for Quotes (RFQt) process. RFQts may be issued to suppliers by the user department, or the department may work with the Finance Department to issue the RFQt. Unlike micro purchases, small purchases require three quotes whenever practicable. The RFQt and quotes may be in electronic or hard copy format.

The following requirements apply to small purchases:

- The opportunity to quote should be extended to at least two (2) HUBs registered in Harris County.
    - The state maintains a database of HUBs at www.window.state.tx.us/cmbl/index.html.
    - If no HUBs are registered in Harris County, the small purchase is exempt from this requirement.

    - A non-response quotation is considered a quotation for this purpose provided the HUB was given a reasonable time (three to five business days) to respond.
    - Exceptions to this guideline may include sole source or emergency purchases.
- Departments are encouraged to consult with the Finance Department for assistance in locating suppliers when they are unable to obtain at least three price quotations.
- All departments should work to promote fair and open competition for every purchase and to secure the best value and the highest quality goods or services at the lowest possible cost.
- Quotations received from suppliers/vendors shall not be divulged to other bidders until after the award has been made.
- Before making a purchase, active contracts should be reviewed to verify desired products or services are not available to purchase on contract.

The issuance of sequential purchases, component purchases, or separate purchases to circumvent the formal competitive process is a violation of state law and may be cause for disciplinary action. If a department makes regular, repeated small purchases of similar items from a vendor, the department should contact the Finance department to ensure purchases are compliant with this policy and State law.

6.4 Authority and Award for Micro and Small Purchases

Award of micro and small purchases shall be made to the responsible respondent, whose offer is most advantageous to the City and conforms in all material respects to the micro and small purchase requirements. The associated documentation shall be maintained by the department as a public record.

The Finance Director must approve micro and small purchases and will be responsible for issuing a purchase order for the good or service, unless otherwise authorized in this Policy or unless authorization to purchase with a P-Card has been provided by the Finance Department through issuance of a P-Card.

6.5 Formal Sourcing Methods for Goods and Services (Over $100,000)

The purchase of goods and services over $100,000 shall be made through one of the following sourcing methods, unless excepted or determined by the Finance Director to use alternate method:

- Competitive Bidding
    - Invitation for Bid (IFB). or
    - Invitation for Bid-Best Value (IFB-BV)
- Competitive Sealed Proposals
    - Request for Proposals (RFP)

Formal sourcing methods are managed by the Finance Department, with the assistance of the appropriate department(s). Exceptions to the formal sourcing models are listed in **Section 1.6** of this Policy or as authorized by LGC 252.022.

6.6 Competitive Sealed Bids – Invitation for Bid; Lowest Responsible Bidder.

Application of Method
Competitive Sealed Bids shall be solicited through an IFB. The IFB shall include specifications, any applicable criteria, and the City's terms and conditions.

Pre-Qualification
A pre-qualification process may be conducted prior to the issuance of an IFB in order to establish a list of qualified bidders, although it is not required. If a pre-qualification process is used, the City shall only consider bids that are submitted from pre-qualified bidders.

Public Notice
All IFBs are required to advertise a notice of the date, time, and place at which bids will be publicly opened and read aloud. The legal notice must be published at least once a week for two consecutive weeks in a newspaper published in the municipality.

Notice of the IFB shall also be electronically posted and the IFB shall be made available for public inspection.

The first published notice shall be made before the fourteenth (14^{th}) day before the date set for the opening of bids. If the opening date changes, notice shall be made before the fourteenth (14^{th}) day before the new opening date. The public notice shall state the place, date, and time of bid opening.

Bid Opening
Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the IFB.

An attendance sheet will be provided at the bid opening and all attendees will be required to provide their name.

At the time of bid opening, the name of each bidder and the amount of each bid, as well as other relevant information as determined by the Finance Director to be appropriate, shall be recorded. Unless otherwise determined by the Finance Director, this record shall be open to public inspection.

In the event no attendees are present for bid opening, the sealed bids shall be opened by the Finance Department, or designee, and a "bid" or "no bid" may be recorded on the tabulation sheet. The bid may then be given to the appropriate person for recorded. The attendance sheet will indicate that there were no attendees present.

After a notice of intent to award is issued, or in the absence of a notice of intent to award, after final execution of the contract, the bids shall be available for public inspection, except to the extent that the withholding of information is permitted or required by law. If the bidder

designates a portion of its bid as confidential, it shall isolate and identify in writing the confidential portions in accordance with this Policy (See **Section 1.9**).

Bid Evaluation
Bids shall be evaluated based on the requirements set forth in the IFB, which may include criteria to determine acceptability such as inspection, testing, safety, quality, workmanship, delivery, and suitability for a particular purpose. The IFB shall set forth the criteria to be used. No criteria may be used that is not set forth in the IFB.

Corrections or Withdrawals Before Bid Opening
Bids may be withdrawn at any time prior to the bid opening. Bids may be modified at any time prior to the due date and time, and mistakes discovered before bid opening may be modified by written notice received by the Finance Department prior to the time set for bid opening.

Mistakes and Withdrawals After Bid Opening & Cancellation of Awards
A bid that has been opened may not be modified for the purpose of correcting an error in the bid price. Mistakes discovered after bid opening but before bid award may be withdrawn only to the extent that the bidder can show that the mistake is of so great a consequence that to enforce the bid as made would be unconscionable, the mistake relates to a material feature of the bid, and the withdraw does not result in prejudice to the City except for the loss of the bargain. After bid opening but before bid award, modifications to bid provisions (other than pricing) made by mistake may be permitted by the City if not prejudicial to the interest of the City and does not provide an unfair advantage to a bidder.

All decisions to permit the correction or withdrawal of bids, or to cancel awards based on bid mistakes, shall be supported by a written determination made by the Finance Director. Only the City Council may reject any and all bids.

6.7 Competitive Sealed Bids – Invitation for Bid-Best Value

Application of Method
As an alternative to the IFB defined in Section 6.6, an IFB-BV may be solicited based upon a best value analysis provided that the criteria for analysis was included in the IFB-BV. In determining the best value for the City, the City may consider the following evaluation criteria:

- the purchase price;
- the reputation of the bidder and of the bidder's goods or services;
- the quality of the bidder's goods or services;
- the extent to which the goods or services meet the municipality's needs;
- the bidder's past relationship with the municipality;
- the impact on the ability of the municipality to comply with laws and rules relating to contracting with HUBs and nonprofit organizations employing persons with disabilities;
- the total long-term cost to the municipality to acquire the bidder's goods or services; and
- any relevant criteria specifically listed in the request for bids or proposals.

All other conditions of the IFB process outlined in Section 6.6 shall apply for the IFB-BV.

6.8 Award and Approvals for IFB and IFB-BV Procurements

This section outlines the process for the award and approval of IFB and IFB-BV procurements.

Award of Invitation for Bid
Award of an IFB shall be made by appropriate notice to the lowest responsive, responsible bidder whose bid conforms in all material respects to requirements and criteria set forth in the IFB.

Award for Invitation for Bid-Best Value
Award of the IFB-BV may be awarded on best value analysis provided that the criteria for analysis was included in the IFB-BV. The contract shall be awarded by appropriate written notice to the responsive, responsible bidder whose bid is determined to be the best value to the City and that conforms in all material respects to requirements and criteria set forth in the IFB-BV.

Low Tie Bids
If there are two (2) or more low responsive bids from responsible bidders that are identical in price and other evaluation criteria and that meet all the requirements and criteria set forth in the invitation for bids, award must be made to a resident of the City, otherwise shall be made by the casting of lots.

Award Approvals
Awards of IFBs and IFB-BVs shall be routed to the City Manager, or designee, for review. The award of all IFBs and IFB-BVs of $100,000 or more shall be approved by City Council.

6.9 Competitive Sealed Proposals – Request for Proposals

Application of Method
Competitive sealed proposals shall be solicited through an RFP. The RFP shall include a scope of work, applicable evaluation criteria, terms and conditions.

Pre-Qualification
A pre-qualification process may be conducted prior to the issuance of an RFP in order to establish a list of qualified offerors. In the event a pre-qualification process is used, the City shall only consider proposals that are submitted from pre-qualified offerors.

Public Notice
Notice of RFP shall set forth the date, time, and place upon which the proposals will be due. Legal notice must be published at least once a week for two (2) consecutive weeks in a newspaper published in the municipality.

Notice shall be electronically posted and the RFP shall be available for public inspection.

The first published notice shall be made before the fourteenth (14th) day before the date set for

the opening of bids. If the opening date changes, notice shall be made before the fourteenth (14th) days before the new opening date.

Receipt of Proposals
Unless otherwise required by law or the RFP, proposals shall not be opened or handled in a manner as to permit disclosure of the contents of any proposal to competing offerors. Proposals shall be open for public inspection after the contract is awarded, except to the extent that the withholding of information is permitted or required by law such as trade secrets and confidential information. If the offeror designates a portion of its proposal as confidential, it shall isolate and identify in writing the confidential portions in accordance with this Policy.

Correction or Withdrawal of Proposals Before Proposal Opening
Proposals may be withdrawn at any time prior to the proposal opening. Proposals may be modified at any time prior to the due date and time, and mistakes discovered before proposal opening may be modified by written notice received by the Finance Department prior to the time set for proposal opening.

Revisions, Mistakes and Withdrawals After Proposal Opening & Cancellation of Awards
The City may permit revisions to proposals after submission and before the award of the contract to obtain the best final offers. A proposal that has been opened may not be modified by the offeror for the purpose of correcting an error in the price. Mistakes discovered after proposal opening but before award may be withdrawn only to the extent that the offeror can show that the mistake is of so great a consequence that to enforce the proposal as made would be unconscionable, the mistake relates to a material feature of the proposal, and the withdraw does not result in prejudice to the City except for the loss of the bargain. After proposal opening but before award, modifications to proposal provisions (other than pricing) made by mistake may be permitted by the City if not prejudicial to the interest of the City and does not provide an unfair advantage to an offeror.

All decisions to permit the withdrawal of a proposal after opening shall be supported by a written determination made by the Finance Director. Only the City Council may reject any and all proposals.

Evaluation Criteria
The RFP shall state the criteria to be used in the evaluation of the proposals and shall include their relative importance. No other factors or criteria may be used in the evaluation. City Council designates authority to the Finance Department to select evaluation criteria in accordance with GC 2269 Subchapter D or LGC 252.

Evaluation Committee
A committee may be formed to evaluate each proposal using the criteria as defined within the RFP. The use of a committee is recommended for complex, large expenditures, or when multiple proposals are received. This committee will consist of a diverse group of City staff, and consultants when applicable. Committee members are selected by the purchasing department and/or Finance on the basis of their knowledge of the particular project being developed and/or of their knowledge of the particular field involved. Finance participates, as a non-voting member,

to provide oversight, guidance, and assistance as needed.

Finance may remove evaluation team members if a conflict of interest arises. Conflict of Interest disclosure statement **(Exhibit I)** must be documented and detail of such conflict should be provided to the Department Head of the purchasing department, the Assistant City Manager, and the City Manager.

Discussion with Offerors

Discussions, or negotiations, may be conducted with offerors in accordance with the terms of the RFPs and this Policy, which constitutes regulations adopted by the City Council under GC 2269 and LGC 252.042(b). Offerors shall be accorded fair and equal treatment in conducting discussions and revision of proposals, and there shall be no disclosure of any information derived from proposals submitted by competing offerors. Negotiations may occur as follows:

- Concurrent Negotiations
    - Negotiations may be conducted concurrently with offerors for the purpose of determining source selection and/or contract award.
- Exclusive Negotiations
    - Exclusive negotiations may be conducted with the offeror whose proposal is determined in the source selection process to be most advantageous to the City considering the relative importance of price and other evaluation factors included in the RFP. Exclusive negotiations may be conducted subsequent to concurrent negotiations or may be conducted without requiring previous concurrent negotiations. Exclusive negotiations shall not constitute a contract award nor shall it confer any property rights to the successful offeror. If exclusive negotiations are conducted and an agreement is not reached, the City may enter into exclusive negotiations with the next highest ranked offeror or concurrent negotiations without the need to repeat the formal solicitation process.

6.10 Award and Approvals for Requests for Proposals

Contract Award

Contract award shall be made to the responsible offeror whose proposal is determined to be the most advantageous to the City taking into consideration the evaluation criteria set forth in the RFP. The contract file shall contain the basis in writing on which the award determination is made.

Award Approvals

Awards of RFPs shall be routed to the City Manager, or designee, for review. The award of all RFPs of $100,000 or more shall be approved by City Council.

6.11 Sole Source Procurement

Application of Method
A sole source procurement is the acquisition of a good, service, professional service or public work in which there is only one source.

The department requesting a sole source procurement shall provide written evidence to support a sole source determination. A sole source written justification form **(Exhibit E),** signed by the department director and the Finance Director, is required, explaining and fully describing the conditions which make the supplier the only source for a given commodity or service. Written documentation may include documentation from the manufacturer of the product or service provider on company letterhead as evidence to the sole source nature of the product or service.

Sole source procurements may include, but are not limited to:

- patents, copyrights, secret processes, or natural monopolies;
- films, manuscripts, or books;
- gas, water, and other utility services;
- captive replacement parts or components for equipment;
- books, papers, and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials; and
- management services provided by a nonprofit organization to a municipal museum, park, zoo, other facility to which the organization has provided significant financial or other benefits;

Negotiation and Award
The Finance Director may require that negotiations are conducted as to price, delivery and terms. The Finance Director may require the submission of cost or pricing data in connection with an award under this Section.

Sole source procurement shall be avoided, except when no available alternative sources exist. The sole source justification form shall be maintained as a public record.

Sole source procurements require the approval of the City Council for purchases over $100,000.

6.12 Emergency Purchases

Application of Method
Notwithstanding any other provisions of this Policy, the City Manager, Assistant City Manager, or Finance Director may make or authorize others to make emergency procurements of goods, services, professional services or public works when a public calamity requires immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality, or to protect public health, welfare, or safety, or necessary because of unforeseen damage to public machinery or property.

The department requesting an emergency procurement shall provide written evidence and

justification to support an emergency determination by completing the Emergency Purchase Justification Form **(Exhibit F**). An emergency procurement shall be limited to those goods, services, professional services or public works necessary to satisfy the emergency need.

Negotiation and Award
The Finance Director may require that negotiations are conducted as to price, delivery, and terms. The Finance Director may require the submission of cost or pricing data in connection with an award under this Section.

Emergency procurements shall be avoided, except when no reasonable alternative approach exist. A written determination by the department director of the basis for the emergency procurement and for the selection of the particular contractor and signed by the Finance Director and City Manager or Assistant City Manager, shall be maintained as a public record. The determination and the award shall be made in accordance with internal departmental procedures ensuring that the procurement is fair, honest, and prudent, is a wise exercise of discretion, and is in the public interest.

All emergency purchases over $100,000 shall by reported in writing to the City Council at the next regular meeting following the emergency purchase.

6.13 Competitive Reverse Auction – Invitation to Reverse Auction

Application of Method
A Reverse Auction is solicited with an Invitation to Reverse Auction ("ITRA"). The ITRA shall be issued and shall include specifications and any applicable evaluation criteria. Contractual terms and conditions may be included within the solicitation document or incorporated by reference.

Pre-Qualification
A prequalification process may be conducted prior to the issuance of an ITRA in order to establish a list of qualified bidders. In the event a prequalification process is used, the City shall only consider bids that are submitted from prequalified bidders.

Public Notice
Notice of the ITRA shall be electronically posted and the ITRA shall be available for public inspection not less than fourteen (14) days prior to the date set forth therein for the close of the auction. A shorter time may be deemed necessary for a particular procurement as determined in writing by the Procurement Director. The public notice shall state the location of the internet website hosting the reverse auction.

Bid Acceptance
Bids shall be unconditionally accepted without alteration or correction, except as authorized in this Policy.

Bid Evaluation
Bids shall be evaluated based on the requirements set forth in the ITRA, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. The ITRA shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluation that is not set forth in the ITRA.

Correction or Withdrawal of Bids Before Auction Closing
Bids may be withdrawn at any time prior to the auction closing. Bids may be modified at any time prior to the auction closing, and mistakes discovered before auction closing may be modified by written notice received in the Finance Department prior to the time set for auction closing.

Mistakes and Withdrawals After Auction Closing & Cancellation of Awards
After auction closing, a bid may not be modified for the purpose of correcting an error in the bid price. Mistakes discovered after auction closing may be withdrawn only to the extent that the bidder can show that the mistake is of so great a consequence that to enforce the bid as made would be unconscionable, the mistake relates to a material feature of the bid, and the withdraw does not result in prejudice to the City except for the loss of the bargain. After auction closing but before bid award, modifications to bid provisions (other than pricing) made by mistake may be permitted by the City if not prejudicial to the interest of the City and does not provide an unfair advantage to a bidder.

All decisions to permit the correction or withdrawal of bids, or to cancel awards based on bid mistakes, shall be supported by a written determination made by the Finance Director.

Contract Award
The contract shall be awarded by appropriate notice to the lowest responsible bidder whose bid conforms in all material respects to requirements and criteria set forth in the ITRA.

6.14 Cancellation of Solicitations

General
An IFB, IFB-BV, RFP, RFQ, ITRA or other solicitation process defined in this Policy may be cancelled prior to opening or after opening when it is in the best interest of the City.

Cancellation of Solicitations Prior to Opening
As used in this Section, "opening" means the date and time set for opening of bids, receipt of statements of qualifications, or receipt of proposals in competitive sealed proposals, or in the case of a reverse auction, means the date and time set for the auction close.

Prior to opening, a solicitation may be cancelled in whole or in part when the Finance Director determines that such action is in the City's best interest for reasons including but not limited to:

- The City no longer requires the materials, services, or construction;
- The City no longer can reasonably expect to fund the procurement;

- Proposed amendments to the solicitation would be of such magnitude that a new solicitation is in the best interest of the City; or
- It is otherwise not advantageous to the City.

When a solicitation is cancelled prior to opening, notice of cancellation shall:
- Identify the solicitation;
- Briefly explain the reason for cancellation; and
- Where appropriate, explain that an opportunity will be given to compete on any re-solicitation or any future procurements of similar materials, services, or construction.

Cancellation of Solicitation After Opening but Prior to Award
After opening but prior to award, a solicitation must be formally rejected by City Council if the lowest bid or proposal was more than $100,000.

Documentation
The reasons for cancellation shall be made a part of the procurement file and shall be available for public inspection.

6.15 Rejection of Individual Bids, Proposals, Statements of Qualifications or Reverse Auction

A bid may be rejected if:
- The bidder is determined to be not be a responsible bidder pursuant to this Policy;
- The bid is cancelled after opening;
- The bidder is not responsive in accordance with this Policy;
- The proposed price exceeds available funds or is unreasonable; or
- It is otherwise not advantageous to the City.

A proposal, statement of qualifications, or reverse auction bid may be rejected if:
- The person responding to the solicitation is determined to not be responsible pursuant to this Policy (responsibility of bidders, offerors and respondents);
- The proposal, statement of qualifications, or reverse auction bid is cancelled;
- It is not responsive pursuant to this Policy;
- The proposed price exceeds available funds or is unreasonable; or
- It is otherwise not advantageous to the City.

City Council must approve any rejections of bids, proposals or statements of qualifications if the lowest bid or proposal was over $100,000. The reasons for rejection shall be made a part of the procurement file and shall be available for public inspection.

6.16 Responsibility of Bidders, Offerors, and Respondents

Right of Non-Disclosure

Confidential information furnished by a bidder, offeror, or respondent in response to an inquiry of responsibility pursuant to this Policy shall not be disclosed by the City outside of the department, using agency, or individuals involved in the evaluation process without prior written consent by the bidder, offeror, or respondent unless required to be disclosed in accordance with GC 552. Confidential information shall be identified and managed in accordance with this Policy. See also LGC 252.049.

Findings of Non-Responsibility

If a bidder, offeror, or respondent who otherwise would have been awarded a contract is found not responsible, a written finding of non-responsibility, setting forth the basis of the finding, shall be prepared by the Finance Director. The unreasonable failure of a bidder, offeror, or respondent to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a finding of non-responsibility with respect to such bidder or offeror. The written finding shall be made part of the contract file and be made a public record.

Factors for Determination of Responsibility

Factors to be considered in determining if a prospective contractor is responsible include:

- The proposed contractor's financial, physical, personnel or other resources, including subcontracts;
- The proposed contractor's record of performance and integrity;
- Whether the proposed contractor is qualified legally to contract with the City;
- Whether the proposed contractor supplied all necessary information concerning its responsibility; and
- Safety record of the contractor.

Safety Record Evaluation

Pursuant to LGC 252.0435, the City Council adopts the following criteria for determining the safety record of a bidder to determine whether a bidder is responsible. The City may consider the safety record of the bidders in determining the responsibility thereof. The City may consider any incidence involving worker safety or safety of the residents of the City, be it related or caused by environmental, mechanical, operational, supervision or any other cause or factor. Specifically, the City may consider:

- Complaints to, or final orders entered by, the Occupational Safety and Health Review Commission (OSHRC), against the bidder for violations of OSHA regulations within the past three (3) years.
- Citations (as defined below) from an Environmental Protection Agency (as defined below) for violations within the past five (5) years.
    - Environmental Protection Agencies include, but are not necessarily limited to, the U.S. Army Corps of Engineers (USACOE), the U.S. Fish and Wildlife Service (USFWS), the Environmental Protection Agency (EPA), the Texas Commission on Environmental Quality (TCEQ), the Texas Natural Resource Conservation Commission (TNRCC) (predecessor to the TCEQ), the Texas Department of Health (TDH), the Texas Parks and Wildlife Department (TPWD), the Structural

Pest Control Board (SPCB), agencies of local governments responsible for enforcing environmental protection or worker safety related laws or regulations, and similar regulatory agencies of other states of the United States.
    - Citations include notices of violation, notices of enforcement, suspension/revocations of state or federal licenses or registrations, fines assessed, pending criminal complaints, indictments, or convictions, administrative orders, draft orders, final orders, and judicial final judgments.
- Convictions of a criminal offense within the past ten (10) years, which resulted in bodily harm or death.
- Any other safety related matter deemed by the City Council to be material in determining the responsibility of the bidder and the ability of the bidder to perform the services or goods required by the bid documents in a safe environment, both for the workers and other employees of bidder and the residents of the City, and such determination should not be arbitrary or capricious.

Responsibility Criteria
The Finance Director may establish specific responsibility criteria for a particular procurement. Any specific responsibility criteria shall be set forth in the solicitation

6.17 Bid and Contract Security for Material or Service Contracts

The Finance Director may require the submission of security to guarantee faithful bid and contract performance. In determining the amount and type of security required for each contract, the Finance Director shall consider the nature of the performance and the need for future protection to the City. The requirement for security must be included in the solicitation. Failure to submit security in the amount and type of security required may result in the rejection of the bid or proposal. See also GC 2253 (payment and performance bonds).

6.18 Multi-Term Contracts

Unless otherwise provided by law, a contract for goods, services, professional services or public works may be entered into for any period of time deemed to be in the best interest of the City, if the term of the contract and conditions of renewal or extension, if any, are included in the solicitation and monies are available for the first fiscal period at the time of contracting. Payment and performance obligations for succeeding fiscal periods are subject to the availability and appropriation of monies

6.19 Right to Inspect and Right to Audit Records

The City may, at reasonable times, inspect the part of the plant or place of business of a contractor, consultant or any subcontractor or subconsultant that is related to the performance of any contract awarded or to be awarded by the City. The City may, at reasonable times and places, audit the books and records of any person who submits cost or pricing data as provided in

this Policy to the extent that the books and records relate to the cost or pricing data. Any person who is awarded a contract, change order or contract modification for which cost, or pricing data is required shall maintain the books and records that relate to the cost or pricing data for three (3) years from the date of final payment under the contract, unless otherwise specified in the contract. The City is entitled to audit the books and records of a contractor, consultant or any subcontractor or subconsultant under any contract or subcontract to the extent that the books and records relate to the performance of the contract or subcontract. The books and records shall be maintained by the contractor for a period of three (3) years from the date of final payment under the prime contractor or consultant, and by the subcontractor or subconsultant for a period of three (3) years from the date of final payment under the subcontract, unless otherwise specified in the contract. All contractors, consultants, subcontractors, and subconsultants participating in City contracts are required to cooperate fully and promptly with the City in reviews, investigations and other requests for information that are related to the performance of any contract awarded or to be awarded by the City.

6.20 Reporting of Anticompetitive Practices

If for any reason collusion or other anticompetitive practices are suspected among any bidders, offerors, or respondents, a notice of the relevant facts shall be transmitted to the Finance Director and the City Attorney. This Section does not require a law enforcement agency conducting an investigation into such practices to convey such notice to the Finance Director.

6.21 Prospective Vendor Database

The Finance Department shall maintain a prospective vendor database. Inclusion of the name of a person shall not indicate whether the person is responsible concerning a particular procurement or otherwise capable of successfully performing a City contract. Persons desiring to be included in the prospective vendor database may register with the City electronically. The City may remove a person from the prospective vendor database if it is determined that inclusion is not advantageous to the City. It shall be the vendor’s sole responsibility to ensure that vendor registration information is current and active.

6.22 Certificate of Interested Parties

In 2015, the Texas Legislature adopted House Bill 1295, which added GC Section 2252.908. The law states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties (Form 1295) to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. The Texas Ethics Commission has adopted rules requiring the business entity to file Form 1295 electronically with the Commission.

Potential bidders and offerors interested in doing business with the City must submit a disclosure of interested parties to the City prior to receiving a contract award by the City Council. The

business entity must complete the Form 1295 by the Texas Ethics Commission (www.ethics.state.tx.us) and file the form with the City and online. The City must notify the Texas Ethics Commission not later than the thirtieth (30th) day after the date the contract binds all parties to the contract.

The Texas Ethics Commission has made available FAQs regarding Form 1295 on its website at www.ethics.state.tx.us/resources/FAQs/FAQ_Form1295.php#Q1.

6.23 Electronic Signature and Receipt of Bid and Proposals Policy

The City may elect to utilize e-signatures for certain contracts or transactions, when allowed by law. The use of electronic signatures, in accordance with the policy, are legally binding and equivalent to handwritten signatures. The City may accept electronic bids and proposals for formal solicitations. The City has adopted a policy to ensure the identification, security, and confidentiality of electronic bids and proposals, and to ensure that all electronic bids or proposals remain effectively unopened until the proper time. This policy does not prohibit the submission of hard copy (paper) bids and proposals.

6.24 Contract Form and Execution

All contracts entered into under this Policy shall be executed in the name of the City by the City Council and/or City Manager and approved as to form by the City Attorney. Where delegated authority has been provided, contracts may also be entered into by the Finance Director.

6.25 Assignment of Rights and Duties

The rights and duties of a City contract are not transferable or otherwise assignable without the written consent of the City Council and/or City Manager.

6.26 Contractor Debriefing

Upon completion of a formal solicitation process, the Finance Department may, upon request, meet with unsuccessful parties in the solicitation process to permit viewing of the contract file and to permit an opportunity for unsuccessful parties to gain a better understanding regarding perceived deficiencies contained within their submitted proposal. The City shall not provide any information considered confidential or additional information on the process beyond information recorded in the contract file.

Procurement Policy
ARTICLE 7: SPECIFICATIONS

7.1 Maximum Practical Competition

All specifications shall seek to promote overall economy for the purposes intended and encourage competition in satisfying the City's needs and shall not be unduly restrictive. To the extent practicable and unless otherwise permitted by this Policy, all specifications shall describe the City's requirements in a manner that does not unnecessarily exclude a good, service, professional service or public work.

Restrictive specifications shall not be used unless such specifications are required and it is not practicable or advantageous to use a less restrictive specification. The department requesting a restrictive specification shall provide written evidence to support the restrictive specification. Past success with the good or performance of the service, or inconvenience of developing specifications do not justify the use of restrictive specifications.

To the extent practicable, the City shall use accepted commercial specifications and shall procure standard commercial materials.

7.2 Specifications Prepared by Non-City Personnel

The requirements of this Policy regarding the purposes and non-restrictiveness of specifications shall apply to all specifications prepared other than by City personnel, including, but not limited to, those prepared by architects, engineers, designers, and consultants for public contracts, or subcontractors. No person preparing specifications shall receive any direct or indirect benefit from the utilization of such specifications.

7.3 Brand Name or Equal Specification

A brand name or equal specification may be used to describe the standards of quality, performance, and other salient characteristics needed to meet the requirements of a solicitation, and which invites offers for equivalent products from a manufacturer.

Standardization
A specification may be used to identify the acceptable item that meets the City’s needs for purchases in this Policy. The department requesting standardized specification shall provide written evidence to support the standardization determination. A written determination by the Finance Director of the basis for the standardization shall be maintained as public record. Past success with a good or performance, traditional purchasing practices, or inconvenience of drawing specifications do not justify the use of a standardization specification.

Procurement Policy
ARTICLE 8: PROCUREMENT OF PROFESSIONAL SERVICES

8.1 General Overview and Applicability

Providers of professional services are selected and awarded based upon demonstrated competence and qualifications. A contract is awarded on the basis of a fair and reasonable price. Professional fees under the contract should generally be consistent with the recommended practices and fees published by the applicable professional association. Fees may not exceed any maximum provided by law. The determination of an acceptable negotiated fee amount may be made with the assistance of a qualified staff professional that is experienced in these matters.

8.2 Informal Sourcing Method – Informal Request for Qualifications for Professional Services (Excluding Those Professional Services Subject to GC 2254)

Application of Method
After consideration of the various anticipated costs, complexity and other relevant issues affecting a project, the department may solicit proposal(s) from qualified professional(s) or professional firms for professional services This selection may be done through an informal RFQ.

Professional services which are deemed complex or involve complex issues are encouraged to be sourced through a formal RFQ as described in Section 8.3.

Evaluation of Qualifications
The department may utilize an evaluation committee or may use a qualified individual to evaluate statements of qualifications submitted in response to the informal RFQ. The individual or committee will select the most qualified individual or firm capable of performing the service on the basis of demonstrated competence and qualifications. The department may then enter into negotiations with the selected individual or firm to establish fair and reasonable rates for the professional service.

8.3 Formal Sourcing Method – Request for Qualifications for Professional Services

Application of Method
Professional services deemed to be more complex may be solicited through a two-step Request for Qualification (RFQ) process

Departments are encouraged to seek qualifications for professional services contracts at least every five (5) years to help ensure diversity in the selection of professional services by the City. These contracts shall be for a set time period (a set number of years or annual renewals up to a set number of years) with a maximum not-to-exceed amount.

Pre-Qualification

A pre-qualification process may be conducted prior to the issuance of an agreement in order to establish a list of qualified professionals. In the event a pre-qualification process is used, the Finance Director may consider qualifications of professionals that are prequalified for specific projects.

Two-Step Request for Qualifications Process

The City may follow a two-step RFQ process for awarding Professional Services. The first step involves issuing an RFQ for the professional service. The RFQ shall contain sufficient information to inform potential professional service providers as to the type of project, the scope of services to be performed, the selection criteria to be used and terms and conditions of the subsequent contract. A statement of qualifications shall be submitted in response to the RFQ. The statement of qualifications shall include all information requested in the RFQ and sufficient for the City to determine qualifications of the individual or firm.

Upon evaluating the statement of qualifications, a decision shall be made as to the most highly qualified respondent based upon the published evaluation criteria. The second step of the RFQ process will involve conducting discussions with the most highly qualified respondent to establish fair and reasonable rates for the professional service.

Public Notice

Notice of RFQs shall set forth the date, time, and place upon which the statement of qualifications will be due. Notice must be published at least once a week for two (2) consecutive weeks in a local newspaper. The first published notice shall be made before the fourteenth (14^{th}) day before the date set for the opening of bids. Notice shall be electronically posted and the RFQ shall be available for public inspection. A shorter time may be deemed necessary for a particular procurement as determined in writing by the Finance Director.

Late Proposals

A response to a RFQ is late if it is received at the location designated in the RFQ after the time and date set for receipt of statements of qualifications. Late statements shall be rejected.

Receipt of Statements

Statements of qualifications shall not be opened publicly. No statements shall be handled as to permit disclosure of the contents to competing respondents. Statements shall be open for public inspection after a notice of intent to award is issued, or in the absence of a notice of intent to award, after final execution of the contract, except to the extent that the withholding of information is permitted or required by law. If the respondent designates a portion of its statements as confidential, it shall isolate and identify in writing the confidential portions in accordance with this Policy.

Withdrawal of Statements

Statements may be withdrawn by written notice before or after statement opening and may be permitted where appropriate. All decisions to permit the withdrawal of a statement after opening shall be supported by a written determination made by the Finance Director.

Evaluation

The RFQ will give the relative importance, or weighting, assigned to each of the criteria to be used in the selection process. The following general criteria may be used, but the RFQ is not necessarily limited to these criteria:

- The provider's experience in successfully performing similar assignments, scope and size, for others.
- The provider's current staff, both size and related experience, is qualified to provide the desired services.
- Whether or not sufficient finances and other resources are available to accomplish the assignment within the time to be allowed by the City, and whether or not the provider will be able to provide continuing service if required by the City.
- How previous clients of the provider for similar projects express satisfaction with the provider's work.
- Whether or not the provider's response, as perceived by the City's staff, is complete and of acceptable quality.

A professional service provider may be selected after the evaluation of the submitted RFQ or it may be necessary to interview several of the firms and further evaluate them on the basis of the interview or a presentation, narrowing the field until one firm is selected for negotiations.

Evaluation Committee

A committee may be formed to evaluate each statement of qualifications using the criteria as defined within the RFQ. This committee will consist of a diverse group of City staff, and consultants when applicable. Committee members are selected by the using department and Finance on the basis of their knowledge of the particular project being developed and/or of their knowledge of the particular field involved. Finance may participate, as a non-voting member, to provide oversight, guidance and assistance as needed or requested.

Evaluation committee members must sign a non-disclosure and a conflict of interest disclosure. The Finance Director reserves the right to remove any team member for any identified conflicts of interest. Conflicts of interest shall be documented and kept in the City's records.

Discussion with Offerors

Discussions may be conducted with the respondent determined to be the most highly qualified, to agree upon a fair and reasonable price. Respondents shall be accorded fair and equal treatment in conducting negotiations and there shall be no disclosure of any information derived from proposals submitted by competing respondents. If the City is unable to negotiate a satisfactory contract with the most highly qualified provider of the desired professional services, the City shall formally end negotiations with that provider, select the next most highly qualified provider, and attempt to negotiate a contract with that provider at a fair and reasonable price. The City must continue this process to select and negotiate with providers until a contract is entered into or all respondents are rejected by City Council.

8.4 Awards and Approvals

Contract Award
Contract award of the formal Request for Qualifications shall be made to be the most highly qualified respondent taking into consideration the evaluation criteria set forth in the RFQ. The contract file shall contain the basis on which the award is made.

Award Approvals
Award of informal Request for Qualifications may be made by the City Manager if the total award is less than $100,000. Awards of Request for Qualifications exceeding $100,000 require City Council approval.

Contract Term
Contracts for professional services may be awarded for a period of up to five (5) years if non-appropriations clauses are included in the contract or upon project completion. The contract term shall state the maximum not-to-exceed dollar amount.

Procurement Policy
ARTICLE 9: PROCUREMENT OF PUBLIC WORKS

9.1 General Overview and Applicability

Contracts for a public work shall be solicited through a competitive sealed bid process unless otherwise approved by the Finance Director.

Public works means the construction of a facility, which is an improvement to real property and includes buildings, highways, road, streets, bridges, utilities, water supply projects, water plants, wastewater plants, water and wastewater distribution or conveyance facilities, airport runways and taxiways, drainage projects or related types of projects associated with civil engineering construction projects.

The City shall document the basis of its selection and shall make the evaluations public not later than the seventh day after the date the contract is awarded.

9.2 Use of Professional Engineering Services in Public Works Projects

The City shall utilize an engineer to develop plans, specifications and estimates when the engineered public work could affect the public health, welfare or safety. Construction of engineered plans must be performed under the direct supervision of an engineer.

A professional engineer must be retained for a public works project when:

- The work exceeds $8,000 and involves electrical or mechanical engineering; or
- The work exceeds $20,000 and does not involve electrical or mechanical engineering.

9.3 Use of Professional Architect Services in Public Works Projects

The City shall use an architect to develop plans or specification for any of the following:

- A new building or modification of an existing building intended for occupancy on a 24-hour basis by persons who are receiving custodial care regardless of the number of stories or square footage of the building.
- A new building having construction costs exceeding $100,000 that is to be:
    - Constructed and owned by the City; and
    - Used for education, assembly, or office occupancy; or
- An alteration or addition having construction costs exceeding $50,000 that:
    - Is to be made to an existing building that:
        - Is owned by the City; and
        - Is or will be used for education, assembly, or office occupancy; and
    - Requires the removal, relocation, or addition of a wall or partition of the alteration or addition of an exit.

9.4 Methods of Source Selection – Public Works

State law permits the following delivery methods for public works:

- Competitive Bidding – IFB
- Competitive Sealed Proposal – RFP
- Design-Build (DB)
- Construction Manager At-Risk (CMAR)
- Construction Manager-Agent (CMA)
- Job Order Contracting (JOC)

9.5 Public Works Under $100,000 – Request for Quotes

Application of Method

After consideration of the various costs, complexity, and other relevant issues affecting a project, the department may solicit quotes from contractors for public works of less than $100,000. This selection may be done through an informal Request for Quote (RFQt). Public works of less than $100,000 which are deemed complex or involve complex issues are encouraged to be sourced through formal sourcing methods outlined in this Policy.

The department will award to the lowest responsible contractor. The contract file shall contain the basis on which the award is made and supporting documentation.

9.6 Public Works Over $100,000 – Competitive Sealed Bid – IFB

Design-Bid-Build means a traditional project delivery method in which:

- There is a sequential award of two (2) separate contracts.
- The first contract is for design services. (See Section 6.0 for details)
- The second contract is for construction.
- Design and construction of the project are in sequential phases.
- Finance services, maintenance services and operations services are not included.

Application of Method

Competitive sealed bids shall be solicited through an IFB. The IFB shall include construction documents, estimated budget, project scope/specifications, construction schedule requirements, and other pertinent information. Contractual terms and conditions shall also be included within the solicitation document or incorporated by reference.

Pre-Qualification

A pre-qualification process may be conducted prior to the issuance of an IFB in order to establish a list of qualified bidders. In the event a pre-qualification process is used, the Finance Director shall only consider bids that are submitted from prequalified bidders.

Public Notice

The IFB shall set forth the date, time and place upon which the bids will be due. All IFBs are required to advertise a notice of the date, time, and place at which bids will be publicly opened and read aloud. The legal notice must be published at least once a week for two consecutive weeks in a newspaper published in the municipality. Notice of the IFB shall also be electronically posted and the IFB shall be available for public inspection. Notice shall be made no less than thirty (30) days prior to the date set forth therein for the opening of bids. A shorter time, as allowed by law, may be deemed necessary for a particular procurement as determined by the Finance Director. If the opening date changes, the first notice shall be published before the fourteenth (14^{th}) day before the new opening date. The public notice shall state the place, date, and time of bid opening.

Bid Opening

Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the IFB. The name of each bidder and the amount of each bid, as well as other relevant information as the Finance Director deems appropriate shall be recorded. Unless otherwise determined by the Finance Director, this record shall be open to public inspection. In the event no attendees are present for bid opening, the sealed bids shall be opened by Finance and a "bid" or "no bid" may be recorded on the tabulation sheet. The bid may then be given to the appropriate person for recording. The attendance sheets will indicate that there were no attendees present. Unless otherwise determined by the Finance Director, the bids shall not be opened for public inspection until after a contract is awarded. After a notice of intent to award is issued, or in the absence of a notice of intent to award, after final execution of the contract, the bids shall be available for public inspection, except to the extent that the withholding of information is permitted or required by law. If the bidder designates a portion of its bid as confidential, it shall isolate and identify in writing the confidential portions in accordance with this Policy.

Bid Evaluation

Bids shall be evaluated based on the requirements set forth in the invitations for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. The invitation for bids shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluation that is not set forth in the IFB. These selection criteria can only be used to determine whether the contractor is a responsible bidder, because the award can only be made to the lowest responsible bidder.

Correction or Withdrawal of Bids Before Bid Opening

Bids may be withdrawn at any time prior to the bid opening. Bids may be modified at any time prior to the due date and time, and mistakes discovered before bid opening may be modified by written notice received by the Finance Department prior to the time set for bid opening.

Mistakes and Withdrawals After Bid Opening & Cancellation of Awards

A bid that has been opened may not be modified for the purpose of correcting an error in the bid price. Mistakes discovered after bid opening but before bid award may be withdrawn only to the extent that the bidder can show that the mistake is of so great a consequence that to enforce the bid as made would be unconscionable, the mistake relates to a material feature of the bid, and the

withdraw does not result in prejudice to the City except for the loss of the bargain. After bid opening but before bid award, modifications to bid provisions (other than pricing) made by mistake may be permitted by the City if not prejudicial to the interest of the City and does not provide an unfair advantage to a bidder.

All decisions to permit the correction or withdrawal of bids, or to cancel awards based on bid mistakes, shall be supported by a written determination made by the Finance Director. Only the City Council may reject any and all bids.

Contract Award
Contract award shall be made to the lowest responsible bidder. The contract file shall contain the basis on which the award is made.

Award Approvals
Awards of IFBs exceeding $100,000 shall be routed through the appropriate department, reviewing board, commission, or committee as applicable in advance of City Council consideration.

Public Record
After the City issues a notice of intent to award, or in the absence of a notice of intent to award upon final contract execution, the evaluations shall be available for public inspection not less than the 7th day after contract award for public works utilizing APDM, except to the extent that the withholding of information is permitted or required by law. If the bidder designates a portion of its bid as confidential, it shall isolate and identify in writing the confidential portions in accordance with this Policy.

Lump Sum or Unit Price Contracts
Lump sum or unit price contracts follow the same method described in this Section, pursuant to LGC 252.047. If the contract is for the construction of public works or for the purchase of materials, equipment, and supplies, the municipality may let the contract on a lump sum basis or unit price basis. If the contract is let on a unit price basis, the information furnished to bidders must specify the approximate quantity needed, based on the best available information, but payment to the contractor must be based on the actual quantity constructed or supplied.

9.7 Public Works Over $100,000 – Competitive Sealed Proposal – RFP

Application of Method
Competitive sealed proposals shall be solicited through an RFP. The RFP shall include construction documents, estimated budget, project scope/specifications, construction schedule requirements, applicable evaluation criteria, and other pertinent information. Contractual terms and conditions shall also be included within the solicitation document or incorporated by reference.

Pre-Qualification

A pre-qualification process may be conducted prior to the issuance of an RFP in order to establish a list of qualified offerors. In the event a pre-qualification process is used, the City shall only consider proposals that are submitted from pre-qualified offerors.

Public Notice

The RFP shall set forth the date, time, and place upon which the proposals will be due. All RFPs are required to advertise a notice of the date, time and place at which proposals will be publicly opened and read aloud. Legal notice must be published at least once a week for two consecutive weeks in a newspaper published in the municipality. Notice shall be electronically posted and the RFP shall be available for public inspection. Notice shall be made no less than thirty (30) days prior to the date set forth therein for the opening of bids. A shorter time, as allowed by law, may be deemed necessary for a particular procurement as determined by the Finance Director. If the opening date changes, the first notice shall be published before the fourteenth (14^{th}) day before the new opening date. The public notice shall state the place, date, and time of bid opening.

Receipt of Proposals

Proposals shall be opened publicly and read aloud the names of the offerors and any monetary proposals made by the offerors. Proposals shall be open for public inspection after the contract is awarded, except to the extent that the withholding of information is permitted or required by law such as trade secrets and confidential information.

Correction or Withdrawal of Proposals Before Proposal Opening

Proposals may be withdrawn at any time prior to the proposal opening. Proposals may be modified at any time prior to the due date and time, and mistakes discovered before proposal opening may be modified by written notice received by the Finance Department prior to the time set for proposal opening.

Revisions, Mistakes and Withdrawals After Proposal Opening & Cancellation of Awards

The City may permit revisions to proposals after submission and before the award of the contract to obtain the best final offers. A proposal that has been opened may not be modified by the offeror for the purpose of correcting an error in the price. Mistakes discovered after proposal opening but before award may be withdrawn only to the extent that the offeror can show that the mistake is of so great a consequence that to enforce the proposal as made would be unconscionable, the mistake relates to a material feature of the proposal, and the withdraw does not result in prejudice to the City except for the loss of the bargain. After proposal opening but before award, modifications to proposal provisions (other than pricing) made by mistake may be permitted by the City if not prejudicial to the interest of the City and does not provide an unfair advantage to an offeror. All decisions to permit the withdrawal of a proposal after opening shall be supported by a written determination made by the Finance Director. Only the City Council may reject any and all proposals.

Evaluation Criteria
The RFP shall state the criteria to be used in the evaluation of the proposals and shall include their relative importance. No other factors or criteria may be used in the evaluation. City Council designates authority to the Finance Department to select evaluation criteria in accordance with GC 2269 and LGC 252.

Evaluation Committee
Not later than the 45th day after the date on which the proposals are opened, the City shall evaluate and rank each proposal submitted in relation to the published selection criteria. A committee may be formed to evaluate each proposal using the criteria as defined within the RFP. The use of a committee is recommended for complex, large expenditures, or when multiple proposals are received. This committee will consist of a diverse group of City staff, and consultants when applicable. Committee members are selected by the using department and/or Finance on the basis of their knowledge of the particular project being developed and/or of their knowledge of the particular field involved. The Finance Department participates, as a non-voting member, to provide oversight, guidance and assistance as needed. Finance may remove evaluation team members if a conflict of interest arises. Conflicts of interests must be documented and kept with the contract file.

Contract Award
Contract award shall be made to the responsible offeror whose proposal is determined in writing to be the best value to the City taking into consideration the weighted evaluation criteria set forth in the RFP. The contract file shall contain the basis on which the award is made.

Award Approvals
Awards of RFPs exceeding $100,000 shall be routed through the appropriate department, reviewing board, commission, or committee as applicable in advance of City Council consideration.

Public Record
After the city issues a notice of intent to award, or in the absence of a notice of intent to award upon final contract execution, the proposal evaluation shall be available for public inspection, except to the extent that the withholding of information is permitted or required by law. If the bidder designates a portion of its bid as confidential, it shall isolate and identify in writing the confidential portions in accordance with this Policy.

9.8 Public Works Over $100,000 – Alternative Project Delivery Methods (APDMs)

The Finance Director may authorize the use of the following delivery methods for public works projects:

9.8.1 Design-Build (GC 2269, Subchapter G)

Design-build means a project delivery method in which:

- There is a single contract for design services and construction services.

- Design and construction of the project may be in sequential phases or concurrent phases.

9.8.2 Construction Manager-At-Risk (GC 2269, Subchapter F)

Construction-Manager-At-Risk (CMAR) means a project delivery method in which:

- There is a separate contract for design services and a separate contract for construction services.
- The contract for construction services may be entered into at the same time as the contract for design services or at a later time.
- Design and construction of the project may be in sequential phases or concurrent phases.
- Preconstruction services and other related services may be included.

9.8.3 Construction Manager-Agent (GC 2269, Subchapter E.)

Construction Manager-Agent is a delivery method by which the City contracts with a construction manager-agent to provide consultation or administrative services during the design and construction phase and to manage multiple contracts with various construction prime contractors

9.8.4 Job Order Contracting (GC 2269, Subchapter I)

Job-Order-Contracting means a project delivery method in which:

- The contract is a requirement contract for indefinite quantities of construction.
- The construction to be performed is specified in job orders issued during the contract.
- (Maintenance services and other related services may be included.
- The project limit shall be set by Council approved not-to-exceed expenditure amount.

Job order contracting cannot be used for civil works projects such as roads, utilities and drainage systems.

9.9 Bonding Requirements (GC 2253).

The bonding requirements of the City of Tomball are intended to protect the contractor, the service provider and the City of Tomball. Unless otherwise stated in state law, or otherwise established in this Policy, the following bonding requirements apply for public works:

- Performance Bonds: For contracts in excess of $100,000, a 100% performance bond must be executed in the full amount of the contract and which covers the time period for the public work construction and for two additional years beyond the completion date of the construction of the public work. The bond must be executed by a corporate surety, in accordance with the law.
- Payment Bonds: For contracts in excess of $50,000, a payment bond must be executed in the full amount of the contract, and which covers the time period the project will be

allowed for construction. The bond must be executed by a corporate surety, in accordance with the law.

- Bid Bonds: The City reserves the right to require a bid bond for a public works project in an amount to be deemed fair and reasonable.
- Maintenance Bonds: The City reserves the right to require a maintenance bond for projects in an amount to be deemed fair and reasonable.

9.10 Prevailing Wage Rates

The Texas Legislature has given special treatment to public works projects, not necessarily applied to other expenditures or purchases by a municipality. Wages for workers on construction projects shall not be paid at less than the schedule of general prevailing rates of per diem wages as determined by the City Council, which shall be the lesser of wages defined by the United States Department of Labor Davis and Bacon Wage Determination at http://www.dol.gov/whd/contracts/dbra.htm and at the Wage Determinations website (www.wdol.gov) for Harris County, Texas (WD-2509), as amended, or as determined by the City by conducting a survey of the wages received by classes of workers employed on projects of a character similar to the contract work in the City. The prevailing wage rate or a link to the wage rates shall be included in bids for the contract and in the contract itself for public works projects. The prevailing wage rate does not apply to work done directly by a public utility company or for maintenance work.

9.11 Insurance Requirements

The minimum insurance required will be the types and amounts required by the Finance Director and City Manager. The Finance Director, City Manager, City Engineer, Consulting Engineer, or Architect may provide input on a possible increase to the amounts of insurance required for any project. For construction and construction-related projects, all contractors and sub-contractors, including those delivering equipment or materials, performing service on a public works project, shall provide Texas workers' compensation for all employees. All Contractors shall provide proof of coverage satisfactory to the City. Prime Contractors are responsible for seeing that sub-contractors carry the same or higher insurance amounts as those required of the prime contractor. Contractors shall post required signs at job site(s) informing all workers of their right to workers' compensation coverage.

9.12 Retainage

The City requires retainage on all public works contracts exceeding $100,000. Five percent of the total contract amount shall be held as retainage on public works contracts. The City may elect to require alternative retainage percentages. For retainage percentages in excess of five percent, the City will deposit the retainage into an interest-bearing account and pay the interest earned to the contractor upon completion of the contract.

A release of retention shall only be considered when a project is fully completed and accepted in compliance with the contract and specifications. A project manager shall review and approve a request for release of retention. If applicable, an engineer/architect shall review and approve the request. The project manager shall also provide Finance the consent of the surety for final payment and release of retainage from the bonding company. All lien notices shall be forwarded to the project manager.

Partial release of retainage may occur, at the City's discretion, before the project is completed. This is generally considered for large projects with longer construction periods (GC 2252.031, 2252.032, 2252.033).

Procurement Policy
ARTICLE 10: Contract Terms and Conditions

10.1 General Information

All City contracts shall include provisions necessary to define the responsibilities and rights of the parties to the contract. The Finance Director shall have the authority to establish and modify any such terms and conditions.

Department directors are required to approve contracts for financial and operational obligations and business terms before contract award by Council.

Procurement Policy
ARTICLE 11: Contract Modifications (Change Orders)

11.1 General Information

A contract modification (and/or change order) occurs when a change to an executed contract is necessary. The modification may involve a change to quantities, specifications, terms or any number of contract requirements.

11.2 Procedures and Authorizations

Any modification to an awarded contract, regardless of sourcing method, shall be documented, reviewed, and approved through a contract amendment and/or change order.

Contract modifications and/or individual change orders for a total increase over $100,000 require approval by the City Council. The change order authority limit resets after each City Council approval of a change order. All change orders, regardless of amount, require approval of the Finance Director. Change orders over $25,000 require City Manager approval.

A contract amendment and/or change order, or the cumulative total of contract modification and/or change orders, cannot increase the original contract price by more than twenty-five percent (25%) except as provided under state law. Modification and/or changes in excess of twenty-five percent (25%) require re-solicitation. Contract modifications and/or change orders reducing a contract or purchase order by more than twenty-five percent (25%) require the consent of the contractor.

If applicable, an engineer/architect shall review and approve a contract amendment and/or change order prior to submitting to the City Council. Upon approval, a contract amendment and/or change order will be reviewed, signed and executed by the Finance Department. A hard copy of the change order will be forwarded to the contractor and a copy retained in the Procurement file.

Procurement Policy
ARTICLE 12: COST PRINCIPLES

12.1 Adoption of Rules

The Finance Director shall adopt rules setting forth cost principles which shall be used to determine the allowability of incurred costs for the purpose of reimbursing costs under contract provisions which provide for the reimbursement of costs.

12.2 Cost or Pricing Data

The submission of current cost or pricing data may be required in connection with any award, change order or contract modification

Procurement Policy
ARTICLE 13: DISPOSAL OF CITY-OWNED PERSONAL PROPERTY, MATERIALS, AND EQUIPMENT

13.1 Introduction

The Finance Director shall establish guidelines for and shall be responsible for the management of:

- The transfer of surplus property and operation of the surplus property program.
- The sale or disposal of surplus, worn, scrap, obsolete, excess, damaged, abandoned, unclaimed, lost and confiscated property by competitive sale or other authorized method.
- The trade-in of surplus property for purchase of new equipment.

The Finance Director shall control and supervise all existing and future City facilities (warehouses) established for the purpose of purchasing, storing, and issuing supplies. The Finance Director shall also be responsible and accountable for all warehouse materials and maintain a perpetual inventory record thereof.

The Finance Director will establish policies and procedures governing the addition or deletion of items carried in inventory, the sale or other disposal of inventory items no longer needed, delivery and other services provided to using agencies, and any policies or procedures required for efficient and effective operation of the inventory system.

The transfer, donation, or sale of City property shall be administered in compliance with state law and this Policy. The Finance Director will operate a surplus property program for the purpose of receiving, storing, transferring, or selling surplus property no longer needed by the City.

13.2 Definitions

The following terms are related to the management of property:

Abandoned Property means personal property which has been left unattended as defined by Texas Property Code 72, Texas Property Code 75, and Texas Transportation Code, Chapter 683.

Damaged or Destroyed means personal property that is not operable due to damage or accident and would require excessive repair (cost and/or manpower) to return the asset to serviceable condition.

Donation means personal property which has been donated to a charitable organization.

Excess means personal property that which is no longer needed (in excess of the department's requirements) but are still serviceable or useable.

Lost or Stolen mean personal property that is assigned to or acquired by a department but has been lost or stolen and deemed unrecoverable. Stolen City-owned property shall be properly documented with a police report.

Obsolete means personal property that no longer meet department specifications or requirements but is still serviceable or useable.

Property means assets with a useful life of more than one (1) year.

Property Transfer means the transfer of fixed assets between using agencies or transfer of property to or from the surplus property program.

Scrap means personal property that no longer functions, is unserviceable and has no market value, except for the basic material content, which can be recycled through appropriate means. Surplus property means property no longer needed by using agencies for their operations, property in poor or non-working condition, or property that is a by-product (e.g. scrap metal, used tires and oil, etc.).

Trade-in means personal property which has been traded, for similar new property, and the transaction has been recorded within the purchase order.

Unclaimed, Lost and Confiscated Property means all property used as evidence in the courts and remaining unclaimed after final disposition, property seized by a peace officer as being used unlawfully, and all property coming into the hands of any City officer or employee as lost or unclaimed.

Worn means personal property that may still be operable but require excessive maintenance or repair (cost, manpower) to remain in an operable condition.

13.3 Methods for Disposal

Departments and the Finance Director shall determine the most appropriate disposition method for personal property, City-owned materials and equipment that are deemed to be in the best interests of the City. Options for disposal are as follows:

Transfer between City Departments
Excess or obsolete City-owned personal property that is no longer required by one City department (sending department) can be transferred either to another group within the same department or to another City department in need (receiving department). If the original cost of the equipment is over $5,000, the department director shall notify the Finance Department, so the fixed assets records will reflect the appropriate change(s).

Transfer to Another Governmental Entity

Any transfer by the City of City-owned personal property to another governmental entity, except through the auction process, shall be pursuant to an Interlocal Agreement approved by the City Council if in excess of $500.

Public Sale, Trade-in, Donation, Destruction or Returned for Credit

If the item is no longer of value to the City, the Finance Director is authorized to sell, trade, donate, scrap or return the item for credit.

The following methods of disposition are available:

- **Public Bid, Sale or Auction**
  - A sealed bid, public auction (sale) held on site, at a City facility, or on-line and conducted by an auctioneer licensed by the State of Texas. The guidelines of LGC 252, for competitive bidding, shall be followed. For City-owned personal property items having a value less than $100, the sale may be made at an advertised location where members of the public may purchase the item.
  - Property may be disposed of through the sealed bid process and sold to the highest bidder, unless rejected by the using department and Finance.
  - All items are to be sold to the highest bidder unless pricing is determined by the owning department to not be sufficient. In this instance, the City may refuse the bid and hold the item(s) for sale at another time.
  - After determining the time and place for a public auction, the Finance Director shall give notice of the auction by advertising in the official newspaper of the City for at least once a week for two consecutive weeks. The date of the first publication must be at least 14 days prior to the date of the auction and the second publication must be no sooner than 7 days prior to the auction or posting on the City website for a period of 10 days prior to the auction.
- **Trade-In**
  - Offer the property as a trade-in for new property of the same general type if the Finance Director and owning department consider that action to be in the best interest of the City. If determined necessary to determine "fair market value", the Procurement Director may employ outside resources to make such determination. In all instances, best value for City owned property will be achieved and properly documented by the Procurement Director and credit shall be applied to the appropriate department.
- **Third Party Appraisals**
  - The City may utilize third party consultants to determine authenticity or market value of any commodity. The department responsible for the commodity shall consent to and pay for the third-party appraisal.
- **Donation**
  - Dispose of the property by donating it to a civic or charitable organization or another governmental entity, if allowed by law. However, in such case, City Council approval will be necessary if the item has value of more than $500.
- **Destruction**
  - The Procurement Director may order any of the property to be destroyed or otherwise disposed of if the replacement value is less than $100 and is not

considered in good working order, the City attempts to sell the property and receives no viable offers or it is determined to be scrap material(s).

- Scrap: City owned personal property which has been transferred to Finance and has been found to be damaged, destroyed, or in any other way having no recoverable value will be accumulated and disposed of in accordance with existing scrap metal/refuse contracts or as otherwise directed by the Chief Financial Officer.
- Scrap Bin(s): The Finance Director shall ensure that all scrap with value (metal, wire, etc.) shall be disposed of with existing scrap metal/refuse contracts or as otherwise directed by the City Manager. Finance shall ensure accurate accounting of all scrap proceeds and report all sales proceeds appropriately. All City employees shall ensure the proper disposal of scrap material in the identified location, and City-owned materials shall not be converted for private use or personal use.

- **Returned for Credit**
  - Excess or obsolete City-owned property may be returned, if possible, to the vendor from which the property was originally purchased. Prior to such return, department staff, directors, and officers shall coordinate this action with the Finance Director, to ensure credit has been fully received, documented, and reported to the Finance Department.

13.4 Disposal of Abandoned Property

Disposition of abandoned or unclaimed property seized by a government entity, officers, or employees must be conducted in accordance with this Policy, Tomball local policy, the Texas Code of Criminal Procedure (Chapters 18, 47 59) and in compliance with Texas Transportation Code, Chapter 683. Equipment deemed appropriate for retention will be in accordance with state law (i.e., confiscated equipment by the Tomball Police Department).

13.5 Purchase by Officers and Employees

An officer or employee of the City, who recommends and/or authorizes the sale of materials and equipment for their department, shall not, directly or indirectly, submit a bid for, purchase or acquire ownership of that department's property. An officer or employee of the City shall not, directly or indirectly, submit a bid, purchase, or acquire ownership of "impounded property".

13.6 Disposition of Federal and Grant Funded Assets

No disposition of federal or grant funded assets will be initiated unless it is allowable in accordance with the guidelines outlined in the *Office of Management and Budget (OMB) Circular A-102 (revised) and the Uniform Requirements for Grants and Cooperative Agreements with State and Local Governments*, subject to the specific guidelines of the grantor agency. Additionally, no disposition of federal or grant funded assets will be initiated unless the

applicable grant program administrator and the department director of the grantee department have recommended such disposition.

If proceeds result from the disposition through sale of grant funded property, the Finance Director, working with the department director and applicable grant program administrator, will ensure that proper notifications are provided to and instructions and approvals obtained from the grantor agency concerning how proceeds are to be handled. Depending upon the grantor agency or source involved and the dollar level of the proceeds, funds may or may not need to be returned or credited to the grantor agency or source. In all instances where proceeds have been gained by the City, the Finance Director shall provide a full accounting of such proceeds to the City Manager. Where possible and allowable upon the closing of a grant, the City will seek to transfer the property to another allowable grant in lieu of sale or other disposition method.

13.7 Disposition of Items Funded with Bonds

The disposition of bond funded assets will be communicated to the Finance Department. If proceeds result from the disposition of bond funded assets, the Finance Director, shall provide a full accounting of such proceeds to the City Manager.

13.8 Transfer of Ownership of Certain Emergency Vehicles

In accordance with Texas Transportation Code 728.021, emergency vehicles used to transport sick or injured persons must have vehicle equipment removed, including lights, sirens or devices which only an authorized emergency vehicle may be equipped with, and must remove or obliterate any emblem or marking on the vehicle that identifies the vehicle as an authorized emergency vehicle. This statute doesn't apply if the City is transferring ownership to a person who holds a license as an emergency service provider, who is in the business of buying and selling used vehicles in this state and who specializes in authorized emergency vehicles, or who operates in a foreign country.

Procurement Policy
ARTICLE 14: PROTESTS AND APPEALS

14.1 Introduction

Protest and appeals will be accepted from prospective bidders, respondents or offerors whose economic interest may be affected substantially and directly by the issuance of a solicitation, the award of a contract, or by the failure to award a contract. The Finance Director will consider all protests or appeals filed in a timely manner regarding the award of a contract. If the protest is oral and the matter cannot be otherwise resolved, written confirmation of the protest or appeal will be required.

14.2 Definitions

Filed means delivery to the contract officer or to the Finance Director, whichever is applicable. A time and date of receipt shall be documented in a verifiable manner for purposes of filing.

Governing Instruments means those legal documents that establish the existence of an organization and define its powers including articles of incorporation or association, constitution, charter and by-laws.

Interested Party means an actual or prospective bidder, respondent, or offeror whose economic interest may be affected substantially and directly by the issuance of a solicitation, the award of a contract, or by the failure to award a contract. Whether an economic interest exists will depend upon the circumstances of each case. An interested party does not include a supplier, subconsultant, or subcontractor to an actual or prospective bidder, respondent, or offeror.

Receipt means the earlier of actual receipt or the first attempted delivery by certified mail, or by any other means that provides evidence of the attempt, to the persons' last known address.

14.3 Authority of the Finance Director

The Finance Director shall have the authority to settle and resolve protests.

14.4 Right to Protest

Any interested party who is aggrieved in connection with a solicitation or award of a contract above the formal threshold may protest to the Finance Director.

14.5 Filing of a Protest

A protest shall be filed in writing with the Finance Director (letter received by physical mail delivery or by electronic submission) and shall include the following information:

- The name, address, telephone number and email address of the protestant;
- The signature of the protestant or its representative;
- Identification of the solicitation or contract number;
- A detailed statement of the legal and factual grounds of the protest including copies of relevant documents; and
- The form of relief requested.

Protests will not be considered if not supported by adequate documentation as defined in this Policy or if not received within the parameters as defined in this Policy and any specific solicitation.

14.6 Time for Filing Protests

Protests based upon alleged improprieties in a solicitation that are apparent before the solicitation due date shall be filed not less than five (5) working days before the solicitation due date. In all other cases, protests shall be filed within five (5) days of notice of intent to award or in the absence of a notice of intent to award, prior to the award date. The Finance Director shall give notice of the protest to the successful contractor if award has been made or, if no award has been made, to all interested parties. Interested parties have the right submit a written response to the protest.

14.7 Stay of Procurement During the Protest or Appeal Process

In the event of a timely protest, or in the event of timely appeal of the Finance Director's decision, the City shall stay the solicitation or award of the contract unless the Finance Director makes a written determination that there is a reasonable probability that the protest or appeal will be denied and that proceeding further with the solicitation or award of the contract is in the best interests of the City. The stay shall automatically continue throughout the protest or appeal process unless the Finance Director makes a written determination to lift it.

14.8 Confidential Information

See **Section 1.9**.

14.9 Decision by the Finance Director on a Protest

The Finance Director shall issue a written decision within ten (10) days after a protest has been filed. The decision shall contain an explanation of the basis of the decision. The Finance Director shall furnish a copy of the decision to the protestant, by certified mail, return receipt requested, or by any other method that provides evidence of receipt. The time limit for decisions may be extended for a reasonable time not to exceed thirty (30) days beyond the original ten (10) day time period. The Finance Director shall notify the protestant in writing that the time for the issuance of a decision has been extended and the date by which a decision will be issued. If the Finance Director fails to issue a decision within the time limits set forth in this Section, the protestant may proceed as if an adverse decision had been issued. The decision shall contain a statement regarding the appeals process that is available pursuant to this Policy.

14.10 Remedies for a Protest

If the Finance Director sustains the protest in whole or part and determines that a solicitation, evaluation process, proposed contract award, or contract award does not comply with this Policy, the Finance Director shall implement an appropriate remedy.

In determining an appropriate remedy, the Finance Director shall consider all the circumstances surrounding the procurement or proposed procurement including, but not limited to:

- The seriousness of the procurement deficiency;
- The degree of prejudice to other interested parties or to the integrity of the procurement process;
- The good faith of the parties;
- The extent of performance;
- Costs to the City;
- The urgency of the procurement; and
- The impact of the relief on the using agency's mission.

An appropriate remedy may include, but is not limited to, one or more of the following:

- Reject all bids, responses or proposals;
- Terminate the contract;
- Reissue the solicitation;
- Issue a new solicitation;
- Award a contract consistent with the procurement codes; or
- Such other relief as is determined necessary to ensure compliance with this Policy.

14.11 Appeals to the City Manager

Any person may appeal the written decision of the Finance Director to the City Manager within seven (7) days from the date the decision is issued by filing a written appeal with the City Manager. The appellant shall also file a copy of the appeal with the Finance Director.

The appeal shall contain:

- The information set forth in Section 14.10;
- A copy of the decision of the Finance Director;
- The precise factual or legal error in the decision of the Finance Director from which an appeal is taken.

14.12 Notice of Appeal

The City Manager shall give notice of the appeal to the successful contractor if award has been made or, if no award has been made, to interested parties. Such interested parties shall have the right to request copies of the appeal and to intervene in the proceedings. The City Manager shall, upon request, furnish copies of the appeal to all interested parties**.**

14.13 Finance Director Report on Appeal

The City Manager may conduct or hearing or request additional information from the Finance Director or any other person in order to render a decision on the appeal. The City Manager's determination on the request shall be in writing, state the reasons for the determination and, if the extension is granted, set forth a new date for the filing of comments. The City Manager shall notify the Finance Director of any extension.

14.14 Remedies for Appeal of a Protest

The City Manager may dismiss, affirm or deny the Finance Director's decision in whole or in part based on criteria described in Section 14.10. If the Finance Director's decision is denied in whole or in part and a determination is made that a solicitation, evaluation process, proposed award, or award does not comply with state law or this Policy, the City Manager may direct the Finance Director to make the appropriate remedy described in Section 14.10.

Procurement Policy
ARTICLE 15: VENDOR DISQUALIFICATION

15.1 General Overview and Applicability

Disqualification is an action taken by the Finance Director under this Article to prohibit a person from participating in City procurements. The purpose of disqualification is to protect the City of Tomball and taxpayers from an inefficient use of City funds.

City departments are responsible for managing their contracts and for identifying and controlling the risks associated with vendor performance.

Vendors may be disqualified from bidding on City contracts under certain circumstances in order to minimize the City's risk of losses. In order to ensure that the City is receiving quality goods, services and construction and in order to ensure that the City is receiving value for public money, vendors may be disqualified from participating in City procurement opportunities for prescribed time periods.

A decision to disqualify a vendor from participating in City procurement opportunities must be supported by evidence, exercised in accordance with the factors set out in this Policy and appropriately approved. A decision to place a vendor on the disqualification list is discretionary; however, such discretion must be exercised consistently and fairly.

15.2 Reasons for Disqualification

The City may disqualify a vendor for one of the following six categories of reasons:

15.2.1 Litigation

If a vendor engages in litigation against the City, the City may consider whether or not such litigation should disqualify that vendor from participating in future City procurement opportunities. Note that litigation brought by the City against a vendor is addressed in Subsection 6 (Poor Performance) below.

A vendor who engages in litigation against the City should only be disqualified in connection with litigation proceedings if there are valid commercial or business reasons for doing so. Disqualification should not be exercised to "punish" the vendor for bringing a lawsuit. Litigation against the City in respect of matters unrelated to a procurement process or contracts for the provision of goods, services or construction should not be considered under this Policy.

In evaluating whether a litigious vendor should be disqualified, the City should consider the following qualitative factors in its analysis:

- Is the litigation in relation to a City procurement process or a contract with the City for the provision of goods, services or construction?
- Is there a history of litigious conduct with the vendor and has that history resulted in increased costs to the City?
- What was the outcome of the previous litigation? For example, was it frivolous/vexatious or were damages awarded in favor of the vendor?
- Does the vendor's litigation with the City call into question the vendor's ability to provide work or services to the City under future contracts?

15.2.2 Failure to Honor a Bid

If a vendor submits a bid in response to a City procurement opportunity and that vendor subsequently refuses to honor its bid or the pricing included in that bid, the City may consider disqualifying that vendor from participating in future City procurement opportunities. However, a vendor should not be disqualified if their failure to honor a bid was a legitimate withdraw of that bid. Accordingly, the reason why a vendor did not honor its bid must be analyzed and considered in making a decision to disqualify that vendor.

Factors that the City may consider in such analysis include, but are not limited to:

- If the City and a selected vendor in a negotiated procurement process attempt to negotiate an agreement in good faith and for valid business reasons are unable to come to an agreement, that vendor should not be disqualified.
- If a vendor fails to honor its submitted pricing because of a change in market conditions, the City should consider whether pricing fluctuations are common in the industry.
    - If price increases are common, the City should consider whether the vendor should have factored this into their pricing. For example, could the market conditions have been reasonably predicted within the industry?
    - If the City's acceptance of the bid took significantly longer than anticipated, the City should consider the impact of the delay on the vendor's willingness to honor its submitted pricing.
- If a vendor does not honor its submission because it is too busy on other contracts at the time its bid is accepted, and City's acceptance of the bid was within the time period set out in the bid document, the City should consider disqualifying that vendor because vendors should only submit proposals if they are capable of delivering the goods or services.
- Other reasons for a vendor's failure to honor a submission or pricing should be reviewed contextually and fairly.

15.2.3 Failure to Disclose a Conflict of interest

If a vendor fails to disclose a conflict of interest during a City procurement opportunity or during the performance of a contract with the City and the City subsequently discovers that such a conflict of interest exists, the City may disqualify that vendor from participating in future procurement opportunities after conducting an analysis using the

following factors:

- The nature of the conflict of interest, including whether it is perceived or an actual conflict of interest and the materiality of the advantage that such a conflict may have given the vendor.
- Whether the vendor knowingly failed to disclose such a conflict of interest.
- The impact such a failure to disclose the conflict of interest has or may have on the City, including its reputation and the impact on its obligation to conduct a fair competitive procurement process.

15.2.4 Participating in Bidding Practices Prohibited by Statute

If the City has reason to suspect a vendor or vendors are engaged in bid-rigging, price-fixing, bribery or collusion or other behaviors or practices prohibited by federal or state statutes in connection with a City procurement opportunity, the City should contact the appropriate authorities and provide such assistance as is required and support a subsequent investigation and if applicable, prosecution.

If a vendor is convicted of bid-rigging, price-fixing or collusion in connection with a City procurement or in connection with other public sector procurements, the City shall disqualify that vendor.

15.2.5 Unethical Bidding Practices

A vendor may engage in unethical bidding practices that do not amount to a criminal or statutory offense, but such practices may still warrant disqualification from bidding on the City procurement opportunities. Examples of such unethical bidding practices include inappropriate offers of gifts to City employees, elected officials, officers, consultants, advisors or other City representatives and misrepresentations in proposals and inappropriate in-process lobbying of or communication with City employees, elected officials, officers, consultants, advisors or other City representatives during a procurement process. The City must conduct a full review of the unethical practice in question and perform a contextual analysis to determine whether the vendor or vendors in question should be disqualified. For example, did the unethical bidding practice compromise the City's ability to run a fair procurement process?

15.2.6 Poor Performance

If a vendor performs poorly on a contract with the City, the City may consider disqualifying that vendor in the following circumstances:

- The contract was terminated for performance issues prior to expiry;
- There were un-rectified performance issues on a contract that resulted in extra costs and or delays to the City;
- The goods were defective and were not replaced or repaired or required multiple repairs; or
- The City brought litigation proceeding against the vendor in connection with issues related to the contract.

All performance issues in connection with City contracts must be escalated to Finance and brought to the attention of the City Manager. Performance issues must be supported by documentation evidencing the notification to the vendor of performance issues and all escalation of such performance issues.

15.3 Disqualification Process

The Finance Director may disqualify a vendor in writing after notice and hearing to the vendor.

The written decision of disqualification shall also include the length of the disqualification. A vendor may be disqualified for period of up to three (3) years. The length of the disqualification period should be proportional to the reasons for the disqualification and fair and the full three-year disqualification should only be applied in the most serious of disqualifications.

A disqualification can either be a blanket disqualification or a disqualification to provide specific goods, services or construction and the recommendation should clearly set out the scope of the disqualification.

Before the vendor is officially disqualified, the vendor must be notified in writing of the potential disqualification and shall be allowed to provide a written response within ten (10) calendar days of notification, including any supporting documentation necessary to support their case against disqualification.

The Finance Director's opinion may be appealed to the City Manager as provided in Section 14.

Procurement shall notify the vendor in question of the disqualification recommendation in writing via certified mail, return receipt requested. The notification letter should contain:

- Full details as to the reasons for the disqualification, including copies of any documents or correspondence to support such a disqualification.
- The length of the recommended disqualification period and scope, if applicable.
- The vendor's right to re-apply for eligibility within the prescribed time period and the process.

A disqualified vendor may apply to be re-eligible to participate in City procurement opportunities upon the completion of half of the original disqualification period. For example, if the original disqualification period was two (2) years, the vendor may apply for review of the disqualification after one (1) year.

In order to apply to be re-eligible, the vendor must submit a written case for re-instatement, including supporting documentation, if necessary, that provides reasons why the original reason for the disqualification would no longer prove a risk for the City. Applications for review of eligibility are to be reviewed by the department director, the Finance Director, and City Manager.
If the department director, the Finance Director, and City Manager are convinced that the reasons

for the original disqualification will no longer present risk for the City should it do business again with the vendor in question, then the Finance Director may reinstate that vendor.

Procurement shall maintain an up-to-date and current list of all disqualified vendors. Any vendor having an officer or director that was an officer or director of a vendor on the disqualified list at the time it was disqualified is also considered disqualified. The list should contain the full name of the vendor, the names of the officers or directors of the vendor, the reasons for the disqualification, the file number where the written recommendation for the disqualification is filed, the length of the disqualification period and the date of the expiry of the disqualification period.

Review of the disqualification list against a list of vendors and their officers or directors should be conducted for each procurement to ensure the disqualified vendors are not allowed to continue in the process.

Procurement Manual
ARTICLE 16: INTERLOCAL CONTRACTS PROCUREMENT

16.1 General Information

An interlocal contract is a contract between governmental agencies for services. Approval of interlocal contracts follows the same procedures as other procurements, including the established expenditure authority.

Procurement Policy
ARTICLE 17: COOPERATIVE BUYING AGREEMENTS

17.1 General Information and Applicability

The City may purchase goods and services through cooperative contracts. Agreements entered into pursuant to this Policy shall be limited to the areas of procurement of materials, services, professional services, construction or construction services, warehousing or materials management.

17.2 When Agreement is Required and/or Authorized

The City is not authorized to participate in cooperative buying agreement unless a cooperative agreement described in GC 791 or LGC 271 is executed between the parties or the parties are members of a cooperative purchasing group or authority that permits cooperative use amongst its membership.

The City may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of any materials, services, professional services, construction or construction services with one or more government agencies in accordance with an agreement entered into between the participants. Parties under a cooperative purchasing agreement may:

- Sponsor, conduct or administer a cooperative agreement for the procurement or disposal of any materials, services, or construction.
- Cooperatively use materials or services.
- Commonly use or share warehousing facilities, capital equipment and other facilities.
- Provide personnel, except that the requesting eligible procurement unit may pay the public procurement unit providing the personnel the direct and indirect cost of providing the personnel, in accordance with the agreement.
- On request, make available to other eligible public procurement units informational, technical or other services that may assist in improving the efficiency or economy of procurement. The public procurement unit furnishing the informational or technical services has the right to request reimbursement for the reasonable and necessary costs of providing such services.

17.3 Approval to Purchase from Cooperative Contract

If the purchase is less than $100,000, the City Manager may approve the expenditure. If the purchase is $100,000 or greater, City Council approval is required.

The City must have an interlocal agreement in place with the cooperative agency before a purchase can be made. Additional documentation may be required to ensure that the cooperative contract provides the best value to the City.

A list of approved cooperative purchasing programs is included in **Appendix C**.

17.4 Prohibitions

If a member of the governing body or an appointed board or commission of a municipality or county belongs to a cooperative association, the municipality or county may purchase equipment or supplies from the association only if no member of the governing body, board, or commission will receive a pecuniary benefit from the purchase, other than as reflected in an increase in dividends distributed generally to members of the association.

Procurement Policy
ARTICLE 18: NON-DISCRIMINATION

18.1 Policy Statements

No City contractor or vendor shall engage in any discriminatory employment practice.

No person shall, on the grounds of race, sex, age, disability, creed, color, national origin, be refused the benefits of, or be otherwise subjected to discrimination under any activities resulting from contracts with the City.

No City contractor or vendor, shall engage in any discriminatory employment practice against individuals with disabilities as defined in the Americans with Disabilities Act (ADA).

Procurement Policy
ARTICLE 19: PREFERENCES

19.1 General Overview

The City of Tomball has the right to implement any procurement practices which gives preference during consideration of a bid over other Bidders/Proposers.

19.2 Environmentally Preferable Purchasing (EPP)

The City may establish EPP policies to promote the purchase of environmentally preferable products throughout City departments, by incorporating environmental considerations into public purchasing to the extent it available, practical, and reasonably permitted by the Texas purchasing laws or any future policies directed by City Council.

19.3 Criterial for Local Preference Purchases

In compliance with LGC 271.905 and 271.9051, the City reserves the right to apply a local preference during consideration of a bid from a bidder whose principal place of business is in the City.

This Policy applies to the purchase of real property and personal property that is not affixed to real property or services (including construction services) through a competitive bid. This shall include IFBs awarded based upon lowest responsive, responsible bid, or awarded based upon best value.

19.3.1 Lowest Responsible Bids

A five percent (5%) price differential will apply to construction bids less than $100,000 and all other bids, including services, less than $500,000. This excludes telecommunication and information services. A three percent (3%) price differential will apply to bids, excluding construction and services, greater than $500,000. The chart below is a summary of the criteria for Lowest Responsible Bids.

<table>
<tr><th>LGC 271.9051</th><th>LGC 271.905</th></tr>
<tr><td>5% Price Differential</td><td>3% Price Differential</td></tr>
<tr><td>Construction bids between $50,000 and $100,000</td><td rowspan="2">All other bids, excludes construction and services, greater than $500,000</td></tr>
<tr><td>All other bids, including services, between $50,000 and $500,000</td></tr>
</table>

19.3.2 Best Value Bids

Price is only one of a number of determining factors that are weighted for evaluation purposes. As a result, an additional weighted factor will be added to all such bids for bidders meeting local preference criteria. The appropriate weight, either 5% or 3%, will be consistent with the criteria outlined in the chart above.

19.3.3 Local Bidder Preference Consideration Application

A new and complete application must be submitted with each competitive bid by the due date, including a Tax Certification from the Harris County Tax Assessor/Collector per Resolution R2012-012.

This Policy does not apply to purchases obtained through an RFQ, RFP, bids involving federal funds, Cooperative Programs or Interlocal Agreements.

19.4 Reciprocal Law

GC 2252.002 relates in part to bids by nonresident bidders for any type of contract awarded by a municipality, such as general construction, improvements, supplies, services, a public work project or for purchase of supplies, materials, or equipment.

GC 2252.002 states, "A government entity may not award a governmental contract to a nonresident bidder unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the greater of the following: (1) the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located, or (2) the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which a majority of the manufacturing relating to the contract will be performed."

The City reviews the applicability of this statute for all expenditures over $50,000.

Procurement Policy
ARTICLE 20: ETHICS AND COMPLIANCE

20.1 General Information

All City officials and employees acting on the behalf of the City of Tomball must observe the highest standard of ethics throughout the procurement process. Staff and other personnel, shall never use their authority for personal gain, and they must seek to uphold and enhance the standing of the City of Tomball.

20.2 Ethical Requirements Relating to Municipal Procurement

20.2.1 State Laws

City officials and employees must comply with various state laws with respect to purchasing. The following is intended to provide a summary and the general requirements of the laws.

Chapter 171, Texas Local Government Code
Chapter 171 of the Texas Local Government Code regulates a local public official's conflicts of interest. The law defines "local public official" as an elected official, such as a Council Member, or an appointed city official (paid or unpaid) who exercises responsibilities that are more than advisory in nature.

The law prohibits a local public official from shall not voteing or participateing in any matter involving a business entity or real property in which the official, or the officials family, has a substantial interest if an action on the matter will result in a special economic effect on the business that is distinguishable from the effect on the public or, in the case of a substantial interest in real property, it is reasonably foreseeable that the action will have a special economic effect on the value of the property, distinguishable from its effect on the public.

A local public official who has such interest is required to file, before a vote or decision on any matter involving the business entity or real property, an affidavit with City Secretary, stating the nature and extent of the interest.

A local public official is required to abstain from participating in the matter.

A local public official who is required to file an affidavit is not required to abstain from participating in the matter if a majority of the members of the governing body have a substantial interest and file affidavits of similar interests on the same official matter.

Chapter 176, Texas Local Government Code
A Council Member, City Manager, Department Director, administrator, or any other person who is exercises any discretion in the selection of a vendor shall file a FORM CIS

if the person, or the person's family, has an employment or business relationship with a vendor who conducts business with the City.

An officer is required to file a conflicts disclosure statement ("statement") if a vendor enters into a contract with the City, or if the City is considering entering into a contract with the vendor, and the officer or officer's family member has an employment or other business relationship with the vendor that results in the officer or officer's family member receiving taxable income that exceeds $2,500.00 in the preceding twelve months.

An officer is required to file a statement if the officer or officer's family member accepts a gift(s) from a vendor with an aggregate value of more than $250.00 in the preceding twelve months. An officer is not required to file a statement in relation to a gift, regardless of amount, that is accepted by an officer or officer's family member if the gift is given by a family member of the person accepting the gift, is a political contribution, or is food, lodging, transportation, or entertainment accepted as a guest.

An officer or vendor who knowingly fails to file a statement or a disclosure when required to do so commits a Class C misdemeanor.

Chapter 252, Texas Local Government Code – Sequential and Component Purchases

Separate, sequential, or component purchases to avoid placing any purchase in a lower cost bracket in order to avoid approval levels or the competitive bid process are prohibited. A Department shall manage and plan in such ways that all purchases are made in sufficient quantities to meet needs. "Separate Purchases" mean purchases made separately of items that in normal purchasing practices would be bought in one purchase. "Component Purchases" means purchases of the component parts of an item that in normal purchasing practices would be bought in one purchase. "Sequential Purchases" means purchases of items made over a period that in normal purchasing practices would be bought in one purchase. (See §§252.001, 252.062, TX. Local Gov't Code).

Chapter 252, Texas Local Government Code – Penalties and Remedies

If a person fails to comply with the competitive bidding or competitive proposal procedures required by Chapter 252, Texas Local Government Code, that person may be convicted of a Class B misdemeanor. A Class B misdemeanor may be punished by a fine of up to $2,000.00, confinement in jail for up to 180 days, or both the fine and confinement.

An individual is automatically removed from his or her position if that person is finally convicted of failing to comply with the competitive bidding or competitive proposal procedures required by Chapter 252. Once removed from office, such a person may not hold any public office in this state for four years after the date of final conviction. Also, for four years after the date of final conviction, the convicted person may not be employed by the city where the person was serving when the offense occurred and may not receive any compensation through a contract with the city.

State law specifies that if a city enters into a contract without complying with the competitive bidding or competitive proposal requirements of Chapter 252, the contract is void. (See §252.061, TX. Local Gov't Code)

20.2.2 Local Rules

The City demands the highest ethical standards of conduct from its employees and from vendors or contractors dealing with the City. City employees engaged in purchasing must comply with the following ethical standards.

Gratuities
Certain kinds of conduct such as offering gifts, gratuities, or discounts to City employees to influence their decisions in the purchasing process are expressly prohibited.

The City may reject a bid or cancel a contract without liability if it is determined by the City that gratuities were offered or given by a vendor or contractor, or an agent or representative of the vendor or contractor, to any officer or employee of the City with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performing of such a contract.

In the event a contract is cancelled by the City pursuant to this provision, the City will be entitled, in addition to any other rights and remedies, to recover and withhold the amount of the cost incurred by the vendor or contractor in providing such gratuities.

Confidential Information
It is a violation of City policy for any employee to use confidential information for actual or anticipated personal gain, or for the actual or anticipated gain of any person. Any use of such information shall be grounds for discipline, up to and including dismissal.

Purchases for personal, private use
No employee may use the purchasing power of the City to make purchases for personal, private use. Employees should not have private purchases sent or delivered to the City, City facilities, or City buildings.

Travel, meals, and other expenses paid by vendor or contractor.
Travel costs to a vendor's or contractor's site shall be paid by the vendor or contractor only if the bid or proposal solicitation specifically stated that such visits would be at the vendor's or contractor's sole expense. The City will pay all other travel costs. Employees must fully document the visits and related expenses.

20.3 Required Forms from All Vendors

All vendors wishing to do business with the City of Tomball will be required to complete the forms found on **(Exhibit D)** in this document.

These forms are for the permanent record of the city and will be kept for the purpose of conforming to the afore mentioned statutory requirements stated in this section, the generally accepted accounting/auditing rules or requirements, and any requirements that federally funded programs may mandate of which the City may be participating with.

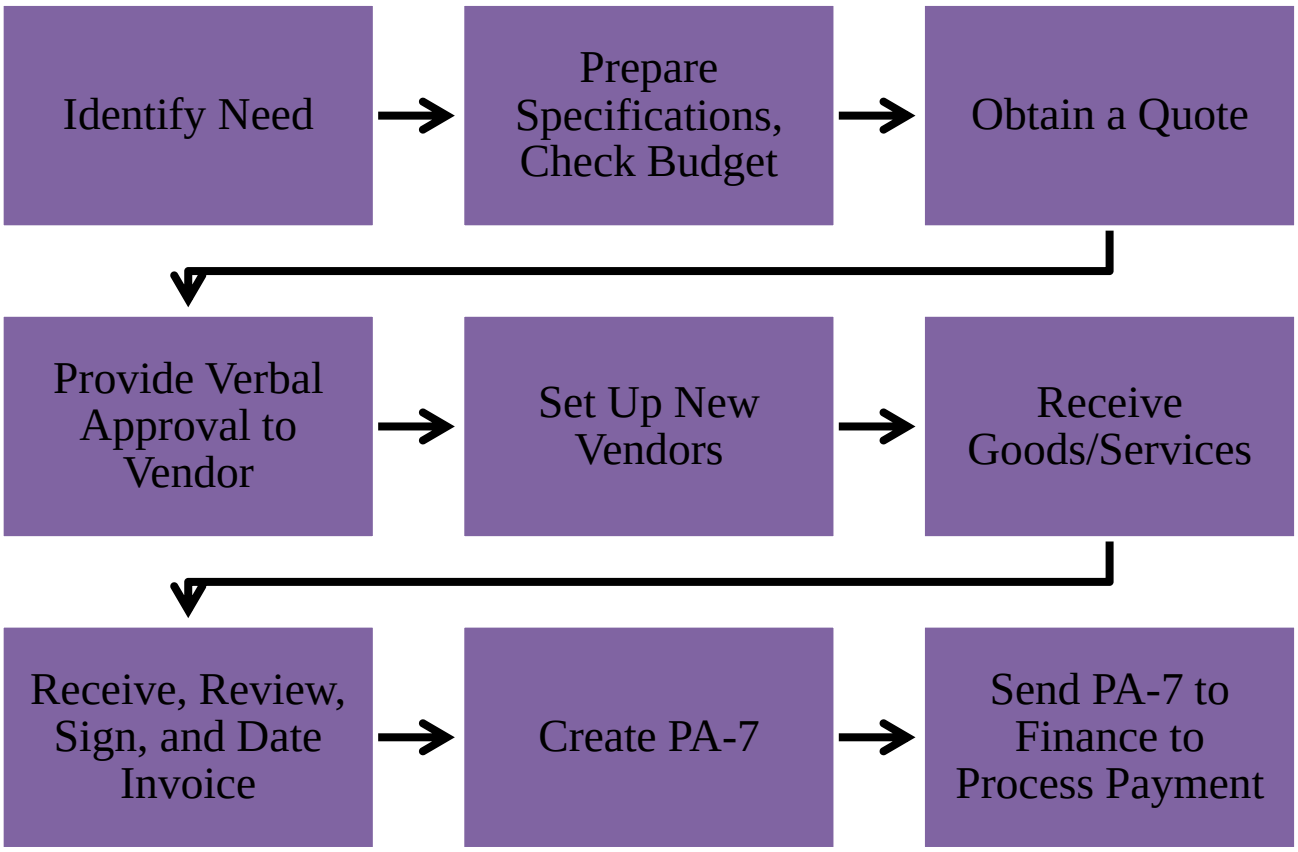
Failure to provide completed and signed forms may cause the vendor to not be accepted as a registered vendor with the City of Tomball.

Additionally, Departments are encouraged to do business with companies who adhere to the federal and state labor laws and regulations including:

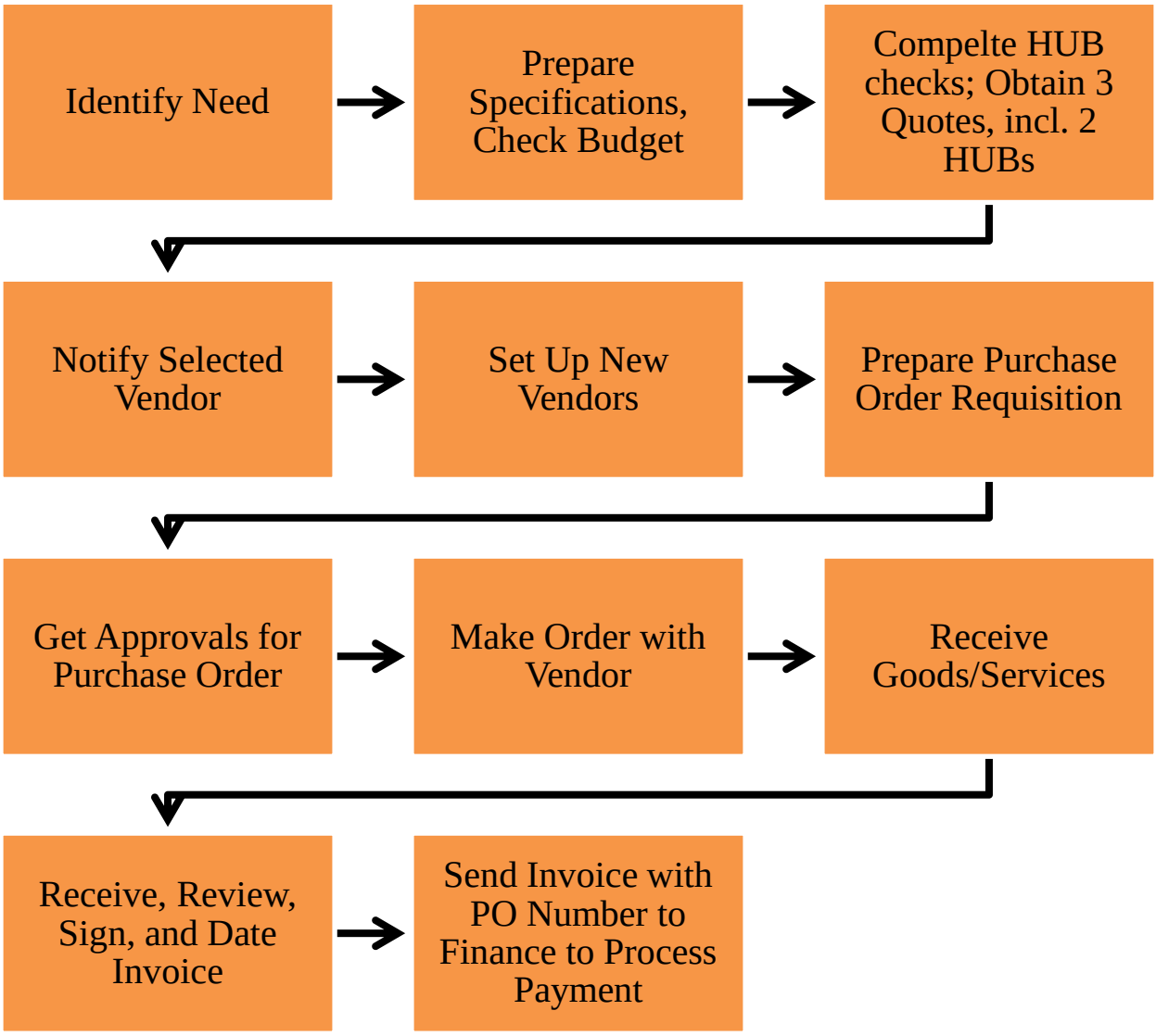
- The Fair Labor Standards Act through limiting child labor, requiring payment for overtime work, and establishing a minimum wage.
- The Occupational Health and Safety Act which requires safe working practices and procedures in all projects.
- Any state or federal law, including executive orders, prohibiting discrimination or harassment in the work place.

Exhibit A

Purchases Less Than $3,000



Purchases Between $3,000 and $100,000



Purchases $100,000 & Greater

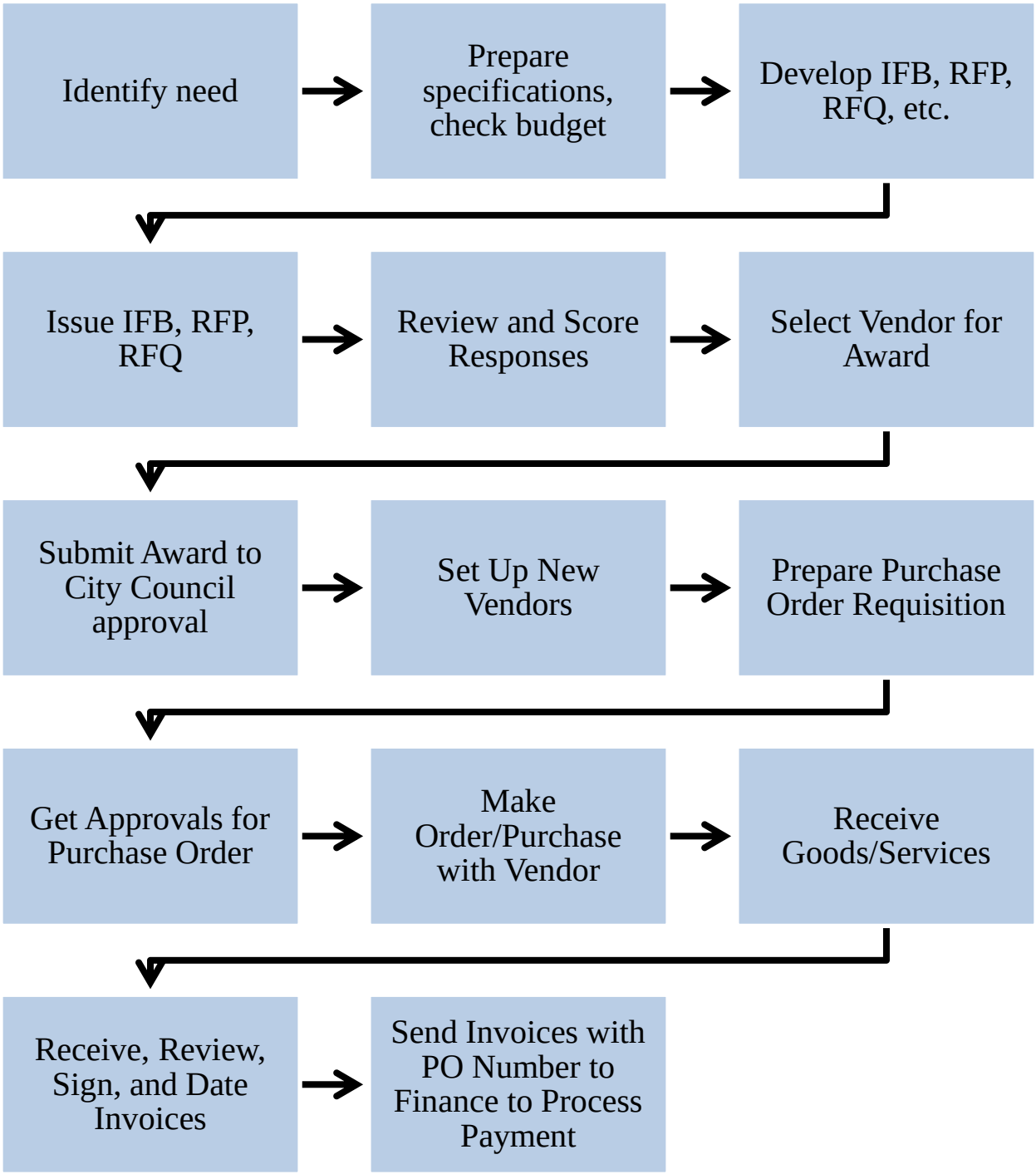


Exhibit B
City of Tomball
Request for Reimbursement

Upon approval received from the Finance Director, prior to purchase, reimbursements may be processed for certain goods or services, ONLY in instances where sufficient time may not allow approval through the purchase order process. Instances where prior approval were not authorized, may be cause for non-payment of the request.

The Purchasing Agent will review submitted Request for Reimbursement and either acknowledge that the request may move forward in processing; or, if discrepancies are found, advise that the form be returned to the requesting division to correct or process through the purchase order process.

Employee Name: _____

Department: _____

Request for Reimbursement:

Suppliers Name:
Good or Service:
Amount:

Justification for this Reimbursement

Do you have a PCard? YES NO

Do you need a PCard for future transactions? YES NO

Requester: _____ Date: _____

Department Head: _____ Date: _____

Finance Director: _____ Date: _____

Exhibit C
City of Tomball
Purchase Order Requisition Process

Purchase orders (PO's) are ***required*** for all purchases in excess of $3,000, unless otherwise exempt as indicated in the exemptions section below or with an approved exception. Purchase order requisitions must be approved prior to making a purchase. Purchase order requisitions may be submitted for purchases under $3,000 but are not required. Departments may use a procurement card or check requests for purchases under $3,000 so long as the purchase complies with this Policy, the Procurement Card Policy, and other applicable policies or regulations.

Items that **do not require** a purchase order and may be paid with a procurement card or check request are:

- Catered event fees
- Election fees
- Membership Dues
- Registration fees
- Periodicals
- Postage
- Subscriptions
- Travel expenses
- Tuition
- Utilities
- Regulatory fees
- Other fees as appropriate
- Purchases that have received an exception to the PO process in accordance with City policy

Other Purchase Order Requirements

- Purchases more than $3,000 but less than $100,000 require 3 written Competitive Quotations with 2 Historically Underutilized Businesses (HUB) Quotations
- All Purchases more than $100,000 approved during the budget process still require an RFP, RFQ or IFB and go before City Council for approval
- New Vendor – Must fill out a New Vendor Packet
- Each department will generate their own Purchase Order Requisition Including the following:
    - Vendor
    - Vendor Email
    - Department
    - Account number
    - Shipping Address
    - Detailed Description must include contract # with CO-OP
    - Price
    - Shipping

  All supporting documents must to be attached to the Purchase Order Requisition
    - Competitive Quotations with 2 HUB Quotations, RFP, RFQ or BID documentation
    - A copy of the agenda item data sheet reflecting council's approval
    - Sole Source Letter and Sole Source Justification Form
- Finance Department shall verify that all required documentation is provided and issue a Purchase Order after all appropriate levels of authorization have been completed.
- The department receiving such product and/or service shall notate invoice with their signature and forward to the Finance Department for payment.

Exhibit D
City of Tomball
New Vendor Form

Vendor Information

Legal Name:
Alias/DBA:
Email:
Phone Number:

Primary Business Address Information

Street Address:		
City:	State:	Zip Code:

Remittance Address Information *(Skip if identical to Business Address)*

Street Address:		
City:	State:	Zip Code:

IRS 1099 Address Information *(Skip if identical to Business Address)*

Street Address:		
City:	State:	Zip Code:

- You must attach a completed W-9 form with this submission.
- To receive ACH payments, please complete the ACH Payment Authorization and provide the required documentation.
- Email this form with requested documentation to: apayable@tomballtx.gov

Exhibit E
City of Tomball
Sole Source Justification Form
For Internal Use Only

A sole source procurement is the acquisition of a good, service, professional service or public work in which there is only one source. Sole source procurement shall be avoided, except when no available alternative sources exist. Sole source procurements require the approval of the City Council for purchases over $100,000.

*An Original Sole Source Letter from the Vendor **MUST** be attached with the Sole Source Justification Form.*

Department: _____ Date: _____

Proposed Source:

Suppliers Name:
Contact Name:
Email:
Phone Number:

Justification for this Sole Source:

Efforts made to find other Sources:

Proposed Source: Describe the good or service including details of model number or software version and what/where the service will be performed. Provide Scope of Work if applicable:

Prepared By: _____ Date: _____
Department Head: _____ Date: _____
Finance Director: _____ Date: _____

Exhibit F
City of Tomball
Emergency Purchase Justification Form

For Internal Use Only

Emergency purchase when a public calamity requires immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality, or to protect public health, welfare, or safety, or necessary because of unforeseen damage to public machinery or property.

Emergency procurements shall be avoided, except when no reasonable alternative approach exist. Emergency purchases require ratification of the purchase by City Council for expenditures exceeding $100,000.

Department: _____ Date of Purchase: _____

Nature, cause of the emergency: Explain what emergency or cause situation to exist.

Financial/Operation Damage: Explain the damage that would occur if this purchase was not made immediately.

Reason purchase was not anticipated: Explain why the need was not anticipated, and occurred through normal procedures.

Requested By _____ Date _____

Department Head _____ Date _____

Finance Director _____ Date _____

City Management _____ Date _____

Exhibit G
City of Tomball
Exemption from Competitive Bidding Form

This form is used to request exemption from the City of Tomball and Federal requirements for competition in purchasing. The requirement for competition starts at any purchase of $3,000.00 or more.

Department	
Department Requestor	
Description of Product/Service	
Total Cost of the Purchase or for the Entire term of the Contract	
Supplier or Contractor Name:	

**** NOTE: Supplier's Quotation, Scope of Work, or Detailed Specifications must be attached.***

Define why there is an exemption from Competitive Bidding:

Prepared By: _____ Date: _____
Department Head: _____ Date: _____
Finance Director: _____ Date: _____
City Management _____ Date: _____

Exhibit H

PROCEDURE FOR PURCHASING EQUIPMENT AND VEHICLES

All equipment and vehicle purchases must be processed through Finance. Specifications must be forwarded to the Finance Director, or designee, who will be responsible for soliciting bids and authorizing the purchase of vehicles and equipment as approved by either the City Manager or City Council. Approval of the department director is required and approval by the City Council is required if the purchase exceeds $100,000.

1. Identify fleet that needs to be replaced

REPLACEMENT SCHEDULE	
Patrol Vehicles	4 Years or 100,000
Small Field Equipment (Mowers, gators, golf carts and small handheld equipment) < $20,000	4-6 Years
Administrative Vehicles / Non - Diesel Vehicles	7 Year or 100,000
Diesel Vehicles	10 Years 150,000
Heavy Equipment/ Trailers	15 - 20 Years
Fire Apparatuses	20 Years

2. Identify new fleet to be purchased
3. Generate Specs
4. Obtain three competitive quotations, cooperative contract or BID
5. Verify Funds have been budgeted
6. Finance department will need to review documentation, when approved a unit number will be assigned to each vehicle and equipment.
7. Agenda Data sheet must be created and entered into MuniCode by the Finance department.
8. All Purchases more than $50,000, either individually or in aggregate, approved during the budget process must still go before City Council for approval
9. Each department will generate their own Purchase Order Requisition Including the following:
    - Vendor Name and Contact Information
    - Department
    - Account Number
    - Shipping Address
    - Detailed Description including Make, Model, Unit Number & Contract #
    - Price
    - Shipping, if applicable

    All supporting documents must to be attached to the Purchase Order Requisition
    - Specs
    - Competitive Quotations, RFP, RFQ or BID documentation
    - A copy of the agenda item data sheet reflecting council's approval
10. Finance Department shall verify that all required documentation is provided and issue a Purchase Order after all appropriate levels of authorization have been completed.
11. When fleet is received the department shall notate invoice with their signature and forward to the Finance Department for payment.
    - All documentation and manuals (Invoice dated with received date, Certificate of Origin, Vehicle Inspection Report, odometer statement, title application from dealer, etc.)

Exhibit I
City of Tomball
Conflict of Interest Disclosure Form

A local government official or Employee must disclose certain relationships with vendors to the City. The official or Employee must file a disclosure statement if the vendor who is contracting or has contracted with the City has:

- A familial relationship with the official;
- An employment of other business relationship with the official or a family member of the official that results in receiving more than $2,500 of taxable income over a 12-month period; or
- Given the official or family member of the official one or more gifts that have an aggregate value over $100 in the 12-month period preceding the date the official becomes aware of the contract or potential contract with the City.

Official/Employee Name: _____ Date: _____
Position/Title: _____ Employee Number: _____

☐I hereby declare that I do not have any relatives or close personal relationships with any vendors who is contracting or has contracted with the City of Tomball.

☐I hereby declare that I currently have relatives or close personal relationships with a vendor whose name and details are listed below:

Vendor Name	Individual Name	Relationship

Description of Contract(s) or Purchase(s):

Official/Employee Signature: _____ Date: _____
City Management Signature: _____ Date: _____

Exhibit J
City of Tomball
Purchase Order Change Order Form

Contract Information			
Vendor/Contractor Name			
Purchase Order Number			
Requesting Department		**Date of Request**	

Change Order Request Overview	
Reason For Amendment	
Support & Justification Documents	*List All Attached Documents Which Support The Requested Change And Justify Any Increased Cost And Time.*

Change In Contract/Purchase Order Price	
Original Price of Purchase Order	
Previous Change Orders	
Current Change Order	
Total Purchase Order Price with Approved Change Orders	

Requesting Department Director Authorization			
Name & Title			
Signature		**Date**	

Finance Director Approval		City Management Approval	
Signature		***Signature***	
Name		**Name**	
Date		**Date**	

Appendix A
Laws and Statutes Governing Procurement

Federal Regulations	
Code of Federal Regulations	Title 2, Subtitle A, Chapter II, Part 200
State Regulations	
Government Code	Chapter 552. Public Information Chapter 573. Degrees of Relationship; Nepotism Prohibitions Chapter 791. Interlocal Cooperation Contracts Chapter 2155. Purchasing: General Rules and Procedures Chapter 2251. Payment for Goods and Services Chapter 2252. Contracts with Governmental Entity Chapter 2253. Public Work Performance and Payment Bonds Chapter 2254. Professional and Consulting Services Chapter 2256. Public Funds Investment Act Chapter 2257. Collateral for Public Funds Chapter 2258. Prevailing Wage Rates Chapter 2259. Self-Insurance by Governmental Units Chapter 2267. Public and Private Facilities and Infrastructure Chapter 2269. Contracting and Delivery Procedures for Construction Projects
Local Government Code	Chapter 105. Depositories for Municipal Funds Chapter 171. Regulation of Conflicts of Interest of Officers of Municipalities, Counties, and Certain Other Local Governments Chapter 176. Disclosure of Certain Relationships with Local Government Officers; Providing Public Access to Certain Information Chapter 252. Purchasing and Contracting Authority of Municipalities Chapter 271. Purchasing and Contracting Authority of Municipalities, Counties, and Certain Other Local Governments Chapter 272. Sale or Lease of Property by Municipalities, Counties, and Certain Other Local Governments Chapter 273. Acquisition of Property for Public Purposes by Municipalities, Counties, and Other Local Governments Chapter 304. Energy Aggregation Measures for Local Governments
Transportation Code	Chapter 728. Sale or Transfer of Motor Vehicles and Master Keys
Health & Safety Code	Chapter 386. Texas Emissions Reduction Plan
Occupations Code	Chapter 1001. Texas Board of Professional Engineers and Land Surveyors
Labor Code	Chapter 406. Workers' Compensation Insurance Coverage

Appendix B
City of Tomball
City Charter & Code of Ordinances
Sections Relating to Procurement

Tomball City Charter

Article VI, Section 6.07 – Conflict of Interest in City Contracts
No officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City, or shall be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies, or services except as provided by State law. Any violation of this Section shall constitute malfeasance in office, and any officer or employee guilty thereof shall be subject to removal from his office or position. Any violation of this Section, with the knowledge, expressed or implied, of the person or corporation contracting with the Council may invalidate the contract involved.

Article VI, Section 6.08 – Mayor and Mayor Pro-Tem
The Mayor shall be the official head of the City government. The Mayor shall be the Chairman and shall preside at all meetings of the Council. The Mayor shall see that all ordinances, bylaws and resolutions of the Council are faithfully obeyed and enforced. The Mayor shall, when authorized by the Council, sign all official documents such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts and bonds. The Mayor shall appoint special committees as he deems advisable, subject to approval by Council, or as instructed by the Council. The Mayor shall perform such other duties consistent with this Charter or as may be imposed upon him by Council.

The Council, at its first meeting after the election of Councilmen, shall elect one of its members Mayor Pro-Tem, and he shall perform all the duties of the Mayor in the absence or disability of the Mayor. The Mayor Pro-Tem shall retain his voting privileges when acting in the absence of the Mayor.

Article VII, Section 7.01 – City Manager
A. *Appointment and Qualifications.* The Council shall appoint an administrative and executive officer of the City who shall be responsible to the Council for the administration of all the affairs of the City. He shall be chosen by the Council solely on the basis of his executive and administrative training, experience and ability. No member of the Council shall, during the time for which he is elected and for one year thereafter, be appointed City Manager.
B. *Term and Salary.*

(1) The City Manager shall be appointed for a term not to exceed two years by a majority vote of the entire Council. The appointment shall be secured through an explicit contractual agreement which shall protect the rights of both the Council and the City Manager.

(2) The City Manager shall receive compensation as may be fixed by the Council.

C. *Duties of the City Manager.* The City Manager shall:

(1) Be responsible to the Council for the efficient and economical administration of the City government. He shall have the authority, with the approval of the Council, to

appoint and remove all department heads. He shall have the authority to appoint and remove all other employees in the administrative service of the City. He may authorize the head of a department to appoint and remove subordinates in his respective department. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager.
(2) Prepare the budget annually and submit it to the Council and be responsible for its administration after adoption.
(3) Prepare and submit to the Council, as of the end of the fiscal year, a complete report on the finances and administrative activities of the City for the preceding year.
(4) Keep the Council advised of the financial condition and future needs of the City and make such recommendations as may seem desirable.
(5) Perform such duties as may be prescribed by this Charter or may be required of him by the Council, not inconsistent with this Charter.
(6) Prepare a written report to the Council, first in 2019, and thereafter at intervals not exceeding five years, as to the need for revision of the city Charter, with special attention given to conflicts, if any, between the Charter and state law and recommending such amendments to the Charter as may seem necessary for legal, administrative, or other reasons.

Article VII, Section 7.02 – Assistant City Manager
The City Manager, with the approval of the Council, may appoint an Assistant City Manager. Such Assistant City Manager shall have all of the powers and duties as delineated by his job description, and in the event of the absence or disability of the City Manager, he shall fill all the duties of the City Manager.

Article VII, Section 7.05 – Finance Director
There shall be a Finance Director for the City. The City Manager, with the approval of the Council, shall appoint a Finance Director and such assistants as the Council shall deem advisable. The Finance Director shall perform the duties delegated to him by the City Manager and those which may be imposed upon him by the laws of the State of Texas.

Article VIII, Section 8.16 – Purchase Procedure
All purchases made and contracts executed by the City shall be pursuant to the laws established by the State of Texas.

Article VIII, Section 8.17 – Disbursement of Funds
All checks, vouchers or warrants for the withdrawal of money from the City Depository shall be signed by the City Manager and countersigned by the City Secretary or the Finance Director. In the absence of the City Manager, the Mayor, or the Mayor Pro-Tem in the absence of the Mayor, may sign.

Code of Ordinances

Chapter 2 Administration, Article II City Council, Division 1 Generally, Section 2-20 – Conflicts of Interest

No member of the city council shall be the surety of any person having any contract, work or business with the city, for the performance of which security may be required, nor be security on the official bond of any officer of the city.

Chapter 2 Administration, Article II City Council, Division 2 Mayor, Section 2-57 – Sign Various Instruments

The mayor shall officially sign all warrants upon the city treasury, and all notes, bonds, contracts and obligations in writing entered into by the city. It shall be his duty to see that all contracts with the city are faithfully performed by the contractors.

Chapter 2 Administration, Article III Officers and Employees, Division 5 Code of Ethics, Section 2-210 Declaration of Policy

(a) It is hereby determined by the city council of the city, that the proper operation of government requires that public officers and employees be independent and impartial; that the government's decisions and policies be made within the proper channels of the governmental structure; that a public office not be used for personal gain; and that the public have confidence in the integrity of its government and its governmental officials.

(b) The purpose of this Code is to enumerate existing state laws which regulate the conduct and activities of city officers and employees, and to promulgate such additional minimum standards as are deemed necessary and appropriate to ensure the faithful and impartial administration of the city's government.

Chapter 2 Administration, Article III Officers and Employees, Division 5 Code of Ethics, Section 2-211 Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City employee means any person employed by the city, including those individuals employed on a part-time basis.

City officer means the mayor, members of the city council, the city manager, city secretary, municipal court judge and clerk, alternate judges, and substitute judges, and each member and alternate member of all of the city boards, commissions and committees.

City official means a city officer or city employee.

Chapter 2 Administration, Article III Officers and Employees, Division 5 Code of Ethics, Section 2-212 Ethical Principles

The following code of ethics for all city officers and employees is adopted. To further the objectives of this code of ethics, certain ethical principles shall govern the conduct of every officer or employee, who shall:

(1) Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order to merit the respect and confidence of the citizens of the city;

(2) Recognize that the chief function of local government at all times is to serve the best interests of all of the people;

(3) Be dedicated to public service by being cooperative and constructive, and by making the best and most efficient use of available resources;
(4) Refrain from any activity or action that may hinder one's ability to be objective and impartial on any matter coming before the council or the city. Do not seek or accept gifts or special favors; believe that personal gain by use of confidential information or by misuse of public funds or time is dishonest;
(5) Recognize that public and political policy decisions, based on established values, are ultimately the responsibility of the city and city council; and
(6) Conduct business in open, duly noticed meetings in order to be directly accountable to the citizens of the city. It is recognized that certain exceptions are made by the state for executive sessions; however, any action as a result of that type of meeting will be handled later in open session.

Chapter 2 Administration, Article III Officers and Employees, Division 5 Code of Ethics, Section 2-213 Standards of Conduct

In order to more fully effectuate the policy declared in this code of ethics, to ensure that all city officials act and conduct themselves both inside and outside the city's service so as to give no occasion for distrust of their integrity, and to avoid even the appearance of impropriety by any city official, the following standards of conduct are adopted.

(1) *Grant of special consideration.* No city official shall grant any special consideration, treatment or advantage to any citizen, individual, business organization or group beyond that which is normally available to every other citizen, individual, business organization or group. This shall not prevent special considerations authorized and granted by the city council for the purpose of creating incentives necessary to secure or retain employees.
(2) *Appearances on behalf of private interests.* No city official shall represent or appear on behalf of private interests of others before any agency of the city, or any city board, commission, committee or city council concerning any case, project or matter over which the official exercises discretionary authority, nor shall a city official represent any private interest of others in any action or proceeding involving the city, nor voluntarily participate on behalf of others in any litigation to which the city is a party.
(3) *Appearances by past officials.* No city official, holding a position which involves decision-making, advisory or supervisory responsibility, shall, within 12 months following the end of service with the city, represent or appear on behalf of private interests of others before the city or any agency thereof concerning any case, project, or matter over which the official has exercised discretionary authority.
(4) *Securing special privileges.* No city official shall use his official position to secure special privilege or exemption for himself or others.
(5) *Gifts.* No city official shall accept or solicit any gift or favor that could reasonably tend to influence that individual in the discharge of official duties or that the official knows or should know has been offered with the intent to influence or reward official conduct.
(6) *Disclosure or use of confidential information.* No city official shall disclose any confidential information gained by reason of his office or employment with the city, concerning any property, operation, policy or affair of the city, or use such confidential information to advance any personal interest, financial or otherwise, of such official or others.

(7) *Incompatible outside activities.* No city official shall engage in any outside activity which will conflict with, or be incompatible with, the city office or employment.
(8) *Incompatible employment.* No city official shall accept outside employment which is incompatible with the full and proper discharge of his duties and responsibilities with the city, or which might impair his independent judgment in the performance of his public duty.
(9) *Use of city property for personal use.* No city official shall use city supplies, equipment, vehicles or facilities for any purpose other than the conduct of official city business, unless otherwise specifically provided for by law, ordinance or city policy.

Chapter 2 Administration, Article III Officers and Employees, Division 5 Code of Ethics, Section 2-214 State Laws Governing Conduct

(a) *Conflicts of interest.*

(1) Pursuant to V.T.C.A., Local Government Code, ch. 171, a local public official having a substantial interest in a business entity or piece of real property must file, before any vote or decision is made on any matter affecting the business entity or real property, an affidavit stating the nature and extent of the interest. The official must file the affidavit with the city secretary, and is required to abstain from any further participation in the matter if:

a. The proposed action would have a special economic effect on the business entity that is distinguishable from the effect on the public; or

b. It is reasonably foreseeable that the action would have a special economic effect on the value of the real property which is distinguishable from its effect on the public. An exception to the abstention rule is provided in cases where a majority of members of the entity are likewise required to and do file affidavits.

(2) A substantial interest in a business entity exists when the official:

a. Owns ten percent or more of the voting stock or shares of the business entity;

b. Owns ten percent or more or $5,000.00 or more of the fair market value of the business entity; or

c. Has received from the business entity funds which exceed ten percent of the official's gross income for the prior year.

(3) A substantial interest in real property exists when the official has an equitable or legal interest in such property which has a fair market value of $2,500.00 or more.
(4) A local public official means a member of the city council or other official of the city, paid or unpaid, who exercises responsibilities which are more than advisory only. A business entity means any entity recognized by law.
(5) It is an offense for a local public official to act as a surety for a business entity that is contracting with the city, or to act a surety on any official bond required of an officer of the city. State Law reference— Similar provisions V.T.C.A., Local Government Code § 171.003.
(6) A local public official is considered to have a substantial interest if a person related to the official in the first degree by consanguinity or affinity has a substantial interest. State Law reference— Similar provisions, V.T.C.A., Local Government Code § 171.002(c).
(7) The provisions of V.T.C.A., Local Government Code, ch. 171, are in addition to any other municipal charter provisions or municipal ordinances defining and prohibiting conflicts of interest.

(b) *Bribery.* It is unlawful for a city official to accept or agree to accept:

(1) Any benefit as consideration for a decision, opinion, recommendation, vote or other exercise of discretion as a public servant;

(2) Any benefit as consideration for a decision, vote, recommendation or other exercise of official discretion in a judicial or administrative proceeding; or

(3) Any benefit as consideration for a violation of a duty imposed by law on a public servant. State Law reference— Similar provisions, V.T.C.A., Penal Code § 36.02.

(c) *Gifts to public servants.*

(1) It is unlawful for a city official to solicit, accept or agree to accept any benefit from a person the official knows is subject to regulation, inspection or investigation by the official or the city. State Law reference— Similar provisions, V.T.C.A., Penal Code § 36.08(a).

(2) In the event of litigation involving the city, it is unlawful for any city official to solicit, accept or agree to accept any benefit from a person against whom the official knows litigation is pending or contemplated by the official or the city. State Law reference— Similar provisions, V.T.C.A., Penal Code § 36.08(c).

(3) It is unlawful for a city official who exercises discretion in connection with contracts, purchases, payments, claims or other pecuniary transactions of government to solicit, accept or agree to accept any benefit from a person the official knows is interested in or likely to become interested in any contract, purchase, payment, claim or transaction involving the exercise of his discretion. State Law reference— Similar provisions, V.T.C.A., Penal Code § 36.08(d).

(4) It is unlawful for a city official who has judicial or administrative authority, is employed by or in a tribunal having judicial or administrative authority, or who participates in the enforcement of the tribunal's decision, to solicit, accept or agree to accept any benefit from a person the official knows is interested in or likely to become interested in any matter before the official or tribunal. State Law reference— Similar provisions, V.T.C.A., Penal Code § 36.08(e).

(5) Exceptions to gifts to public servants. The provisions of V.T.C.A., Penal Code § 36.08, described in subsections (c)(1) thru (4) of this section, do not apply to:

a. Fees prescribed by law to be received by the public official or any other benefit to which the official is lawfully entitled and for which the official has given legitimate consideration;

b. Gifts or other benefits conferred on account of kinship or personal, professional, or business relationships independent of the official's status with the city;

c. Certain honorariums in consideration of legitimate services;

d. Benefits consisting of food, lodging, transportation or entertainment accepted as a guest and reported as required by law; or

e. Benefits for which statements must be filed pursuant to V.T.C.A., Election Code §§ 251.011 and 251.012, if the benefit and source of any benefit exceeding $50.00 is reported and the benefit is used solely to defray expenses which accrue in the performance of duties or activities in connection with the office which are nonreimbursable by the city. State Law reference— Similar provisions, V.T.C.A.,

Penal Code § 36.10.

(d) *Tampering with governmental records.* It is unlawful for any person to knowingly make a false entry in, or false alteration of, a governmental record, or to make, present, or use any record, document, or thing with knowledge of its falsity with the intent that it be taken as a genuine governmental record, or to intentionally destroy, conceal, remove or otherwise impair the verity, legibility or availability of a governmental record. State Law reference— Similar provisions, V.T.C.A., Penal Code, § 37.10.

(e) *Impersonating public servant.* It is unlawful for any person to impersonate a city official with intent to induce another to submit to his pretended official authority or to rely on his pretended official acts. State Law reference— Similar provisions, V.T.C.A., Penal Code § 37.11.

(f) *Misuse of official information.* It is unlawful for a city official, in reliance on information to which he has access as a result of his office and which has not been made public, to acquire or aid another in acquiring a pecuniary interest in any property, transaction or enterprise that may be affected by the information or to speculate or aid another in speculating on the basis of the information. State Law reference— Similar provisions, V.T.C.A., Penal Code § 39.03.

(g) *Disrupting meeting or procession.* It is unlawful for any person, with intent to prevent or disrupt a lawful meeting, to obstruct or interfere with the meeting by physical action or verbal utterance. State Law reference— Similar provisions, V.T.C.A., Penal Code § 42.05.

(h) *Official oppression.* It is unlawful for a city official to intentionally subject another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment or lien that he knows is unlawful, to intentionally deny or impede another in the exercise or enjoyment of any right, privilege, power or immunity, knowing his conduct is unlawful, or to intentionally subject another to sexual harassment. State Law reference— Similar provisions, V.T.C.A., Penal Code § 39.02.

(i) *Official misconduct.* It is unlawful for a city official, with intent to obtain a benefit or with intent to harm another, to intentionally or knowingly violate a law relating to his office or employment or to misapply any thing of value belonging to the government that has come into his custody or possession by virtue of his office or employment. State Law reference— Similar provisions, V.T.C.A., Penal Code § 39.01.

(j) *Nepotism.* The following provisions shall apply:

(1) It is unlawful for any city official to appoint, or vote for the appointment, to any office, employment or duty, of any person related within the second degree by affinity or within the third degree by consanguinity to the person so appointing or so voting, or to any other member of a board or governing body to which the person so voting or appointing may be a member, when the salary, fees or compensation of such appointee is to be paid out of public funds. An exception is provided for persons who have been continuously employed in such office, employment or duty for the following periods prior to the election or appointment, as applicable, of the officer or member related to such employee in the prohibited degree:

a. At least 30 days, if the officer or member is appointed; or
b. At least six months, if the officer or member is elected.

(2) When a person is allowed to continue in an office, position or duty because of an exception above, the officer who is related to such person in the prohibited degree shall not participate in the deliberation or voting upon the appointment, reappointment, employment, confirmation, reemployment, change in status, compensation or dismissal of such person, if such action applies only to such person and is not taken with respect to a bona fide class or category of employees. Charter reference— Similar provisions, § 6.05. State Law reference— Similar provisions, V.T.C.A., Government Code § 573.041.

(k) *Disclosure of interest in property.* It is unlawful for a city official, or a person elected, appointed or employed as a city official but for which office such person has not yet qualified, to fail to make public disclosure of any legal or equitable interest he may have in property which is acquired with public funds, provided such official has actual notice of the acquisition or intended acquisition. The public disclosure required is the filing of an affidavit with the county clerks of all counties in which the property is located and wherein the official resides at least ten days prior to the acquisition. Charter reference— Conflict of interest in city contracts, § 6.07. State Law reference— Similar provisions, V.T.C.A., Government Code § 553.02.

Chapter 2 Administration, Article III Officers and Employees, Division 5 Code of Ethics, Section 2-215 Violations

(a)Any person violating any standard contained in section 2-213 shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed $500.00. Each day of violation shall constitute a separate offense.

(b)Penalties for violations of conduct described in section 2-214 are as set forth in the applicable statutory provision.

Appendix C
Approved Purchasing Cooperatives

Buyboard National Purchasing Cooperative

1Government Procurement Alliance (1GPA)

Texas Department of Information Resources (DIR)

Sourcewell ID #124317

Houston- Galveston Area Council Cooperative Purchasing Program (H-GAC)

National Purchasing Partners- Government Division (NPPGov)

- Member # 5708546 Market Street
- Member # 5708547 Rudel Drive

Texas Smart Buy – M1012

OMNIA Partners Cooperative Purchasing Program

U.S. General Services Administration (GSA)

TIPS -USA

Choice Partners

SUBJECT	NUMBER:	EFFECTIVE DATE:	
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PROCUREMENT CARD POLICY & PROCEDURES	REVISED: 10/3/2022	APPROVED BY CITY MANAGER: October 3, 2022	
	SUPERSEDES: 3/3/2008	APPROVED BY CITY COUNCIL: October 3, 2022	

City of Tomball
Procurement Card Policy & Procedures
Finance Department

Version 1.0

City of Tomball
Procurement Card Policy & Procedures

Finance Department
501 James St., Tomball, TX 77375

Version 1.0

Effective Date: October 1, 2022

Procurement Card Policy & Procedures
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Procurement Card Policy & Procedures

1.1 INTRODUCTION

The purpose of the City of Tomball's Procurement Card Program is to establish a more efficient, cost-effective method of purchasing and paying for micro purchases. Departments may use a procurement card for purchases under $3,000 so long as the purchase complies with this Policy, Procurement Policy & Manual, and other applicable policies or regulations. The program is not intended to bypass appropriate purchasing or payment procedures. The intent of the program is to complement the existing purchasing program and must be used in conjunction with the City's Purchasing Policies.

1.2 DEFINITIONS

Definitions not contained specifically within this Policy shall be defined per Government Code, Local Government Code, or other applicable Texas statutes. Additional definitions are provided in subsequent Sections as needed.

Bank means the financial institution used for the Procurement Card program.

Cardholder means City employees that will utilize the Procurement Card for daily purchases of authorized goods and services in compliance with the City of Tomball's Procurement and Purchasing Policies and Procedures.

City means the City of Tomball, Texas, including all departments, utilities, commissions, and boards comprising the City government.

City Council means the City Council of the City of Tomball, Texas.

City Manager means the City Manager of the City of Tomball, or the designee of the City Manager, when such designation is necessary and appropriate.

Department means all City funded departments or divisions, and subdivisions of them, when the purchases are funded even partially with City funds.

Departmental Administrator means the person who acts as a liaison between the Department and the Program Administrator, working with the Program Administrator in the initial setup and maintenance of the Departments account. The person responsible for submitting requests for the enrollment, maintenance and cancellation of cards/accounts for the Department.

Employee means any City or elected official, appointed official, or employee when the purchase is funded even partially with City funds or anyone who acts on behalf of any of them.

Finance Director means the Finance Director for the City of Tomball or a designee of the Finance Director. In the event that there is no individual serving as the Finance Director,

references to the Finance Director shall mean the Assistant City Manager or a designee of the Assistant City Manager.

Goods means any personal property purchased by the City, including equipment, supplies, material, and component or repair parts.

Person means an individual, corporation, partnership, limited partnership, Limited Liability Company, association, trust, or other legal entity.

Procurement Card ("P-Card") means a credit card program for authorized purchases made by the City. See Procurement Card Program for additional information.

Program Administrator means has been designated by the City to answer questions, resolve problems and administer the Procurement Card Program. This person will be knowledgeable on all procedures in the Procurement Card Policy and Procedure Manual.

Purchase means any kind of acquisition, including by a lease or revenue contract.

Purchase Order means a legal contract document for the delivery of goods or services in accordance with the terms of an agreement. A purchase order should include the quantity, price, and delivery instructions. All invoices generated by purchase orders shall be for the amounts stated on the purchase order.

Separate Purchase means separating purchases that normally would be made in a single purchase.

Sequential Purchase means making purchases over a period of time that normally would be made in a single purchase

Supplier/Vendor means a seller of commodities and/or services.

1.3 RESPONSIBILITIES

Program Administrator

The Program Administrator is designated by the Finance Director to answer questions, resolve problems and administer the program. This person will be knowledgeable on all procedures in the Procurement Card Policy and Procurement Manual. All procurement card requests must go through the Program Administrator. The procurement card must be returned to the Finance Department upon termination. If the employee is transferred to another department, the Department Director or departmental administrator shall contact Program Administrator to update the employee's information. The administrator shall report to the Finance Director any unauthorized use.

Department Supervisor/Director
The Department Director or equivalent, is responsible for designating the Departmental Administrator, all cardholders within the department, and is responsible for approving the cardholder's monthly procurement card statements to ensure adherence to the City's policies. Card limits are detailed in Section 1.10. Purchases in excess of $3,000 must adhere to the Purchase Order process as detailed in the Purchasing Policy.

Departmental Administrator
The person responsible for all Procurement Card Program details, including all Cardholder inquiries. This person will act as a liaison between the Department and the Program Administrator, working with the Program Administrator in the initial setup and maintenance of the Departments account. The person responsible for submitting requests for the enrollment, maintenance, cancellation of cards/accounts and will serve as the secondary reviewer/approver for the Department.

Cardholder
City employees that will utilize the Procurement Card for daily purchases of authorized goods and services in compliance with the City of Tomball's Procurement and Purchasing Policies and Procedures.

Each cardholder will receive a monthly Procurement Card statement, which will include the transactions posted during the prior month. The Cardholder shall check each transaction listed on the monthly statement against the receipt that was received. The Cardholder must reconcile all transactions on the Bank website. The cardholder is responsible for ensuring that each transaction has the proper receipts, detailed description and account codes.

If a receipt is lost, the Cardholder must work with the Vendor to obtain a copy. If the receipt cannot be obtained from the Vendor, then the Cardholder must complete the Affidavit of Lost or Unavailable Receipt Form **(Appendix C)**. There shall be no undocumented transactions; all transactions must have itemized receipts uploaded through the Bank website.

1.4 ISSUANCE OF PROCUREMENT CARD

- The Department Head or equivalent will submit a New Cardholder Enrollment Request Form (**Appendix A**)
- The P-Card Administrator will approve the request & coordinate with the bank for P-Card issuance
- The card(s) will be sent to the P-Card Administrator who will then contact the cardholder(s) to read and sign the P-Card Verification and Agreement **(Appendix B)**
- After signing the P-Card Verification and Agreement, the cardholder will need to activate their own card
- To change a cardholder's limits, a written request to change cardholder limits must be submitted to the P-Card Administrator by the Department Head or equivalent

Procurement card activation
The cardholder must call the number on the card to activate the procurement card before using it. You will need the card number and the unique ID given by the P-Card Administrator to complete the activation. You will need to create a 4-digit personal identification number (PIN). This PIN is not required when making purchases and the P-Card holder can customize the PIN number during card activation. Upon receipt, the cardholder should sign the back of the card and it in a secure location.

1.5 DOCUMENTATION AND APPROVAL PROCESS

The procurement card is issued in the employee's name. All purchases made with the procurement card must be for the designated employee's Division/Department only.

Approval Process – Cardholders are designated by their Department Director to use the procurement card. Cardholders are responsible for following the guidelines provided by the City regarding purchases, selection of vendors, security of the card, and monthly reconciliation of the charges and coding of charges to the appropriate accounts. All purchases must be submitted for review and approval by the fifth (5^{th}) business day of the month. Each transaction must include a clear description of the business reason/purpose**.** A receipt must be submitted for each transaction. It is the cardholder's responsibility to obtain itemized transaction receipts from the merchant or supplier each time the procurement card is used. Receipts must not be manipulated, changed, or covered up when uploaded and must be completely legible.

By the tenth (10^{th}) business day of the month, each transaction must be reviewed and approved by the designated approver.

Purchases made with a procurement card are funded by taxpayer dollars. Ownership of a City procurement card is a privilege and NOT a right. Cardholders are charged with making responsible, work-related purchases and with the prompt and complete submission of monthly card reconciliation documents. Cardholders who fail to meet these responsibilities will have their procurement card privileges revoked. Inappropriate procurement card use will result in disciplinary action as detailed in the Section 1.8.

1.6 GENERAL CARDHOLDER GUIDELINES

Cardholders should promote and encourage positive interactions with suppliers. Honesty and courtesy are essential ingredients in all aspects of a buyer/supplier relationship. The City of Tomball promotes the use of local Tomball vendors whenever possible. All cardholders should follow these guidelines below when using the procurement card:

1. Determine if the transaction is an acceptable use of the card, and if it is within the cardholder's spending limit. Justify and defend every purchase. Identify the supplier and call, or visit the supplier to place the order.

2. If the order is by mail, specify cardholder name, company name, department name and shipping instructions. Also, specify the purchasing card number, expiration date and name as it appears on the card.
3. Inform the vendor that the City is tax-exempt. Forward a copy of the tax-exempt certificate, if requested. Confirm the pricing and freight. Make sure the combination of both does not exceed the single transaction limit.
4. Request that a copy of the pricing and freight be emailed or faxed to the cardholder and/or included in the shipment of supplies. Instruct the vendor not to send a copy of the itemized invoice to Accounts Payable in order to avoid duplicate payment.
5. Request that the supplier indicate your name and the words "Procurement Card" on all packing lists and box labels. This will enable the receiving department to facilitate delivery of your supplies. Shipments without this information may be refused and returned to the vendor.

Returns and Disputed Charges

Should a problem arise with a purchased item, service or charges, the Cardholder should make every attempt to resolve the issue directly with the supplier. The Cardholder should note all returned, credited, or disputed items on their expense report.

A. Returns

If an item needs to be returned to a supplier, the Cardholder must contact the supplier and obtain instructions for the return. Note that some suppliers may charge a restocking or handling fee for returns. All returns should be indicated on the expense report along with a notation of any restocking or handling fees. If the item is accepted as returned by the supplier, a credit for this item should appear on the following month's statement.

B. Disputed Charges

Supplier Disputed Charges – If a cardholder finds a discrepancy on their statement, the cardholder should contact the supplier immediately. All disputed items should be indicated in the credit card report.

Fraudulent Charges **–** If a cardholder finds a fraudulent charge on their statement, the cardholder should call the number on the back of the card immediately. The bank will ask a series of questions and if the charge is fraudulent the bank will open a case and the charge(s) will be credited back to the card. All fraudulent disputed items should be indicated in the credit card report.

The credit card vendor will place the charge in a "State of Dispute" and the account may be given a provisional credit until receipt of adequate documentation from the vendor. If the documentation appears to be in order, the transaction will be re-posted to the account and the dispute considered closed. If the charge is suspected to be fraudulent, the card will be immediately blocked and an investigation of the charge will continue. A new card will be re-issued to the cardholder, if appropriate.

Disputed charges must be handled in a timely manner in order to receive a credit. If the City does not report the dispute within this time period, the City is responsible for the charge.

Disputed charges should be processed as follows:

1. Once a discrepancy is detected, the cardholder should contact the supplier and attempt to resolve the problem.
2. If the cardholder and merchant can resolve the dispute, a credit is to be issued and should appear on the next billing cycle statement. The cardholder should monitor the statement for the pending credit.
3. If the credit does not appear on the next statement, the Cardholder should code any unresolved disputed charges as "Dispute Pending" on the monthly reconciliation.
4. The cardholder or Departmental Head should immediately advise the P-Card Administrator of the disputed charge via e-mail so that the appropriate forms may be submitted to the Bank.

1.7 SALES TAX

The City of Tomball is exempt from most sales and use tax as allowed by law. Procurement cards have the City's federal identification number printed on the card (top left hand corner right of the City seal), and the merchant should be reminded that sales tax should not be included in the transaction. The card does not automatically alert the merchant of the City's tax exempt status. Cardholders must tell the merchants at the time of the transaction that it is a tax exempt purchase and no tax should be added to the sale. Cardholders should check the store receipt before leaving the store to ensure the sales tax is not included in the total. If tax was added to the sale, the cardholder will have the merchant credit the amount of the tax to the card. Employees are responsible for ensuring exemption from sales tax. When sales tax is charged on the receipt in error, it is the responsibility of the Cardholder to obtain a tax credit.

Exceptions: Sales tax on restaurant meals, air travel and parking. The cardholder should seek an exemption on sales tax at these locations, however, it is understood the exemption may not be granted. Cardholders should provide the tax-exempt forms, which are available from the Finance Department, before the order is placed. City employees are not exempt from hotel occupancy taxes.

Note: In some special cases, the City is required to pay tax. If there are any doubts about the tax or if the vendor requires that tax be paid even if they have received the tax-exempt form, contact Finance Department for additional instructions.

1.8 PROHIBITED PURCHASES

The procurement card is not for personal use. City policy also prohibits loaning the procurement cards to any other person or employee (other than additional approved departmental employees). The procurement card is not intended to avoid or bypass appropriate purchasing or payment procedures. Cardholders shall not separate or split

purchases to avoid the normal purchasing procedures. Departments shall not place orders that exceed $3,000 without an approved purchase order. Departments do not have the authority to order directly from a vendor without an approved purchase order, nor to negotiate any purchases without the required approvals. **Any purchase over $3,000 should not be purchased on a P-Card and shall go through the requisition process and receive three quotes unless approved by City Management**. This program complements the existing processes available.

- Separate Purchases – Purchases made separately of items that in normal purchasing practices, would be purchased in one transaction.
- Sequential Purchases – Purchases made over a period of time, of items that in normal purchasing practices, would be purchased in one transaction.
- Purchases of technology items are prohibited without approval by the Information Technology Department.
- Employees who receive a monthly phone allowance cannot use the procurement card for any phone accessory purchases including but limited to cases, apps, etc. The monthly allowance is intended to cover those.
- Employees who receive an automobile allowance, cannot use the procurement card for gas or other items for their personal vehicle. This is covered under the automobile allowance.
- Procurement cards should not be used to make donations.
- No shipments should be mailed to personal address.
- All transactions must be in US dollars.
- Alcohol and tobacco purchases
- Cash advances and cash equivalents
- Hazardous materials
- Gratuities in excess of 20%

1.8 CONSEQUENCES FOR CARD ABUSE

Cardholders are reminded that purchases are funded with taxpayer dollars. Therefore, it is imperative that the City's procurement card program is above reproach. All transactions MUST BE strictly for work purposes and all documentation must be readily available. Any inappropriate use of the procurement card will be forwarded to the City Manager for disciplinary action up to and including termination.

Offenses may include but are not limited to:
Late or incomplete reconciliation documents, including but not limited to missing itemized receipts, incomplete information, failure to resolve sales tax, loaning a card and/or PIN number to an unauthorized person (other than additional approved departmental employees), and any other discrepancies within 15 days of notice by the Finance Department.

Outstanding P-Card Transactions
All employees will have a period of five (5) business days to submit procurement card documentation. It is the responsibility of the cardholder to complete and forward the forms for approval on a timely basis so Finance can review, approve and record the financial transactions. If procurement card transactions are not submitted for review and approval within five (5) business days, after multiple offenses the card may be terminated.
NOTE: Unintentional mistakes resolved prior to the reconciliation process will not be considered as card misuse.

Cardholders are further cautioned that:
In cases of more serious procurement card abuse, the City may, at its sole discretion, take more severe disciplinary measures based on the nature of the offense. The policy outlined in this document does not supersede the Procurement Manual or any Administrative policies related to Purchasing. Procurement cards may be suspended at **any** time at the discretion of the Department Director, Finance Director or City Manager if improper use is suspected.

1.10 PROCUREMENT CARD CONTROLS

A. Single & Monthly Purchase Limits

A Single Purchase Limit is the amount available on the procurement card for a single transaction. A Monthly Purchase Limit is the amount on the procurement card for a 30 day period. A transaction includes the purchase price and freight. Purchases that exceed the cardholder's Single Purchase Limit will be declined. The City prohibits the use of repetitive transactions intended to circumvent the Single Purchase Limit. Card purchases will be audited to identify such transactions. **SPLIT PURCHASES IN ORDER TO AVOID THE LIMIT ARE STRICTLY PROHIBITED.**

Tier Level	Monthly Purchase	Single Purchase
1*	$10,000	$2,999
2	$5,000	$2,000
3	$2,000	$1,000

**Tier 1 users must be approved by the Finance Director and City Management*

Temporary limit increases must be requested by submitted the Temporary P-Card Limit Increase Request Form (**Appendix D**).

B. Restricted Vendors

The procurement card program may be restricted for use with certain types of vendors and merchants. If a procurement card is presented for payment to these vendors, the authorization request will be declined. The City's procurement card is NOT to be used for alcohol, tobacco, or any personal purchases. Variations from this portion of the policy must be approved by City Management.

Meals

Any allowable meal purchases must include a detailed receipt along with the Meal Receipt Form (**Appendix E**), which includes the list of names of persons that were present and the business purpose associated with the meal.

C. Security of the Procurement Card

The cardholder is responsible for the security of the card and all purchases. City policy prohibits loaning the procurement cards to any other unauthorized personal to make purchases. This card should be treated with the same level of care as the cardholder would use with his/her own personal charge cards. Guard the procurement card account number carefully. It should not be left out in the work area or left in a conspicuous place.

D. Employee Liability

Employees do not pay their own monthly statement. The program does not affect the individual employee's credit rating in any way. If the card is accidently used to purchase non-City business goods and services, notify the Program Administrator immediately.

E. Chip and Personal Identification Number ("PIN") Technology

Procurement cards are enabled with chip and PIN technology to help reduce the occurrence of fraud for in-person transactions. At the time of chip card activation, the cardholder shall choose a 4-digit PIN. The PIN shall be kept confidential by the cardholder with the same level of security the cardholder provides to the PIN on a personal debit card. A cardholder with a chip card who is later reissued a new chip card has the option of keeping the existing PIN or setting a new PIN for the new card. The PIN may not be required on all merchant transactions; however, if prompted, the cardholder must enter the 4-digit PIN to complete the transaction.

F. Departmental Procurement Card Audits

In addition to reviewing each transaction, the Finance Department conducts audits on all City departments throughout the fiscal year. The audit process evaluates compliance with the procedures outlined in the documents provided in this manual. Usage will be monitored annually and inactive users will be disabled as deemed appropriate.

Records are audited in the following areas:

- Completeness of records
- Supporting documentation for each purpose
- Sales tax paid and documentation of collection efforts

Goods

- Documentation of purpose
- If requested, existence of items
- Use of procurement cards for prohibited items or at restricted vendors

1.11 EXAMPLES OF POSSIBLE VIOLATIONS

1) A purchase is required that will cost $3,050. The vendor has offered to bill $1,500 on one transaction and $1,550 on another in order to meet transaction limits. Is this a violation?

Yes – this is considered to be splitting a transaction under Local Government Code 252.001- Separate Purchases which are "Purchases made separately of items that, in normal practice, would be bought in one purchase." Remember, transactions exceeding $2,999.99 require a purchase order.

2) What if the vendor splits the transaction and I didn't know he was going to do it?

Regardless of intent, these types of purchases will be "deemed" a violation. In this example, the employee would have already known the purchase exceeded $2,999.99 and should not have completed the transaction. On the other hand, if it is determined that a vendor intentionally split credit card transactions to circumvent the restrictions on the card, that vendor may be disqualified from transacting business with the City in the future.

3) A department needs generators for field operations. They purchase four generators totaling $1,600 on Tuesday. On Wednesday and Thursday, they purchase an additional six generators totaling $1,400 and $1,200 respectively. Is this a violation?

Yes – these types of transactions meet the definition of Sequential Purchases which are "Purchases made over a period of time that, in normal purchasing practice, would be bought in one purchase." Employees need to understand that regardless of intent, these purchases will be "deemed" a violation.

4) Merchandise has been ordered totaling $2,800. At the last-minute, changes are deemed necessary that would raise the total of the order to $3,300. What should I do?

You must abandon the planned purchase with the procurement card and switch to the purchase order procedures (e.g. obtain three quotes) and complete a purchase requisition for this item.

5) A pump costing $2,750 is required to fix a water leak. The purchase is made and later in the afternoon it is necessary to return to the vendor for $500 worth of pipes/valves to complete the repair. Is this a violation?

No – This is an example of unforeseen damage. In the process of a repair it is possible that more parts may be necessary than expected. Please document as thoroughly as you are able to ensure that others reviewing this transaction in the future can see it was necessary.

6) While obtaining hotel reservations, taxes are included on the bill. Is this a violation?

No – City employees are not exempt from hotel tax. Hotel tax is not sales tax and should be paid.

APPENDIX A

City of Tomball
New Cardholder Enrollment Request Form

Section I: Cardholder Information

Cardholder Name:	Employee ID #:
Department:	City Email:
Cardholder Title:	Date:

Section II: Tier Level & Justification

Select One	Tier Level	Monthly Purchase	Single Purchase
☐	1*	$10,000	$2,999
☐	2	$5,000	$2,000
☐	3	$2,000	$1,000

**Tier 1 users have to be approved by the Finance Director and City Management*

Justification of why a P-Card is necessary based upon job requirements:

Supervisor/ Reviewer Name (Printed):	
Supervisor/ Reviewer Signature:	Date:

Section III: Completed By Finance Department

Enrollment Request processed and card ordered by:

Signature:	Date:

APPENDIX B

City of Tomball
P-Card Verification and Agreement

Name on card: _____

Card number: XXXX-XXXX-_____-_____

Expiration Date: _____ Security Code: _____

☐ New Card ☐ Replacement Card (complete next line)

If replacement, was original card: ☐ Lost ☐ Stolen ☐ Expired

I have received a City of Tomball Procurement Card and agree to the following regarding my use of the card.

1. I understand that I am being entrusted with a Procurement Card (P-Card), and that each time I use the P-Card I will be making financial commitments on behalf of the City of Tomball.

2. I will not allow others to use my P-Card and will ensure that it is kept secure at all times. If my card is lost or stolen, I understand that it is my responsibility to notify the P-Card issuer and the Finance Department.

3. I agree that the P-Card may only be used for business expenses.

4. I understand that under no circumstances will I use the P-Card to make personal purchase, either for myself or for others.

5. I will obtain a receipt, which reflects the total amount including sales/use tax paid to the vendor and which details the items purchased, each time I use the P-Card.

6. I will use the P-Card in accordance with the agreement and in accordance with established processes and procedures and submit my Cardholder Statement, with all receipts attached, to my Authorized Approver within five (5) working days of distribution of cardholder statements. Failure to do so may result in revocation of my P-Card use privileges.

7. I am aware of my P-Card credit limit and will abide by that limit.

8. I understand and agree that failure to adhere to the terms of this agreement or use of the P-Card for personal use or gain will be treated as a serious violation of company policy and will result in disciplinary action up to and including termination of employment.

Cardholder's Name (Print)	Cardholder's Signature / Date
Finance Department (Print)	Finance Department Signature / Date

APPENDIX C

City of Tomball
Affidavit of Lost or Unavailable Receipt

Instructions

All information requested on this form needs to be completed before it will be accepted

Employee Name	Name of Vendor	
Date of Receipt	Amount	
Description of Expense		
☐ Cash	☐ Credit Card	☐ Check

Certification

While on official City of Tomball business I incurred the expense described above. I have lost, misplaced, or did not receive the receipt documenting payment. I am submitting this affidavit in lieu of the missing receipt.

I certify that this is a proper charge for a cost incurred while on official City business and that I have not previously requested, nor will I again request, reimbursement for this expense

Signature	Date

APPROVAL

Supervisor's Signature	Date
Supervisor's Name	

This form may not be used for the following expenses:

1. Lost Air Tickets
2. Car Rental Receipts
3. Lodging Receipt
4. Registration Receipts / Brochures

APPENDIX D

City of Tomball

Temporary P-Card Limit Increase Request

This form is for a temporary 1 month period P-Card Limit Increase. For Permanent increases a New Cardholder Enrollment Request Form must be filled out and approved.

This form must be approved **before** forwarding to the Purchase Card Administrator

Cardholder Name: _____ Date of Increase: _____

Single Purchase Limit Increase: _____ Monthly Limit Increase: _____

Justification for Temporary P-Card Limit Increase:

Requested By _____ Date _____

Department Head _____ Date _____

Purchase Card Administrator Only

Increased Limit Completed Date: _____

Emailed Cardholder approval Date: _____

Increase Change to Original Date: _____

APPENDIX E

City of Tomball

Meal Receipt Form

Date: _____

Business Discussion / Purpose of Meal: _____

Place of Business Meal: _____

P-Card Reimbursement

Please attach all original receipts and detailed documentation for all meals. Alcoholic beverages purchases are prohibited.

Attendee's Name: _____ Dept. /Organization: _____

Attendee's Name: _____ Dept. /Organization: _____

Attendee's Name: _____ Dept. /Organization: _____

Attendee's Name: _____ Dept. /Organization: _____

Attendee's Name: _____ Dept. /Organization: _____

Attendee's Name: _____ Dept. /Organization: _____

Attendee's Name: _____ Dept. /Organization: _____

Attendee's Name: _____ Dept. /Organization: _____

Attendee's Name: _____ Dept. /Organization: _____

Attendee's Name: _____ Dept. /Organization: _____

Attendee's Name: _____ Dept. /Organization: _____

Notes:

Prepared By: _____ Date: _____

Department Head: _____ Date: _____

Finance Director: _____ Date: _____

CITY OF TOMBALL ADMINISTRATIVE POLICIES, RULES AND PROCEDURES			
SUBJECT **STATEMENT OF FINANCIAL GOALS AND POLICIES**	NUMBER: 9.6	EFFECTIVE DATE: 10/6/2025	PAGE 1 OF xx
	REVISED: N/A	APPROVED BY CITY MANAGER: October 6, 2025	
	SUPERSEDES: N/A	APPROVED BY CITY COUNCIL: October 6, 2025	

City of Tomball
Statement of Financial Goals and Policies
Finance Department

Version 1.0

SUBJECT	NUMBER:	EFFECTIVE DATE:	PAGE 1 OF 106
FEDERAL GRANT PROCUREMENT POLICY	9.7.	9/15/2025	
	REVISED: N/A	APPROVED BY CITY MANAGER: September 15, 2025	
	SUPERSEDES: N/A	APPROVED BY CITY COUNCIL: September 15, 2025	

City of Tomball
FEDERAL GRANT PROCUREMENT POLICY
Finance Department

Version 1.0

City of Tomball

Federal Grant Procurement Policy

Finance Department
501 James St., Tomball, TX 77375

Version 1.0

Federal Grant Procurement Policy
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Federal Grant Procurement Policy

The City of Tomball follows State of Texas and Federal 2 CFR 200.318-200.327 and Appendix II to Part 200 procurement law and guidance in the purchasing and contract management of goods and services. Additional policy guidance below addresses federal purchasing requirements as required by 2 CFR 200 pertaining to the expenditure of federal grant funds.

1.1 STANDARDS OF CONDUCT

Public employment is a public trust. It is the policy of the City to promote and balance the objective of protecting government integrity and the objective of facilitating the recruitment and retention of personnel needed by the City. Such a policy is implemented by prescribing essential standards of ethical conduct without creating unnecessary obstacles to entering public service.

Public employees must discharge their duties impartially to ensure fair competitive access to governmental procurement by responsible contractors. Moreover, they should conduct themselves in such a manner as to foster public confidence in the integrity of the City procurement organization.

To achieve the purpose of this Article, it is essential that those doing business with the City also observe the ethical standards prescribed herein.

1.2 CODE OF ETHICS

A. Personal Gain – It shall be a breach of ethics to attempt to realize personal gain through public employment with the City by any conduct inconsistent with the proper discharge of the employee's duties.
B. Influence – It shall be a breach of ethics to attempt to influence any public employee of the City to breach the standards of ethical conduct set forth in this code.
C. Conflicts of Interests – It shall be a breach of ethics for any employee of the City to participate directly or indirectly in procurement when the employee knows that:
    1. The employee of any member of the employee's immediate family has a financial interest pertaining to the procurement.
    2. A business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement.
    3. Any other person, business, or organization with which the employee or any members of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.
D. Gratuities – It shall be a breach of ethics to offer, give, or agree to give any employee or former employee of the City, or for any employee or former employee of the City to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, requesting for ruling, determination, claim or controversy, or other particular matter pertaining to any program requirement or a contract or subcontract or to any solicitation or proposal therefore pending before this local government.
E. Kickbacks – It shall be a breach of ethics for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor for any contract for the City, or any person associated therewith, as an inducement for the award of a subcontract or order.

F. Contract Clause – The prohibition against gratuities and kickbacks prescribed above shall be conspicuously set forth in every contract and solicitation, therefore.

G. Confidential Information – It shall be a breach of ethics for any employee or former employee of the City knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated gain of any person.

H. The non-Federal entity's procedures must avoid the acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

I. The non-federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See also §200.214.

J. The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: Rationale for the method of procurement, selection of contract type, contractor selection or rejection, and basis for the contract price.

K. The Non-Federal entity may use a time-and-material type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time-and-materials type contract means a contract whose cost to a non-Federal entity is the sum of:

1. The actual cost of materials; and
2. Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

L. The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

1.3 COMPETITION

All procurement transactions for the acquisition of property or services required under a Federal award must be conducted in a manner providing full and open competition consistent with the standards of this section and §200.320.

In order to ensure objective contractor performance and eliminate unfair competitive advantage, 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. Some of the situations considered to be restrictive of competition include but are not limited to:

A. Placing unreasonable requirements on firms in order for them to qualify to do business.
B. Equiring unnecessary experience and excessive bonding.
C. Noncompetitive pricing practices between firms or between affiliated companies.
D. Noncompetitive contracts to consultants that are on retainer contracts.
E. Organizational conflicts of interest.
F. Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement.
G. Any arbitrary action in the procurement process.

The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations:

A. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features that unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand that must be met by offers must be clearly stated; and
B. Identify all requirements that the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

The non-Federal entity must ensure that all prequalified lists of persons, firms, or products that are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the non-Federal entity must not preclude potential bidders from qualifying during the solicitation period.

1.4 FIVE METHODS FOR PROCURING WITH FEDERAL FUNDS

CFR § 200.320 provides for five methods that must be used when making purchases with Federal funds. In some cases, these Federal methods are more restrictive than State requirements; in other cases, the State requirements are more restrictive than these Federal methods. In all cases, the City affirms the more restrictive requirements or methods that must be followed when making purchases with Federal funds.

The type of purchase method and procedures required depend on the cost (and type, in some cases) of the item(s) or services being purchased.

A. Micro-purchases
B. Small purchase procedures
C. Sealed bids
D. Competitive proposals
E. Noncompetitive proposals (sole source)

Micro-Purchases (Purchases up to $3,000)

Federal methods provide for procurement by *micro-purchase. Micro-purchase* is defined in 2 CFR § 200.320(a) as a purchase of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed $3,000.00. The micro-purchase method is used in order to expedite the completion of its lowest-dollar small purchase transactions and minimize the associated administrative burden and cost.

The City utilizes the micro-purchases method for acquiring supplies or services that do not exceed an aggregate amount of $3,000.00 if the price is reasonable. The program manager responsible for the Federal award determines if the price is reasonable.

Quotes are not required but encouraged. If quotes are obtained for items under $3,500.00, they should be kept in the department and attached to the requisition.

Small Purchase Procedures (Purchases between $3,000.01 and $99,999.99 in the Aggregate)
The Federal threshold for small purchase procedures is $150,000. 2 CFR § 200.320(b).

Small purchase procedures (as defined in 2 CFR § 200.320[b]) may be used in those relatively simple and informal procurement methods for securing non-personal contracted services, supplies, or other property that do not cost more than $99,999.99.

For purchases funded from *local funds*, to obtain the most competitive price, the City, may, at its option, obtain price quotes for items costing less than $100,000. Unlike the mandatory competitive procurement described for purchases over $100,000, if an item to be paid from local funds costs less than $100,000, the City may utilize price quotations or a competitive procurement process (purchasing cooperatives, sole source, an existing RFP/bid or a new RFP/bid) to stimulate competition and to attempt to receive the most favorable pricing.

However, if using ***State or Federal funds*** to purchase goods or services, *price or rate quotations **must** be obtained* from an adequate number of qualified sources for all purchases between $3,000.01 and $99,999.99 or use the competitive procurement process. The City must obtain more than one price or rate quote unless using a purchasing cooperative, existing Bid/RFP, or sole source vendor, in which case, the prices have already been awarded. If purchasing from a purchasing cooperative or existing Bid/RFP, the departments can elect to obtain only one quote to purchase the goods or services although it is recommended to obtain more than one quote. Such price or rate quotations may be obtained orally and/or documented in writing, and the City must demonstrate that price or rate quotations were obtained from an adequate number of qualified sources.

Purchases $100,000 or More in the Aggregate
According to Texas law, one of the following competitive methods must be used for purchases of $100,000 or more in the aggregate:

A. Competitive bidding for services other than construction services.
B. Competitive sealed proposals, for services other than construction services.
C. A request for proposals, for services other than construction services.
D. An interlocal contract.
E. A method provided by Chapter 2269, Government Code, for construction services.
F. The reverse auction procedure as defined by Section 2155.062(d), Government Code.
G. The formation of a political subdivision corporation under Section 304.001, Local Government Code.

In addition, one of the three following methods must be used, depending on the circumstances described below, when purchasing with Federal funds: sealed bids (formal advertising); competitive proposals; or noncompetitive proposals (sole source).

Sealed Bids (Formal Advertising)
Bids are publicly solicited, and a *firm fixed-price contract* (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction if the following conditions apply:

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 c an 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 with sufficient response time prior to the date set for opening the bids. The invitation for bids must be publicly advertised. The advertisement will be published at minimum in a newspaper of the city's choosing for 14 days.
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. The bids must be opened publicly.
D. A firm-fixed-price contract award must be made in writing to the lowest responsive and responsible bidder.

Where specified in bidding documents, factors such as discounts, transportation costs, 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. Any or all bids may be rejected if there is a sound documented reason.

Competitive Proposals

A competitive proposal is normally used with more than one source submitting an offer, and either a *fixed price* or a *cost-reimbursement* type contract is awarded. (A *cost reimbursement contract* reimburses the contractor for actual costs incurred to carry out the contract.) Competitive proposals are 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 must identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical.
B. The advertisement for proposals will be published at minimum in a newspaper of the city's choosing for 14 days.
C. Proposals must be solicited from an adequate number of qualified sources.
D. The City will conduct a technical evaluation of all received proposals through a scoring committee composed of at least three members. There will be at least one elected official from the Council on the committee. The committee will assess proposals based on the evaluation criteria outlined in the solicitation to ensure a fair, transparent, and objective selection process. A recommendation based on this scoring will be prepared and submitted by the Committee to the City Council. The City Council is not required to choose the recommended respondent but will take the recommendation into consideration in its decision.
E. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered. The City retains the right to make a selection based on these factors.
F. When using Federal funds, the City will use competitive request 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. This method, where price is not used as a selection factor, can only be used in the 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. The advertisement for qualifications will be published at minimum in a newspaper of the city's choosing for 14 days.

Noncompetitive Proposals (Sole Source Procurement)

Procurement by noncompetitive proposals is procurement through solicitation of a proposal from

only one source and may be used when using Federal funds only when one or more of the following circumstances apply:

A. The item is available only from a single source and an equivalent cannot be substituted. This must be documented.
B. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
C. After solicitation of a number of sources, competition is determined inadequate.

Additionally, *State* requirements related to sole-source purchasing are, in some ways, more restrictive. In addition to the Federal requirements above, sole source purchases must meet established criteria:

A. Identification and confirmation that competition in providing the item or product to be purchased is precluded by the existence of a patent, copyright, secret process, or monopoly;
B. A film, manuscript, or book;
C. A utility service, including electricity, gas, or water; and
D. A captive replacement part or component for equipment.

According to State requirements, sole source does not apply to mainframe data-processing equipment and peripheral attachments with a single item purchase price in excess of $15,000.

In this case, the City must document why only this product can meet their needs and that it is not available from any other vendor. In all cases, the City will obtain and retain documentation from the vendor that clearly delineates the reasons that qualify the purchase to be made on a sole source basis.

1.5 CONTRACTING WITH HISTORICALLY UNDERUTILIZED BUSINESSES (HUB), SMALL AND MINORITY BUSINESSES, WOMEN'S BUSINESS ENTERPRISES, AND LABOR SURPLUS FIRMS

The City will take all necessary steps to affirmatively assure HUBs, small and minority businesses, women's business enterprises, and labor surplus firms are notified of bidding opportunities and utilized whenever possible. Affirmative steps will include the following:

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; and
F. Require the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in parts (1)-(5) above.

1.6 DOMESTIC PREFERENCES FOR PROCUREMENT

As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must

be included in all subawards including all contracts and purchase orders for work or products under this award.

"Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

"Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

1.7 PROCUREMENT OF RECOVERED MATERIALS

A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired during the preceding fiscal year exceeded $10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

1.8 COST/PRICE ANALYSIS FOR FEDERAL PROCUREMENT IN EXCESS OF $150,000

In accordance with the requirements in 2 CFR § 200.324, the City will make independent estimates of the goods or services being procured before receiving bids or proposals to get an estimate of how much the goods and services are valued in the current market.

To accomplish this, before bids and proposals are received, the City conducts either a price analysis or a cost analysis, depending on the type of contract, in connection with every procurement with Federal funds in excess of $150,000. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the City will come to an independent estimate prior to receiving bids or proposals, 2 CFR § 200.324(a).

Accordingly, the City performs a cost or price analysis in connection with every Federal procurement action in excess of $150,000, including contract modifications, as follows:

Cost Analysis ➔ Non-competitive Contracts: A cost analysis involves a review of proposed costs by expense category, and the Federal cost principles apply, which includes an analysis of whether the costs are allowable, allocable, reasonable, and necessary to carry out the contracted services. In general,

- A cost analysis must be used for all non-competitive contracts, including sole source contracts.
- The Federal cost principles apply.
- All non-competitive contracts must also be awarded and paid on a cost- reimbursement basis, and not on a fixed-price basis.
- In a cost-reimbursement contract, the contractor is reimbursed for reasonable actual costs incurred to carry out the contract.
- Profit must be negotiated as a separate element of the price in all cases where there is no competition.

When performing a *cost* analysis, the City negotiates profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work, 2 CFR § 200.323(b).

Price Analysis ➔ Competitive Contracts: A *price* analysis determines if the lump sum price is fair and reasonable based on the current market value for comparable products or services. In general,

- A price analysis can only be used with *competitive* contracts and is usually used with fixed-price contracts. It cannot be used with non-competitive contracts.
- Compliance with the Federal cost principles is not required for fixed-price contracts, but total costs must be reasonable in comparison to the current market value for comparable products or services.
- A competitive contract may be awarded on a fixed-price basis or on a cost-reimbursement basis. If awarded on a cost-reimbursement basis, the Federal cost principles apply and costs are approved by expense category and not a lump sum.

Costs or prices based on *estimated* costs for contracts are allowable only to the extent that costs incurred, or cost estimates included in negotiated prices would be allowable costs under the Federal cost principles.

1.9 FEDERAL AWARDING AGENCY OR PASS-THROUGH ENTITY REVIEW

The non-Federal entity must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document.

However, if the non-Federal entity desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

A. The Non-Federal entity's procurement procedures or operation fails to comply with the procurement standards in this part;
B. The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
C. The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;
D. The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
E. A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.

The non-Federal entity is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part.

The non-federal entity may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in

order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third-party contracts are awarded on a regular basis.

The non-Federal entity may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the non-Federal entity that it is complying with these standards. The non-Federal entity must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

1.10 BONDING REQUIREMENTS

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

A. A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
B. A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's requirements under such contract.
C. A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

1.11 CONTRACT ADMINISTRATION

The City maintains the following oversights to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders, 2 CFR § 200.318(b). The program manager/director of the Federal award is responsible for monitoring contractor performance. The manager/director will compare the actual performance of the contract against the projected performance and have the contractor explain any differences. They may also compare fees paid to date to the contractor versus how far along the contractor is in performing the contractual duties. The manager/director may establish surveys of those who directly benefited from the contractor's work for feedback purposes.

To ensure proper administration of contracts and any subgrants that may be awarded by the City, the City uses the following guidelines to determine whether each agreement it makes for the disbursement of Federal funds is a contract, whereby funds are awarded to a contractor or a sub-award, whereby funds are awarded to a sub-recipient. The substance of the relationship is more important than the form of the written agreement, 2 CFR § 200.330.

Subawards/Subgrants

A sub-award/subgrant is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship with the sub-recipient. The City determines who is eligible to receive what Federal assistance, and a *sub-recipient/subgrantee:*

A. Has its performance measured in relation to whether the objective of a Federal program are met
B. Has responsibility for programmatic decision-making
C. Is responsible for adhering to applicable Federal program requirements, and
D. In accordance with the subgrant agreement, uses the Federal funds to carry out a program for a public purpose specified in the authorizing statute, as opposed to providing goods or services for the City.

Contracts

A *contract* is for the purpose of obtaining goods or services for the City's own use and creates a procurement relationship with the contractor.

A *contractor*:

A. Provides goods and services within normal business operations
B. Provides similar goods or services to many different purchases
C. Normally operates in a competitive environment
D. Provides goods or services that are ancillary to the operation of the Federal program, and
E. Is not subject to compliance requirements of the Federal program as a result of the contract, though similar requirements may apply for other reasons.

1.12 DOCUMENTATION FOR CONTRACTS

The City maintains the following written documentation, at a minimum, for each contract paid with Federal funds:

A. A copy of a written, signed contract/agreement for services to be performed
B. The rationale or procedure for selecting a particular contractor
C. Evidence the contract was made only to a contractor or consultant possessing the ability to perform successfully under the terms and conditions of the contract or procurement
D. Records on the services performed – date of service, purpose of service – ensuring that services are consistent and satisfactorily performed as described in the signed contract or purchase order
E. Documentation that the contractor was not paid before services were performed, and
F. Records of all payments made (such as a spreadsheet or report generated from the general ledger), including the total amount paid to the contractor

1.13 PAYMENT ONLY AFTER SERVICES ARE PERFORMED

For both State and Federally funded contracts, it is not permissible under Texas law to pay a contractor or consultant in *advance* of performing services. Advance payment to contractors is considered "lending credit" to the contractor and is prohibited under the *Texas Constitution*, Article 3, §§ 50 and 52. For ongoing services that occur monthly, payment can be made at the end of every month (based on a proper invoice submitted by the contractor and verification of work performed) for services performed during the month, or some other similar arrangement.

Consultants and contractors will not be paid without having a properly signed and dated contract or other written agreement in place that clearly defines the scope of work to be performed, the beginning and ending dates of the contract, and the agreed-upon price. The contract should also include a description of the payment procedures.

Upon performance of services (at contract milestones or upon completion of services), the contractor is required to submit an *invoice* to the City that contains at a minimum the following:

A. a clear identification of the contractor/consultant, including name and mailing address
B. a corresponding contract (or written agreement) number, if applicable
C. the dates (beginning and ending date) during which the services were performed (i.e., billing period)
D. a description of the services/activities completed during the billing period
E. the total amount due to the contractor for the billing period

By submitting a properly prepared invoice, the contractor is certifying that it is true and correct.

1.14 VERIFICATION OF RECEIPT OF GOODS AND SERVICES PROVIDED BY CONTRACTORS

If the purpose of the contract or purchase order is to deliver goods, the City will designate the appropriate staff or consultant to verify that the quantity and quality of goods are as specified in the contract/purchase order. The receiving report and procedures used in all other State/local purchases will be used for all Federal purchases.

If the purpose of the contract is to purchase services, the contract manager along with the City Mayor will verify that the quality and scope of services were received as specified in the contract.

1.15 AVOIDING THE PURCHASE OF UNNECESSARY OR NON-DUPLICATIVE ITEMS

The City will ensure that all procurements are necessary and do not include duplicative items. Prior to issuing a solicitation, the City Manager or designated staff will review procurement documents to confirm compliance with this requirement.

To promote cost efficiency, the City will evaluate opportunities to consolidate or break out procurements to achieve the most economical purchase. Where appropriate, an analysis will be conducted to compare lease versus purchase options and other relevant alternatives to determine the most cost-effective approach.

1.16 PROMPT PAYMENT TO VENDORS/CONTRACTORS

The City pays all vendors/contractors within thirty (30) days of receipt of a proper invoice and the receipt of the goods or services in accordance with the Texas Prompt Payment Act. Government Code, Chapter 2251, Subchapter A, for all contractors, and Property Code, Chapter 28 for Construction Contractors.

1.17 SUSPENSION AND DEBARMENT

The City will ensure, prior to award, that all contractors have met all the eligibility requirements outlined in state and Federal law. The following steps will be taken to ensure contractor eligibility for all services procured.

A. Contractors: All contractors, including professional consulting and engineering firms, must be cleared and registered via search of the Federal System of Award Management (SAM) to ensure the contractor is in good standing and has not been debarred. The SAM portal can be found here: https://sam.gov/SAM/pages/public/searchRecords/search.jsf.
B. Subcontractors: Subrecipients must notify the selected prime contractors that it is the sole responsibility of the prime contractor to verify subcontractor eligibility based on factors such as past performance, proof of liability insurance, possession of a federal tax number, debarment, and state licensing requirements.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
STREET LIGHTING POLICY	10	March 7, 1995	PAGE 1 OF 3
	REVISED:	APPROVED BY CITY MANAGER: March 6, 1995	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: March 6, 1995	

The City will provide street lighting services on request in accordance with the "Street Lighting Standards for New Developments" as well as providing additional in-line pole spacing for undeveloped areas on all major entrance roads into the City, to wit:

Street lights will be installed at not less than 800 feet or more than 1,000 feet pole spacing, provided there are power poles available in the public right-of-ways. *

* 12 ½ % tolerance allowed on existing power poles.

Major Entrance Roads
S.H. 249
F.M. 2920
Hufsmith
Zion
South Cherry

SUBJECT	NUMBER:	EFFECTIVE DATE:	
STREET LIGHTING POLICY	10	March 7, 1995	PAGE 2 OF 3
	REVISED:	APPROVED BY CITY MANAGER: March 6, 1995	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: March 6, 1995	

STREET LIGHTING STANDARDS FOR NEW DEVELOPMENTS

Location and Installation

The developer shall install street lights at all street intersections, at the end of all cul-de-sac or dead-end streets, and at all significant changes in direction of the roadway. All other street lights shall be installed at not less than 400 feet or more than 600 feet pole spacing on residential streets within concentrated developed areas. (More than ten [10] residences per five [5] acres.)

On collector/commercial streets, same as above except; all other street lights shall be installed at not less than 200 feet or more than 400 feet pole spacing within concentrated developed areas.*

On arterial/boulevard streets, same as above except; all other street lights shall be installed at not less than 200 feet or more than 300 feet pole spacing within concentrated developed areas.*

Street lights will not be installed for security needs in public rights-of-way.

Street lights shall be mast arm mounted to the light pole. If the electrical system for the development is installed underground, the electrical service to the street lights shall also be underground. If the electrical system for the development is overhead wires with power poles located along the rear lot lines, the electrical service to the street lights shall be underground. If the power poles are located adjacent to the street, the electrical service to the street lights may be overhead and the street light mast arms may be mounted on the power poles, provided that the lighting intensity is maintained (See Table 5-4).

The developer shall pay the street light service charges from Houston Lighting and Power per light standard per year for three years, payable to the City.

All street lights installed according to this policy shall be and shall remain the property of Houston Lighting and Power.

*12 1/2% tolerance allowed on existing power poles.

TABLE 5-4

STREET LIGHTING INTENSITY

Street Classification	Lighting Intensity in Lumens
Residential/Local	9,500
Collector/Commercial	25,500
Arterial/Boulevard *	50,000

* dual lights

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
DAMAGE SUITS	11	January 17, 1987	PAGE 1 OF 1
	REVISED:	APPROVED BY CITY MANAGER:	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: January 17, 1987	

Before the City shall be liable for damages for the death or personal injuries of any person or for damages to or destruction of property of any kind, the person injured, if living, or his representatives, if deceased, or the owner of the property damaged or destroyed, his agent or attorney shall give the City Manager or City Secretary notice in writing of such death, injury, damage or destruction, duly verified by affidavit, within six (6) months after the damages were sustained, stating specifically in such written notice when, where, and how the death, injury, damage or destruction occurred, and the apparent extent of any such injury, the amount of damages sustained, the actual residence of the claimant by street and number at the date the claim is presented, the actual residence of such claimant for six (6) months immediately preceding the occurrence of such death, injury, damage or destruction and the names of addresses of all witnesses upon whom it is relied to establish the claim for damages. No action at law for damages shall be brought against the City for such death, injury, damage or destruction prior to the expiration of ninety (90) days after the notice herein described has been filed with the City Manager or City Secretary.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
	12	February 6, 2006	PAGE 1 OF 1
COMMUNITY USE OF CITY-OWNED FACILITIES	REVISED: February 6, 2006	APPROVED BY CITY MANAGER: February 6, 2006	
	SUPERSEDES: July 20, 1998	APPROVED BY CITY COUNCIL: February 6, 2006	

Scope

This policy pertains to buildings and facilities owned by the City of Tomball. It does not include the Community Center, which is covered by a separate written policy and procedure.

Policy Guidelines

We, the City officials and officers, are the custodians of the publicly-owned buildings and facilities committed to our care. Therefore, we are to take care to properly care for and maintain them and not misuse, abuse, or damage them in any way, nor should we permit them to be used by any individual or group who would misuse, abuse, or damage our buildings or facilities. The City=s needs and use are the first priority.

Any person or group renting or using a building or location owned or controlled by the City of Tomball for a public function shall not prohibit, dissuade, prevent, or exclude any member of the public based upon or regarding an individual's race, color, religion, sex, sexual orientation, age, national origin, or disability.

This policy recognizes three categories of community-based users:

1. Governmental organizations
2. Private, non-profit organizations
3. For-profit organizations.

Government Organizations

Government organizations are permitted to use City-owned facilities under policy guidelines above for holding short-term meetings and voting, with approval of the City Manager. Any continuing occupancy of a City building by other government staffs will require City Council approval.

Private, Non-Profit Organizations

Private, Non-profit organizations will be permitted to use City-owned buildings and facilities only when performing governmental-type functions which benefit a large segment of the City population, with approval of the City Manager. For example, providing immunizations or counseling related to threats to health, safety or welfare of large segments of the City population. No continuing occupancy by private, non-profit staff will be permitted without approval of the City Council.

For-Profit Organizations

For-profit organizations will not be permitted the use of City-owned buildings. Exceptions may be permitted when the for-profit organization is operating under a City contract and the contract price is offset (reduced) by the value of the use of the City building(s) and facilities.

SUBJECT	NUMBER:	EFFECTIVE DATE:	
INVESTMENT POLICY	13	July 27, 1992	PAGE 1 OF 8
	REVISED: September 6, 2022	APPROVED BY CITY MANAGER: September 6, 2022	
	SUPERSEDES: September 7, 2021	APPROVED BY CITY COUNCIL: September 6, 2022	

CITY OF TOMBALL
INVESTMENT POLICY

I. SCOPE OF POLICY

PURPOSE:

This policy is developed to be in accordance with the Public Funds Investment Act, Chapter 2256 and with the Public Funds Collateral Act, Chapter 2257 of the Texas Government Code, as amended. This investment policy applies to the investment activities of the City of Tomball (City) and serves to satisfy the statutory requirement to define and adopt a formal investment policy. The investment portfolio shall be designed and managed in a manner to be responsive to public trust and to be in compliance with legal requirements and limitations.

INVESTMENT FUNDS:

All financial assets of all funds of the City at the present time and any funds to be created in the future shall be administered in accordance with the provisions of this policy. For investment purposes, all funds of the City shall be combined in a common pool, except as provided by applicable federal or state statutes, City ordinance, or other law. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

II. PRIMARY OBJECTIVES

SAFETY OF PRINCIPAL:

The safety of the principal invested always remains the primary and foremost objective. All investments shall be designed and managed in a manner responsive to the public trust and consistent with state and local law. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk, the risk of loss due to the failure of the security issuer or backer, and interest rate risk, the risk that the market value of securities in the portfolio will fall due to changes in general interest rates.

LIQUIDITY:

The City's investment portfolio will remain sufficiently liquid to enable the City to meet operating requirements that might be reasonably anticipated. Liquidity shall be achieved by structuring the portfolio so that investments mature concurrent with forecasted cash flow requirements. Since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets. A portion of the portfolio will also be placed in interest bearing accounts, which offer same day liquidity for short-term funds.

DIVERSIFICATION:

Invested funds shall be diversified to minimize risk resulting from over-concentration of assets in a specific maturity, specific market sector, or specific instruments.

YIELD:

The City's cash management portfolio shall be designed with the objective of attaining reasonable market rates of return on investments, while remaining within the objective of safety and liquidity, throughout budgetary and economic cycles. The investment program shall seek to augment these returns consistent with risk limitations identified herein and prudent investment principles, also taking into account the risk constraints associated with the protection of capital.

MATURITY:

The investment maturity schedule shall correspond with the City's projected cash flow needs. Market risk shall be minimized by diversification of maturity dates. The City has a "buy and hold" portfolio strategy. Maturity dates are matched with cash flow requirements and investments are purchased with the intent to be held until maturity. However, securities may be sold before they mature should it be in the City's best interest. No City investments shall exceed a maturity of more than four years.

INVESTMENT MANAGEMENT:

All participants in the investment process shall seek to act responsibly as custodians of the public trust. They shall avoid any transactions that might impair public confidence in the City's ability to govern effectively. The system of internal controls will be reviewed annually with the independent auditor of the City. The controls shall be designed to prevent loss of public funds due to fraud, employee error, misrepresentation by third parties, unanticipated market changes, or imprudent actions by employees of the City.

III. AUTHORIZED INVESTMENTS

Assets of funds of the government of the City may be invested in:

A. Obligations of the United States or its agencies and instrumentalities;

B. Direct obligations of the State of Texas or its agencies and instrumentalities;

C. Collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;

D. Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the State of Texas or the United States or their respective agencies and instrumentalities;

E. Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent;

F. Certificates of Deposit issued by state or national banks with its main office or a branch in the State of Texas, a savings bank with its main office or a branch in the State of Texas, or a state or federal credit union with its main office or a branch in the State of Texas and are guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor and are secured by the obligations named within this policy under items A through E above.

G. Repurchase agreements which are fully collateralized, have a defined termination date, are secured by obligations of the United States or its agencies and instrumentalities; are purchased and pledged to the City; are held in the City's name; are deposited with third-party safekeeping of collateral at the time the investment is made; and are purchased through a primary government securities dealer or state or national bank doing business in the State of Texas evidenced by a fully executed Master Repurchase Agreement on file with the City. The repurchase agreement is a simultaneous agreement to buy, hold for a specified time, and sell back at a future date obligations of the United States or its agencies and instrumentalities, at a market value at the time the funds are disbursed of not less than the principal amount of the funds disbursed.

H. Commercial paper is an authorized investment if the commercial paper:

   a. Has a stated maturity of 270 days or fewer from the date of its issuance; and
   b. Is rated not less than A-1 or P-1 or an equivalent rating by at least:
      i. Two nationally recognized credit rating agencies; or
      ii. One nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by organized and existing under the laws of the United States or any state.

I. An eligible investment pool authorized by the governing body, which must furnish to the City an offering circular or other similar disclosure instrument that contains, at a minimum, the types of investments in which money is allowed to be invested; the maximum average dollar-weighted maturity allowed, based on the stated maturity date, of the pool; the maximum stated maturity date of any investment within the portfolio; the objectives of the pool; the size of the pool; the names of the members of the advisory board of the pool and the dates their terms expire; the custodian bank that will safe-keep the pool's assets; whether the intent of the pool is to maintain a net asset value of one dollar and the risk of market price fluctuation; whether the only source of payment is the assets of the pool at market value or whether there is a secondary source of payment, such as insurance or guarantees, and a description of the secondary source of payment; the name and address of the independent auditor of the pool; the requirements to be satisfied for an entity to deposit funds in and withdraw funds from the pool and any deadlines or other operating policies required for the entity to invest funds in and withdraw funds from the pool; and the performance history of the pool, including yield, average dollar-weighted maturities, and expense ratios.

   To maintain eligibility to receive funds from and invest funds on behalf of the City, an investment pool must furnish to the City investment transaction confirmations; and a monthly report that contains, at a minimum, the types and percentage breakdown of securities in which the pool is invested, the current average dollar-weighted maturity based on the stated maturity date of the pool, the current percentage of the pool's portfolio in investments that have stated maturities of more than one year, the book value versus the market value of the pool's portfolio, using amortized cost valuation, the size of the pool, the number of participants in the pool, the custodian bank that is safekeeping the assets of the pool, a listing of daily transaction activity of the entity participating in the pool, the yield and expense ratio of the pool, the portfolio managers of the pool and any changes or addenda to the offering circular.

   Investment pool yield shall be calculated in accordance with regulations governing the registration of open-end management investment companies under the Investment Company Act of 1940, as promulgated from time to time by the Federal Securities and Exchange Commission.

To be eligible to receive funds from and invest funds on behalf of the City, a public funds investment pool created to function as a money market mutual fund must mark its portfolio to market daily, and, to the extent reasonably possible, stabilize at a $1 net asset value.

If the ratio of the market value of the portfolio divided by the book value of the portfolio is less than 0.995 or greater than 1.005, portfolio holdings shall be sold as necessary to maintain the ration between 0.995 and 1.005.

A public funds investment pool must have an advisory board composed: equally of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for a public funds investment pool created and managed by a state agency; or of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for other investment pools.

To maintain eligibility to receive funds from and invest funds on behalf of the City, an investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service or no lower than investment grade by at least one nationally recognized rating service with a weighted average maturity no greater than 90 days.

Although allowed under State Law, Prime Domestic Bankers' Acceptances, and Money-market mutual funds are not considered suitable investments of the City, and the City will refrain from making such investments or allowing such instruments to be pledged to the City's deposits or serve as underlying collateral.

IV. RESPONSIBILITY AND CONTROL

DELEGATION OF AUTHORITY:

Management responsibility for the investment program is hereby delegated to the Finance Director, or in the absence of such, Assistant City Manager, or such other person specifically designated by the City Manager or Assistant City Manager. The Finance Director, or designated person by such, shall be responsible for all transactions, compliance with internal controls, and insuring that all safekeeping, custodial, and collateral duties are in compliance with this investment policy and other applicable laws and regulations.

TRAINING REQUIREMENT:

The Finance Director, and any person designated by the Finance Director, City Manager, and/or Assistant City Manager to be responsible for the investment of City funds shall attend an independent and approved source of investment training session no less often than once every two fiscal years and shall receive not less than 10 hours of instruction relating to investment responsibilities under the state statutes. Any person newly designated to duties relating to the investment program shall be required to attend an independent and approved source of investment training session within 12 months of such designation. Training must include education in investment controls, security risks, strategy risks, market risks, diversification of the investment portfolio, and compliance with the Public Funds Investment Act under the Texas Government Code Chapter 2256.

QUARTERLY REPORTS:

The Finance Director, and the person or persons designated by such, shall submit quarterly an investment report that summarizes the investment portfolio for all funds to the City Council. The report shall describe in detail the investment position of the City on the date of the report; be prepared and signed by all investment officers of the City; contain a summary statement, prepared in compliance with generally accepted accounting principles; provide the beginning market value for the reporting period, the additions and changes to the market value during the period, the ending market value for the period, and fully accrued interest for the reporting period; state the book value and market value of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested; state the maturity date of each separately invested asset that has a maturity date; state the account, fund or pooled group fund in City for which each individual investment was acquired; and state the compliance of the investment portfolio of the City's policy as it relates to the strategy. The reports shall be formally reviewed at least annually by an independent auditor, and the result of the review shall be reported to the governing body by that auditor.

CONFLICTS OF INTEREST:

The Finance Director, or any person designated by such to be responsible for investments, shall not be designated as an investment officer for any investing entity other than the City. Any person responsible for investments for the City who has a personal business relationship with a business organization offering to engage in an investment transaction with the entity shall file a statement disclosing that personal business interest. Any person responsible for investments for the City who is related within the second degree by affinity or consanguinity to an individual seeking to sell an investment to the City shall file a statement disclosing that relationship.

This statement must be filed with the Texas Ethics Commission and the City. A personal business relationship is defined as owning 10 percent or more of the voting stock or shares of the business organization or owns $5,000 or more of the fair market value of the business organization; funds received from the business organization exceed 10 percent of the person's gross income for the previous year; or the acquisition of investments from the business organization during the previous year have a book value of $2,500 or more for the person's personal account. Any person involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose to the City Secretary any material financial interest in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial and/or investment positions that could be related to the performance of the City's portfolio. Any person responsible for investments shall subordinate their personal investment transactions to those of the City, particularly with regard to the timing of purchases and sales.

V. COLLATERAL AND SAFEKEEPING

COLLATERAL REQUIRED:

Funds of the City of Tomball shall be secured by collateral, whereby the market value of such collateral shall not be less than the total amount of the sum of the City's deposits, investments and accrued interest less the amount of insurance provided by the United States or an instrumentality of the United States, such as Federal Deposit Insurance Corporation (FDIC) insurance. All items held for collateral for the City shall be qualified investments as stated in items III.A. through III.E. of the City's investment policy.

SECURITY OF COLLATERAL:

All securities owned by thy City or pledged to the City shall be held in safekeeping by the City; in a City approved account in a third party financial institution with a main office in the State of Texas and capital stock and permanent surplus of $5 million or more; the Texas Treasury Safekeeping Trust Company; a Federal Home Loan Bank; or with a Federal Reserve Bank. A third party custodian shall be required to issue original safekeeping receipts directly to the City and monthly provide a listing of each specific security, rate description, maturity, Committee on Uniform Securities Identification Procedures (CUSIP) number, and other information as may be deemed necessary and appropriate by the City. Each safekeeping receipt will be clearly marked that the security is pledged to the City. It shall be the sole responsibility of the financial institution to immediately, without notice from the City or cost to the City, replace any nonconforming pledged security.

DELIVERY VS. PAYMENT:

Treasury Bills, Notes and Bonds and Government Agencies' securities shall be purchased using the delivery vs. payment method. That is, funds shall not be wired or paid until verification has been made that the correct security was received by the City or its designated Trustee. The security shall be held in the name of the City. The Trustee's records shall reflect that the City owns such securities. In the event that the security is held by Trustee, the original copy of all safekeeping receipts shall be delivered to the Finance Director, or person designated by such.

VI. AUTHORIZED BROKERS

The City shall annually review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with the City. Following are authorized brokers for the City of Tomball:

FHN Financial
Wells Fargo Securities, LLC
Hilltop Securities

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER: 14	EFFECTIVE DATE: OCTOBER 5, 2009	PAGE 1 OF 2
CITY COMMUNICATION POLICY	REVISED: OCTOBER 5, 2009	APPROVED BY CITY MANAGER: OCTOBER 5, 2009	
	SUPERSEDES: JULY 20, 1998	APPROVED BY CITY COUNCIL: OCTOBER 5, 2009	

Purpose
The purpose of this communications policy is to support the strategic objectives of the City of Tomball and provide for public information. This policy serves as a guide for all external communication with stakeholders. It will outline key audiences and outlets of communication.

Scope of Policy
This policy will allow the City of Tomball to effectively reach the diverse demographics located in the City. Currently the City's population is primarily made up of individual in the 24-34, 35-44, and 45-54 age ranges. Based on the national trend, within these ranges, between 65% and 70% of households have the internet in their home. With this policy, we will be able to target our communication efforts to maximize their effectiveness.

Stakeholders and Target Audiences
- Citizens
- Business Owners
- Developers
- Civic Organizations
- Chamber of Commerce
- Tomball Economic Development Corporation
- Media
- Community Leaders

Communication Outlets/Tools
To get information to the public, the City will need to use a wide variety of outlets and tools to reach its target audiences.

Media	Web Based
Includes traditional forms of communication that have the capability of reaching a large audience. - Media Contact Database - Relationships with local media - Press Releases	With web based communications, the City is able to get the latest information out to the public quickly. - Facebook - Twitter - City website - Weekly e-newsletters - Nixel (Police/Fire) - Code Red

Print	Other
These are publications printed in house or in mass by an outside company that the City mails to each resident or has available for pick up. - Ads - Quarterly newsletters - Information flyers/brochures - Utility Bills - Community Center Newsletter	- Citizen academies - Public meeting announcements - Door to door - Event PowerPoint presentations - Public facility bulletin boards - Lobby PowerPoint Presentations - Yard Signage - Meetings and Events

Updates and Improvements
Staff will continue to look for new public information opportunities and communication media outlets and will utilize those that show to be effective and cost effective. Staff will continue to update its tools and outlets to ensure that the correct information is always available. Staff will work to develop programs and methods that encourage two-way communication.

Roles and Responsibilities
The Mayor and/or the City Manager are the primary spokespersons for the City in matters pertaining to the City generally and from an overall perspective. The City Manager may appoint Public Information Officers (PIOs) to speak on behalf of the City in general or on a specific department, program or event.

Further, it is the policy/procedure of the City of Tomball that the individual official, officer or employee of the City who has the most extensive knowledge and understanding of the matter being inquired about respond to inquiries from the press or others. Officials, officers and employees should not attempt to respond to inquiries or represent the City's positions on a matter when others are more qualified by virtue of their background, knowledge, overview or understanding.

SUBJECT	NUMBER: 15	EFFECTIVE DATE: February 15, 2016	PAGE 1 OF 14
TOMBALL COMMUNITY CENTER POLICIES AND OPERATING PROCEDURES	REVISED: February 15, 2016	APPROVED BY CITY MANAGER: February 15, 2016	
	SUPERSEDES: July 20, 2015	APPROVED BY CITY COUNCIL: February 15, 2016	

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  - **Private Function Reservation Form**
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- **Section VI - Building Layout**

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Mission Statement

The Tomball Community Center will serve everyone in a fair and equitable manner, so that in serving, the Center will enhance the quality of life for each individual, group, or organization being served.

Goals

The following goals shall serve as the vehicle through which the staff and the administration of the Tomball Community Center (hereinafter to be called *Center)* shall work in fulfilling the spirit and letter of the Center's **MISSION STATEMENT.**

GOAL 1: Provide an atmosphere which is vibrant and attractive to a broad range of age groups.

GOAL 2: Provide a staff, both paid and volunteer, who, through their individual and corporate efforts, give positive leadership to the development and administration of programs and activities, which will attract to the Center participants of all age.

GOAL 3: Provide a variety of programs and activities which will be attractive to the broad spectrum of age ranges of the residents.

GOAL 4: Provide a monthly calendar of activities to facilitate advance planning by citizens participating in scheduled programs and activities.

GOAL 5: Provide ***User Fees*** and ***Guidelines*** which will encourage the use of the Center.

GOAL 6: Provide in the administration of the Center an attitude which encourages utilization of the Center and which is fair and equitable to all.

Policies & Procedures

Section I - User Qualifications

The following guidelines and policies have been developed and adopted to provide for the fair and orderly use of the Center.

A. User fees will be determined by the qualification status of each applicant. Users are categorized as follows:
   1. Individuals (Citizens of Tomball)
   2. Individuals (Non-Citizens of Tomball)
   3. For-profit businesses
   4. Non-profit organizations which charge for services
   5. Non-profit clubs and organizations
   6. Tomball-based Non-profit youth organizations

B. Proof of Qualification
   1. Individuals (Citizens of Tomball)
      a. Driver's License
      b. City of Tomball utility bill
   2. Individuals (Non-Citizens of Tomball)
      a. Driver’s License
   3. For-profit businesses
      a. Sales Tax Certificate
      b. Certified statement of applicant
   4. Non-profit organizations which charge for services
      a. Sales Tax Certificate
      b. Copy of Charter or Articles of Incorporation
      c. Certified statement of applicant
   5. Non-profit clubs or organizations
      a. Sales Tax Exemption Certificate
      b. Copy of Charter or Articles of Incorporation
      c. Certified statement of applicant
   6. Tomball-based Non-profit youth organizations

Section II - Priority Use Guidelines

A. Assignment of Lease - To facilitate the fair and equitable use of the Community Center, consideration will be given to the following factors in the assignment or lease of space:

1. Qualifying status - Priority will be given in the following order:
   a. Non-profit clubs and organizations (Contract or non-contract)
   b. Individuals (Citizens of Tomball)
   c. Non-profit organizations which charge for services
   d. Individuals (Non-Citizens of Tomball)
   e. For-profit businesses

2. Contracts for use of facility
   a. Activity Contracts with the Center will be honored in keeping with the provisions of the Contract.
   b. All Contracts will be reviewed on an annual basis.
   c. Failure of the Contracting Party to meet the provisions of the Contract will result in the Contract being canceled in the following procedure:
      1). Written notice outlining deficiencies to be given to the Contracting Party by the Center Manager.
      2). Contracting Party to be given a minimum of two (2) weeks to correct deficiencies.
      3). Failure to correct the deficiencies within the specified time frame will result in cancellation of Contract and forfeiture of any deposits. A minimum of thirty (30) days to be given between notification of Contract being canceled and the date the Contracting Party must vacate the facility.

3. Scheduled events on Activities Calendar
   a. In order to maximize space, rooms will be assigned on the basis of:
      1). Size of group
      2). Availability of space
   b. The Manager has the authority to reassign space if the number of participants falls below the parameters of the assigned room and if reassignment would facilitate a more efficient use of the facility.
      1). Contracting Party will be given 24 hours' notice of any change.
      2). Any change of assignment may result in an appropriate adjustment in fee charge.

Section II - Priority Use Guidelines (Continued)

4. Size of group shall be the primary factor in the assignment of meeting rooms. The following schedule is applicable: (See Building Layout, Section VII)
   a. Banquet Room A - 41 or more people (up to 181 people)
   b. Meeting Room B - 15 to 40 up to people
   c. Meeting Room C - One (1) up to 14 people

B. Facility Assignment

1. Basic assignment of rooms will be made in accordance with the group size to maximize the use of the Center. Assignments to facilitate that use may be adjusted, with a minimum of 24 hours' notice to the Contracting Party, by the Center Manager.
2. The Center and the parking lot may be used only for the time period and the purpose for which it was reserved, unless prior approval for a change is granted by the Center Manager.
3. Religious activities may be scheduled on a temporary basis only, not to exceed three (3) months, except with approval of the City Manager.
4. Political fund-raising activities are not permitted in the facility.
5. Non-political fund-raising activities of a humanitarian nature may be scheduled in the Center in accordance with the appropriate fee guidelines.

C. Hours of Operation

1. Office Hours
   a. Monday to Thursday: 8:00 AM to 5:00PM
   b. Friday: 8:00 AM to 4:00 PM
   c. The Center will be closed on City-observed holidays.
   d. The Center will be open on weekends only if rented.
2. Times available for reservations
   a. Sunday through Thursday 8:00 AM – 10:00 PM
   b. Friday & Saturday: 8:00 AM –12:00 AM

Section III - Reservation Fee Guidelines

A. Meeting Room Fee Schedule (Based on availability)

	Non-profit Clubs/ Organizations*	Tomball Residents: Individuals, For-profit Businesses/ Non-profit Organizations which charge for service	Non Tomball Residents: Individuals, For-profit Businesses, Non-profit Organizations which charge for service
1. **Monday through 3:00 pm on Friday (2 Hour Minimum)**			
Room A	$50.00/hr.	$75.00/hr.	$100.00/hr.
Room B	$30.00/hr.	$50.00/hr.	$75.00/hr.
Room C	$15.00/hr.	$20.00/hr.	$30.00/hr.
2. **After 3:00 pm on Friday through Sunday evening (2 Hour Minimum)**			
Room A	$75.00/hr.	$100.00/hr.	$125.00/hr.
Room B	$50.00/hr.	$75.00/hr.	$100.00/hr.
Room C	$15.00/hr.	$50.00/hr.	$75.00/hr.

B. Kitchen Fee Schedule
1. The rental fee for Banquet Room A includes the use of the kitchen.
2. No other room is allowed the use of the kitchen with a rental.

Special Notes
1. A refundable deposit will be paid by each applicant prior to the confirmation of a reservation. Refund of this deposit is contingent upon satisfying any payment for damages to the facility by the Contracting Party.

Waiver of Fees

1. The following groups may request to have their fees waived:
    a. Tomball-based Non-profit youth organizations who provide proof of qualification
2. Tomball-based groups and organizations may request a waiver of fees from City staff. The guidelines for staff to follow when considering requests for waivers are as follows:
    a. Applicant generates sales tax dollars for Tomball
    b. Applicant supports City functions, events or programs
    c. Applicant is a non-profit group or organization benefitting the City of Tomball in some manner.

    Once guidelines are met, Center staff will present request to City Manager for approval.

Section IV - Other Requirements

A. Storage Space
    1. Use of storage space will be determined by Center Manager, based on availability.

B. Displaying Items on Walls
    1. Items may be temporarily displayed and must be removed at the conclusion of the reservation time period, using the Center's Walker Display System.
    2. Items must be displayed by use of the available wall hangers and may not be affixed directly to the walls by any other means, (i.e. tape, tacks, pins, nails, glue, paste, etc.)

C. Failure to adhere to requirements of Requirements A and/or B may result in the forfeiture of the privileges.

D. Use of Alcohol will be allowed as outlined under Use of Alcohol Guidelines.

Section V - Reservation Forms

A. Copy of Guidelines for Use
B. Copy of Guidelines for Use of Alcohol
C. Copy of Civic and Non-profit Organization Reservation Form
D. Copy of Individual Reservation Form
E. Copy of Indemnification Form
F. Copy of Building Layout

Guidelines for Use

Tomball Community Center
221 Market Street Tomball, TX 77375
281-255-6221

1. Reservations must be made through the office of the Manager of the Tomball Community Center, 221 Market Street, Tomball, Texas 77375. Reservations will be confirmed once the reservation forms are received and the refundable deposit fee is made. Cancellations w ll be confirmed when written request is received in person, or by email or fax.
2. The refundable deposit fee payment will book the reservation date and must be posted at least two (2) weeks prior to reservation date, but no earlier than six (6) months prior to rental. All room rental fees must be paid in full two (2) weeks prior to the reservation date. At the end of your ev**e**nt, once your room is cleared to be in satisfactory condition, your refundable security deposit fee will be refunded within two (2) weeks.
3. There is a two (2) hour minimum rental time for all rooms. Rental time includes time setting up the tables and/or chairs that we provide, decorating, your event time, and clean up time that includes putting the room back the way it was when you arrived.
4. For organizations meeting on a recurring basis, rental fees must be paid in advance (for those renting monthly, payment for the month will be accepted). No recurring reservations will be taken without rental fee payment. The refundable security deposit must be posted at least two (2) weeks prior to starting reservation date, but no earlier than three (3) months prior to rental and will be refunded at the end of your recurring time once your room is cleared to be in satisfactory condition.
5. Any person or group renting the Center for a Public Function shall not prohibit, dissuade, prevent, or exclude any member of the public based upon or regarding an individual's race, color, religion, sex, sexual orientation, age, national origin, or disability.
6. All public notices, advertisements nd announcements of any Public Function must state "This event is not endorsed or sponsored by the City of Tomball."
7. Private Functions cannot be advertised, promoted, announced, or opened to the public in any manner. The rules regarding a Public Function must be adhered to if such event is determined to be open to the public by City staff.
8. For additional security purposes, some functions may require uniformed officers. The Center staff will instruct users as to additional requirements and fees.
9. No person or group shall use any area or facility of the Center, including the parking lot, for any purpose other than for the purpose f r which it was designed, designated, or assigned.
10. Patrons attending functions at the Center may not remain in the building or the parking area at any time other than the hours reserved for the function when Center is open to the public.
11. **A Center employee will be on duty during the entire rental time, arriving 15 minutes prior to reservation and staying 15 minutes after end of reservati n.**
12. All displays, lecture materials, equipment, supplies, etc., must be removed at the conclusion of each rental or meeting, unless prior arrangements were made.
13. Fund-raising activities of a humanitarian nature will require written permission, with an explanation of product.
14. No pets are allowed in Center, with exception of Service Dogs as defined by the Americans with Disabilities Act.
15. Children must be supervised at all times and must remain in designated room assigned for that group's use.
16. Nothing is to be taped, stapled, nailed, glued, or attached to the walls, doo**r**s, windows, blinds, tables or chairs in any manner. The Center has a Walker Display ystem and we will work with you to display your decorations according to our guidelines.
17. Foods and/or beverages must be removed from the facility at the conclusion of the reservation.
18. Garbage cans with plastic liners will be provided. When vacating the facility, user **must** remove all trash and place in dumpster provided. Tables should be wiped with a damp cloth if food was served and floor **must** be swept. Spot mopping is required for any spills. Broom, dustpan, and mop are available upon request.
19. The Center staff assigns rooms to maximize Center capacity each day; therefore, the Center reserves the right to change room assignments to accommodate other groups.
20. All groups must be considerate of others using the Center an**d** may not interfere with other group activities.

21. No tobacco products are allowed to be used inside the Center per Ordinance 96-21, passed December 16, 1996. A designated smoking area is provided outside.
22. The serving of alcohol will be done in compliance with the **Guidelines for Use of Alcohol.**
23. Contact person is responsible for conveying rules of Center use to anyone taking charge of the group, as well as all participants attending the event or meeting.
24. All religious activities may be scheduled on a temporary basis only, not to exceed three (3) months, except with approval of the City Manager.
25. In order to assure refund of deposit, before vacating the building, you must have the Center staff person on duty verify the condition of the room as satisfactory and all responsibilities have been met.

Guidelines for Use of Alcohol

1. Alcohol or alcoholic beverages will not be allowed without the consent of the Center Manager.
2. At any function where alcohol or alcoholic beverages will be served, it will be necessary for the Contracting Party to pay for the services of two (2) off-duty Tomball Police Officers during the ***entire time*** the Center is being reserved or used. If two (2) Tomball Police Officers are not available, Officers from another Law Enforcement Agency will be employed with approval from the Tomball Police Department.
3. The Police Officers, whose entire fee will be paid by the Contracting Party, will be scheduled by the Center Manager.
4. No alcohol or alcoholic beverages may be sold in the Center.
5. No alcohol or alcoholic beverages may be carried outside the Center.
6. No alcohol or alcoholic beverages may be consumed outside the Center.
7. Alcohol or alcoholic beverages may not be served to minors at any time.
8. At the discretion of the Police Officers or the Center employee, anyone deemed intoxicated may be asked to vacate the Center. Failure on anyone's part to do so will result in immediate cancellation of the event at that time and forfeiture of all fees and/or deposits.

Cancellation Procedure

1. Reservations may be canceled by calling or writing the Center Manager., but **No** reservations or cancellations will be confirmed until written request is received in person, or by fax or email.
2. All fees and/or deposits will be refunded provided the cancellation is received 14 days prior to the scheduled event.
3. In the case of organizations with a recurring Contract, the Center Manager should be advised of any change in the use of reserved room/rooms as a courtesy to others who might desire use of the facility at that time.
4. Failure to give the specified cancellation of reservation notice to the Center Manager will result in forfeiture of fees and/or deposits.

I have read the rules concerning the usage of the Tomball Community Center and agree to abide by those rules.

_____ _____

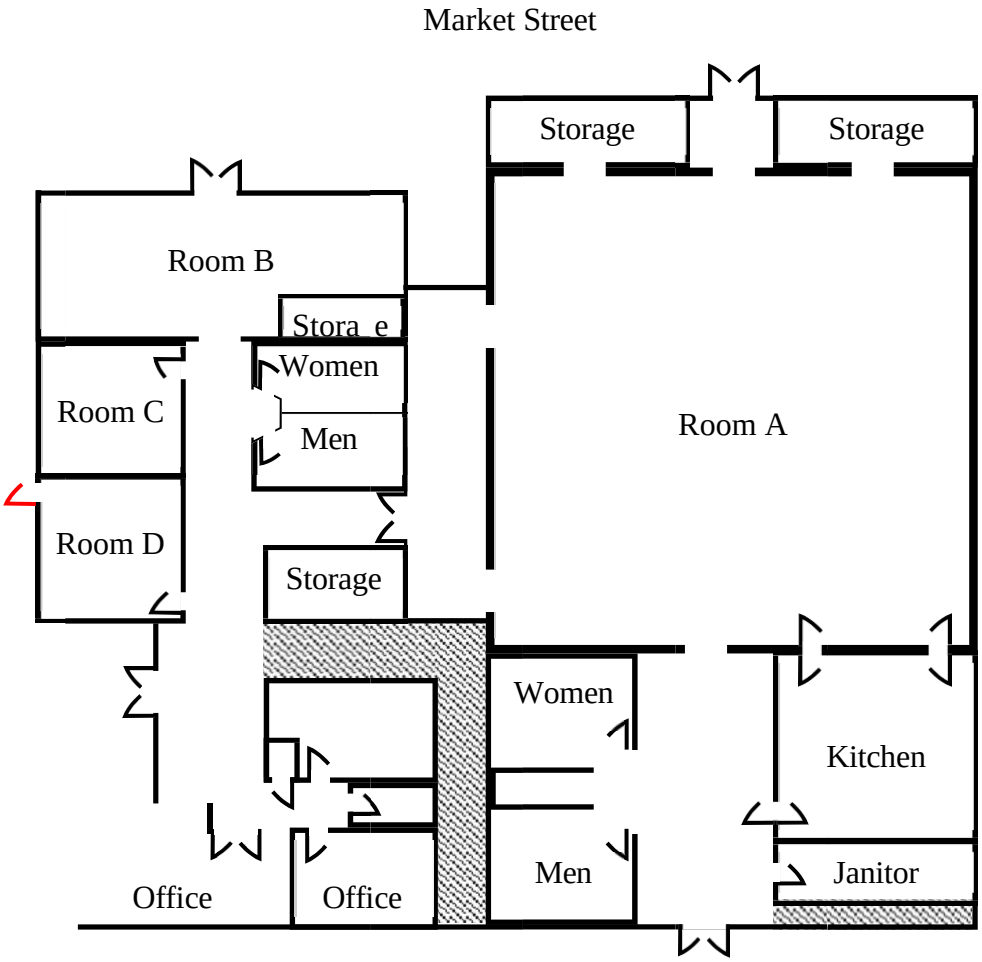
Name / Name of Organization Date

_____

Representative Signature

Section VI - Building Layout

Tomball Community Center
221 Market Street Tomball, TX 77375
281-255-6221



CITY OF TOMBALL COMMUNITY CENTER

NON-PROFIT ORGANIZATION RESERVATION FORM

Rates: (2 Hour Minimum)	Weekdays	After 3:00 pm Friday
Banquet Room A	$50.00/hr.	$75.00/hr.
Room B	$30.00/hr.	$50.00/hr.
Room C	$15.00/hr.	$15.00/hr.

Kitchen: No charge in conjunction with rental of Room A.
Refundable deposit: $250.00 for Room A
$100.00 for Rooms B or C

Organization _____

Reservation Date _____ Time _____ to _____

Contact Person _____ Phone _____

Address _____ City _____ Zip _____

Email Address _____

Alternate contact _____ Phone _____

Estimated attendance _____ Type of Function _____

Do you require chairs? _____ if yes, how many? _____ Tables? _____ if yes, how many? _____

Will you be bringing additional equipment? _____ If yes, please explain _____

_____

Food will be served _____ Yes _____ No

Food will be catered _____ Yes _____ No

Alcohol or alcoholic beverages will be served _____ Yes _____ No (Please explain _____)
If yes, I received the *Guidelines for Use of Alcohol* and I understand that two (2) licensed officers will be required as security guards.

Room fee _____

Quoted rate $_____ each Officer per hour

Security arranged date _____ Paid _____ Deposit fee _____

Total _____

The above information is true to the best of my knowledge.

_____
Representative Signature Date

THIS AREA FOR CENTER USE ONLY

Room Assigned _____ Date of Reservation _____

Rental Fee Paid $_____ Check# _____ Date _____

Deposit fee paid $_____ Check# _____ Date _____

Additional payment (if any) $_____ Check# _____ Date _____

The area reserved was left in satisfactory _____ unsatisfactory _____ condition.

_____
Center Representative

CITY OF TOMBALL COMMUNITY CENTER

PRIVATE/FOR PROFIT FUNCTION RESERVATION FORM

Rates: (2 Hour Minimum)	Weekdays		After 3:00 pm Friday	
	Residents	Non-Residents	Residents	Non-Residents
Room A	$75.00/hr.	$100.00/hr.	$100.00/hr.	$125.00/hr.
Room B	$50.00/hr.	$75.00/hr.	$75.00/hr.	$100.00/hr.
Room C	$20.00/hr.	$30.00/hr.	$ 50.00/hr.	$75.00/hr.

Kitchen: No charge in conjunction with rental of Room A.
Refundable deposit: $250.00 for Banquet Room
$100.00 for Rooms B or C

Organization _____

Reservation Date _____ Time _____ to _____

Contact Person _____ Phone _____

Address _____ City _____ Zip _____

Email Address _____

Alternate contact _____ Phone _____

Estimated attendance _____ Type of Function _____

Do you require chairs? _____ If yes, how many? _____ Tables? _____ If yes, how many? _____

Will you be bringing additional equipment? _____ If yes, please explain _____

_____

Food will be served _____ Yes _____ No

Food will be catered _____ Yes _____ No

Alcohol or alcoholic beverages will be served _____ Yes _____ No (Please explain _____)
If yes, I received the *Guidelines for Use of Alcohol* and I understand that two (2) licensed officers will be required as security guards.

Room fee _____

Quoted rate $_____ each Officer per hour

Security arranged date _____ Paid _____ Deposit fee _____

Total _____

The above information is true to the best of my knowledge.

_____
Representative Signature Date

THIS AREA FOR CENTER USE ONLY

Room Assigned _____ Date of Reservation _____

Rental Fee Paid $_____ Check# _____ Date _____

Deposit fee paid $_____ Check# _____ Date _____

Additional payment (if any) $_____ Check# _____ Date _____

The area reserved was left in satisfactory _____ unsatisfactory _____ condition.

_____
Center Representative

Indemnification

LICENSEE agrees that it will indemnify and save the CITY harmless of, from and against any and all claims, demands, actions, damages, losses, costs, liabilities, expenses and judgments (hereinafter "claims") recovered from or asserted against CITY on account of injury or damage to persons or property to the extent that any such damage or injury may be incident to, arise out of, or be caused, either proximately or remotely, in whole or in part, by an act, omission, negligence or misconduct on the part of LICENSEE or any of its agents, servants, employees, contractors, patrons, guests, licensees or invitees or of any other person entering upon the LICENSED PREMISES with the express or implied invitation or permission of LICENSEE, or when and such injury or damage is the result, proximate or remote, of the violation by LICENSEE or any of it agents, servants, employees, c**o**ntractors, patrons, guests, licensees or invitees of any law, ordinance or governmental order of any kind, or when any such injury or damage may in any way arise from or out of the occupancy or use by the LICENSEE, its agents, servants, employees, contractors, patrons, guests, or invitees. LICENSEE further expressly covenants and agrees to protect, defend, indemnify, and hold harmless the CITY from all claims based upon alleged joint and/or concurrent negligence of the CITY and LICENSEE arising out of or incident to LICENSEE's occupancy or use of the LICENSED PREMISES. LICENSEE covenants and agrees that in case CITY shall be made a party to any litigation commenced by or against LICENSEE or relating to this LICENSE or to the LICENSED PREMISES, then LICENSEE shall and will pay all co**s**ts and expenses, including reasonable attorney's fees and court costs, incurred by or imposed upon CITY by virtue of any such litigation.

Signature:_____ Date: _____
(Licensee)

City of Tomball:_____ Date: _____
(City Staff)

CITY OF TOMBALL ADMINISTRATIVE POLICIES, RULES AND PROCEDURES			
SUBJECT **MASTER SERVICE OR COMMODITY CONTRACTS, PROFESSIONAL SERVICE CONTRACTS, AND CHANGE ORDERS**	NUMBER: 16	EFFECTIVE DATE: 11/16/1999	PAGE 1 OF 1
	REVISED:	APPROVED BY CITY MANAGER:	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: November 15, 1999	

REPEALED BY CITY COUNCIL NOVEMBER 7, 2022

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
	17	2/17/2003	PAGE 1 OF 50
GENERAL FIXED ASSET POLICY AND PROCEDURES	REVISED: December 20, 2021	APPROVED BY CITY MANAGER: December 20, 2021	
	SUPERSEDES: September 20, 2021	APPROVED BY CITY COUNCIL: December 20, 2021	

Attached is the General Fixed Asset Policy and Procedures Manual.

CITY OF TOMBALL

GENERAL FIXED ASSET

POLICY AND PROCEDURES MANUAL

Finance Department
November 2002
Rev. December 20, 2021

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CHAPTER 1-

OVERVIEW

OVERVIEW

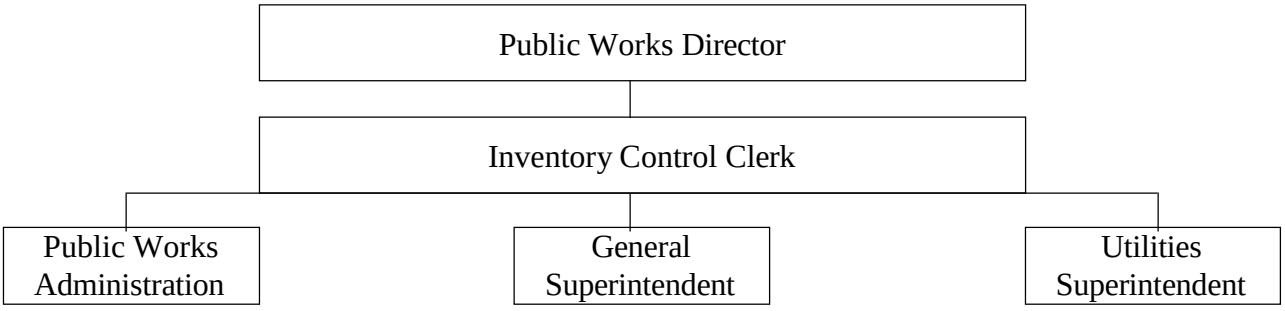
Goal: The goal in preparing this manual is to define and describe a set of standard procedures and policies to record and control changes in the fixed asset system in accordance with generally accepted accounting principles and to define a system of communication that coupled with cooperation between departments allows for effective control of assets entrusted to the City Staff.

Fixed Asset System: The City's fixed asset system is defined as a collection of the relevant information on assets owned, including the procedures used to report the data, the defined responsibilities of those participating in administering the system, the paper work and forms used in reporting the additions, deletions, transfers and changes, and the various reports generated from the input of the above data. A centralized listing of capital assets is maintained in the Finance Department. Adjustments to the records are recorded when supporting documentation is received from the originating departments with the appropriate authorization signatures. Assets are categorized by type. Controlled assets are required to be maintained in the centralized system.

Controlled Property: Assets maintained in the City's asset system consist of property that meets the capitalization criteria and certain other assets that are highly mobile and susceptible to loss or theft.

Capitalization Policy: The capitalization policy determines at what level the City will classify assets for inclusion into the fixed asset system as a capital asset. The criteria for capitalizing an asset is determined by two factors: 1) the cost of the asset, and 2) its useful life. Assets with a useful life greater than 3 years with a cost equal to or greater than $20,000.00 and that are not considered to be maintenance items are capitalized by the City of Tomball. Assets are capitalized in their respective funds.

Custody and Accountability: A clear definition of who has the authority, accountability and responsibility for maintenance of the property issued to the various departments is outlined by each department (see departmental charts). The Accounting Supervisor will act as liaison for the Finance Department. **RESPONSIBILITY AND ACCOUNTABILITY FOR ASSETS REST WITH EACH DEPARTMENT HEAD**. Within each of the four departments there is one person assigned to act as a Liaison with the Finance Department. The Department Head is responsible for all property purchased for, assigned to or otherwise provided to his/her department. The person within the department designated by the Department Head to be responsible for the custody and control of property is the Property Manager. A department may have more than one Property Manager. Each department shall have a clearly defined structure. An example may be as follows:



Personal Property of Employees: Each department shall include in their departmental policies, a statement of policy relating to personal property owned by City employees and is used in their work or located on City premises. The City does not assume any responsibility for loss or damage to personal property. Personal property is not covered by Cityinsurance.

Physical Inventories

The objectives of a physical inventory are to ensure the fixed assets recorded in the system physically exist, to determine whether unrecorded or improperly recorded transactions have occurred, and to identify any excess, defective, or obsolete assets on hand. An effective periodic inventory results in an accurate accounting of fixed assets and indicates the reliability of the accountability system for the acquisition, use and disposal of fixed assets.

Frequency and Type of Inventories: Not less than annually, the Finance Department will provide to each department a current fixed asset listing. An inventory of the listed property shall be conducted and discrepancies resolved. The listing shall be signed by the Department Head verifying the property on hand. Once completed, the original signed copy of the asset listing and any corrections are to be returned to the Finance Department. The Finance department will enter the changes and return a corrected listing to the department.

Periodically the Finance Department will conduct physical inventories. Particular categories of items may be selected. A written report will be provided to the Department Head and City Manager upon completion of these inventories. Noncompliance with the procedures will be noted.

When a Property Manager is to be replaced for any reason, the Department Head shall notify the Director of Finance to provide a current fixed asset listing so that joint inventory may be conducted by the outgoing and incoming Property Manager. The completed and verified joint inventory shall be forwarded to the Finance Department within 10 days after the appointment of the new Property Manager.

Depreciation

Depreciation will be recorded in the fixed asset program. The maintenance of depreciation schedules will be handled by the Finance Department and will be used in the evaluation of all future budget submissions.

Classification and Coding

Coding: A standardized classification and coding system will be used. Adherence to standardized classification and coding promotes uniformity, consistency and systematic compilation of data. These standards are concerned primarily with asset classification, source of funds, property identification numbers and other coding considerations. A unique number is assigned to each asset. The number remains with the asset regardless of its location. When an asset is transferred from one fund to another, the original asset is retired. The transferred asset is added using the original asset number with an extension of A, B, C, etc. The acquisition date of the transferred asset will be the transfer date. There are three types of assets maintained in the asset records system. Type 2 and type 3 assets are not included in the Financial Reports as fixed assets, but are expensed in the year of purchase.

Classes of Property

Type 1 - Controlled assets that meet the capitalization criteria. Type 1 Assets cost $20,000 or more, are not maintenance items, and have an estimated life of more than three (3) years.

Type 2 - Controlled assets with a cost of $500 or more but less than $20,000 with an estimated life of more than three (3) years that are susceptible to loss. Type 2 assets may include calculators, typewriters, computer equipment, T.V.s, VCRS, lawn mowers, line trimmers, radios, pagers, and small electrical tools, etc. After 5 years, assets may be transferred to a type 3 asset.

Type 3 - Assets that do not meet the above criteria. The Department Head decides whether to include these assets in the centralized reporting system or maintain records within the department.

Source of Funding:

01	Operating Funds
02	Lease Purchase
03	Certificates of Obligation (CO)
04	Issue of Debt
05	Revenue Sharing
06	Contributions
07	Grants
08	Other

Assets are categorized by type using a category table maintained in the Fixed Asset Program.

Reporting Requirements

Annual Reporting

Annually, the Finance Department will provide to each department a current fixed asset listing of capitalized assets. An inventory of the listed property shall be conducted and discrepancies resolved. The listing shall be signed by the Department Head verifying the property on hand. Once completed, the original signed copy of the asset listing and any corrections are to be returned to the Finance Department. Changes will be entered and a corrected listing sent to the department.

At least annually the following departments will conduct inventories of Type 2 assets including specialty items and forward a copy to the Finance Department. Written departmental policy outlines the record keeping system and procedures to be followed.

- Parks Department - Inventory and status of condition of park equipment (playground equipment, picnic tables, etc.)

- Police Department - Inventory of specialty equipment such as light bars/sirens, barrier cages, articles of clothing, cell phones etc.

- Fire Department - Inventory of hoses, adapters, nozzles, etc. by truck. Inventory of specialty items such as articles of clothing, cell phones, and radios.

- Management Information Services (M.I.S.) - Details of P.C.'s and their component parts.

- Cultural Services - Works of art. **Policy recommends an appraisal be done every five years on art pieces with an acquisition value of more than $1,000 (See Chapter 5).**

Periodic Reporting

Periodically the Finance Department will conduct physical inventories of assets. Particular categories of items may be selected. A written report will be provided to the Department Head and City Manager upon completion of these inventories. Noncompliance with the procedures will be noted and taken into consideration in yearly personnel reviews.

When a Property Manager is to be replaced for any reason, the Department Head shall notify the Director of Finance to provide a current fixed asset listing so that joint inventory may be conducted by the outgoing and incoming Property Manager. The completed and verified joint inventory shall be forwarded to the Finance Department within 10 days after the appointment of the new Property Manager.

CHAPTER 2-

GUIDELINES FOR

ACCOUNTING FOR ASSETS

Guidelines for Accounting for Assets

Land: The land account includes land purchased or otherwise acquired by the City. Purchased land is carried in the records at cost. Donated land is recorded at the appraised market value of the land at the time of its donation. Deeds and land purchases, easements and right-of-way records are maintained by the City Secretary.

Buildings: The buildings account includes the value of buildings at purchase price or construction cost, plus improvements made to the buildings.

Improvements Other Than Buildings/Infrastructure Improvements: The "improvements other than buildings" accounts are used to record such items as infrastructure (e.g., parking lots, sidewalks) and site improvements (e.g., fences). Usually, values are recorded on a "cost-of-construction basis." Items not included are landscaping, demolition and land acquisition **(**included in the land section), and movable equipment such as park equipment (included in the equipment classification). The City records infrastructure improvements at original cost. Infrastructure improvements include streets, sidewalks, drainage, signalization street lighting, park development, water lines, sewer lines, etc. Infrastructure improvements shall be grouped. Street improvements, water lines, sewer lines, etc. will be cumulative. Depreciation will be recorded in the proper fund.

Machinery Equipment and Accessories: The machinery and equipment account consists of property that does not lose its identity when removed from its location and is not changed materially or expended in use. This property is recorded at cost, including freight, installation and other charges incurred to place the asset in use. If an asset is acquired through donation, an appraised value is established as of the donation date and assigned to the asset. Machinery and equipment is categorized in several different general ledger codes. The categories are used to group "like" assets. Accessories for vehicles including tool boxes, etc., when purchased at the time the vehicle is purchased, will be included in the cost of the vehicles. Accessories added later follow the regular capitalization policy.

Pumps and Motors: Pumps and motors that are component parts of a facility are included in the cost of the facility. Portable pumps and motors are capitalized according to the capitalization policy.

Park Equipment: Playground Equipment at the parks follows general capitalization rules. The Parks Department shall maintain a reporting system that identifies the condition of the equipment. At least annually, an inventory and status of condition of equipment report will be prepared.

Park Improvements: Park Improvements include improvements-to-land and improvements- on-land and do not include buildings. Improvements-to-land will be cumulatively grouped by park. Cost of improvements including lighting and fencing are added to the combined cost per park.

Furniture: Accountability for all furniture is the responsibility of the Property Manager and Department Head of the department to which an asset is assigned.

The following classifications are used:

Unit Cost Over $20,000 -	Must be included as a Type 1 Capital Asset. After 5 years, the item may be classified as a Type 2 asset. When fully depreciated, the asset may be classified as a Type 2 asset.
Unit Cost Between $500 & $20,000 -	Must be included as a Type 2 asset. After five years, the item may be classified as a Type 3 asset.
Unit Cost Under $500 -	Department discretion as to whether or not to include the asset on the centralized reporting system.
Furnishings Attached to the Building -	Shelves, files, tables, etc., shall not be included on the asset listing.

Classification as a Type 3 asset in no way negates obligation of accountability. If the Department elects not to include furniture as a Type 3 asset in the centralized reporting system, an alternative method of accountability must be established at the department level.

Specialty Items: Accountability for all specialty items, is the responsibility of the Property Manager and Department Head of the department to which an asset is assigned. The capitalization policy in no way negates obligation of accountability. If a Department Head elects not to include assets on the centralized reporting system, alternative methods of accountability must be established at the department level. A written departmental policy is required.

Police Department Examples:	Fire Department Examples:
Light bars/sirens	Hoses
Barrier cages	Adapters
Articles of clothing	Nozzles, etc.

The Police and Fire Departments shall maintain an internal record keeping system for control of assets costing less than $20,000. A written departmental policy outlines the record keeping system and procedures to be followed. At least once annually, all departments shall independently verify the correctness of the list and report its findings to the Finance Department.

Management Information System (MIS) or person serving in such a capacity will work in conjunction with the Purchasing Agent and will adhere to the following policies concerning departmental purchases. For asset purposes it is assumed that a computer system consists of the "processor box."

- All computer descriptions on the asset system will be very generic (e.g. PC-486).
- M.I.S./Purchasing will continue to maintain a database and files for computers with specific purchase information and historical data.

- Normal maintenance parts for an existing computer will not change the asset value. If the part significantly enhances the system an ADD asset sheet will be initiated to show the value change and the existing asset number will be referenced. The adjustment will be recorded as an improvement to the original asset in the system.

- Any purchase of a computer system over $20,000 will be coded to the 6402 code with an asset Type 1. Purchases less than $20,000 will be coded to the 6103 code with an asset Type 2. Both will be assigned a new asset number. Printers and other external peripherals will adhere to the same coding guidelines.

- Commonly transferred equipment, including personal computers, printers and other external peripherals, will be accounted for in a central department (i.e. 111-General Administration, 112-Permits, 151 – Public Works).

  All fully depreciated assets may be transferred to the General Fund centralized department.

  Transfers of assets not fully depreciated should not routinely occur between funds.

- All asset forms concerning computers and related equipment shall be initiated or reviewed by M.I.S./Purchasing before any changes are made to an existing asset.

- Listings of software licenses held by the City will be maintained by the Purchasing Department and will be included on the fixed asset listing if the capitalization criteria is met.

- Computer equipment bought for a specific department's needs, will be assigned to that department. Ex. Engineering computers and Finance computers.

- Computer equipment bought in the Enterprise Funds shall be depreciated over three years.

- All General Fund computers will be bought out of the departmental computer budget. If the money is budgeted in another department, a budget transfer will be done.

The M.I.S./Purchasing Department shall maintain an independent tracking system that details P.C.'s and their component parts. Annually, M.I.S. will verify the correctness of their records with a list signed by the designated Property Managers and forward a copy to the Finance Department for reconciliation to the centralized listing for capitalized assets. A written departmental policy is available. It will be the responsibility of the Department Head and Property Manager to monitor compliance with this departmental policy.

Art Pieces: Art pieces with a value of $20,000 or more when received will be included as a Type 1 asset. Art not meeting the capital criteria will be accounted for by the General Administration Department following the departmental policy.

C H A P T E R 3 -

ACQUISITIONS, MODIFICATIONS, RETIREMENTS and TRANSFERS

Acquisitions, Modifications, Retirements and Transfers

Accurate reporting of the changes to the fixed asset system is the cornerstone of the maintenance procedure. These changes include the recording of new assets, changes, transfers and disposals. A key to a usable system is the recognition that the system is not static. Lack of attention to maintenance of the records will result in overstatement or understatement of the investment in assets and lack of control of assets which may lead to loss of assets.

Standardized Forms Required

Standardized forms are provided to report updates to the fixed asset system.

Use of the following forms is required:

- Additions/Purchases
- Changes
- Transfers
- Disposals
- Auction Disposal Items

Required Authorizations

Before transactions are recorded, specific authorizations arerequired.

- Additions/Purchases: Property Manager and Department Head or their designees of the Department to which the asset is assigned and the Purchasing Agent.
- Changes: Property Manager and Department Head or their designees of the Department to which the asset is assigned.
- Transfers: Property Manager and Department Head or their designees of both the "transfer to" and "transfer from" department.
- Disposals : Property Manager and Department Head or their designees of the department to which the asset is assigned.
- Auction Disposal Items: Property Manager and Department Head or their designees of the department to which the asset is assigned and the Purchasing Agent.

Additions

Current Year Additions: All assets acquired during the current fiscal year are defined as current year additions. These include purchases of new as well as used assets, donated assets and assets acquired through capitalized lease-purchase agreements.

To submit additions to the existing property record, it is necessary to indicate the accountnumber and type of asset, quantity, description of the asset, original cost including all associated charges (e.g., freight, or other fees) and date of acquisition. When recording the description, it is important to include the manufacturer's name, serial number, and model number, if applicable. For assets which have no identification numbers, a description of the assets in terms of sizes or capacities shall be indicated. Brand names as opposed to vendor names shall be used.

Prior Year Additions: Any asset acquired in a period prior to the current fiscal reporting period is a prior year addition. These assets can be added to the asset system. These additions will utilize the same basic addition report form as used for current year additions. The purchase date will reflect year added. Original date is included in the description.

Tagging of Assets: Responsibility for the proper tagging of all assets rests with the department.

Procedures:

1. Use the correct standardized form.
2. Asset Numbers will be assigned by the Finance Department.
3. Complete form in detail.
4. Unit Numbers for vehicles and certain equipment shall be assigned/maintained by the City Secretary or their designee. The City Secretary or their designee shall complete the information section for assets that have been assigned a unit number.
5. Properly tag the asset- indicating the tag # on the form.
6. The ADD Form should be sent to the Finance Department when the payment authorization is sent to Accounting. The form shall be attached to the front of the receiving report/P.O.
7. General Explanation of form.
   - Indicate from which general ledger account the asset was purchased.
   - Make sure your purchase is correctly coded. Check with accounting if there is aquestion.
   - Indicate the department to which the asset is assigned and the department from which the asset is purchased.
   - Indicate the date of purchase and cost.
   - List the asset type. Remember that only Type 1 assets should have been coded to the 6400 series of accounts. Compare your asset type with your cost to make sure both are correct.
   - Attach a copy of the Invoice/P.O. to the form.
   - Give an accurate and sufficiently detailed description that will allow you to identify this asset in future years. The model and serial number should be included here. Include any tagging information in the description.
   - Use the location field and the room number fields in a manner that will assist you when you do your physical inventories.
   - Make sure all authorization signatures are on the form.

CITY OF **TOMBALL**
ADDITION/PURCHASE OF FIXED ASSET

DATE OF PURCHASE:_____ COST: _____

ASSET TYPE: (Circle One) 1 2 3 VENDOR NAME:

(Attac h copy of invoice)

DESCRIPTION: _____

DEPARTMENT ASSET ASSIGNED:___ ___,;LOCATION: _____

GENERALLEDGERACCOUNTPURCHASEDFROM: _____

Is this a budgeted item? Y N Ifno, was a budget transfer done? Y N

SPECIAL NOTE:_____

(Limited to 25 chal'acters)

****TO BE COMPLETED BY CITY SECRETARY ON ASSETS WITH UNIT #'S ****
Send *original* to FINANCE

UNIT #:_____....,MAKE:_____ YEARIMODEL: _____

LICENSE #**:**_____ **VIN#:**_____

TYPE OF FUEL: **Regula1·Unleaded Diesel** OFF ROAD: yes **no** LEV: yes **no**

VEHICLE MAINTENANCE TYPE CODE:

AUTHORIZATION:

Fleet Maintenance Superintendent/Date DRIVER:

AUTHORIZATION:

_____ _____

Department Head/Date Property Manager/Date

****FOR FINANCE DEPARTMENT USE ONLY****

Asset# Assigned:_____ Date Posted to System:_____.By: _____

CAFR Category: Detail Category:._____ DEPR: _____

Capitalize: Y N Spreadsheet: Y N Funding Source:___ DEPR Cost Center: _____

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Changes

Often, changes are made to an existing record. Usually, these changes are corrections to the original recording. Changes may include, but not necessarily be limited to the following:

- Error in classification of asset.
- Correction of description.
- Serial Number or Model number to correct typographical error.
- Location or series number changes (excluding change to transfer to another department. This change would require TRANSFER FORM).

Procedures:

1. Use the correct standardized form.
2. Complete form in detail.
3. Forward the form to the Finance Department.
4. Make sure all authorization signatures are on the form.

CITY OF TOMBALL

CHANGES TO FIXED ASSET

ASSET# TO BE CHANGED:	
_DEPARTMENT ASSET ASSIGNED TO:	
_DESCRIPTION:	
CHANGES TO BE MADE:	
AUTHORIZATION:	
Department Head/Date	Property Manager/Date

1 Directions for Completing This Fo1·m

1. Complete this fonn for any changes to an asset description, with the following ***exceptions:***
   - **a.** Location in another department (**do Transfer of Fixed Asset form)**
   - b. Model number and/or Serial number changes other than to con-ect typographical en-ors or wan-anty replacement
2. Send original form to Finance Department.
3. Make sme all authorization signatures are onform.

****FOR FINANCE DEPARTMENT USE ONLY****

Date Posted to System: _____ NOTE: _____

By: ----------

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Transfers

Transfers are defined as any movement of an asset between departments. A transfer may be a full or complete transfer or a partial transfer of an item. Changes of a location or room number within a department should be done on a change form.

Procedures:

l. Use the correct standardized form.
2. Complete form in detail.
3. Forward the form to the Finance Department.
4. Make sure all authorization signatures are on form.

Transfers must be approved and accepted by both the Department Heads and Property Managers of the transferring and receiving Departments.

CITY OF TOMBALL
TRANSFER OF FIXED ASSET

ASSET# OF ITEM TRANSFERRED: _____ DATE OF TRANSFER:

DESCRIPTION: (Includemodel#,serial#,etc.) _____

DEPT. # TRANSFERRED FROM: _____ DEPT# TRANSFERRED TO:

___ AUTHORIZATION: (Transferring Department)

_____

Department Head/Date Property Manager/Date

AUTHORIZATION: (Receiving Department)

_____ _____

Department Head/Date Property Manager/Date

J **Directions for Completing This Fo1·m**

1. Complete this fonn on every asset transfeITed from one department to anotherdepartment.
2. Make sw-e *botll_the* transfeITing and receiving authorization signatures are on fonn.
3. *If the transfer is on a vehicle, send a copy of form to the Ci(ySecretary. This is important for vehicle maintenance* ***records.***
4. Send original form to Finance Department.

****FOR FINANCE DEPARTMENT USE ONLY****

Asset# Assigned:_____ Date Posted to System:_____ By:_____

CAFRCategory:_____ Detail Category:_____ Type Code: 1 2 3

Fund to Fund: Y N Acq Value: Book Value: Prev DEPR: __ _

CAFR Class:_____ Spreadsheet Updated: Y N Journal Entry Done: Y N

Revll-02 Journal Entry#___ Pkt # __ _

Disposals

Disposal of Items Through Auction

It is the policy of the City to dispose of items through public auction if there is potential use for an asset that is being disposed of.

- The Property Manager shall prepare a "DISPOSAL THROUGH AUCTION FORM" that is to be signed by the Property Manager and Department Head. A copy of the form shall be sent to the Finance Department noting when the asset will be transferred to the Purchasing Agent for safekeeping. The asset will not be removed from the fixed asset records until verification from the Purchasing Agent that the asset has been sold or properly disposed.

- This original form shall be sent to the Purchasing Agent at the time the asset item for auction is delivered to the Purchasing agent.

- The Purchasing Agent shall send the completed original Disposal through Auction form to the Finance Department.

- The Purchasing Agent shall determine if there are alternative uses for the asset. If not, the asset is to be disposed of as soon as possible.

- A detailed list of items to be sold shall be sent to the Finance Department before each auction. The asset shall be removed from the asset report at this time.

- The Purchasing Agent/Finance Department shall establish a control system to assure all assets that have been accepted for safekeeping are disposed of properly. At the end of each fiscal year, the Purchasing Agent shall prepare and send a report to the Finance Department, detailing assets received during the fiscal year and the disposition of these assets.

Disposal

All items that are not sold at public auction but that are otherwise disposed of including items that are traded-in, scrapped, abandoned or in any way removed from service during the current fiscal reporting period are classified as disposals. Disposals can be either full or partial.

- Property shall not be transferred, turned-in or disposed of without prior approval of the Department Head.

- A disposal form should be completed by the Property Manager and sent to the Finance Department.

Procedures:

l. Use the correct standardized form. There are two forms. Determine the correct form. Disposals through auction must be completed on the correct form.
2. Complete form in detail.
3. Forward the form to the Finance Department.
4. Make sure all authorization signatures are on the form.

CITY OF TOMBALL
FIXED ASSET DISPOSAL THRU AUCTION

DATE TRANSFERRED
ASSET# OF AUCTION ITEM:_____ TO PURCHASING: _____
(Date Asset "'ill be retired)

DESCRIPTION: (Includemodel#,serial#,etc.)_____

Dept. AssetAssigned:--==========

IS ITEM IN WORKING CONDITION? Yes No

AUTHORIZATION: (Iransfen-ing Department)

_____
Department Head/Date

Property Manager/Date

****TO BE COMPLETED BY PURCHASING DEPARTMENT****

STORAGE LOCATION: _____

ACKNOWLEDGMENT OF RECEIPT OF ITEM:

_____
Purchasing Depa1tment/Date

Auction Date (Date Item Sold)

1 Directions for Completing This Fo1·m

1. Complete this fonn on *every* item sent for auction. This form should be completed prior to the item being sent to Purchasing for storage.
2. Purchasing will acknowledge receipt of item and a c◆ of f01m is sent to Finance Department.
3. Once item is sold at auction, ***original form*** will be completed with date of sale and send to FinanceDepa1tment.
4. Make sure authorization signatures are on f01m.

****FOR FINANCE DEPARTMENT USE ONLY****

Retire Date:_____ Date Posted to System:_____ By: _____

CAFR Category:_____ Detail Category:._____ Type Code: 123

Dept#:____ _ Acq Value:_____ Book Value:_____ Prev DEPR: _____

CAFR Class:_____ Spreadsheet Updated: YN Journal Entry Done: Y N

Rev 11-02 Journal Entry #_____ Packet#_____

CITY OF TOMBALL
DISPOSAL OF FIXED ASSET

ASSET# OF DISPOSED ITEM:_____ DATE OF DISPOSAL: _____
(Date Asset will be retired)

DESCRIPTION: (Include Model#, serial#,etc.)_____

REASON FOR DISPOSAL: _____

DEPARTMENT ASSET ASSIGNED:

METHOD OFDISPOSAL: _____

AUTHORIZATION:

_____ _____
Department Head/Date Property Manager/Date

Directions for Completing This Fo1·m

1. Complete this fonn on ***every*** asset ***physically*** disposed of. **(USE FIXED ASSET DISPOSAL THRU AUCTION FORM for auction items)**
2. Send original fo1m to Finance Department.
3. Make sure authorization signatures are on f01m.

****FOR FINANCE DEPARTMENT USE ONLY****

Retire Date:._____ Da.te Posted to System:_____ By:_____

CAFR Category:_____ Detail Category:_____ Type Code: 123

Acq Value:_____ Book Value:_____ Prev DEPR: _____

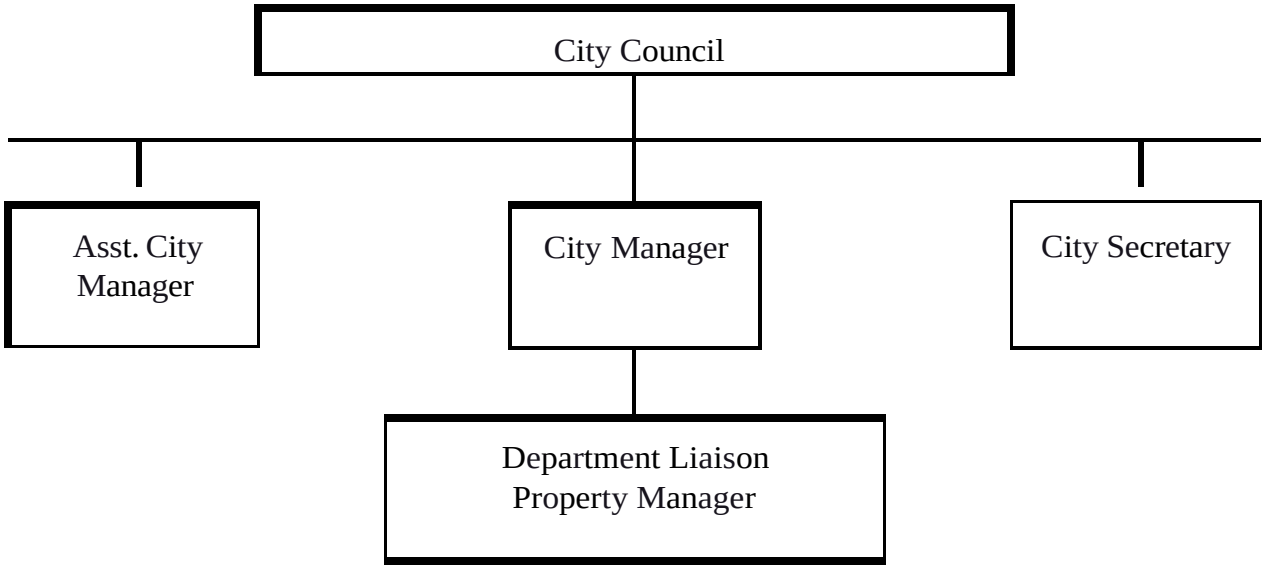
CAFR Class: Spreadsheet Updated: Y N Journal Entry Done: Y N

Rev 11-02 Journal Entry #_____ Packet# _____

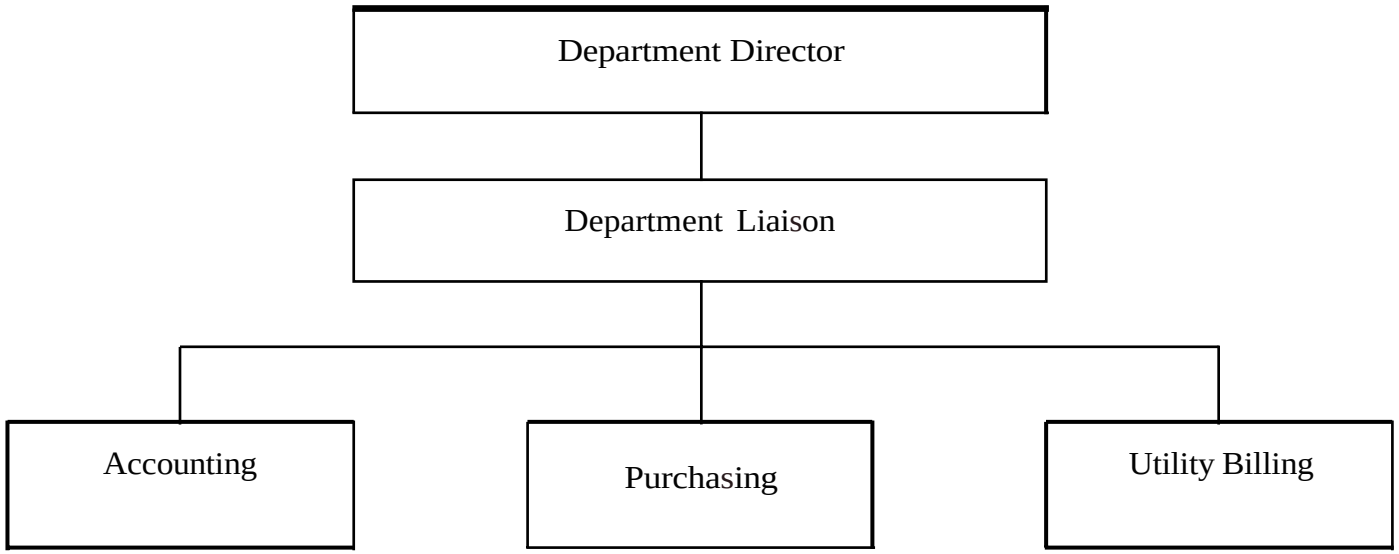
CHAPTER 4 -

DEPARTMENTAL PROPERTY MANAGERS

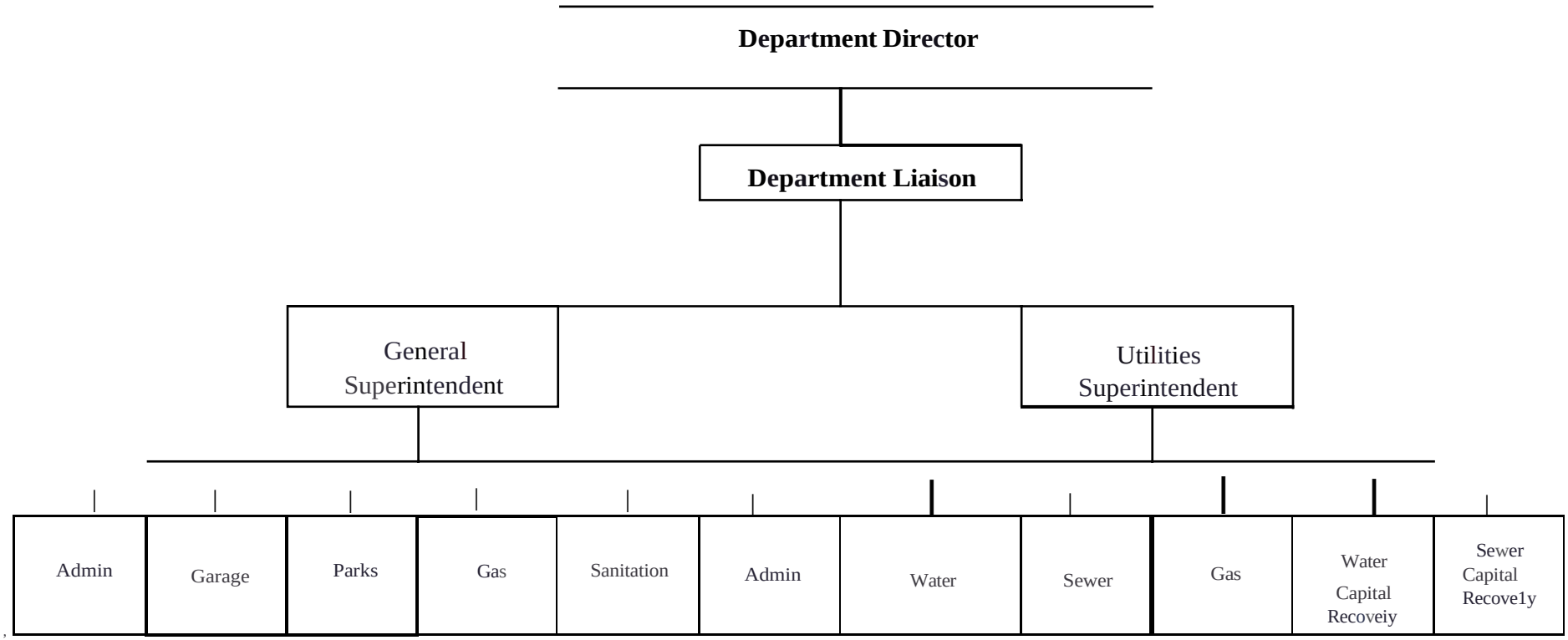
CITY COUNCIL/ADMINISTRATION



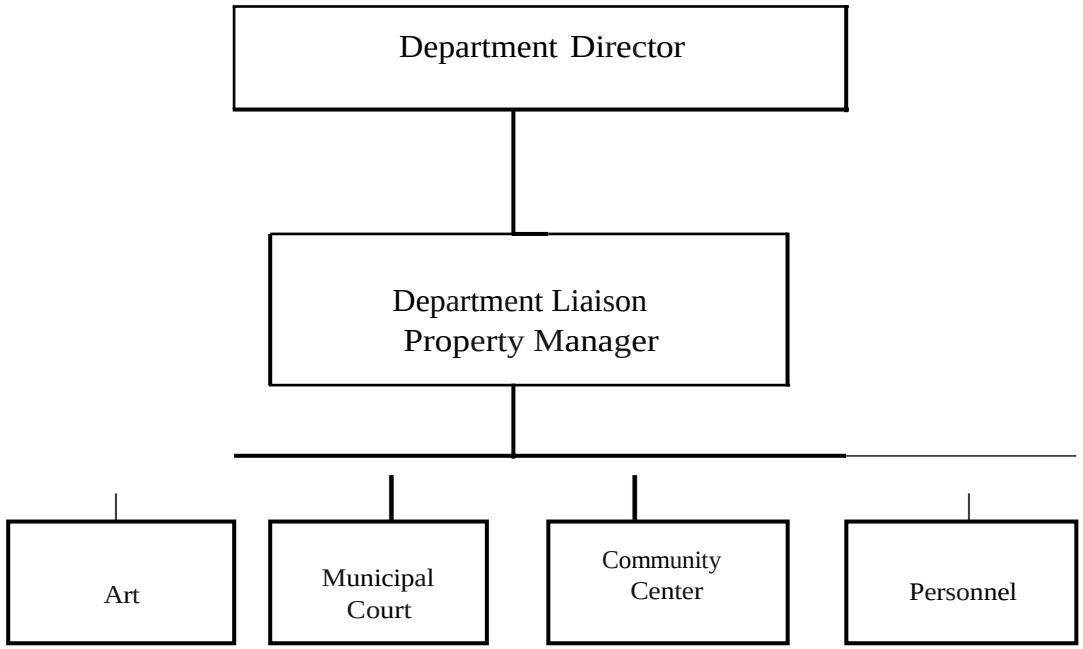
FINANCE DEPARTMENT



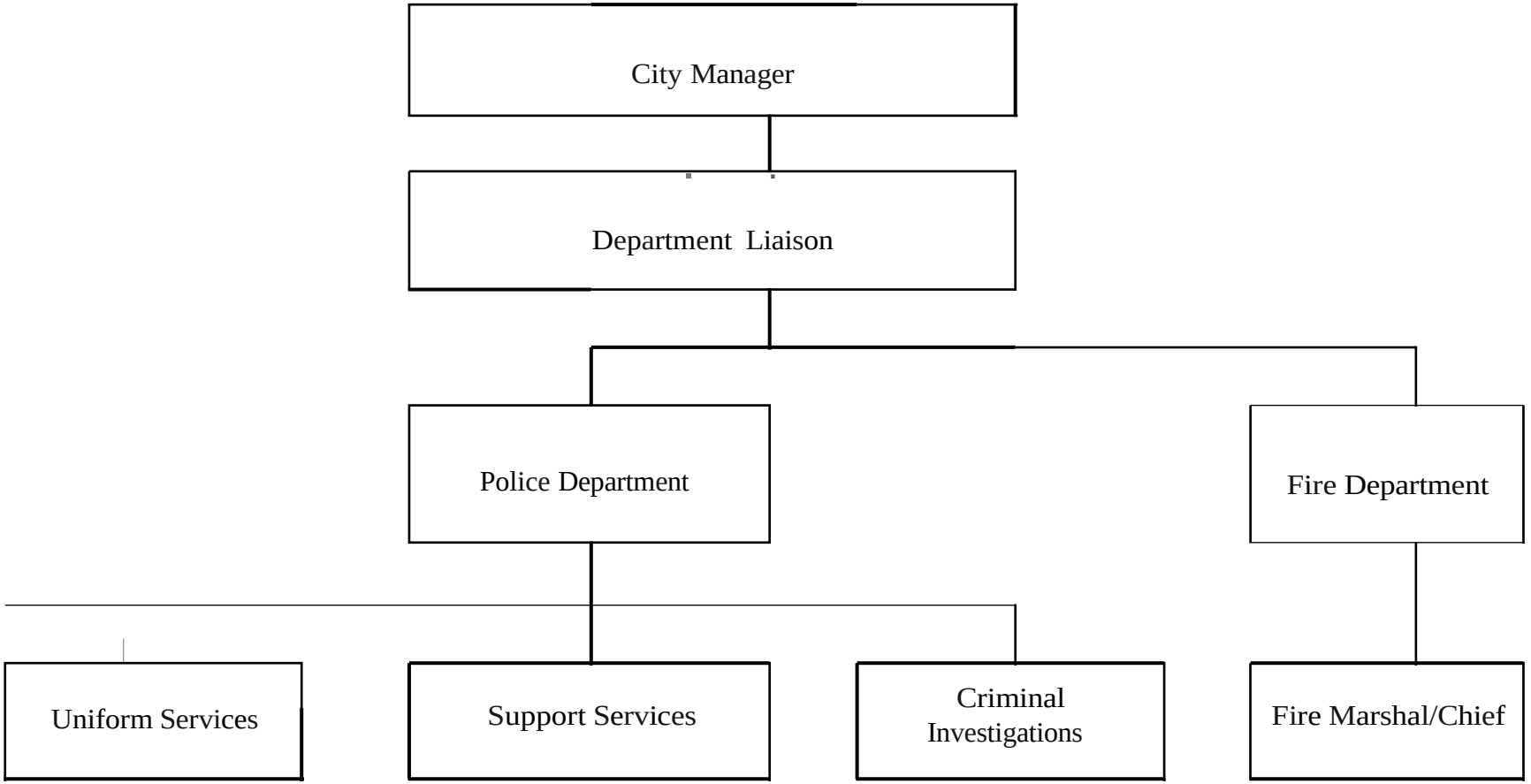
PUBLIC WORKS DEPARTMENT



ADMINISTRATION DEPARTMENT



PUBLIC SAFETY DEPARTMENTS



C H A P T E R 5 -

DEPARTMENTAL POLICIES

ADMINISTRATION DEPARTMENT

DEPARTMENTAL POLICY

Type 3 Assets: Type 3 assets will not be maintained as part of the centralized reporting system. A separate listing will be maintained within the department. The Department Liaison will maintain the list.

Personal Property: The Department Liaison will maintain a listing of personal property that the employees within the Administration Department have on City property. The department will assume no responsibility for loss or damage to personal property.

_____

Signature/Date

FINANCE DEPARTMENT

DEPARTMENTAL POLICY

Type 3 Assets: Type 3 assets will be maintained as part of the centralized reporting system. The Department Liaison will maintain the list. Property that would otherwise be classified as a Type 2 asset except for cost will be included on the centralized list.

Personal Property: The Department Liaison will maintain a listing of personal property that employees within the Finance Department have on City property. The department will assume no responsibility for loss or damage to personal property.

_____

Signature/Date

PUBLIC WORKS DEPARTMENT

DEPARTMENTAL POLICY

Type 2 Assets Costing between $500 and $20,000: Assets that would otherwise be classified as controllable assets will be accounted for using the centralized reporting system. An inventory will be conducted at least once annually.

Furniture: Furniture items will be accounted for using the centralized reporting system maintained by the Finance Department. An inventory will be conducted at least once annually.

Items Costing Less than $500: Department will include the asset on the departmental inventory list.

Personal Property: The department liaison will maintain a listing of personal property that the employees within the Public Works Department have on City property. The department will assume no responsibility for loss or damage to personal property.

_____

Signature/Date

Type 2 Assets Costing between $500 and $20,000: Assets that would otherwise be classified as controllable assets will be accounted for using the centralized reporting system. An inventory will be conducted at least once annually.

Furniture: Furniture items will be accounted for using the centralized reporting system maintained by the Finance Department. An inventory will be conducted at least once annually.

Items Costing Less than $100: Department will include the asset on the departmental inventory list.

Management Information Systems (M.I.S.)

M.I.S. or the person designated as such by the city will maintain an internal record of all maintenance and components parts in each system. M.I.S. will preserve warranty cards, component histories, serial numbers, etcetera, concerning all computers. M.I.S. will adhere to the Purchasing/MIS policy concerning the coding of Type 2 assets for computer related items. However, printers and some other peripherals with a cost less than $200 will be coded a Type 3 and listed on the centralized fixed asset listing.

Art Pieces

The City of Tomball currently owns works of art which are listed in fixed assets records. The works were acquired through commissions, purchases, gifts, and grants. The typical art should increase in value with increasing years. Works of art should be inventoried according to the following guidelines:

1. All art pieces should have a Code 4 designation.

2. Care should be taken in attaching any inventory identification to the art itself; gummed labels or other separate identifying attachments, if necessary to be affixed, should be affixed to the backs of frames only. (No attachments should be made to pottery, sculpture, or two dimensional art.)

3. Information recorded may include:
   - Type of Art;
   - Title of Work;
   - Artist;
   - Medium;
   - Location and Size;

- Fund Source/Gift or Grant Source;
- Acquisition Date;
- Acquisition Cost, Acquisition Value, Current Value, if applicable;
- Any other special information including maintenance references, if applicable.

4. Recommended: Appraise every five years any art piece with an acquisition value of more than $1000; consider appraisal of other works as appropriate.

5. At least once annually a complete physical inventory shall betaken.

Personal Property: All employees in the Purchasing/MIS Department shall make a list of all personal property that is used or stored on City property. This list should include a complete description of the property. Personal property could include but is not limited to the following items: tools, furniture, books, photos, pictures, prints, plaques, wall hangings, radios, clocks, pens, pencils, computers, calculators, plants, and so forth. Personal property is not covered by the City insurance and should a loss occur by fire, theft or any other calamity, the City of Tomball accepts no responsibility. This list shall be furnished to the supervisor and a physical inventory shall be made at the same time the City assets are inventoried. Each employee will be responsible for revising their own personal property inventory list when changes occur and providing the revised inventory list to their supervisor. In addition to the list it would be advisable to stencil or label all items of personal property to avoid any confusion at the time of inventory.

_____

Signature/Date

POLICE/FIRE DEPARTMENTS

DEPARTMENTAL POLICY

Specialty Equipment: Specialty equipment including light bars, sirens, prisoner transport wire barriers, clothing/uniforms, protective vests, fire hoses, nozzles, adapters, etc., will be accounted for by use of an internal reporting system. Department Captains will be responsible for assets in the Police Department. The Fire Chief will be responsible for items in the Fire Department. An inventory by fire truck will be maintained in the Fire Department. Equipment not included in the centralized reporting system will be inventoried at least once annually.

Furniture/Fixtures: Furniture/fixtures classified as Type 2 assets will be maintained through the centralized reporting system. At least once annually an inventory will be conducted.

Small Equipment: Small items costing less than $200 including cameras, calculators, etc., will be included in the centralized reporting system maintained by the Finance Department.

Personal Property: The Tomball Police Department reserves the right to inspect all items removed from the Police Department by an employee upon the time of their resignation or termination from employment.

Employees, who use personal items in their employment over the value of $100.00 dollars, must register this equipment with their Department Captain. An Officer's firearms are an exception to this rule.

_____

Signature/Date

Auction Procedures

Departments having items to be disposed of by auction need to fill out "**DISPOSAL THROUGH AUCTION FORM**" with complete description including serial and model numbers. Form must include the Department Head signature. The item and auction form is taken to City Hall on the second Thursday of each month at 3:00 p.m. to meet with the Purchasing Agent. These items are verified and then stored in a designated locked area in the department (Police, Fire, etc.) awaiting City auction. (If for some reason an item cannot be taken to the warehouse, department supervisor must contact the Purchasing Agent for inspection and verification at present location.). The Purchasing Agent determines if there are alternative uses for the asset.

The Purchasing Agent will sign the auction form verifying receipt of property. A copy will be sent to the Finance Department and the original filed in the Purchasing Agent's office until auction date.

A list of items to be auctioned will be sent to all departments. If no other department can use any of the items, all will be placed on auction list for disposal. If any items can be used by other City offices, an asset transfer sheet must be processed and sent to the Finance Department.

Once auction has taken place and a completed list of items sold is received from auctioneer, the original auction forms will be completed with auction date and sent to the Finance Department for processing. A copy of the list of auctioned items will also be sent to the Finance Department.

Procedures:

1. Fill out "DISPOSAL THROUGH AUCTION FORM" completely and obtain Department Head signature for approval.

2. Take item and form to purchasing on the 2nd Thursday of each month at 3:00 p.m. to be turned over to Purchasing Agent.

3. Items are stored in a locked designated storage are awaiting auction date.

4. Copies of auction forms are sent to Finance Department and warehouse manager by the Purchasing Agent.

5. List of items to be auctioned are sent to each department confirming items to be sold and examination of list in case any other department can use any of theitems.

6. Items are turned over to auctioneer for disposal. Once auction has occurred and list of items sold is sent to Purchasing Agent, auction forms are completed and forwarded to Finance for final processing. A copy of the auctioneer's list of items sold will also be sent to the Finance Department.

CHAPTER 6-

FORMS

CITY OF TOMBALL
ADDITION/PURCHASE OF FIXED ASSET

DATE OF PURCHASE:_____ COST: _____

ASSET TYPE: (Circle One) 1 2 3 VENDOR NAME: _____
(Attach copy of invoice)

DESCRIPTION: _____

DEPARTMENT ASSET ASSIGNED:_____ LOCATION: _____

GENERAL LEDGER ACCOUNT PURCHASED FROM: _____

Is this a budgeted item? Y N If no, was a budget transfer done? Y N

SPECIAL NOTE: _____
(Limited to 25 characters)

**TO BE COMPLETED BY CITY SECRETARY ON ASSETS WITH UNIT #'S **
Send *original* to Finance Department

UNIT#:_____ MAKE:_____ YEAR/MODEL: _____
LICENSE #:_____ VIN#: _____

TYPE OF FUEL: **Regular Unleaded Diesel** OFF ROAD: yes **no** LEV : **yes no**
VEHICLE MAINTENANCE TYPE CODE: _____
AUTHORJZATION:

Fleet Maintenance Superintendent/Date Driver:

AUTHORIZATION:

_____ _____
Department Head/Date Property Manager/Date

****FOR FINANCE DEPARTMENT USE ONLY****
Asset# Assigned:_____ Date Posted to System:_____ .By: _____
CAFR Category: Detail Category:_____ DEPR: _____
Capitalize: Y N Spreadsheet: Y N Funding Source:___ DEPR Cost Center: ____ _
Rev 11-02

CITY OF TOMBALL

CHANGES TO FIXED ASSET

ASSET# TO BE CHANGED: _____

DEPARTMENT ASSET ASSIGNED TO: _____

DESCRIPTION: _____

CHANGES TO BE MADE: _____

_____

_____

AUTHORIZATION:

_____ _____

Department Head/Date Property Manager/Date

1 Directions for Completing This Fo1·m

I. Complete this fonn for any changes to an asset description, with the following ***exceptions:***
   a. Location in another depa1tment/department (**do Transfe1·of Fixed Asset form)**
   b. Model number and/or Serial number changes other than to con-ect typographical en-ors or wa1rnnty replacement
2. Send original form to Finance Department.
3. Make sure all authorization signatures are on form.

****FOR FINANCE DEPARTMENT** USE **ONLY****

Date Posted to System: _____ NOTE: _____

By: ----------

Rev 11-02

CITY OF TOMBALL
TRANSFER OF FIXED ASSET

ASSET# OF ITEM TRANSFERRED: DATE OF TRANSFER:

DESCRIPTION: (Include model#, serial#, etc.)

DEPT# TRANSFERRED FROM: DEPT # TRANSFERRED TO:

AUTHORIZATION: (Iransfen-ing Department)

Department Head/Date Property Manager/Date

AUTHORIZATION: (Receiving Department)

Department Head/Date Property Manager/Date

Directions for Completing This Fo1·m

I. Completethis fonnonevery asset transferred fromone department/department to another deprutment/department.
2. Make sw-e **bfl11**th**l**e transferring and receiving authorization signatures ru·e on form.
3. I/tile transfer is on a vehicle, send a copy of form to tlte Receptionist. This is important/or vehicle maintenance records.
4. Send original form to Finance Department.

****FOR FINANCE DEPARTMENT USE ONLY****

Asset# Assigned:_____ Date Posted to System:_____ .By:_____

CAFRCategory:_____ Detail Category:_____ Type Code: 1 2 3

Fund to Fund: Y N Acq Value:_____ Book Value:_____ Prev DEPR: ___ _

CAFR Class:_____ Spreadsheet Updated: Y N Journal Entry Done: Y N

Rev 11-02 Journal Entry #_____ Packet# _____

CITY OF TOMBALL
FIXED ASSET DISPOSAL THRU AUCTION

ASSET# OF AUCTION ITEM:_____ DATE TRANSFERRED TO PURCHASING: _____
(Date Asset "'ill be retired)

DESCRIPTION: (Includemodel#,serial#,etc.)_____

Dept. Asset Assigned: _____

IS ITEM IN WORKING CONDITION? Yes No

AUTHORIZATION: (Iransfen-ing Department)

_____
Department Head/Date

Property Manager/Date

****TO BE COMPLETED BY PURCHASING DEPARTMENT****

STORAGE LOCATION: _____

ACKNOWLEDGMENT OF RECEIPT OF ITEM:

_____
Purchasing Depa1tment/Date

_____
Auction Date (Date Item Sold)

Directions for Completing This Fo1·m

I. Complete this form on *every* itemsent for auction. This formshould be completed prior to the item being sent to Purchasing for storage.
2. Purchasing will acknowledge receipt of item and a **C21!!:** of f01m is sent to Finance Depa1tment.
3. Once item is sold at auction, ***original form*** will be completed with dateofsale and send to Finance Depa1tment.
4. Make sure authorization signatures are on form.

****FOR FINANCE DEPARTMENT USE ONLY****

Retire Date:_____.Da.te Posted to System:_____By: _____

CAFR Category:_____Detail Category:._____Type Code: 123

Dept#: _____ Acq Value:_____Book Value:._____Prev DEPR: _____

CAFR Class: ___ _ Spreadsheet Updated: Y N Journal Entry Done: Y N

Rev 11-02 Jownal Entry #_____.Packet# _____

CITY OF TOMBALL
DISPOSAL OF FIXED ASSET

ASSET# OF DISPOSED ITEM:_____ DATE OF DISPOSAL: _____

(Date Asset VI,fil be retired)

DESCRIPTION:(Include model#, serial#, etc.) _____

Reason for Disposal: .....

DEPARTMENT ASSET ASSIGNED: _____

METHOD OFDISPOSAL: _____

AUTHORIZATION:

_____

Department Head/Date

Property Manager/Date

_____

Directions for Completing This Fo1·m

I. Complete this fonn on *every* asset ***physically*** disposed of. **(USE FIXED ASSET DISPOSAL THRU AUCTION FORM FOR AUCTION ITEMS)**
2. Send original fonn to Finance Depaiiment.
3. Make sme authorization signatures ai·e on fonn.

****FOR FINANCE DEPARTMENT USE ONLY****

Retire Date:_____ Date Posted to System:_____ By:_____

CAFR Category:_____ Detail Category:_____ Type Code: 1 2 3

Dept #:_____.Acq Value:_____ Book Value:_____ Prev DEPR: _____

CAFR Class:____ _ Spreadsheet Updated: Y N Journal Entry Done: Y N

Rev 11-02 Journal Entry #_____ Packet# _____

CHAPTER 7-

APPENDIX

Appendix 1

TAGGING - IDENTIFYING NUMBERS

In general, the tagging method of an asset is to be a joint effort by Finance with the assistance of the Property Manager of the department. Tags should be in a prominent place.

There are two exceptions; Motor Vehicles and Computer Equipment.

- Motor Vehicles - The City Secretary will assign a unit #. The number shall be prominently displayed.

- Computer Equipment - numbers assigned by M.I.S or such person designated by the City.

Tags are premade by the Finance Department. They will be placed in an easily accessible spot and are not to be removed.

Appendix 2

CITY OF TOMBALL

ASSET LISTING INFORMATION

Asset Number
Primary Location Identification
Secondary Location Identification
Asset Description
Fund that Asset is Assigned
Department that Asset is Assigned
Category or Type of Asset
Original Cost of Asset
Date Asset was Acquired
Date Asset was Disposed
Method of Asset Disposal
If the Asset is Depreciable
Number of Units on Hand for Assets in the Aggregate
Notation to be Applied to Asset
Asset Tag Number
Asset Serial Number
Accounts Payable Vendor Number Documenting where the Asset was Purchased
Accounts Payable Invoice Number of Asset Purchase
Purchase Order Number used to obtain the Asset
General Ledger Asset and Depreciation Account Numbers
Depreciation Method for the Asset
Depreciation Accumulated to Date
Date of the Last Depreciation Entry
Life of the Asset in Months
Any Salvage Value Assigned to the Asset
Any Replacement Costs Assigned to the Asset
General, Acquisition and Disposition Notes to keep on file about the Asset

CITY OF TOMBALL ADMINISTRATIVE POLICIES, RULES AND PROCEDURES			
SUBJECT **DEVELOPMENT POLICY FOR SPECIAL FINANCING DISTRICTS**	NUMBER: 18	EFFECTIVE DATE: September 19, 2022	PAGE 1 OF 15
	REVISED: September 19, 2022	APPROVED BY CITY MANAGER: September 19, 2022	
	SUPERSEDES: March 21, 2022	APPROVED BY CITY COUNCIL: September 19, 2022	

I. I. Purpose

The purpose of the City of Tomball Public Improvements District ("PID") Policy is to outline the policy parameters and considerations to be addressed before the Tomball City Council can support the establishment or continuation of a PID as allowed by Chapter 372 of the Texas Local Government Code. The Policy outlines such things as general procedures, City processes, petition requirements, information to property owners, and determination of annual plan of services, budget, and assessments. This Policy sets forth City procedures and requirements which are in addition to the requirements of state law. Any aspect not specifically addressed by this Policy will be considered on an individual project basis.

The City may, on a case-by-case project basis, waive a requirement of this Policy if it does not conflict with state or federal law. Any requirements waived may be noted in the resolution approving the PID petition, or other relevant document, and must include a finding that the waiver is in the best interest of the City.

II. Considerations

The City of Tomball will consider PID applications that demonstrate compliance with at least 50% of the below criteria. Applicant must provide substantial and thorough justification for the PID request and financial gap that justifies PID financing.

a. Generate economic and superior development benefits to the City beyond what normal development would generate and must be self-sufficient and not adversely impact the ordinary service delivery of the City;
b. Provide for improvements in the public right of way (e.g. entryways, landscaping, fountains, specialty lighting, art, decorative and landscaped streets and sidewalks, bike lanes, multi-use trails, signage, etc.);
c. Meet community needs (e.g. enhanced drainage improvements, parks and off-street public parking facilities, pedestrian connectivity, water and wastewater on or off-site improvements) including without limitation development's pro-rata share of the regional facilities and services;
d. Implement City of Tomball master plans, including water, wastewater, parks, and trails;
e. Increase or enhance the City's transportation and roadway plans;
f. Exceed development requirements in the City, including but not limited to enhanced architectural standards, enhanced landscaping, enhanced amenities, and provide for the superior design of lots or buildings;
g. Preserve and protect natural amenities and environmental assets such as lakes, trees, creeks, ponds, floodplains, slopes, hills, and wildlife habitats;
h. Are willing to annex into the City of Tomball, if applicable, in exchange for the creation of a PID;
i. Provide for unique or special development amenities, including amenity centers, play areas, pools, picnic facilities; and
j. Have the support of 100% of the owners of the property within the PID.

Any requested deviations, adjustments, or special considerations from the terms and conditions of the City's PID Policy shall be clearly requested and explained prior to or with the PID petition for that PID.

III. Process

Generally, the City's will follow the process below for consideration of PIDs.

1. Applicant submits a completed PID petition, application, and supporting documentation.
2. Applicant pays a non-refundable PID Application Review Fee in the set amount adopted in the City's Master Fee Schedule.
3. The City will review the petition and application for compliance with statutory PID Petition requirements and requirements set forth in this Policy.
4. Upon the City approval of compliance with this Policy, City Council accepts the PID Petition.
5. City and applicant execute a Professional Services Reimbursement Agreement.
6. City and applicant execute a Development Agreement.
7. City and applicant work together to complete of required steps as set forth in Chapter 372 of the Texas Local Government Code and all steps and procedures set forth in City policy to create the PID.
8. City Council creates PID.
9. City Council levies assessments.

The City Council will not take any action to commence the creation of a PID prior to the approval of a final development agreement governing the development in question.

Completion of any individual step in the PID creation process is not a guarantee of PID approval. Creation of a PID is a discretionary action of City Council.

IV. Petition Requirements

Petitions for creating a PID must satisfy all requirements under Chapter 372 of the Texas Local Government Code.

The City may require:

a. Evidence that signature of property owners were gathered no more than six months preceding the submittal of the petition; or
b. Evidence that the petitioner's signatures meet the state law requirements, or the petition will be accompanied by a reasonable fee to cover the City's cost of signature verification.

VII. Application

In agreeing to consider a petition for creation of a PID, the City will require the following from the applicant at the time the petition is submitted. These requirements reflect the minimum requirements and the City, at its discretion, may require additional items:

a. A completed PID petition;
b. Payment to the City of a non-refundable PID Application Review Fee in the amount of adopted in the City's Master Fee Schedule;
    i. The application review fee is designed to cover all administrative or operational costs incurred by the City during the review period and beginning stages of the PID process until the escrow account is established; and
c. A PID application packet, which should include:
    i. A completed City of Tomball PID Application Form (Exhibit A);
    ii. Letter from developer requesting consideration of a PID and summary of the special benefits to be received by the development;
    iii. Evidence that the developer has the expertise, experience, necessary capital, and financial backing to complete the new development to be supported by the District financing. The developer must provide the City with adequate evidence of its committed and anticipated sources of funding to fund the balance of the improvements in the District not eligible to be funded by District issued financing;
    iv. A site plan or general plan of development that outlines, at a minimum, land use and thoroughfare connections and is consistent with the City's Comprehensive Plan, Strategic Plan, and all other City plans formally approved by City Council, as amended;
    v. Identification of how the project will contribute to funding the expansion of arterial and connector streets, major collector roadways or highways, and trunk line utility infrastructure, as applicable when necessary to address the projected demand for services and the impacts of the development;
    vi. Identify all project expenses and costs, including acquisition, construction, and any applicable long-term management cost;
    vii. Sources and uses budget and project pro forma detailing projected cash flows over the life of the proposed District including other public sources, private financing, and developer equity contribution to the project;

viii. Demonstration of financial capability, solvency, and generally the necessary capital to meet project costs through project completion;
    i. This could include, but is not limited to, at least three years of financial statements, complete sources and uses budget, and letters of credit or letters of support from bank or lending institutions.
ix. Demonstration of previous experience developing similar scale and types of projects;
x. Demonstration the proposed development is consistent with the zoning of the property;
    i. Zoning for the proposed development must be in place prior to PID creation or concurrent with PID creation, at the discretion of the City; and
xi. Indication of the estimated costs of proposed improvements, maximum assessment, maximum bond issuance, and maximum tax equivalent rate (in dollars, $).

The City shall, upon reasonable prior written notice to the developer and during normal business hours, have the right to audit and inspect the developer's records, books, and all other relevant records needed to make its assessment of the PID petition or application. The City, the developer, PID consultant, and any other necessary parties involved in the approval of the PID petition and financing, will agree to maintain the appropriate confidentiality of such records, unless disclosure of such records and information shall be required by a court order, a lawfully issued subpoena, local or state laws or ordinances, or at the direction of the Attorney General.

VIII. Professional Services Reimbursement Agreement & Deposit

If, during the initial review of the application, the City determines that it will proceed to pursue creation of a PID or the City determines it is its best interest to establish a PID, a professional services reimbursement agreement will be entered into with the applicant. The professional services reimbursement agreement will require the applicant to deposit funds with the City to pay for City staff time, third-party consultants, including but not limited to, legal study analysts, City Attorney, bond counsel, financial advisors, PID consultants/administrators, trustees, underwriters, appraisers, and market study analysts. The payment of such fees is not a guarantee that the City will approve the PID. The costs a Petitioner will pay include but are not limited to:

a. Reviewing the PID petition and application;
b. Publishing required legal notices;
c. Preparation and review of creation proceedings and levy of assessments;
d. Cost of the appraisal and reviewing the appraisal, the feasibility study, and engineering report including the cost of services provided by City consultants, attorneys, bond counsel, financial advisors and PID consultant or administrator;
e. Preparation of the initial Service and Assessment Plan (SAP) by a third party PID Administration Firm or PID Consultant engaged by the City;
f. Bond Issuance;

g. Review and approval of plans for and inspection of construction of PID improvements; not including fees paid for review and inspection required by the City's Code of Ordinances, as amended; and
h. Procurement of contracts for PID administration and operation, collection of assessments, foreclosures or other similar matters.

The initial deposit made by the applicant shall be $50,000. The applicant is required to make an additional $25,000 deposit will be required anytime the deposit balance reaches $10,000. Certain unused balances will be returned to the applicant. The applicant may be eligible to be reimbursed these costs through bond proceeds or PID assessments as applicable. The PID deposit are in addition to administrative costs associated with the PID, the cost of bond issuance, and the PID application fee.

IX. Development Agreement

The City Council will not take any action to commence the creation of a PID prior to the approval of a final development agreement governing the proposed development.

The following shall be provided to the City prior to the preparation of a development agreement (if not already provided as part of application packet):

a. The basic terms and conditions of the creation of the PID, including the provision of special conferred benefit;
b. Indication of the estimated costs of proposed improvements, maximum assessment, maximum bond issuance, and maximum tax equivalent rate;
c. A section that clearly identifies the benefit of the PID to the affected property owners and to the City as a whole;
d. The petitioner's qualifications and previous experience with real estate development, financing of the development, prior PIDs, etc.;
e. A legal description of the boundaries of the proposed PID, a map of the proposed PID boundaries that is suitable for publication in legal notices, and a "commonly known" description of the area to be included in the PID;
f. Description of all City-owned land within the PID as well as its proposed share of project costs;
g. A current tax roll of owners in the PID;
h. Any plan for phasing of both real estate development supported by the PID and construction of public improvements in the PID including a breakdown between major improvements serving large areas of the entire PID vs. phase-specific improvements; and
i. A sunset clause and a pre-executed petition to dissolve the PID by the landowner in the case the project has not obtained a grading permit within three years.

X. Additional Requirements

The following additional requirements must be met by applicants:

a. Plans for the proposed development shall be prepared and reviewed by the City in compliance with the City's development ordinances regarding land use, development, infrastructure design, permitting, and inspections. Applicants shall seek City development approvals prior to the commencement of any construction;
b. Property in the PID owned by the City shall not be subject to PID assessments. Property in the PID owned by another governmental entity may be assessed only pursuant to an inter-local agreement between the entity and the City;
c. The PID may not finance improvements or services that would not be accessible to the general public;
d. The City's ongoing administrative and operational costs related to an approved PID, such as collection of PID assessments, review and approval of Service and Assessment Plan updates, and other costs shall be reimbursed from PID assessments. The City's costs will be determined on an annual basis;
e. Administration and management of ongoing PID responsibilities, such as preparations and updating of the Service and Assessment Plan, issuance of notices for annual City Council action on the Service and Assessment Plan, operation and maintenance of PID improvements, and other related matters shall be paid by PID assessments and performed by a third-party firm under contract with the City;
f. The City will use PID bond proceeds only to pay or reimburse the cost of PID improvements that have been designed and constructed to the applicable standards, and accepted for maintenance, or otherwise approved by the governmental entity responsible for them; and
g. In the event of default under the terms of a PID financing agreement, the City shall, after providing notice and an opportunity to cure, have the right to capture reimbursements to complete development of public infrastructure.

If minimum any of the minimum requirements of this Policy cannot be met, an explanation of why the requirements cannot be met and alternatives provided to meet or exceed the requirements must be submitted.

XI. City Consultants

The City will independently select a Bond Counsel, Financial Advisor, PID Administrator, Trustee and Market Study Analyst. With input by the Developer, the City will select an Underwriter and Appraiser. The City's PID Administrator, in conjunction with the developer's PID Consultant, will draft the Service and Assessment Plan and prepare all annual updates

XII. Collection of Assessments

Prior to the levy of assessments, the City will enter into an agreement with Harris County to include the annual PID installments on the Harris County Tax Bill.

XIII. Maximum Assessment

The annual PID installment shall not exceed an amount that increases the expected total equivalent tax rate upon buildout above $0.96 per $100 of assessed value for a 15-year PID and $0.48 per $100 of assessed value for a 30-year PID, with preference given to developments with a lower assessment. Applicants are encouraged to keep the equivalent tax rate as low as feasible for the development. A true-up calculation will be performed at each bond issuance and upon filing of a final plat to ensure that the maximum assessment is not exceeded, which may result in a mandatory prepayment from the developer.

XIV. Assessment Term/Bond Term

The maximum term of a PID assessment is not to exceed 30 years, with a $0.48 per $100 assessment cap, or 15 years with a $0.96 assessment cap, and the assessment term must equal the bond term (if applicable).

XV. Finance Limitations for Special Assessment Revenue Bond Issuance (PID Bonds)

The City may issue PID Bonds solely for the purposes of acquiring, reimbursing or constructing authorized Improvements. The Developer may request issuance of PID Bonds by filing with the City a list of the authorized improvements to be funded with the PID Bonds and the estimated costs of such authorized improvements. The Developer acknowledges that the mandatory PID Professional Service Reimbursement Agreement obligates the Developer to fund the costs of the City's professionals relating to the preparation for and issuance of PID Bonds, which amount shall be considered a cost payable from such PID Bonds. The issuance of PID Bonds is subject to all of the following conditions.

The following performance standards shall apply to PID bonds:

a. To receive consideration by and approval from the City for PID financing through a bond to facilitate a residential development, the proposed boundaries of the development shall be no less than 50 acres;
b. Minimum appraised value to lien ratio of 3:1;
c. Maximum of two years capitalized interest for each bond issuance;
d. No annual assessment increases once assessments are levied. Assessments for future phases will remain competitive with original phases and lot types as defined in the SAP;
e. All improvements to be funded with PID bonds must be fully engineered and bid. A competitive bidding process with at least three bids will be required; and
f. Developer is required to demonstrate committed capital in the form of cash deposit to the City with an amount confirmed by an engineer’s opinion of probable cost, which represents the difference between budgeted cost to complete the public improvements assumed to be complete in the appraisal and the net proceeds of the PID bonds.

The following additional considerations and limitations will apply when a developer requests PID bonds:

a. A developer or landowner may request the issuance of PID bonds in advance of construction of an individual phase of a development subject to compliance with these standards. All such PID bond issues will be subject to approval of the City Council;
b. No General Obligation Bonds or Certificates of Obligation bonds will be utilized by the City to directly or indirectly pay, or guarantee payment of, PID bonds;
c. If in any calendar year the City issues bonds that would constitute a bank qualified debt issuance but for the issuance of the PID bonds, then the developer shall pay to the City a fee to compensate the City for the interest savings the City would have achieved had the debt issued by the City been bank qualified provided that all other developers or owners benefitting from the City issuing debt are similarly burdened with an obligation to compensate the City;
d. All PID bond issues, if any, will be subject to approval by the City Council;
e. If the City Council authorizes the issuance of PID bonds, the City shall issue all such PID bonds in accordance with the protocols and procedures adhered to by the City's Director of Finance for issuing long-term debt instruments including tax notes and bonds;
f. Special assessments on any given portion of the property may be adjusted in connection with subsequent bond issues as long as an agreed-upon maximum annual assessment rate is not exceeded, and the special assessments are determined in accordance with the SAP and the PID Act. Special assessments on any portion of the property will bear a direct proportionate relationship to the special benefit of the public improvements to that improvement area. In no case will the maximum assessment be increased for any parcel unless the property owner of the parcel consents to the increased assessment;
g. The City shall not be obligated to provide any funds for any improvement except from the proceeds of the PID bonds and PID assessments;
h. The City's cost of reviewing a developer payment request from PID bond proceeds, including City staff time and third-party consultant costs, shall be netted out of the amount paid to the developer or paid from the administrative expense of the collection costs portion of the assessment;
i. Each PID bond indenture will clearly state that all debt service payments for the PID bonds shall be payable solely from and secured by the pledged assessments levied against properties within the PID or funds held under a bond indenture for such purposes, and that the City will have no obligation to make debt service payments for the PID bonds from any other sources;
j. A PID will be responsible for payment of all the City's reasonable and customary costs and expenses including the cost of any appraisal;
k. Any new money PID bonds issued will include a Reserve Fund in an amount to be determined;
l. Pursuant to the PID Act, the interest rate for assessments may exceed the interest rate of the bonds by no more than one half of one percent (0.50%);
m. All developers and significant landowners will provide any required continuing disclosure obligations associated with the issuance of PID bonds as required under the respective bond indenture or any other Page 6 regulatory agreement or regulatory agency. Failure to abide by continuing disclosure requirements may limit access to proceeds and/or future bond issues;

n. Developer is required deposit cash with the City or a bond trustee on or prior to the sale date of the PID bonds in an amount confirmed by an engineer's estimate of probable cost, which represents the difference between the budgeted cost to complete the public improvements assumed to be complete in the appraisal and the net proceeds of the PID bonds;
o. During a material event of default by the developer under the terms of any agreement between the developer and the City relating to the PID or the property within the PID, the City shall, after providing notice and opportunity to cure, have the right to recapture reimbursements and/or terminate its obligations to the developer;
p. All construction of improvements is subject to City review and approval and if applicable, provisions shall be made for dedication to City or to another appropriate governmental entity, as authorized by law;
q. Improvements to be funded by the PID are limited to those defined as Authorized Improvements under Texas Local Government Code Section 372.003(b); and
r. Any trails, parks, streets or other public amenities that are located within a gated community or otherwise inaccessible location to the general public may not be funded or reimbursed by the PID.

XVI. Disclosure to Homeowners

To satisfy disclosure to homeowners, the City will require the petitioner to comply with the following:

a. Landowner Consent or Agreement to be recorded in the Official Public Records of Harris County;
b. Signage at major entryways and exits;
c. Signage and information flyers in any sales centers within the PID that include:
    a. Frequently Asked Questions;
    b. Total Assessment;
    c. Average Annual Installment; and
    d. Equivalent Tax Rate.
d. Homebuyer disclosure documents in accordance with Section 5.014 of the Texas Property Code to be signed both at contract signing and at closing with such agreements maintained on file by each homebuilder and available for inspection by the City; and
e. Developer contracts with homebuilders must require the homebuilder to disclose the PID on any MLS listing.

XVII. PID Administration and Management

The City will contract with an outside consultant to administer the PID and to bill, collect, and track PID assessments. This cost will be considered a reimbursable project cost and shall be included in the PID Service and Assessment Plan.

XVIII. Miscellaneous

a. This PID policy does not bind the City Council to approve, authorize or create a PID or take any related action. PID creation, PID bond issuance and all related matters are legislative acts solely with the discretion of the City Council.
b. Any requests for adjustments, exceptions, or waivers to this policy must be reviewed and approved by the City Council of the City of Tomball.
c. No public official or employee shall be personally responsible for any liability arising under or growing out of any approved PID. Any obligation or liability of the developer whatsoever that may arise at any time under the approved PID or any obligation or liability which may be incurred by the developer pursuant to any other instrument, transaction or undertaking as a result of the PID shall be satisfied out of the assets of the developer only and the City shall have no liability.

CITY OF TOMBALL
PUBLIC IMPROVEMENT DISTRICT POLICY
AS ADOPTED BY CITY COUNCIL ON SEPTEMBER 19, 2022

I have read and understand this policy.

_____ _____
Signature Date

_____
Printed Name

(Please sign and date this page and return to the Project Manager)

City of Tomball
Public Improvement District (PID) Application

APPLICANT INFORMATION

Name: _____ Title: _____

Mailing Address: _____

Phone: _____ Email: _____

Please attach additional applicant information as necessary.

OWNER INFORMATION

Name: _____ Title: _____

Mailing Address: _____

Phone: _____ Email: _____

PROJECT INFORMATION

Description of Proposed Project: _____

_____

Physical Location of Property: _____

HCAD Identification No.:_____ Acreage: _____

Current Use of Property: _____

Proposed Use of Property: _____

SUBJECT	NUMBER:	EFFECTIVE DATE:	PAGE 13 OF 15
DEVELOPMENT POLICY FOR SPECIAL FINANCING DISTRICTS	18	September 19, 2022	
	REVISED: September 19, 2022	APPROVED BY CITY MANAGER: September 19, 2022	
	SUPERSEDES: March 21, 2022	APPROVED BY CITY COUNCIL: September 19, 2022	

PID CONSIDERATIONS

Please mark which consideration from the "Development Policy for Special Financing Districts" the PID request adheres to below Please attach documentation and/or a detailed justification as to how the PID meets the criteria selected. .

1. Generates economic and superior development benefits to the City beyond what normal development would generate.
2. Provide for improvements in the public right of way (e.g. entryways, landscaping, fountains, specialty lighting, art, decorative and landscaped streets and sidewalks, bike lanes, multi-use trails, signage, etc.)
3. Meet community needs (e.g. enhanced drainage improvements, parks and off-street public parking facilities, pedestrian connectivity, water and wastewater on or off-site improvements) including without limitation development's pro-rate share of the regional facilities and services.
4. Implement City of Tomball master plans, including water, wastewater, parks, and trails.
5. Increase or enhance the City's transportation and roadway plans.
6. Exceed development requirements in the City, including but not limited to enhanced architectural standards, enhanced landscaping, enhanced amenities, and provide for the superior design of lots or buildings.
7. Preserve and protect natural amenities and environmental assets such as lakes, trees, creeks, ponds, floodplains, slopes, hills, and wildlife habitats.
8. Willing to annex into the City of Tomball, if applicable, in exchange for the creation of a PID.
9. Provide a unique or special development to the Tomball community (e.g. amenity centers, play areas, pools, picnic facilities, multi-purpose trails.)
10. Have the support of 100% of the owners of the property within the PID.

REQUIRED ATTACHMENTS

_____ Completed PID petition

_____ Non-refundable payment of PID Application Review Fee

_____ Letter from Developer/Applicant requesting consideration of PID

_____ General summary and description of proposed development

_____ Site plan or general plan that shows land use and thoroughfare connections

_____ Demonstration of how the development is in compliance with the City's Comprehensive Plan and Future Land Use Plan

_____ Demonstration of how the proposed development is in compliance with the zoning of the property

_____ Description of any amenities for the proposed development

_____ Description of any elevated design and landscaping standards for the proposed development

_____ Summary of special benefits to be received by the development

_____ Evidence the developer has the expertise, experience, necessary capital, and financial backing to complete the new development to be supported by the District financing

_____ Identify all project expenses and costs, including acquisition, construction, and any applicable long-term management cost

_____ Description and preliminary estimate of public infrastructure included with development (include both developer-funded and proposed PID-funded elements)

_____ Propose total assessment and tax rate equivalent

_____ Description of any property that will be subject to or exempt from assessments

_____ Any additional information which you believe would be necessary for the City to evaluate the proposed project.

ACKNOWLEDGEMENT

I, _____, certify that the information on this form and included in the attached City of Tomball PID Application is true and correct to the best of my knowledge and the undersigned is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in possible delays and/or denial.

Signature of Applicant: _____ Date: _____

Signature of Owner: _____ Date: _____

City of Tomball
Development Policy for Special Financing Districts
Public Improvement District Policy

I. Purpose

The purpose of the City of Tomball Public Improvements District ("PID") Policy is to outline the policy parameters and considerations to be addressed before the Tomball City Council can support the establishment or continuation of a PID as allowed by Chapter 372 of the Texas Local Government Code. The Policy outlines such things as general procedures, City processes, petition requirements, information to property owners, and determination of annual plan of services, budget, and assessments. This Policy sets forth City procedures and requirements which are in addition to the requirements of state law. Any aspect not specifically addressed by this Policy will be considered on an individual project basis.

The City may, on a case-by-case project basis, waive a requirement of this Policy if it does not conflict with state or federal law. Any requirements waived may be noted in the resolution approving the PID petition, or other relevant document, and must include a finding that the waiver is in the best interest of the City.

II. Considerations

The City of Tomball will consider PID applications that demonstrate compliance with at least 50% of the below criteria. Applicant must provide substantial and thorough justification for the PID request and financial gap that justifies PID financing.

a. Generate economic and superior development benefits to the City beyond what normal development would generate and must be self-sufficient and not adversely impact the ordinary service delivery of the City;
b. Provide for improvements in the public right of way (e.g. entryways, landscaping, fountains, specialty lighting, art, decorative and landscaped streets and sidewalks, bike lanes, multi-use trails, signage, etc.);
c. Meet community needs (e.g. enhanced drainage improvements, parks and off-street public parking facilities, pedestrian connectivity, water and wastewater on or off-site improvements) including without limitation development's pro-rata share of the regional facilities and services;
d. Implement City of Tomball master plans, including water, wastewater, parks, and trails;
e. Increase or enhance the City's transportation and roadway plans;
f. Exceed development requirements in the City, including but not limited to enhanced architectural standards, enhanced landscaping, enhanced amenities, and provide for the superior design of lots or buildings;
g. Preserve and protect natural amenities and environmental assets such as lakes, trees, creeks, ponds, floodplains, slopes, hills, and wildlife habitats;
h. Are willing to annex into the City of Tomball, if applicable, in exchange for the creation of a PID;

i. Provide for unique or special development amenities, including amenity centers, play areas, pools, picnic facilities; and
j. Have the support of 100% of the owners of the property within the PID.

Any requested deviations, adjustments, or special considerations from the terms and conditions of the City's PID Policy shall be clearly requested and explained prior to or with the PID petition for that PID.

III. Use of Professional Services

The City reserves the right and shall select and retain the services of any professionals and/or consultants in association with the creation and administering of the PID including, but not limited to, financial advisors, bond counsel, underwriters, trustees, PID administrators, and appraisers.

IV. Location

A PID must be located within the City's corporate limits. Any area located within Tomball's extra-territorial jurisdiction ("ETJ") must be annexed prior to submitting a PID petition to the City.

A developer may request creation of a PID in exchange for voluntary annexation into the City of Tomball. However, additional considerations may be factored into the City's evaluation regarding creation of a PID.

V. Process

Generally, the City's will follow the process below for consideration of PIDs.

1. Applicant submits a completed PID petition, application, and supporting documentation.
2. Applicant pays a non-refundable PID Application Review Fee in the set amount adopted in the City's Master Fee Schedule.
3. The City will review the petition and application for compliance with statutory PID Petition requirements and requirements set forth in this Policy.
4. Upon the City approval of compliance with this Policy, City Council accepts the PID Petition.
5. City and applicant execute a Professional Services Reimbursement Agreement.
6. City and applicant execute a Development Agreement.
7. City and applicant work together to complete of required steps as set forth in Chapter 372 of the Texas Local Government Code and all steps and procedures set forth in City policy to create the PID.
8. City Council creates PID.
9. City Council levies assessments.

The City Council will not take any action to commence the creation of a PID prior to the approval of a final development agreement governing the development in question.

Completion of any individual step in the PID creation process is not a guarantee of PID approval. Creation of a PID is a discretionary action of City Council.

VI. Petition Requirements

Petitions for creating a PID must satisfy all requirements under Chapter 372 of the Texas Local Government Code.

The City may require:

a. Evidence that signature of property owners were gathered no more than six months preceding the submittal of the petition; or
b. Evidence that the petitioner's signatures meet the state law requirements, or the petition will be accompanied by a reasonable fee to cover the City's cost of signature verification.

VII. Application

In agreeing to consider a petition for creation of a PID, the City will require the following from the applicant at the time the petition is submitted. These requirements reflect the minimum requirements and the City, at its discretion, may require additional items:

a. A completed PID petition;

b. Payment to the City of a non-refundable PID Application Review Fee in the amount of adopted in the City's Master Fee Schedule;

    i. The application review fee is designed to cover all administrative or operational costs incurred by the City during the review period and beginning stages of the PID process until the escrow account is established; and

c. A PID application packet, which should include:

    i. A completed City of Tomball PID Application Form (Exhibit A);

    ii. Letter from developer requesting consideration of a PID and summary of the special benefits to be received by the development;

    iii. Evidence that the developer has the expertise, experience, necessary capital, and financial backing to complete the new development to be supported by the District financing. The developer must provide the City with adequate evidence of its committed and anticipated sources of funding to fund the balance of the improvements in the District not eligible to be funded by District issued financing;

    iv. A site plan or general plan of development that outlines, at a minimum, land use and thoroughfare connections and is consistent with the City's Comprehensive Plan, Strategic Plan, and all other City plans formally approved by City Council, as amended;

v. Identification of how the project will contribute to funding the expansion of arterial and connector streets, major collector roadways or highways, and trunk line utility infrastructure, as applicable when necessary to address the projected demand for services and the impacts of the development;

vi. Identify all project expenses and costs, including acquisition, construction, and any applicable long-term management cost;

vii. Sources and uses budget and project pro forma detailing projected cash flows over the life of the proposed District including other public sources, private financing, and developer equity contribution to the project;

viii. Demonstration of financial capability, solvency, and generally the necessary capital to meet project costs through project completion;

ix. i. This could include, but is not limited to, at least three years of financial statements, complete sources and uses budget, and letters of credit or letters of support from bank or lending institutions.

x. ix. Demonstration of previous experience developing similar scale and types of projects;

xi. x. Demonstration the proposed development is consistent with the zoning of the property;

xii. i. Zoning for the proposed development must be in place prior to PID creation or concurrent with PID creation, at the discretion of the City; and

xiii. xi. Indication of the estimated costs of proposed improvements, maximum assessment, maximum bond issuance, and maximum tax equivalent rate (in dollars, $).

The City shall, upon reasonable prior written notice to the developer and during normal business hours, have the right to audit and inspect the developer's records, books, and all other relevant records needed to make its assessment of the PID petition or application. The City, the developer, PID consultant, and any other necessary parties involved in the approval of the PID petition and financing, will agree to maintain the appropriate confidentiality of such records, unless disclosure of such records and information shall be required by a court order, a lawfully issued subpoena, local or state laws or ordinances, or at the direction of the Attorney General.

VIII. Professional Services Reimbursement Agreement & Deposit

If, during the initial review of the application, the City determines that it will proceed to pursue creation of a PID or the City determines it is its best interest to establish a PID, a professional services reimbursement agreement will be entered into with the applicant. The professional services reimbursement agreement will require the applicant to deposit funds with the City to pay for City staff time, third-party consultants, including but not limited to, legal study analysts, City

Attorney, bond counsel, financial advisors, PID consultants/administrators, trustees, underwriters, appraisers, and market study analysts. The payment of such fees is not a guarantee that the City will approve the PID. The costs a Petitioner will pay include but are not limited to:

a. Reviewing the PID petition and application;
b. Publishing required legal notices;
c. Preparation and review of creation proceedings and levy of assessments;
d. Cost of the appraisal and reviewing the appraisal, the feasibility study, and engineering report including the cost of services provided by City consultants, attorneys, bond counsel, financial advisors and PID consultant or administrator;
e. Preparation of the initial Service and Assessment Plan (SAP) by a third party PID Administration Firm or PID Consultant engaged by the City;
f. Bond Issuance;
g. Review and approval of plans for and inspection of construction of PID improvements; not including fees paid for review and inspection required by the City's Code of Ordinances, as amended; and
h. Procurement of contracts for PID administration and operation, collection of assessments, foreclosures or other similar matters.

The initial deposit made by the applicant shall be $50,000. The applicant is required to make an additional $25,000 deposit will be required anytime the deposit balance reaches $10,000. Certain unused balances will be returned to the applicant. The applicant may be eligible to be reimbursed these costs through bond proceeds or PID assessments as applicable. The PID deposit are in addition to administrative costs associated with the PID, the cost of bond issuance, and the PID application fee.

IX. Development Agreement

The City Council will not take any action to commence the creation of a PID prior to the approval of a final development agreement governing the proposed development.

The following shall be provided to the City prior to the preparation of a development agreement (if not already provided as part of application packet):

a. The basic terms and conditions of the creation of the PID, including the provision of special conferred benefit;
b. Indication of the estimated costs of proposed improvements, maximum assessment, maximum bond issuance, and maximum tax equivalent rate;
c. A section that clearly identifies the benefit of the PID to the affected property owners and to the City as a whole;
d. The petitioner's qualifications and previous experience with real estate development, financing of the development, prior PIDs, etc.;
e. A legal description of the boundaries of the proposed PID, a map of the proposed PID boundaries that is suitable for publication in legal notices, and a "commonly known" description of the area to be included in the PID;
f. Description of all City-owned land within the PID as well as its proposed share of project costs;
g. A current tax roll of owners in the PID;

h. Any plan for phasing of both real estate development supported by the PID and construction of public improvements in the PID including a breakdown between major improvements serving large areas of the entire PID vs. phase-specific improvements; and
i. A sunset clause and a pre-executed petition to dissolve the PID by the landowner in the case the project has not obtained a grading permit within three years.

X. Additional Requirements

The following additional requirements must be met by applicants:

a. Plans for the proposed development shall be prepared and reviewed by the City in compliance with the City's development ordinances regarding land use, development, infrastructure design, permitting, and inspections. Applicants shall seek City development approvals prior to the commencement of any construction;
b. Property in the PID owned by the City shall not be subject to PID assessments. Property in the PID owned by another governmental entity may be assessed only pursuant to an inter-local agreement between the entity and the City;
c. The PID may not finance improvements or services that would not be accessible to the general public;
d. The City's ongoing administrative and operational costs related to an approved PID, such as collection of PID assessments, review and approval of Service and Assessment Plan updates, and other costs shall be reimbursed from PID assessments. The City's costs will be determined on an annual basis;
e. Administration and management of ongoing PID responsibilities, such as preparations and updating of the Service and Assessment Plan, issuance of notices for annual City Council action on the Service and Assessment Plan, operation and maintenance of PID improvements, and other related matters shall be paid by PID assessments and performed by a third-party firm under contract with the City;
f. The City will use PID bond proceeds only to pay or reimburse the cost of PID improvements that have been designed and constructed to the applicable standards, and accepted for maintenance, or otherwise approved by the governmental entity responsible for them; and
g. In the event of default under the terms of a PID financing agreement, the City shall, after providing notice and an opportunity to cure, have the right to capture reimbursements to complete development of public infrastructure.

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Prior to the levy of assessments, the City will enter into an agreement with Harris County to include the annual PID installments on the Harris County Tax Bill.

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The annual PID installment shall not exceed an amount that increases the expected total equivalent tax rate upon buildout above $0.96 per $100 of assessed value for a 15-year PID and $0.48 per $100 of assessed value for a 30-year PID, with preference given to developments with a lower assessment. Applicants are encouraged to keep the equivalent tax rate as low as feasible for the development. A true-up calculation will be performed at each bond issuance and upon filing of a final plat to ensure that the maximum assessment is not exceeded, which may result in a mandatory prepayment from the developer.

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The following performance standards shall apply to PID bonds:

a. To receive consideration by and approval from the City for PID financing through a bond to facilitate a residential development, the proposed boundaries of the development shall be no less than 50 acres;
b. Minimum appraised value to lien ratio of 3:1;
c. Maximum of two years capitalized interest for each bond issuance;
d. No annual assessment increases once assessments are levied. Assessments for future phases will remain competitive with original phases and lot types as defined in the SAP;
e. All improvements to be funded with PID bonds must be fully engineered and bid. A competitive bidding process with at least three bids will be required; and
f. Developer is required to demonstrate committed capital in the form of cash deposit to the City with an amount confirmed by an engineer’s opinion of probable cost, which

represents the difference between budgeted cost to complete the public improvements assumed to be complete in the appraisal and the net proceeds of the PID bonds.

The following additional considerations and limitations will apply when a developer requests PID bonds:

a. A developer or landowner may request the issuance of PID bonds in advance of construction of an individual phase of a development subject to compliance with these standards. All such PID bond issues will be subject to approval of the City Council;
b. No General Obligation Bonds or Certificates of Obligation bonds will be utilized by the City to directly or indirectly pay, or guarantee payment of, PID bonds;
c. If in any calendar year the City issues bonds that would constitute a bank qualified debt issuance but for the issuance of the PID bonds, then the developer shall pay to the City a fee to compensate the City for the interest savings the City would have achieved had the debt issued by the City been bank qualified provided that all other developers or owners benefitting from the City issuing debt are similarly burdened with an obligation to compensate the City;
d. All PID bond issues, if any, will be subject to approval by the City Council;
e. If the City Council authorizes the issuance of PID bonds, the City shall issue all such PID bonds in accordance with the protocols and procedures adhered to by the City's Director of Finance for issuing long-term debt instruments including tax notes and bonds;
f. Special assessments on any given portion of the property may be adjusted in connection with subsequent bond issues as long as an agreed-upon maximum annual assessment rate is not exceeded, and the special assessments are determined in accordance with the SAP and the PID Act. Special assessments on any portion of the property will bear a direct proportionate relationship to the special benefit of the public improvements to that improvement area. In no case will the maximum assessment be increased for any parcel unless the property owner of the parcel consents to the increased assessment;
g. The City shall not be obligated to provide any funds for any improvement except from the proceeds of the PID bonds and PID assessments;
h. The City's cost of reviewing a developer payment request from PID bond proceeds, including City staff time and third-party consultant costs, shall be netted out of the amount paid to the developer or paid from the administrative expense of the collection costs portion of the assessment;
i. Each PID bond indenture will clearly state that all debt service payments for the PID bonds shall be payable solely from and secured by the pledged assessments levied against properties within the PID or funds held under a bond indenture for such purposes, and that the City will have no obligation to make debt service payments for the PID bonds from any other sources;
j. A PID will be responsible for payment of all the City's reasonable and customary costs and expenses including the cost of any appraisal;
k. Any new money PID bonds issued will include a Reserve Fund in an amount to be determined;
l. Pursuant to the PID Act, the interest rate for assessments may exceed the interest rate of the bonds by no more than one half of one percent (0.50%);
m. All developers and significant landowners will provide any required continuing disclosure obligations associated with the issuance of PID bonds as required under the respective bond

indenture or any other Page 6 regulatory agreement or regulatory agency. Failure to abide by continuing disclosure requirements may limit access to proceeds and/or future bond issues;

n. Developer is required deposit cash with the City or a bond trustee on or prior to the sale date of the PID bonds in an amount confirmed by an engineer's estimate of probable cost, which represents the difference between the budgeted cost to complete the public improvements assumed to be complete in the appraisal and the net proceeds of the PID bonds;
o. During a material event of default by the developer under the terms of any agreement between the developer and the City relating to the PID or the property within the PID, the City shall, after providing notice and opportunity to cure, have the right to recapture reimbursements and/or terminate its obligations to the developer;
p. All construction of improvements is subject to City review and approval and if applicable, provisions shall be made for dedication to City or to another appropriate governmental entity, as authorized by law;
q. Improvements to be funded by the PID are limited to those defined as Authorized Improvements under Texas Local Government Code Section 372.003(b); and
r. Any trails, parks, streets or other public amenities that are located within a gated community or otherwise inaccessible location to the general public may not be funded or reimbursed by the PID.

XVI. Disclosure to Homeowners

To satisfy disclosure to homeowners, the City will require the petitioner to comply with the following:

a. Landowner Consent or Agreement to be recorded in the Official Public Records of Harris County;
b. Signage at major entryways and exits;
c. Signage and information flyers in any sales centers within the PID that include:
    a. Frequently Asked Questions;
    b. Total Assessment;
    c. Average Annual Installment; and
    d. Equivalent Tax Rate.
d. Homebuyer disclosure documents in accordance with Section 5.014 of the Texas Property Code to be signed both at contract signing and at closing with such agreements maintained on file by each homebuilder and available for inspection by the City; and
e. Developer contracts with homebuilders must require the homebuilder to disclose the PID on any MLS listing.

XVII. PID Administration and Management

The City will contract with an outside consultant to administer the PID and to bill, collect, and track PID assessments. This cost will be considered a reimbursable project cost and shall be included in the PID Service and Assessment Plan.

XVIII. Miscellaneous

a. This PID policy does not bind the City Council to approve, authorize or create a PID or take any related action. PID creation, PID bond issuance and all related matters are legislative acts solely with the discretion of the City Council.
b. Any requests for adjustments, exceptions, or waivers to this policy must be reviewed and approved by the City Council of the City of Tomball.
c. No public official or employee shall be personally responsible for any liability arising under or growing out of any approved PID. Any obligation or liability of the developer whatsoever that may arise at any time under the approved PID or any obligation or liability which may be incurred by the developer pursuant to any other instrument, transaction or undertaking as a result of the PID shall be satisfied out of the assets of the developer only and the City shall have no liability.

CITY OF TOMBALL
PUBLIC IMPROVEMENT DISTRICT POLICY
AS ADOPTED BY CITY COUNCIL ON SEPTEMBER 19, 2022

I have read and understand this policy.

_____ _____
Signature Date

_____
Printed Name

(Please sign and date this page and return to the Project Manager)

City of Tomball
Public Improvement District (PID) Application

APPLICANT INFORMATION

Name: _____ Title: _____

Mailing Address: _____

Phone: _____ Email: _____

Please attach additional applicant information as necessary.

OWNER INFORMATION

Name: _____ Title: _____

Mailing Address: _____

Phone: _____ Email: _____

PROJECT INFORMATION

Description of Proposed Project: _____

_____

Physical Location of Property: _____

HCAD Identification No.:_____ Acreage: _____

Current Use of Property: _____

Proposed Use of Property: _____

PID CONSIDERATIONS

Please intimal which consideration from the "Development Policy for Special Financing Districts" the PID request adheres to and provide detailed reasoning as to how.

_____ 1. Generates economic and superior development benefits to the City beyond what normal development would generate.

_____ 2. Provide for improvements in the public right of way (e.g. entryways, landscaping, fountains, specialty lighting, art, decorative and landscaped streets and sidewalks, bike lanes, multi-use trails, signage, etc.)

_____ 3. Meet community needs (e.g. enhanced drainage improvements, parks and off-street public parking facilities, pedestrian connectivity, water and wastewater on or off-site improvements) including without limitation development's pro-rate share of the regional facilities and services.

_____ 4. Implement City of Tomball master plans, including water, wastewater, parks, and trails.

_____ 5. Increase or enhance the City's transportation and roadway plans.

_____ 6. Exceed development requirements in the City, including but not limited to enhanced architectural standards, enhanced landscaping, enhanced amenities, and provide for the superior design of lots or buildings.

_____ 7. Preserve and protect natural amenities and environmental assets such as lakes, trees, creeks, ponds, floodplains, slopes, hills, and wildlife habitats.

_____ 8. Willing to annex into the City of Tomball, if applicable, in exchange for the creation of a PID.

_____ 9. Provide a unique or special development to the Tomball community (e.g. amenity centers, play areas, pools, picnic facilities, multi-purpose trails.)

_____ 10. Have the support of 100% of the owners of the property within the PID.

REQUIRED ATTACHMENTS

_____ Completed PID petition

_____ Non-refundable payment of PID Application Review Fee

_____ Letter from Developer/Applicant requesting consideration of PID

_____ General summary and description of proposed development

_____ Site plan or general plan that shows land use and thoroughfare connections

_____ Demonstration of how the development is in compliance with the City's Comprehensive Plan and Future Land Use Plan

_____ Demonstration of how the proposed development is in compliance with the zoning of the property

_____ Description of any amenities for the proposed development

_____ Description of any elevated design and landscaping standards for the proposed development

_____ Summary of special benefits to be received by the development

_____ Evidence the developer has the expertise, experience, necessary capital, and financial backing to complete the new development to be supported by the District financing

_____ Identify all project expenses and costs, including acquisition, construction, and any applicable long-term management cost

_____ Description and preliminary estimate of public infrastructure included with development (include both developer-funded and proposed PID-funded elements)

_____ Propose total assessment and tax rate equivalent

_____ Description of any property that will be subject to or exempt from assessments

_____ Any additional information which you believe would be necessary for the City to evaluate the proposed project.

ACKNOWLEDGEMENT

I, _____, certify that the information on this form and included in the attached City of Tomball PID Application is true and correct to the best of my knowledge and the undersigned is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in possible delays and/or denial.

Signature of Applicant: _____ Date: _____

Signature of Owner: _____ Date: _____

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER: 19	EFFECTIVE DATE: FEBRUARY 4, 2008	PAGE 1 OF 13
FINANCIAL MANAGEMENT POLICY STATEMENTS	REVISED:	APPROVED BY CITY MANAGER: JANUARY 30, 2008	
	SUPERSEDES: NONE	APPROVED BY CITY COUNCIL: FEBRUARY 4, 2008	

SUMMARY

City of Tomball
Financial Management Policy Statements

The City of Tomball (City) has an important responsibility to its citizens to carefully account for public funds, to manage municipal finances wisely, and to plan for the adequate funding of services desired by the public.

The overriding goal of the Financial Management Policy is to enable the City to achieve a long-term stable and positive financial condition. The watchwords of the City's financial management include integrity, prudent stewardship, planning, accountability, and full disclosure.

The purpose of the Financial Management Policy is to provide guidelines for planning and directing the City's day to day financial affairs and to assist staff in developing recommendations to the Tomball City Council (City Council). Specifically, this policy framework mandates the pursuit of the following fiscal objectives:

I. ***Revenues:*** Design, maintain and administer a revenue system that will assure a reliable, equitable, diversified and sufficient revenue stream to support desired City services.

II. ***Expenditures*****:** Identify priority services, establish and define appropriate service levels and administer the expenditure of available resources to assure fiscal stability and the effective and efficient delivery of services.

III. ***Capital Expenditures and Improvements:*** Annually review and monitor the condition of the City's capital equipment and infrastructure, setting priorities for its replacement and renovation based on needs, funding alternatives, and availability of resources.

IV. ***Staffing and Training:*** Staffing levels shall be adequate for the fiscal departments of the City to function effectively. Overtime shall be used only to address temporary or seasonal demands that require excessive hours. Possible ways to increase efficiency shall be explored before adding staff. However, the staffing levels shall not be inadequate or marginal such that the internal controls are jeopardized or personnel turnover rates are unacceptable.

The City shall support the continuing education efforts of all financial staff including the investment in time and materials for maintaining a current perspective concerning financial issues. Staff shall be held accountable for communicating, teaching, and sharing with other staff members all information and training materials acquired from seminars, conferences and related educational efforts.

V. ***Fund Balance/Working Capital/Retained Earnings:*** Maintain the fund balance, working capital and retained earnings of the various operating funds at levels sufficient to protect the City's credit worthiness as well as its financial position from emergencies**.**

VI. ***Debt Management:*** Establish guidelines for debt financing that will provide needed capital equipment and infrastructure improvements while minimizing the impact of debt payments on current and future revenues.

VII. ***Investments:*** Invest the City's operating cash to ensure its safety, provide necessary liquidity and optimize yield.

VIII. ***Intergovernmental Relations:*** Coordinate efforts with other governmental agencies to achieve common policy objectives, share the cost of providing governmental services on an equitable basis and support appropriate favorable legislation at the state and federal level.

IX. ***Grants:*** Aggressively investigate, pursue and effectively administer federal, state and foundation grants-in-aid which address the City's current priorities and policy objectives.

X. ***Economic Development:*** Initiate, encourage and participate in economic development efforts to create job opportunities, and strengthen the local economy and tax base.

XI. ***Fiscal Monitoring:*** Prepare and present reports for the current and multi-year periods that analyze, evaluate, and forecast the city's financial performance and economic condition.

XII. ***Accounting, Auditing and Financial Reporting:*** Comply with prevailing federal, state and local statutes and regulations. Conform to generally accepted accounting principles as promulgated by the Governmental Accounting Standards Board (GASB), the American Institute of Certified Public Accountants (AICPA), and the Government Finance Officers Association (GFOA).

XIII. ***Internal Controls:*** Maintain an environment to provide management with reasonable assurance that assets are safeguarded against loss from unauthorized use or disposition.

XIV. ***Risk Management:*** Prevent and/or reduce financial impact to the City due to claims and losses through prevention, through transfer of liability, and/or through a program of self-insuring of the liability.

XV. ***Budget:*** Develop and maintain a balanced budget which presents a clear understanding of goals, service levels, and performance standards and which shall be to the extent possible "user friendly" for citizens.

I.

Revenues

The City shall use the following guidelines to design, maintain and administer a revenue system that will assure a reliable, equitable, diversified and sufficient revenue stream to support desired City Services.

Balance and Diversification in Revenue Sources

The City shall strive to maintain a balanced diversified revenue system to protect the City from fluctuation in any one source due to changes in economic conditions which adversely impact that source.

User Fees

For services that benefit specific users, where possible the City shall establish and collect fees to recover the cost of those services. Where feasible and desirable, the City shall seek to recover full direct and indirect costs whereas not to prohibit economic development. City staff shall review user fees on a regular basis to calculate their full cost recovery levels, to compare them to the current fee structure, and to recommend adjustments where necessary.

Property Tax Revenues/Tax Rate

The City shall endeavor to balance its reliance on property tax revenues by revenue diversification, implementation and continued use of user fees, and economic development. The City shall also strive to minimize tax rate increases.

Utility/Enterprise Funds User Fees

Utility rates and enterprise funds user fees shall be set at levels sufficient to cover operating expenditures, meet debt obligations, provide additional funding for capital improvements, and provide adequate levels of working capital.

Administrative Service Charges

The City shall prepare a cost allocation plan annually to determine the administrative service charges due the General Fund from enterprise funds for overhead and staff support. Where appropriate, the enterprise funds shall pay the General Fund for direct services rendered.

Revenue Estimates for Budgeting

In order to maintain a stable level of services, the City shall use a conservative, objective, and analytical approach when preparing revenue estimates for current and multi-year periods. The process shall include the analysis and probability of economic changes and their impacts on revenues, historical collection rates, and trends in revenues. This approach should reduce the likelihood of actual revenues falling short of budget estimates during the year and should avoid mid-year service reductions.

II.
Expenditures

The City shall use the following guidelines to identify necessary services, establish appropriate service levels, and administer the expenditure of available resources to assure fiscal stability and the effective and efficient delivery of services.

Current Funding Basis

The City shall operate on a current funding basis. Expenditures shall be budgeted and controlled so as not to exceed current revenues plus the planned use of fund balance accumulated through prior year's savings.

Contracted Labor

The City will utilize contracted labor for the provision of City services whenever private contractors can perform the established level of service at less expense to the City, as determined by regular evaluation of city-provided services. The City will regularly evaluate its agreements with private contractors to ensure the established levels of service are performed at the least expense to the City.

Avoidance of Operating Deficits

The City shall take immediate corrective actions if at any time during the fiscal year expenditure and revenue estimates are such that an operating deficit is projected at year-end.

Maintenance of Capital Assets

Through the Fleet Replacement Fund and within the resources available each fiscal year, the City shall maintain capital assets and infrastructure at a sufficient level to protect the City's investment, to minimize future replacement and maintenance costs, and to continue service levels.

Periodic Program Reviews

Periodic program reviews for efficiency and effectiveness shall be performed. Programs not meeting efficiency or effectiveness objectives shall be brought up to required standards or be subject to reduction or elimination.

Purchasing

The City shall make every effort to maximize any discounts offered by creditors/vendors. Vendors with balances due the City will have payments due the vendor offset against the amount due the City. The City will follow state law concerning the amount of the purchase requiring formal bidding procedures and approval by the City Council. For purchases where competitive bidding is not required, the City shall obtain the most favorable terms and pricing possible. Every effort will be made to include minority business enterprises in the bidding process.

III.
Capital Expenditures and Improvements

The City shall annually review and monitor the condition of the City's capital equipment and infrastructure, setting priorities for its replacement and renovation based on needs, funding alternatives and availability of resources.

Capital Improvements Planning Program

The City shall annually review the Capital Improvement Plan ("CIP"), the current status of the City's infrastructure, replacement and renovation needs, and potential new projects and update the plan as appropriate. All projects, ongoing and proposed, shall be prioritized based on an analysis of current needs and resource availability. For every project, all operation, maintenance and replacement costs shall be fully estimated and disclosed. The CIP shall also present the City's long-term borrowing plan, debt payment schedules, and other debt outstanding or planned including general obligation bonds, revenue bonds, certificates of obligation, and lease/purchase agreements when appropriate.

Capital Assets

A capital asset will be defined as equipment that exceeds $20,000 and has a useful life that exceeds 3 years.

Replacement of Fleet Capital Assets on a Regular Schedule

The City shall annually prepare a schedule for the replacement of its fleet and fleet related capital assets associated with General Fund and Enterprise Fund operations through the Fleet Replacement Fund. Capital assets included in this fund will be amortized by charges to the departments using the assets. The amortization charges will be sufficient for replacing the capital equipment at the end of its expected useful life. The amortization charges and application of those funds for replacement purposes will be accounted for in the Fleet Replacement Fund.

Capital Expenditure Financing

The City recognizes that there are several methods of financing capital requirements: budget the funds from current revenues; take the funds from fund balance/retained earnings as allowed by the Fund Balance/Retained Earnings Policy; utilize funds from grants and foundation; or borrow money through debt. Debt financing includes general obligation bonds, revenue bonds, certificates of obligation, and lease/purchase agreements when appropriate. Guidelines for assuming debt are set forth in the Debt Management section in this policy.

IV.
Fund Balance/Working Capital/Retained Earnings

The City shall use the following guidelines to maintain the fund balance, working capital and retained earnings of the various operating funds at levels sufficient to protect the City's creditworthiness as well as its financial position from unforeseeable emergencies.

General Fund Undesignated Fund Balance

The City shall strive to maintain the General Fund undesignated fund balance at a target of 18% of current year budgeted operating expenditures with the minimum being 15% and the maximum balance being 20%.

Debt Service Fund Balance

The City shall strive to maintain the Debt Service Fund fund balance at a target of 18% of the next year's total principle and interest requirements on bonded debt with the minimum being 15% and the maximum balance being 20%.

Utility Working Capital and Retained Earnings of Other Operating Funds

In other operating funds, the City shall strive to maintain a positive retained earnings position to provide sufficient reserves for emergencies and revenue shortfalls. In addition, the minimum working capital in the Water, Wastewater and Natural Gas funds shall be a target level of 18% of current year budgeted operating expenditures with the minimum being 15% and the maximum balance being 20%.

Use of Fund Balance/Retained Earnings

Fund Balance/Retained Earnings shall be used only for emergencies, non-recurring expenditures, or major capital purchases and capital projects that cannot be accommodated through current year savings. Should such use reduce the balance below the minimum level set as the objective for that fund, recommendations will be made on how to restore it.

V.
Debt Management

The City shall use the following guidelines for debt financing which will provide needed capital equipment and infrastructure improvements while minimizing the impact of debt payments on current and future revenues.

Use of Debt Financing

Debt financing to include general obligation bonds, revenue bonds, certificates of obligation, certificates of participation, and lease/purchase agreements, shall only be used to purchase capital assets.

Amortization of Debt

Amortization of debt shall be structured in accordance with a multi-year capital improvement plan. The term of a debt issue will never exceed the useful life of the capital asset being financed.

Affordability Targets

The City shall use an objective analytical approach to determine whether it can afford to assume new debt beyond the amount it retires each year. This process shall compare generally accepted standards of affordability to the current values for the City. These standards shall include debt per capita, debt as a percent of taxable value, debt service payments as a percent of current revenues and current expenditures, and the level of overlapping net debt of all local taxing jurisdictions. The process shall also examine the direct costs and benefits of the proposed expenditures as determined in the City's annual update of the Capital Improvement Plan. The decision on whether or not to assume new debt shall be based on these costs and benefits.

Bidding Parameters

The notice of sale will be carefully constructed so as to ensure the best possible bid for the City, in light of the existing market conditions and other prevailing factors. Parameters to be examined include:

- Limits between lowest and highest coupons
- Coupon requirements relative to the yield curve
- Method of underwriter compensation, discount or premium coupons
- Use of True Interest Cost (TIC) vs. Net Interest Cost (NIC)
- Use of bond insurance
- Deep discount bonds
- Variable rate bonds
- Call provisions

Bond Issuance Advisory Fees and Costs

The City will be actively involved in the selection of all financial advisors, underwriters, paying agents, and bond counsel. The city shall evaluate the merits of rotating professional advisors and consultants as well as the kinds of services and fee structures available from independent financial advisors, investment banking firms, and commercial banks. The City will carefully itemize and scrutinize all costs associated with the issuance of the bonds.

Sale Process

The City shall use a competitive bidding process in the sale of debt unless the nature of the issue warrants a negotiated bid.

Rating Agencies Presentation

Full disclosure of operations and open lines of communication shall be made to the rating agencies. City staff, with assistance of financial advisors, shall prepare the necessary materials and presentation to the rating agencies.

Continuing Disclosure

The City is committed to continuing disclosure of financial and pertinent credit information relevant to the City's outstanding securities.

Debt Refunding

City staff and the financial advisor shall monitor the municipal bond market for opportunities to obtain interest savings by refunding outstanding debt. A proposed refunding of debt should provide a present value benefit as a percent of refunded principal of at least 3.5%.

VI.
Investments

The City's cash shall be invested in such a manner so as to ensure the absolute safety of principal and interest, to meet the liquidity needs of the City, and to achieve the highest possible yield in accordance with the City's Investment Policy. Interest earned from investment shall be provided. Cash forecasting models and procedures will be employed to maximize the amount of investment funds.

VII.
Intergovernmental Relations

The City shall coordinate efforts with other governmental agencies to achieve common policy objectives, share the cost of providing government services on an equitable basis, and support appropriate favorable legislation at the state and federal levels.

Interlocal Cooperation in Delivery Services

In order to promote the effective and efficient delivery of services, the City shall work with other local jurisdictions to share on an equitable basis the costs of services, to share facilities, and to develop joint programs to improve service to its citizens.

Legislative Program

The City shall cooperate with other jurisdictions to actively oppose any state or federal regulation or proposal that mandates additional City programs or services and does not provide the funding from implementation.

VIII.
Grants

The City shall see, apply for, obtain and effectively administer federal, state and foundation grants-in-aid that address the City's current and future priorities and policy objectives.

Grant Guidelines

The City shall seek, apply for, and obtain those grants that are consistent with priority needs and objectives identified by Council.

Indirect Costs

The City shall recover indirect costs to the maximum amount allowed by the funding source. The city may waive or reduce indirect costs if doing so will significantly increase the effectiveness of the grant.

Grant Review

The City shall review all grant submittals for their cash or in-kind match requirement, their potential impact on the operating budget, and the extent to which they meet the City's policy objectives. If there are cash match requirements, the source of funding shall be identified and approved prior to application. An annual report on the status of grant programs and their effectiveness shall also be prepared.

Grant Program Termination

The City shall terminate grant-funded programs and associated positions as directed by the City Council when grant funds are no longer available unless alternate funding is identified.

IX.
Economic Development

The City shall, in cooperation with the Tomball Economic Development Corporation, initiate, encourage and participate in economic development efforts to create job opportunities and strengthen the local economy and tax base.

Commitment to Expansion and Diversification

The City shall encourage and participate in economic development efforts to expand Tomball's economy and tax base, to increase local employment and to invest when there is defined specific long-term return. These efforts shall not only focus on new areas but on inner city areas, and other established sections of Tomball where development can generate additional jobs and other economic benefits.

Tax Abatements

The City shall develop and maintain a tax abatement policy to encourage commercial and/or industrial growth and development throughout Tomball. The City shall balance the long-term benefits of tax abatements with the short-term loss of tax revenues by granting of the abatement. Factors considered in evaluating proposed abatements for development include the location of the project, its size, the number of temporary and permanent jobs created, the costs and benefits for the City and its impact on Tomball's economy and other factors.

Coordinate Efforts with Other Jurisdictions

The City's economic development program shall encourage close cooperation with other local jurisdictions to promote economic well-being of this area.

X.
Fiscal Monitoring

Reports shall be prepared and presented on a regular basis that analyze, evaluate and forecast the City's financial performance and economic condition for the current year and for multi-years.

Financial Status Reports

Monthly reports shall be prepared and distributed to executive and managerial staff comparing expenditures and revenues to current budget, for the month and fiscal year-to-date. Quarterly financial reports of the City's major funds (General Fund, Debt Service Fund, and Enterprise Fund) shall be presented to City Council to highlight the City's financial performance to date as well as outline any remedial actions necessary to maintain the City's financial position in light of unfavorable variances that are not anticipated to reverse by fiscal year end.

Five-Year Forecast of Revenues and Expenditures

A five-year forecast of revenues and expenditures that includes a discussion of major trends affecting the City's financial position shall be prepared. The forecast shall also examine critical issues facing the City, economic conditions, and the outlook for the upcoming budget year. The document shall provide insight into the City's financial position and serve as a planning tool to alert the council to potential problem areas requiring attention.

Performance Measurement and Benchmarking Reporting System

The City staff shall work to establish a performance measurement and benchmarking program to demonstrate its commitment to the achievement of Council established goals, fiscal accountability and quality delivery of services. Performance measures, goals and benchmarks will be presented to City Council during each budget process. Progress reports will be submitted to Council as part of the quarterly financial report.

XI.
Accounting, Auditing, and Financial Reporting

The City shall comply with prevailing local, state and federal regulations. Its accounting practices and financial reporting shall conform to generally accepted accounting principles as promulgated by the Governmental Accounting Standards Board ("GASB"), the American Institute of Certified Public Accountants ("AICPA"), and the Government Finance Officers Association ("GFOA"). The City Council shall select an independent firm of certified public accountants to perform an annual audit of all operations. The City will follow a five-year review and optional rotation of outside (independent) auditors. The audit firm must demonstrate that they have the breadth and depth of staff to handle the City's audit in a timely manner. The audited financial statements should be prepared and presented to council for approval within 120 days of the close of the fiscal year.

The City's audited annual financial report and the City's adopted budget will be posted on the City's website for access by the public. In addition, copies will be on file in the City Secretary's office.

XII.
Internal Controls

The director of finance is responsible for developing citywide written guidelines on purchasing, cash handling, internal controls and other financial matters. The director of finance will assist department managers as needed in tailoring these guidelines into detailed written procedures to fit each department's specific requirements.

Each department manager is responsible to ensure that good internal controls are followed throughout his or her department, that all finance department guidelines on purchasing and internal controls are implemented, and that all independent auditor internal control recommendations are addressed.

XIII.
Risk Management

The City will utilize a safety program, an employee health program, and a risk management program to prevent and/or reduce the financial impact to the City due to claims and losses. Transfer of liability for claims through transfer to other entities through insurance and/or by contract will be utilized where appropriate. Prevention of claims through the safety program and the employee health program will be employed.

XIV.
Operating Budget

The City shall establish an operating budget that shall link revenues and expenditures to goals, objectives, and service and performance standards. The operating budget shall also incorporate a minimum of five (5) years projections. It will be the City's goal to obtain the distinguished Budget Presentation Award from the Government Finance Officers Association each year.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
TRAVEL AND EXPENSE REIMBURSEMENT POLICY	20	May 18, 2009	PAGE 1 OF 5
	REVISED: May 18, 2009	APPROVED BY CITY MANAGER: May 18, 2009	
	SUPERSEDES: April 21, 2008	APPROVED BY CITY COUNCIL: May 18, 2009	

Purpose: To establish uniform procedures that shall apply to reimbursement of all travel related expenditures for professional development necessary to maintain and enrich the City's investment in and expectations of our employees.

Scope: This policy applies to all departments and all full time City employees as well as elected officials who travel **overnight** on City business. . Part time employees and volunteers are **not** eligible for any travel reimbursement without written approval of the City Manager prior to any expenditure for the trip in question.

Authorization: All In-State travel requires approval in advance by the Department Head on the Application to Travel Form before registration fees or travel and accommodation reservations are made. Department Head travel requires City Manager approval. Out-of-State travel requires approval of the Department Head and the City Manager or Assistant City Manager on the Application for Travel Form before registration fees or travel and accommodation reservations are made. This form must accompany requests for a travel advance and should be kept on file in the employee's department for additional verification if needed.

Travel Expenses: Reasonable travel expenses for attendance at seminars, conferences and other training programs outside the City of Tomball will be reimbursed with the prior written approval of the department director or City Manager. The employee should strive to use the most economical method of travel while ensuring his/her safety and comfort. Reasonable travel expenses include but are not limited to:

Transportation costs which may include:

a. **Public Transportation** – If the employee is required to travel by air, bus or train, the cost of the round-trip air, bus or train fare will be reimbursed.
b. **City Vehicles:** City vehicles may be used according to the discretion of the Department Head. Direct expenses such as gasoline, oil and repairs associated with the use of vehicles will be reimbursed. Receipts for these items will be required.
c. Personal Vehicles: If the employee drives his/her own car, the lesser of air fare and ground transportation costs (shuttle, taxi, rental car) to the location of the seminar (if available) or mileage at the rate allowed by the Internal Revenue Service will be reimbursed. The employee will only be reimbursed for cost incurred for 1 day of travel when using their personal vehicle.
d. **Taxis**: The City will reimburse the City employee's taxi, shuttle and bus fares for required ground transportation.

e. **Vehicle Rental**: The City will pay for rented vehicles with the prior approval of the employee's department Head or the City Manager.

f. **Parking and Tolls**: The City will pay for reasonable airport parking required while an employee is out of town. At the destination, the City will also pay required parking fees for personal vehicles, City vehicles, or rented vehicles. During travel on business, whether overnight or local business travel completed in one day, the City will also pay the cost of tolls incurred with proper receipts.

(2) **Lodging:** Actual lodging expenses will be allowed for all City employees when they are representing the City on official business away from Tomball. Employees should request government rates when possible unless a lower rate is available. Receipts for lodging must be provided in order to obtain reimbursement and should show a detailed breakdown of all charges incurred on a daily basis. Personal items should be marked "personal" and deducted from the total bill.

(3) Reasonable meals and incidental costs: The City of Tomball will utilize the maximum federal per diem rates for each city. The employee will be responsible for looking up the federal rate for the city they are traveling to in planning for their travel. The current IRS publication with per diem rates for the fiscal year will be distributed to each department.

The City of Tomball will not reimburse for meals incurred during business travel when an overnight stay is not required. For overnight business travel when one or more meals in a day are included in the cost of registration or when the first or last day of travel is a partial day and not all meals are eligible to be reimbursed , the applicable maximum federal per diem rate for the destination city will be allocated as follows:

Breakfast - 20% (continental breakfasts will not be considered a provided meal)
Lunch - 30%
Dinner - 50%

For partial travel days, it will be left to the judgment of the Department Head as to which meals will qualify for reimbursement.

(4) **Other expenses:** Certain other expenses will be allowed for all City employees when they are representing the City on official business.

a. **Telephone Calls:** One (1) long distance safe-arrival call is allowed for each business trip, provided that call does not exceed (5) minutes and is made within the United States. Calls to the City of Tomball offices for official business are not restricted.
b. **Registration fees:** Employees will be reimbursed for charges for registration at conferences and meetings.
c. **Internet Connectivity:** The City will pay the cost of reasonable Internet connections for business use only, if pre-approved by the Department Head in advance.

Non-Reimbursable Expenses. The following costs will generally not be reimbursed:

(1) Alcoholic beverages;
(2) Entertainment expenses;
(3) Personal phone calls;
(4) Travel expenses of relatives or friends who accompany the employee on the trip.
(5) Laundry or dry cleaning

Advances: Requests for advance travel funds will be made to the Finance Department at least one week prior to the occasion for travel. Documentation supporting the course or conference should be attached to the Travel Authorization Request. Advancing money for travel expenses does not constitute approval for the expenditure of the entire amount advanced. Expense reports must still be filed to justify the use of the advance. No advance will be issued for less than $100.00. Advances are limited to per diem, transportation and hotel costs (if they have not been prepaid). Advances authorized and issued must be cleared within fourteen days of the completion of travel. In the event an advance is not cleared within fourteen (14) days, the employee will be given 1 warning. If the employee does not clear an advance within fourteen (14) days a second time, no advances will be issued to the person for a period of one year.

Reimbursement: To receive reimbursement upon completion of official travel, the following steps must be followed.

a. It is the traveler's responsibility to complete an expense report within fourteen (14) calendar days of returning from travel. The Travel Expense Report is used to record and report reimbursable travel expenses. The employee will attach a schedule or agenda from the event showing breaks so that per diem can be properly calculated.

b. Original receipts for everything except meals are required and are to be attached to the report in a manner that will facilitate easy review and approval. If an original receipt is lost, a copy of the receipt will be accepted. If a copy cannot be obtained, the employee must prepare a memo explaining the cost incurred, the name of the business where the cost was incurred and the dollar amount. The memo must be signed by the employee and approved by the Department Director and attached to the Travel Expense Report.

c. Name, Date, Event and Account Numbers: Traveler must complete all the information including department, account and project numbers where indicated.

d. The completed Expense Report must be submitted to the Department Head for review, approval and signature in the appropriate space. If funds are due to the City, the traveler shall attach a check or money order to the Travel Expense Report.

e. After Department Head approval, Expense Reports exceeding $1,000 will be submitted to the City Manager, with all required receipts and refunds attached, for review and signature. If City Manager review is not necessary then the Report with all attachments will be submitted to the Finance Department for verification. If a reimbursement is due to the employee, a check will be issued.

Travel Charged on City of Tomball Procurement Card: Any business related travel cost incurred and paid for with a City of Tomball Procurement Card will be reconciled on the employee's monthly statement from Wells Fargo. Receipts must be kept for all travel costs charged on the card including meals. If meals are charged on the procurement card, only the actual cost of the meal will be reimbursed. Per diem will not be used. Meal costs that exceed the total allowable reimbursable per diem for each day will be the responsibility of the employee and will be considered a personal use of the procurement card which is a violation of Administrative Police No. 9.5 Procurement Card Program. When reconciling business travel on the Wells Fargo statement, mileage on the employee's personal vehicle, toll charges, parking fees, cab/shuttle service and other travel related costs incurred but not paid for with the procurement card may be added to the employee's monthly Wells Fargo statement. Receipts or other forms of documentation for the expense must be attached to the Wells Fargo statement reconciliation. If the employee is due a reimbursement for travel costs, the employee may opt to have the reimbursement amount wired directly into their bank account by Wells Fargo rather than receive a check from the City once Wells Fargo has processed the monthly statements. If the employee would like to utilize this feature, the employee must contact the Procurement Card Program Administrator to complete the required paperwork.

Overtime Consideration: An employee attending a training session may and/or may not be eligible for overtime compensation as outlined below:

a. Only time spent by City employee's in required classes and training sessions is compensable time; however, between class time that the employee is free to use for personal pursuits is non-compensable even if the employee cannot leave the facility. This is true even if the employee chooses to study during such periods.
b. All reasonable time spent traveling to and from the destination, whether as passenger or driver, will be counted as hours worked for non-exempt employees. If there is a question about the amount of travel time, it will be decided using MapQuest or a similar mapping program. For safety reasons, driving time will be limited to 3 hours before or after the normal work schedule unless otherwise approved by the Department Head.

Exceptions: Exceptions to the policies outlined above are to be made only in exceptional circumstances and only in those cases where the best interests of the City are clearly manifest. The City Manager shall determine whether or not to approve such exceptions.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER: 21	EFFECTIVE DATE: October 20, 2008	PAGE 1 OF 1
IDENTITY THEFT PREVENTION PROGRAM	REVISED:	APPROVED BY CITY MANAGER: October 20, 2008	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: October 20, 2008	

Purpose

To establish an Identity Theft Prevention Program designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account or an existing covered account and to provide for continued administration of the Program in compliance with Part 681 of Title 16 of the Code of Federal Regulations implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003.

Definitions

Identity theft means fraud committed or attempted using the identifying information of another person without authority.

A **covered account** means:

1. An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes that involves or is designed to permit multiple payments or transactions. Covered accounts include credit card accounts, mortgage loans, automobile loans, margin accounts, cell phone accounts, utility accounts, checking accounts and savings accounts; and
2. Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation or litigation risks.

A **red flag** means a pattern, practice or specific activity that indicates the possible existence of identity theft.

The Program

The City of Tomball establishes an Identity Theft Prevention Program to detect, prevent, and mitigate identity theft. The Program shall include reasonable policies and procedures to:

1. Identify relevant red flags for covered accounts it offers or maintains and incorporate those red flags into the program;
2. Detect red flags that have been incorporated into the Program;

3. Respond appropriately to any red flags that are detected to prevent and mitigate identity theft; and
4. Ensure the Program is updated periodically to reflect changes in risks to customers and to the safety and soundness of the creditor from identity theft.

The Program shall, as appropriate, incorporate existing policies and procedures that control reasonably foreseeable risks.

Administration of Program

1. The City of Tomball Director of Finance shall be responsible for the development, implementation, oversight and continued administration of the Program.
2. The Program shall train staff, as necessary, to effectively implement the Program; and
3. The Program shall exercise appropriate and effective oversight of service provider arrangements.

Identification of Relevant Red Flags

1. The Program shall include relevant red flags from the following categories as appropriate:

    a. Alerts, notifications, or other warnings received from consumer reporting agencies or service providers, such as fraud detection services;
    b. The presentation of suspicious documents;
    c. The presentation of suspicious personal identifying information;
    d. The unusual use of, or other suspicious activity related to, a covered account; and
    e. Notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts.

2. The Program shall consider the following risk factors in identifying relevant red flags for covered accounts as appropriate:

    a. The types of covered accounts offered or maintained;
    b. The methods provided to open covered accounts;
    c. The methods provided to access covered accounts; and
    d. Its previous experience with identity theft.

3. The Program shall incorporate relevant red flags from sources such as:

    a. Incidents of identity theft previously experienced;
    b. Methods of identity theft that reflect changes in risk; and
    c. Applicable supervisory guidance.

Detection of Red Flags

The Program shall address the detection of red flags in connection with the opening of covered accounts and existing covered accounts, such as by:

1. Obtaining identifying information about, and verifying the identity of a person opening a covered account; and

2. Authenticating customers, monitoring transactions, and verifying the validity of change of address requests in the case of existing covered accounts.

Response

The Program shall provide for appropriate responses to detected red flags to prevent and mitigate identity theft. The response shall be commensurate with the degree of risk posed. Appropriate responses may include:

1. Monitor a covered account for evidence of identity theft;
2. Contact the customer;
3. Change any passwords, security codes or other security devices that permit access to a covered account;
4. Reopen a covered account with a new account number;
5. Not open a new covered account;
6. Close an existing covered account;
7. Notify law enforcement; or
8. Determine no response is warranted under the particular circumstances.

Updating the Program

The Program shall be updated periodically to reflect changes in risks to customers or to the safety and soundness of the organization from identity theft based on factors such as:

1. The experiences of the organization with identity theft;
2. Changes in methods of identity theft;
3. Changes in methods to detect, prevent and mitigate identity theft;
4. Changes in the types of accounts that the organization offers or maintains;
5. Changes in the business arrangements of the organization, including mergers, acquisitions, alliances, joint ventures and service provider arrangements.

Oversight of the Program

1. Oversight of the Program shall include:

    a. Assignment of specific responsibility for implementation of the Program;
    b. Review of reports prepared by staff regarding compliance; and
    c. Approval of material changes to the Program as necessary to address changing risks of identity theft.

2. Reports shall be prepared as follows:

    a. Staff responsible for development, implementation and administration of the Program shall report to the City Manager at least annually on compliance by the organization with the Program.
    b. The report shall address material matters related to the Program and evaluate issues such as:
        1. The effectiveness of the policies and procedures in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing accounts;
        2. Service provider agreements;
        3. Significant incidents involving identity theft and management's response;
        4. Recommendations for material changes to the Program.

Oversight of Service Provider Arrangements

The City of Tomball shall take steps to ensure that the activity of a service provider is conducted in accordance with reasonable policies and procedures designed to detect, prevent and mitigate the risk of identity theft whenever the organization engages a service provider to perform an activity in connection with one or more covered accounts.

Duties Regarding Address Discrepancies

The City of Tomball shall develop policies and procedures designed to enable the organization to form a reasonable belief that a credit report relates to the consumer for whom it was requested if the organization receives a notice of address discrepancy from a nationwide consumer reporting agency indicating the address given by the consumer differs from the address contained in the consumer report.

The City of Tomball may reasonably confirm that an address is accurate by any of the following means:

1. Verification of the address with the consumer;
2. Review of the utility's records;
3. Verification of the address through third-party sources; or
4. Other reasonable means.

If an accurate address is confirmed, the City of Tomball shall furnish the consumer's address to the nationwide consumer reporting agency from which it received the notice of address discrepancy if:

1. The organization establishes a continuing relationship with the consumer; and
2. The organization, regularly and in the course of business, furnishes information to the consumer reporting agency.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER: 22	EFFECTIVE DATE: October 5, 2009	PAGE 1 OF 2
HOTEL OCCUPANCY TAX GRANT PROCESS	REVISED: October 5, 2009	APPROVED BY CITY MANAGER: October 5, 2009	
	SUPERSEDES: January 19, 2009	APPROVED BY CITY COUNCIL: October 5, 2009	

Guidelines for Expenditures, Requests for Funding, and Reporting

Hotel Occupancy Tax

Chapter 351.002 of the Local Government Code authorizes a municipality, by ordinance, to impose a tax on a person who pays for the right to use or temporarily take possession of a room located in a hotel/motel that is ordinarily used for sleeping. The tax is imposed on the cost of the room itself and is not imposed on the cost of any food served or on any other services provided by the hotel/motel.

The revenue derived from the municipal occupancy tax may only be used to promote tourism and the convention and hotel industry in the community. For a city the size of Tomball and located in a county the size of Harris County, that use is limited to the following:

1. the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers or both;
2. the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;
3. advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;
4. the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms;
5. historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums:
    a. at or in the immediate vicinity of convention center facilities or visitor information centers; or
    b. located elsewhere in the municipality or its vicinity that would be frequented by tourists and convention delegates;
6. day-to-day operations, supplies, salaries, office rental, travel expenses, and other administrative costs only if those administrative costs are incurred directly in the promotion and servicing of those authorized expenditures listed in 1-5 above.

Tourists are defined in Chapter 351 as an individual who travels from the individual's residence to a different municipality, county, state, or country for pleasure, recreation, education, or culture. *Tourism* is defined as the guidance or management of tourists.

SUBJECT	NUMBER: 22	EFFECTIVE DATE: October 5, 2009	PAGE 2 OF 2
HOTEL OCCUPANCY TAX GRANT PROCESS	REVISED: October 5, 2009	APPROVED BY CITY MANAGER: October 5, 2009	
	SUPERSEDES: January 19, 2009	APPROVED BY CITY COUNCIL: October 5, 2009	

Requests for Hotel Occupancy Tax Funding

Any organization requesting the use of City of Tomball Municipal Hotel Occupancy Tax funds for an event that qualifies as an authorized use of funds as listed above must complete the **"Application for Use of Hotel Occupancy Tax"** a minimum of 45 days prior to the date of the event. All requests for funding must be approved by the City of Tomball City Council. Only one project may be requested per application. Applications for annual events must be submitted each year. Funding approved in one year does not guarantee funding in subsequent years.

Approved funding will be paid to the requesting organization on a reimbursement basis and will not be paid in advance. The reimbursement paid to the organization will be based on the lesser of the actual costs or the amount originally approved.

Reporting

Subsequent to the event/purpose for which occupancy tax funding was approved, the organization receiving the funds shall submit a full accounting of the event/purpose and specifically highlight the costs to be reimbursed by the hotel occupancy tax. In addition to the financial accounting of the event/purpose, the report shall also include a narrative describing how the event/purpose directly enhanced or promoted tourism and the convention and hotel industry in Tomball as well as the projected number of tourists or convention delegates coming to Tomball as a result of the event/purpose and the basis for the projection. If the event/purpose is one that is ongoing throughout the year, the financial and narrative report shall be updated and submitted on a quarterly basis. Reports shall be submitted to:

Director of Finance

City of Tomball

501 James Street

Tomball, TX 77375

281.290.1417

CITY OF TOMBALL

APPLICATION FOR USE OF HOTEL OCCUPANCY TAX

(Must be submitted no less than 45 days prior to the event)

Applications may be mailed or hand delivered to:

Director of Finance
City of Tomball
501 James Street
Tomball, TX 77375

Applicant Organization: _____

Organization Director: _____

Project or Event for which funding is requested: _____

Date of Event: _____

Description of project or event for which funding is requested: _____

_____

_____

_____

_____

Location of project or event: _____

_____

_____

GRANT AMOUNTS:

Amount Requested for Current Fiscal Year: _____ $_____
Amount Received for Previous Fiscal Year: _____ $_____
% increase requested over last year's grant: _____%

Organization Budget Summary for Previous Fiscal Year _____

	City Funds	Other Funds	Total
Personnel			
Contracted Services			
Travel			
Rental Expense			
Depreciation/Mortgage	**N/A**		
Advertising			
Insurance			
Other Expenses			
Volunteer Time	**N/A**		
Donated Goods/Services	**N/A**		
Total			

Grants to an organization will not exceed 35% of the organization's adopted budget for the fiscal year shown above.

FUNDS FROM SOURCES OTHER THAN THE CITY OF TOMBALL

Government — Amount of Funds

- Local _____
- County _____
- State _____
- Federal _____

Other Investors/Contributors

- Individual _____
- Corporate _____
- Foundations _____

Fees

- Admissions _____
- Applications _____
- Vendors _____
- Tuition _____

Concessions _____

Memberships _____

Subscriptions _____

Other _____

Total $ _____

How many people do you expect will visit Tomball from out-of-town as a result of this project or event?

Explain the basis for your answer to the preceding question: _____

_____

_____

_____

Are attendees for this event or users of this project expected to stay overnight in Tomball hotels or motels? If you answer to this question is Yes, state the basis for your answer: _____

_____

_____

_____

Organization Contact Name, Title, Address and Phone Number: _____

_____

_____

_____

Contact's Signature: _____

Date: _____

VALIDATION OF APPLICATION

The signatory declares that he/she is an authorized official of the applicant, is authorized to make this application, and certifies that the information in this application is true and correct to the best of his/her knowledge. Signatory further declares that applicant, if previously funded by the City of Tomball, has successfully fulfilled all prior Grant contract obligations.

_____ _____

Signature of Authorizing Official Date

_____

Typed Name

_____ _____

Title within Organization Telephone

_____

Email address

NARRATIVE QUESTIONS

Please look at the criteria in the grant guidelines when you answer the following questions. **Be specific and give examples.** Answers to individual questions should be as brief as possible and should in no case exceed one page.

1. Describe the history and purpose of the organization.

2. Describe how any grant funds will be used.

3. List the programs and activities for the grant year.

4. Show evidence of growth in community support prior to the grant year. Include the number of performances, exhibitions, audience sizes, services or enrollment. Be sure to include specific information as to the percent of activities taking place within the City of Tomball.

5. How does your project/event qualify for use of Municipal Hotel Occupancy Tax funds as defined in the Hotel Occupancy Tax Guidelines?

6. How do you publicize your activities? How do you evaluate these efforts and what have you done to increase the effectiveness of your marketing efforts?

7. Explain the public benefits to the City of Tomball that will result from your organization's efforts.

8. What is your organization doing to bring visitors to Tomball, to stay in local hotels and otherwise support the hospitality industry?

OTHER REQUIRED DOCUMENTATION

The following information in required to process the grant application:

1. Articles of Incorporation, if applicable

2. Constitution and/or By-Laws

3. If your organization's budget exceeds $100,000 (exclusive of in-kind) attach a copy of the last independent audit of financial records. If no audit was completed, explain why.

4. Schedule of Board of Directors meetings for the period of October 1 of the current year through September 30 of the following year. Board of Directors meetings must occur at least once per quarter.

5. Resumes of principal staff and artists or relevant job descriptions.

6. Depending on the nature of the project or event for which grant funding is requested, the organization will obtain a Certificate of Insurance for liability coverage as outlined in the attached Exhibit A. The City of Tomball requires each grantee having an event in the City aimed to attract both residents and tourists to have liability insurance to protect the public for acts by the grantee. This mandated coverage does not cover the grantee or any of its members. We encourage the grantee to acquire insurance to cover itself and its members as it deems fit. Please see your insurance agent for the local government endorsement. The cost of the local government endorsement may be included as part of your budget to be considered for a grant.

OPTIONAL SUPPORTING DOCUMENTATION

This should be additional material that you wish to attach that further explains the activities of your organization such as:

1. Long Range Plan – 3-5 years
2. One labeled videotape of performance(s), exhibits, workshops, capital project and /or other activities for which City of Tomball grant funds will be utilized.
3. Programs, publicity, articles, reviews, etc.
4. Letters of support from patrons or other organizations in the community.

EXHIBIT A

Organization shall procure and maintain for the duration of the grant agreement, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the services performed or to be performed hereunder by the Organization its agents, representatives, employees, volunteers, officers, directors or sub-contractors.

The organization shall maintain insurance with limits not less than $500,000 per occurrence, $1,000,000 aggregate and will be as broad as ISO Form Number GL 0002 (Ed 1/72) covering Comprehensive General Liability and ISO Form Number GL 0404 covering Broad Form Comprehensive General Liability, or ISO Commercial General Liability coverage ("occurrence for CG 0001). Coverage will include: A) Premises – Operations; B) Broad Form Contractual Liability, C) Broad Form Property Damage and D) Personal Injury.

The policy will be endorsed to contain the following provisions: The City, its officials, employees, volunteers, Boards and Commissions are to be added as "Additional Insured" in respect to liability arising out of any activities performed by or on behalf of the Organization. The policy shall contain no special limitations to the scope of coverage afforded to the City. The Organization's insurance shall be primary and any insurance or self-insurance shall be in excess of the Organization's insurance and shall not contribute with it. Certificate must include a waiver of subrogation as regards to the workers compensation policy. If your organization has no employees, and therefore doe not carry workers compensation insurance, you must provide to the City of Tomball a letter stating that you have no employees and therefore do not carry workers compensation insurance.

Insurance shall be placed with insurers with an A.M. Best rating of no less than A:VI or a Standard & Poor rating of A or better.

The Organization shall furnish the City with a certificate of insurance which shows the coverage provided. The insurance policy will be endorsed to state that coverage shall not be suspended, voided, canceled, non-renewed, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
PARK RESERVATION POLICY (Railroad Depot Gazebo and Plaza, Juergens Park, Jerry Matheson Park, Theis Attaway Nature Center)	23	AUGUST 5, 2019	PAGE 1 OF 3
	REVISED: AUGUST 5, 2019	APPROVED BY CITY MANAGER: AUGUST 5, 2019	
	SUPERSEDES: AUGUST 7, 2017	APPROVED BY CITY COUNCIL: AUGUST 5, 2019	

Applications accepted for following Park Facilities:

- **Railroad Depot Gazebo,**
- **Railroad Depot Plaza,**
- **Juergens Park Pavilion,**
- **Jerry Matheson Park, &**
- **Theis Attaway Nature Center.**

Priority use of park to be granted by reservation only. Reservation may be made by contacting the City of Tomball. Please note, individuals may not utilize city facilities for profit making endeavors.

INDEMNIFICATION

INDEMNIFICATION. LICENSEE agrees that it will indemnify and save the CITY harmless of, from and against any and all claims, demands, actions, damages, losses, costs, liabilities, expenses and judgments (hereinafter "claims") recovered from or asserted against CITY on account of injury or damage to persons or property to the extent that any such damage or injury may be incident to, arise out of, or be caused, either proximately or remotely, in whole or in part, by an act, omission, negligence or misconduct on the part of LICENSEE or any of its agents, servants, employees, contractors, patrons, guests, licensees or invitees or of any other person entering upon the LICENSED PREMISES with the express or implied invitation or permission of LICENSEE, or when and such injury or damage is the result, proximate or remote, of the violation by LICENSEE or any of it agents, servants, employees, contractors, patrons, guests, licensees or invitees of any law, ordinance or governmental order of any kind, or when any such injury or damage may in any way arise from or out of the occupancy or use by the LICENSEE, its agents, servants, employees, contractors, patrons, guests, or invitees. LICENSEE further expressly covenants and agrees to protect, defend, indemnify, and hold harmless the CITY from all claims based upon alleged joint and/or concurrent negligence of the CITY and LICENSEE arising out of or incident to LICENSEE's occupancy or use of the LICENSED PREMISES. LICENSEE covenants and agrees that in case CITY shall be made a party to any litigation commenced by or against LICENSEE or relating to this LICENSE or to the LICENSED PREMISES, then LICENSEE shall and will pay all costs and expenses, including reasonable attorney's fees and court costs, incurred by or imposed upon CITY by virtue of any such litigation.

SUBJECT	NUMBER:	EFFECTIVE DATE:	
PARK RESERVATION POLICY (Railroad Depot Gazebo and Plaza, Juergens Park, Jerry Matheson Park, Theis Attaway Nature Park)	23	AUGUST 5, 2019	PAGE 2 OF 3
	REVISED: AUGUST 5, 2019	APPROVED BY CITY MANAGER: AUGUST 5, 2019	
	SUPERSEDES: AUGUST 7, 2017	APPROVED BY CITY COUNCIL: AUGUST 5, 2019	

☐*Residency verification:_____(city staff) ☐Facility Inspection Verification:_____(city staff)

Railroad Depot *Plaza & Gazebo* @ 201 S. Elm

- Reservations are for the Gazebo only.
- Renters must provide their own tables and chairs.

☐*RESIDENT
☐1/2 DAY $50.00 (8am-2pm) or (4pm-10pm)
☐ALL DAY $100.00(8am-10pm)

☐NON-RESIDENT
☐1/2 DAY $100.00 (8am-2pm) or (4pm-10pm)
☐ALL DAY $125.00(8am-10pm)

Juergens Park@ 1331 Ulrich

- Keys to the interior of the park are available, but are to be used for temporary access to set up or clean up. No vehicles should remain on the park site interior.

☐*RESIDENT
☐1/2 DAY $50.00 (8am-2pm) or (4pm-10pm)
☐ALL DAY $100.00(8am-10pm)

☐NON-RESIDENT
☐1/2 DAY $100.00 (8am-2pm) or (4pm-10pm)
☐ALL DAY $125.00(8am-10pm) ~~DEPOSIT $100.00~~

Jerry Matheson Park @ 1240 Ulrich

☐*RESIDENT
☐1/2 DAY $50.00 (8am-2pm) or (4pm-10pm)
☐ALL DAY $100.00(8am-10pm)

☐NON-RESIDENT
☐1/2 DAY $100.00 (8am-2pm) or (4pm-10pm)
☐ALL DAY $125.00(8am-10pm)

Theis Attaway Nature Park @ 13509 Theis Lane

- Catch and release fishing.
- No cast nets.

☐*RESIDENT
☐1/2 DAY $50.00 (8am-2pm) or (4pm-10pm)
☐ALL DAY $100.00(8am-10pm)

☐NON-RESIDENT
☐1/2 DAY $100.00 (8am-2pm) or (4pm-10pm)
☐ALL DAY $125.00 (8am-10pm)

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER: 23	EFFECTIVE DATE: AUGUST 5, 2019	PAGE 3 OF 3
PARK RESERVATION POLICY (Railroad Depot Gazebo and Plaza, Juergens Park, Jerry Matheson Park, Theis Attaway Nature Park)	REVISED: AUGUST 5, 2019	APPROVED BY CITY MANAGER: AUGUST 5, 2019	
	SUPERSEDES: AUGUST 7, 2017	APPROVED BY CITY COUNCIL: AUGUST 5, 2019	

A deposit is not required for the rental of any park facility; a debit or credit card must be provided with the rental application that will be charged in the event of any damage or cleaning required to the rented facility.

****

Resident: Must present recent Tomball City Water Bill or have a current account with The City Utility department.

Renters Information:

Date Requested:_____ Time:_____ Number of People Expected:_____

Organization:_____ Type of Event:_____

Contact Person:_____Email:_____

Business Phone:_____ Home Phone:_____ Fax:_____

Home Address:_____City:_____St._____Zip:_____

Debit/Credit Card Information (for damage or cleaning):

Name on Card: _____ Card Number: _____

Card Expiration: _____ Security Code: _____

Address: _____ City: _____ St.: _____ Zip: _____

By signing below, I acknowledge that I have read the Park Rules and Regulations and understand that I am responsible for cleanup. If the Park is not cleaned up or has been damaged, I will be subject to all costs incurred by the City for cleaning or to make any needed repairs, which will be charged to my debit or credit card on file. I am also responsible to make certain that all rules and regulations are followed and am aware that violation of the rules and regulations could prohibit future applications for reservations by me or the organization I am representing.

Signature:_____ Date:_____

Confirmation of Park Reservations by signature below only! Application subject to a 24-hour application review period prior to approval by City Administration.

City of Tomball: _____(City Staff) Date*:* _____

KEEP THIS FORM WITH YOU AT THE PARK!!!!!
Public Works Department ● 501 James Street-Tomball, Texas
Phone: (281) 290-1400 ● After hours, Police Dept. Dispatch: (281) 351-5451

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
SPORTS COURTS RESERVATION POLICY	24	NOVEMBER 7, 2022	PAGE 1 OF 2
	REVISED: NOVEMBER 7, 2022	APPROVED BY CITY MANAGER: NOVEMBER 7, 2022	
	SUPERSEDES: OCTOBER 3, 2022	APPROVED BY CITY COUNCIL: NOVEMBER 7, 2022	

The general public may reserve tennis and pickleball courts. Reserving courts will guarantee availability. Individuals may not utilize city facilities for profit making endeavors.
Priority use of courts to be given by reservation.

1. Reservations may be made by contacting Public Works. The courts must be cleaned up by reserving party immediately after function is over. There will be a charge if the City has to clean the courts.
2. No glass containers.
3. No loud or abusive language.
4. The possession and/or consumption of alcoholic beverages are prohibited in the park area.
5. No pets on the courts.
6. No littering.
7. No loud music.
8. No display or use of firearms of any kind.
9. Park closes at 10 p.m. unless previous arrangements are made.
10. Limit of four (4) persons per court, 3-hour time limit.
11. No more than 4 months reserved at one time, no more than 3 months in advance.
12. Pickleball courts may only be reserved Monday thru Friday from 11 a.m. to 5 p.m.
13. Tennis shoes must be worn at all times.
14. No roller skating, skate boarding, bicycles or hockey allowed on courts at any time.

☐**Residency verification :_____(city staff)**
☐***RESIDENT ☐PER COURT-2 HOURS $5.00**
☐ **NON-RESIDENT ☐PER COURT-2 HOURS $10.00**
☐ **RESIDENT LEAGUE FEES: $150.00 per league-per season (4 months)**
☐ **NON-RESIDENT LEAGUE FEES: $170.00 per league-per season (4 months)**
☐Spring-(Feb., Mar., Apr., and May)
☐Fall-(Sept., Oct., Nov., and Dec.)

***Resident: Must present recent Tomball City Water Bill or have a current account with The City Utility department.**

Date Needed:_____ Time:_____ Number of Courts:_____ Total Due:_____

Date Needed:_____ Time:_____ Number of Courts:_____ Total Due:_____

Date Needed:_____ Time:_____ Number of Courts:_____ Total Due:_____

Date Needed:_____ Time:_____ Number of Courts:_____ Total Due:_____

Date Needed:_____ Time:_____ Number of Courts:_____ Total Due:_____

Contact Person:_____ Email:_____

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
SPORTS COURTS RESERVATION POLICY	24	NOVEMBER 7, 2022	PAGE 2 OF 2
	REVISED: NOVEMBER 7, 2022	APPROVED BY CITY MANAGER: NOVEMBER 7, 2022	
	SUPERSEDES: OCTOBER 3, 2022	APPROVED BY CITY COUNCIL: NOVEMBER 7, 2022	

Business Phone:_____ Home phone:_____ Fax:_____
Home Address:_____ City:_____ St._____ Zip:_____

I have read the Tennis Court Rules and Regulations and understand that I am responsible for cleanup. If the Tennis Courts are not cleaned up or have been damaged, I will be subject to any costs incurred by the City. I am also responsible to make certain that all rules and regulations are followed and am aware that violation of the rules and regulations could prohibit future applications for reservations by me or the organization I am representing.

INDEMNIFICATION

INDEMNIFICATION. LICENSEE agrees that it will indemnify and save the CITY harmless of, from and against any and all claims, demands, actions, damages, losses, costs, liabilities, expenses and judgments (hereinafter "claims") recovered from or asserted against CITY on account of injury or damage to persons or property to the extent that any such damage or injury may be incident to, arise out of, or be caused, either proximately or remotely, in whole or in part, by an act, omission, negligence or misconduct on the part of LICENSEE or any of its agents, servants, employees, contractors, patrons, guests, licensees or invitees or of any other person entering upon the LICENSED PREMISES with the express or implied invitation or permission of LICENSEE, or when and such injury or damage is the result, proximate or remote, of the violation by LICENSEE or any of it agents, servants, employees, contractors, patrons, guests, licensees or invitees of any law, ordinance or governmental order of any kind, or when any such injury or damage may in any way arise from or out of the occupancy or use by the LICENSEE, its agents, servants, employees, contractors, patrons, guests, or invitees. LICENSEE further expressly covenants and agrees to protect, defend, indemnify, and hold harmless the CITY from all claims based upon alleged joint and/or concurrent negligence of the CITY and LICENSEE arising out of or incident to LICENSEE's occupancy or use of the LICENSED PREMISES. LICENSEE covenants and agrees that in case CITY shall be made a party to any litigation commenced by or against LICENSEE or relating to this LICENSE or to the LICENSED PREMISES, then LICENSEE shall and will pay all costs and expenses, including reasonable attorney's fees and court costs, incurred by or imposed upon CITY by virtue of any such litigation.

ACKNOWLEDGEMENT: I _____ (printed name) hereby acknowledge that the solicitation of, and/or administering or receiving paid instructions, lessons, or therapy, and the sale of any merchandise at this public facility is strictly prohibited.

*Signature*_____ *Date*: _____

Confirmation of Park Reservations by signature below only! <u>Application subject to a 24 hour application review period prior to approval by City Administration.</u>

City of Tomball: _____(City Staff) Date: _____

KEEP THIS FORM WITH YOU AT THE PARK!!!!!

Public Works Dept-501 James Street-Tomball, Texas- (281) 290-1400, after hours, Police Dept. Dispatch-281-351-5451

City of Tomball
SPORTS COURTS RESERVATION FORM
Rules and Regulations
(281)290-1400
Fax # (281) 351-4735
Office Hours 8:00am-5:00pm-Park Hours 8:00am-10:00pm

The general public may reserve tennis and pickleball courts. Reserving courts will guarantee availability. Individuals may not utilize city facilities for profit making endeavors.

Priority use of tennis courts to be given by reservation.

1. Reservations may be made by contacting Public Works. The courts must be cleaned up by reserving party immediately after function is over. There will be a charge if the City has to clean the courts.
2. No glass containers.
3. No loud or abusive language.
4. The possession and/or consumption of alcoholic beverages are prohibited in the park area.
5. No pets on the courts.
6. No littering.
7. No loud music.
8. No display or use of firearms of any kind.
9. Park closes at 10 p.m. unless previous arrangements are made.
10. Limit of four (4) persons per court, 2 hour time limit.
11. Tennis Courts will be limited to 3 courts reserved at one time; 1 court will remain for open play.
12. Reservations for courts will have a two-day reservation maximum per week.
13. **Pickleball courts may only be reserved Monday thru Friday from 11 a.m. to 5 p.m.**
14. No more than 4 months reserved at one time, no more than 3 months in advance.
15. Tennis shoes must be worn at all times.
16. No roller skating, skate boarding, bicycles or hockey allowed on courts at any time.

☐**Residency verification :_____(city staff)**

INDIVIDUAL RESERVATIONS:
☐ **RESIDENT** ☐ **PER COURT-2 HOUR $5.00**
☐ **NON-RESIDENT** ☐ **PER COURT-2 HOUR $10.00**

GROUP RESERVATIONS:
☐**RESIDENT GROUP FEE: $150.00/group-per season (4 mos.)**
☐**NON-RESIDENT GROUP FEE: $170.00/group- per season (4 mos.)**
☐**Spring-(Feb., Mar., Apr., May)** ☐**Fall-(Sept., Oct., Nov., Dec.)**

Date Needed:_____Time:_____ Number of Courts:_____Total Due:_____
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Date Needed:_____Time:_____ Number of Courts:_____Total Due:_____
Date Needed:_____Time:_____ Number of Courts: _____Total Due:_____

Contact Person:_____Email:_____

Business Phone:_____ Home Phone:_____Fax:_____

Home Address:_____City:_____St._____Zip:_____

I have read the Tennis Court Rules and Regulations and understand that I am responsible for cleanup. If the Tennis Courts are not cleaned up or has been damaged, I will be subject to any costs incurred by the City. I am also responsible to make certain that all rules and regulations are followed and am aware that violation of the rules and regulations could prohibit future applications for reservations by me or the organization I am representing.

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ACKNOWLEDGEMENT: I _____ (printed name) hereby acknowledge that the solicitation of, and/or administering or receiving paid instructions, lessons, or therapy, and the sale of any merchandise at this public facility is strictly prohibited.

*Signature*_____*Date*: _____

Confirmation of Park Reservations by signature below only! Application subject to a 24 hour application review period prior to approval by City Administration.

City of Tomball: _____(City Staff) Date*:* _____

KEEP THIS FORM WITH YOU AT THE PARK!!!!!

Public Works Department-501 James Street-Tomball, Texas- (281) 290-1400, after hours, Police Dept. Dispatch-281-351-5451

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
	25	June 17, 2013	PAGE 1 OF 1
FUND BALANCE POLICY	REVISED:	APPROVED BY CITY MANAGER: June 17, 2013	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: June 17, 2013	

The Governmental Accounting Standards Board (GASB) released Statement 54 -"Fund Balance Reporting and Governmental Fund Type Definitions" on March 11, 2009 which is effective for our current fiscal year ending September 30, 2013 and following. This new Statement is intended to improve the usefulness of the amount reported in fund balance by providing more structured classification. This Statement applies to fund balance reported in the General Fund, Special Revenue Fund, Debt Service Fund, Capital Projects Fund and Permanent Fund, if applicable. This Statement does not apply to Enterprise Funds, Internal Service Funds, and extremely restricted reserves.

Currently fund balance is classified as “reserved” or “unreserved.” Unreserved fund balance may be further allocated into designated and undesignated. GASB 54 will change how fund balance is reported in the financial statements. The hierarchy of five possible GASB 54 classifications is as follows:

- **Non-spendable Fund balance** includes amounts not in spendable form, such as inventory, or amounts required to be maintained intact legally or contractually (e,g, inventory, pre-paid items).
- **Restricted Fund Balance** includes amounts constrained for a specific purpose by external parties (e.g. Debt Service, Capital Projects, State and Federal Grant Funds).
- **Commi ed Fund Balance** includes amounts constrained for a specific purpose by a government using its highest level of decision making authority (e.g. Major Maintenance, Land, Storm Damage Reserves).
- **Assigned Fund Balance** includes general fund amounts constrained for a specific purpose by the City Council or by an official that has been delegated authority to assign amounts.
- **Unassigned Fund Balance** is the residual classification for the general fund.

In addition, the City will be required to disclose more information in the notes to financial statements about amounts reported in fund balance as follows:

- Description of authority and actions that lead to committed or assigned fund balance
- City’s policy regarding order in which restricted, committed, assigned, and unassigned amounts are spent (contained in attached resolution)
- Description of formally adopted minimum fund balance policies (contained in attached resolution)
- The purpose of each major special revenue fund
- Encumbrances, if significant.

RULES AND REGULATIONS FOR CITY OF TOMBALL PARKS

Except as specifically noted, these Rules and Regulations apply to all parks located within the City of Tomball, unless given prior written approval by the City Manager or designee.

DEFINITIONS

As used in these Rules and Regulations:

a) **Abandon** means a person giving up custody of an animal without making arrangements for another person to assume custody.
b) **Alcoholic Beverage** means any beverage containing more than one-half of one percent (.5%) of alcohol by volume, which is suitable for use as a beverage, either alone or diluted.
c) **Animal** means a domesticated living creature (e.g., cat, dog, chicken, or rabbit) or a wild living creature previously captured.
d) **City Manager or designee** means any administrator of the City of Tomball authorized to make decisions on behalf of City Council
e) **Explosive** means any chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion.
f) **Light truck** means any truck with a manufacturer's rated carrying capacity not to exceed two thousand (2,000) pounds and is intended to include those trucks commonly known as pickup trucks, panel delivery trucks, carryall trucks, and vans.
g) **Park** means a property owned, operated, or maintained by the City for recreation and enjoyment by the general public.
h) **Parks Superintendent** (Superintendent) means the individual named or designated as a Park Superintendent or Park Manager by the City Manager to which the rules are being applied.
i) **Peace Officer** means a peace officer as defined in Article 2.12 of the Texas Code of Criminal Procedure, as amended.
j) **Person** means any individual, group of individuals, organization, corporation, or other legal entity, but does not include the City.
k) **Pet** means a domesticated animal kept for pleasure rather than utility.
l) **Road** means any road maintained or controlled by the City for public passage for vehicles within a park.
m) **Special Event** means a non-routine organized activity intended for more than 100 individuals to share a common purpose as a group.
n) **Truck** means a motor vehicle designed, used, or maintained primarily to transport property.
o) **Vehicle** means every device in, upon, or by which any individual or property may be transported or drawn upon a road, except a device moved by human power.
p) **Weapon** means those objects defined as weapons or prohibited weapons in Chapter 46 of the Texas Penal Code.
q) **Wildlife** means living creatures that are neither human nor domesticated.

PARK USE

No person shall use a park, or any area or facility therein, for any purpose other than for the purpose for which it was designed or designated. Any activity that will disrupt the normal purpose of the park is prohibited.

PARK HOURS OF OPERATION

No person shall enter into or remain within a park at any time other than during such time as the park is open to the public as designated on the sign posted at or near the entrance of the park, unless given prior written approval by the City Manager or designee.

VEHICLES

(a) No person shall operate a vehicle within a park except on the roads or parking lots therein. Operation of a vehicle on the shoulder of the road will be permitted only if the driver is parking on the shoulder of the road or is driving a previously parked vehicle from the shoulder of the road to the paved portion of the road. This provision does not apply to park maintenance or patrol vehicles.

(b) No person shall operate a truck within a park, other than a light truck (e.g., pickup truck, panel delivery truck, carryall truck, or van) or a truck making deliveries of materials, supplies, and equipment purchased or rented by the City.

(c) No person shall operate a vehicle in a park at a speed in excess of the posted speed limit.

(d) No person shall cause a vehicle to be parked within a park, except in a designated parking area. Vehicles parked on the shoulder of a road in designated areas must be parked parallel to the road and shall not impede the flow of traffic.

(e) No person shall leave a vehicle within a park after-hours unless approval is granted by the City Manager or designee. Vehicles remaining within a park for which approval has not been granted will be towed at the owner's expense.

WILDLIFE

(a) No person shall willfully harm, harass, disturb, trap, confine, catch, possess, feed, hunt, release, or remove any wildlife within a park, without specific authority from the City Manager or designee.

(b) Fishing in accordance with State of Texas laws and regulations shall be permitted within all parks, except as specifically prohibited.

PLANT LIFE

No person shall willfully destroy or remove any tree, shrub, vine, wildflower, grass, fern, moss, leaves, cones, dead or downed wood, or any other plant life within a park without the consent of or under the direct supervision of the City Manager or designee.

FIRES, SMOKING

Except in designated areas, no person may light, build, or maintain a fire within a park other than within a camp stove or barbecue pit; only propane barbeque pits be utilized inside of parks. Smoking of tobacco products shall be confined to those areas designated for such in the park.

If a burn ban is in effect, no fires or smoking will be allowed, except during special events and in facilities with a preapproved fire prevention plan reviewed by the City of Tomball Fire Marshal.

WEAPONS

The constitution and laws of the State of Texas, and those of the United States of America, govern the possession of Weapons within a park.

EXPLOSIVES

No person may possess gunpowder or other combustibles, explosives, or fireworks within a park. This provision does not apply to gasoline and other petroleum products in fuel tanks of motor vehicles, propane or petroleum products intended to be used as fuel for cooking, or petroleum products used to power an electric generator.

ANIMALS

No person may bring into or possess in a park any animal other than a dog or domestic cat. Any person bringing a dog or domestic cat into a park shall keep the animal confined to a vehicle or secured by a leash not exceeding six (6) feet in length (including retractable leashes), maintain control of the animal at all times and maintaining a safe distance from people and other animals in the park.

No person shall abandon an animal in a park.

GLASS BEVERAGE CONTAINERS

No person shall use or possess any glass containers in a park.

METAL DETECTORS

No person may bring into or possess in a park any metal detector unless the operator has specifically contracted with the City for survey, discovery, excavation, restoration, demolition, or study.

SPECIAL CONDITIONS/RESTRICTIONS PERTAINING TO THE USE AND CONSUMPTION OF ALCOHOLIC BEVERAGE

No person shall possess or consume an alcoholic beverage in a park, except in compliance with the special conditions and restrictions noted below:

Alcoholic beverages may be consumed only if authorized in the concessionaire's agreement or rental contract, or if approved by City Council.

RESERVATIONS

Any person may reserve a pavilion or other designated park facility (e.g., tennis courts, baseball fields) by completing the Park Reservation Application, in its entirety, and submitting it to the Public Works Administrative Assistant. Use of a pavilion or other park facility will be approved on a first-come, first-served basis. A deposit is not required for the reservation of the facilities but a credit card must be placed on file to be charged for any damages resulting from the reservation; cardholders will be contacted before any such charges are completed.

Upon verification of the completed application and required documents, if any, payment shall be made for the reservation of the City facility; rental fee is non-refundable. The park grounds are public areas and are not subject to rental; the City will not restrict others from entering the park as long as they are not within the rented area and interfering with renter's event.

Requests should be made at least ten (10) business days prior to the proposed use, but no person, except a concessionaire who has contracted with the City, shall be entitled to continuous, exclusive use of a park or park facility.

USE OF LOUDSPEAKERS

The use of loudspeakers within a park shall be governed by sections 42.01(a)(5) and (c) of the Texas Penal Code, *Disorderly Conduct*, or as referenced in the City of Tomball Code of Ordinance Chapter 18, Article IV.

DUMPING AND LITTERING

The disposal of rubbish in any manner other than by depositing it in trash cans provided for this purpose; the willful destruction of or damage to or theft of City property; the creation of any hazard to persons or things; and the climbing upon plant bedding areas or any part of a public building are prohibited. No person shall bring into a park any trash, refuse, or waster material.

All litter and debris from an event must be disposed of from the rented area, landscaping and surrounding areas. If waste will not fit within the trash receptacles located at the reserved facility it must be removed.

SOLICITATIONS AND SALE OF GOODS AND SERVICES

The solicitation or sale of goods and services, or the seeking of donations for a cause, is prohibited unless the person receives the prior written approval of City Council.

CAMPING

No person shall engage in overnight camping in a park.

SUBJECT	NUMBER: 26	EFFECTIVE DATE: AUGUST 5, 2019	PAGE 5 OF 7
RULES AND REGULATIONS FOR CITY OF TOMBALL PARKS	REVISED:	APPROVED BY CITY MANAGER: AUGUST 5, 2019	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: AUGUST 5, 2019	

SPECIAL EVENTS

No person shall solicit for, hold, or sponsor a special event in a park or park facility without the prior written permission of the City Manager or designee, who shall require the provision of liability insurance, if needed, with the City named as insured.

In addition, the person or organization may be required to employ and have on site to provide security at least one uniformed Texas certified Peace Officer for the first 300 attendees or fraction thereof, and at least one additional such peace officer for each additional 250 attendees or fraction thereof, depending on the type and size of the special event. Security, as well as other details of the event, is to be coordinated with the appointed department as determined by the City facility being utilized. All special events must meet with the City Special Events Team, unless otherwise directed by City staff.

Applicants requesting to use a City park facility for a special event that is intended to raise money must provide proof of 501 (c) (3) nonprofit tax exemptions and/or Medical Trust Fund Documents from bank. Admission cannot be charged and solicitation of park users who are not participating in the event is not allowed, unless the person or organization receives the prior written consent of City Council.

SPECIAL RULES FOR SPECIFIC PARK FACILITIES

Each park facility may develop rules and regulations that address problems specific to that facility, which shall be in writing and approved by City Council. All persons shall comply with the rules and regulations posted for individual facilities or special events.

SPECIAL PROVISIONS

The following special provisions apply only to the parks designated:

- *All City Parks*:
    - No unaccompanied children under the age of 12.
    - Weddings and parties are allowed with approval through reservation. All party favors containing paper, confetti, rice, silly string, glitter or other filling which is designed to pop/break/shatter or otherwise burst and litter are prohibited.
    - A person may not operate a drone or model aircraft in a park except in a specifically designated area, and the drone or model aircraft must remain in the operator's line of sight.
    - Generators, balloons, and/or moonwalks allowed; moonwalks shall require Liability Insurance from the company supplying the equipment with the City listed as an additional insured.
    - Piñatas or water recreation activities are not allowed in parks unless for special events or as approved by City Council or staff.
    - No loud or abusive language.
    - Bicycles, skates, and skateboards allowed.
    - Pets allowed.

  - No posters, banners, signs or other devices will be allowed to be displayed or posted on park fixtures using tacks, nails, staples, tape or other fasteners.
  - Items are prohibited from driven or staked into the ground.
- *Railroad Depot Plaza & Gazebo:*
  - Reservations are for the Gazebo only.
  - Renters must provide their own tables and chairs.
- *Juergens Park:*
  - Renters may obtain keys to the interior of the park but area is to be used for temporary access for setup and clean up.
- *Theis Attaway Nature Center:*
  - Catch and Release Fishing only.
  - No cast nets permitted.
- *Broussard Community Park:*
  - Catch and Release Fishing only.
  - No cast nets permitted.
  - Soccer fields are maintained through a contract and if not in use by league soccer are open to the public and may not be rented.

PARK SIGNS

All persons shall comply with signs and markers installed, or caused to be installed, in the parks.

EFFECT ON EXISITING LAW

These Rules and Regulations are in addition to, and not in lieu of, all federal, state, and municipal laws, rules, and regulations applicable within a park.

ENFORCEMENT

The Superintendent or his designee shall be authorized to remove any person who violates any of these Rules and Regulations from the park. In addition to removal from the park, charges may be filed against a violator under subsections of the Texas Penal Code or City of Tomball Code of Ordinances.

SEVERABILITY

The provisions of these Rules and Regulations are severable. If any word, phrase, clause, sentence, section, provision, or part of these Rules and Regulations should be held invalid or unconstitutional, it shall not affect the validity of the remaining provisions, and it is hereby declared to be the intent of the City Council that these Rules and Regulations would have been adopted as to the remaining portions, regardless of the invalidity of any part.

AMENDMENTS

These Rules and Regulations may be amended at any time at the discretion of the City Council.

POSTING

These Rules and Regulations shall be posted on the City website.

OFFENSES

In accordance with the Texas Penal Code and City of Tomball Code of Ordinances, a violation of these Rules and Regulations may be punishable.

EFFECTIVE DATE

These Rules and Regulations shall become effective on August 5, 2019. All previously adopted rules and regulations are superseded and repealed effective the same date.

SUBJECT	NUMBER:	EFFECTIVE DATE:	
CIVIL RIGHTS POLICIES	27	9/8/2020	PAGE 1 OF 15
	REVISED: September 8, 2020	APPROVED BY CITY MANAGER: September 8, 2020	
	SUPERSEDES: August 3, 2020	APPROVED BY CITY COUNCIL: September 8, 2020	

PURPOSE

The purpose of the Civil Rights Policies is to establish official procedures to be used by all departments in the City of Tomball obtaining grants derived from State and/or Federal funds to ensure compliance in accordance with:

- 2 CFR §200
- 24 CFR §8
- 24 CFR §91.325(b)(6)
- 24 CFR §570
- Fair Housing Act of 1968
- Texas Local Government Code Chapter 171
- Uniform Grant Management Standards (UGMS)

SCOPE

All departments receiving a grant that is funded by the State and/or Federal funds shall ensure that all activities including procurement and contract management are completed in accordance with all policies, procedures, laws and ordinances of the City including the adopted Civil Right Policies herein.
Grant Management shall be conducted in a manner that will promote public confidence in the integrity of the City of Tomball.

POLICIES AND PROCEDURES:

CITY OF TOMBALL
CITIZEN PARTICIPATION PLAN

THE CITY OF TOMBALL

REGARDING THE USE OF GRANT FUNDS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
This Citizen Participation Plan was prepared in accordance with Section 104(a) of the Housing and Community Development Act of 1974, as amended. The 24 CFR 91.105 federal regulations outline the "citizen participation" requirements.

The plan is to be used to address citizen participation in the Community Development Block Grant (CDBG) Program. With receipt of HOME Investment Partnerships (HOME) Program funds, the program will be included under this Citizen Participation Plan.

The Citizen Participation Plan (CPP) sets forth policies and procedures for citizen participation in the development of project specific applications and substantial amendments to these projects with funding.

CERTIFICATION OF COMPLIANCE

The City of Tomball is certifying to the U. S. Department of Housing and Urban Development (HUD) and State Agencies administering HUD programs that they have an approved Citizen Participation Plan, which:

1. Provides for and encourages citizen participation with emphasis on participation by persons who are residents of slum and blighted areas, by residents in low- and moderate-income neighborhoods, or targeted revitalization areas.
2. Provides for and encourages citizen participation of residents of public and assisted housing developments, as well as provides information to the public housing authorities within our jurisdiction activities related to these programs.
3. Provides for and encourages citizen participation of persons with disabilities as well as provides documents in a format accessible to persons with disabilities, upon request.
4. Provides for and encourages citizen participation of all citizens, including minorities and non-English speaking persons, and identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.
5. Provides citizens with reasonable and timely notification and access to local meetings, information, and records relating to the County's proposed and actual use of federal Community Development Block Grant funds.
6. Provides for public hearings and/or public postings to obtain citizen views; to respond to proposals and questions at all stages of the community development program, including at least the development of needs; and the review of proposed activities, and review of program annual performance. If hearings are held, they shall be after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodations for the disabled; and,
7. Provides for a timely written response to written complaints and grievances where applicable.

Note to Grant Recipients regarding Limited English Proficiency (LEP) requirements:

In accordance with federal law, if there is a significant number of the population who are non-English speaking residents and are affected by the CDBG project, such citizens should have 'meaningful access' to all aspects of the CDBG project. To provide 'meaningful access', Grant Recipients may need to provide interpreter services at public hearings or provide non-English written materials that are routinely provided in English. Examples of such vital documents may include Citizen Participation notices (e.g., complaint procedures, hearings notices), civil rights notices, and any other published notice that may allow an eligible person with limited English proficiency to participate in discussing proposed CDBG activities. For more information, see LEP.gov.

COMPLAINT PROCEDURES

These complaint procedures comply with the requirements of HUD's CDBG 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 Tomball, Texas, 401 Market Street, (281) 290-1400 during regular business hours.
Below are the formal complaint and grievance procedures regarding the services provided under the CDBG program.

1. A person who has a complaint or grievance about any services or activities with respect to the CDBG project, whether it is a proposed, ongoing, or completed CDBG project, may during regular business hours submit such complaint or grievance, in writing to the City Civil Rights Officer, at 401 Market Street, Tomball, Texas 77375 or may call (281) 290-1411.
2. A copy of the complaint or grievance shall be transmitted by the Civil Rights Officer to the person/division that is the subject of the complaint or grievance and to the Mayor/City Manager/County Judge within five (5) working days after the date of the complaint or grievance was received.
3. The Mayor/City Manager or their representative 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 fifteen (15) days. The response may be a time extension to further review the complaint or grievance.
4. If the investigation cannot be completed within fifteen (15) working days per 3 above, the person who made the grievance or complaint shall be notified, in writing, within twenty (20) 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 Program Manager for their further review and comment.

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 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 AND INVOLVEMENT

Citizens will be provided reasonable advance notice of, and opportunity to comment on proposed activities in an application to the state and for grants already made regarding activities which are proposed to be added, deleted, or substantially changed from the entity's application to the state. The public outreach and notification will be accomplished through one or more of the following methods:

a) Publication of notice in a local newspaper—a published newspaper article may also 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 meeting).

These details will be included in the Public Comment Version of the Application, prior to submission.
Citizens, with 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.

PUBLIC COMMENT PROVISIONS AS REQUIRED BY CERTAIN STATE AGENCIES IN THE ADMINISTRATION OF FEDERAL PROGRAMS

When public notice is the sole required notification process for the submission of an application from a State agency, the following provisions shall be observed the City.
A copy of a substantially complete application will be made available to allow for 15 days of local public comment, 15 days of state comment for a total of 30 days and will include, but are not limited to:

1. The amount of CDBG funds expected to be made available for the current fiscal year (including the grant and any anticipated program income).
2. The range of activities that may be undertaken with the CDBG funds.
3. The estimated amount of the CDBG- funds proposed to be used for activities that will meet the national objective of benefit to low- and moderate- income persons.
4. The proposed CDBG activities likely to result in displacement and the unit of general local government's anti-displacement and relocation plans required under § 570.488.
5. The development of housing and community development needs

When a public hearing is required for submission of an application from a State agency, the following provisions shall be observed by the City:

1. As stated in the COVID-19 Disaster Declaration Proclamation dated March 13th, 2020; public hearings may be held virtually or in person, pursuant to Section 418.017 of the code; "authorization to use all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster." Public notice of all hearings must be posted at least seventy-two (72) hours prior to the scheduled hearing.
2. When a significant number of non-English speaking residents are a part of the potential service area of the CDBG project, vital documents such as notices should be published in the predominant language of these non-English speaking citizens. An interpreter should be present to accommodate the needs of the non-English speaking residents at all public hearing where applicable.
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 plan for individuals who require auxiliary aids or services if contacted at least two days prior to the hearing.

4. A public hearing, when required by a Federal Program, shall be held after 5:00 PM on a weekday or at a convenient time on a Saturday or Sunday.
5. If the agency requires a public hearing for submission, then a public notice shall be posted at city hall and the community's website notifying the public of the project selected at least 5 days prior to the submission of the application.

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.

CITY OF TOMBALL
SECTION 3 POLICY

In accordance with 12 U.S.C. 1701u the City of Tomball 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.

1. 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.
2. Assign duties related to implementation of this plan to the designated Civil Rights Officer.
3. Notify Section 3 residents and business concerns of potential new employment and contracting opportunities as they are triggered by CDBG-DR grant awards through the use of: Public Hearings and related advertisements; public notices; bidding advertisements and bid documents; notification to local business organizations such as the Chamber of Commerce or the Urban League; local advertising media including public signage; project area committees and citizen advisory boards; local HUD offices; regional planning agencies; and all other appropriate referral sources. Include Section 3 clauses in all covered solicitation and contracts.
4. Maintain a list of those businesses that have identified themselves as Section 3 businesses for utilization in CDBG-DR funded procurements, notify those businesses of pending contractual opportunities, and make this list available for general Grant Recipient procurement needs.
5. Maintain a list of those persons that have identified themselves as Section 3 residents and contact those persons when hiring/training opportunities are available through either the Grant Recipient or contractors.
6. Require that all Prime contractors and subcontractors with contracts over $100,000 commit to this plan

7. as part of their contract work. Monitor the contractors' performance with respect to meeting Section 3 requirements and require that they submit reports as may be required by HUD to the Grant Recipient.
8. Submit reports as required by HUD regarding contracting with Section 3 businesses and/or employment as they occur; and submit reports within 20 days of federal fiscal year end (by October 20th) which identify and quantify Section 3 businesses and employees.
9. Maintain records, including copies of correspondence, memoranda, etc., which document all action taken to comply with Section 3 regulations.

City of Tomball
Excessive Force Policy

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

1. It is the policy of the City of Tomball to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations.
2. It is also the policy of the City of Tomball to enforce applicable State and Local laws against physically barring entrance to or exits from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdictions.
3. City of Tomball will introduce and pass a resolution adopting this policy – Resolution Number 2020-21.

CITY OF TOMBALL
SECTION 504 POLICY AGAINST DISCRIMINATION BASED ON HANDICAP AND GRIEVANCE PROCEDURES

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

1. Discrimination prohibited. No otherwise qualified individual with a handicap in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development (HUD).
2. The City of Tomball 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 Tomball recruitment materials or publications shall include a statement of this policy in 1. above.
4. The City of Tomball 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 violations of 24 CFR Part 8.

1. For hearing and visually impaired individuals eligible to be served or likely to be affected by the CDBG-DR program, the City of Tomball shall ensure that they are provided with the information necessary to understand and participate in the CDBG-DR program.
2. 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 the City of Tomball to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
    b. Complaints should be addressed to: Section 504 Compliance Officer, City of Tomball, 501 James Street, Tomball, Texas 77375, (281) 290-1400, who has been designated to coordinate Section 504 compliance efforts.
    c. A complaint should be filed in writing, 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) business days after the complainant becomes aware of the alleged violation.
    e. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the City Manager or designee. 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 the City Manager or designee, and a copy forwarded to the complainant within fifteen (15) business days after the filing of the complaint where practicable.
    g. The Section 504 Coordinator shall maintain the files and records of the City of Tomball relating to the complaints files.
    h. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the determination/resolution as described in f. above. The request for reconsideration should be to the City of Tomball within ten (10) business days after the receipt of the written determination/resolution.
    i. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
    j. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the City of Tomball complies with Section 504 and HUD regulations.

City of Tomball
Grievance and Complaint Procedure

These complaint procedures comply with the requirements of the Texas General Land Office's Community Development Block Grant – Disaster Recovery (CDBG-DR) Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations).

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

1. A person who has a complaint or grievance about any services or activities with respect to the CDBG-DR project, whether it is a proposed, ongoing, or completed CDBG-DR project, may during regular business hours submit such complaint or grievance, in writing to the Compliance Officer at 501 James Street, Tomball, Texas 77375, or may call (281) 290-1400.
2. A copy of the complaint or grievance shall be transmitted by the Civil Rights Officer to the entity that is the subject of the complaint or grievance and to the City Attorney within five (5) business days after the date of the complaint or grievance was received.
3. The Compliance Officer 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) business days.
4. If the investigation cannot be completed within ten (10) business days, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) business days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.
5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the CDBG-DR for their further review and comment.
6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish.

TECHNICAL ASSISTANCE

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

PUBLIC OUTREACH EFFORTS

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

1. Provide for and encourage citizen participation, particularly by low and moderate income persons who reside in slum or blighted areas or areas in which CDBG-DR funds are proposed to be used;
2. Ensure that citizens will be given reasonable and timely access to local meetings, information, and records relating to an entity's proposed and actual use of CDBG-DR funds;
3. Furnish citizens information, including but not limited to:
    a. the amount of CDBG-DR funds expected to be made available
    b. the range of activities that may be undertaken with the CDBG-DR funds
    c. the estimated amount of the CDBG-DR funds proposed to be used for activities that will meet the national objective of benefit to low and moderate income persons
    d. if applicable, the proposed CDBG-DR activities likely to result in displacement and the entity's anti-displacement and relocation plan;
4. Provide citizens with reasonable advance notice of, and opportunity to comment on, proposed activities

1. 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
2. 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
    e. Individual notice to eligible cities and other entities as applicable using one or more of the following methods:
        i. Certified mail
        ii. Electronic mail or fax
        iii. First-class (regular) mail
        iv. Personal delivery (e.g. at a City Council meeting)

PUBLIC HEARING PROVISIONS

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

1. Furnish citizens information, including but not limited to
    a. The amount of CDBG-DR funds available per application for the 2016 Flood Competition;
    b. The range of activities that may be undertaken with the CDBG-DR 2016 Flood Competition funds;
    c. The estimated amount of the CDBG-DR 2016 Flood Competition funds proposed to be used for activities that will meet the national objective of benefit to low- and moderate-income persons; and
    d. The proposed CDBG-DR activities likely to result in displacement and the unit of general local government's anti-displacement and relocation plans required under 24 CFR 570.488.
2. Public notice of any hearings must be published at least 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 (2) days prior to each hearing.
4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter will be present to accommodate the needs of the non-English speaking residents.

5. City may conduct a public hearing via webinar if they also follow the provisions above. If the webinar is used to conduct a public hearing, a physical location with associated reasonable accommodations must be made available for citizens to participate so as to ensure that those individuals without necessary technology are able to participate.
6. If applicable, the locality must retain documentation of the hearing notice(s), attendance lists, minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three (3) years after the project is completed. Such records must be made available to the public in accordance with Chapter 552, Government Code.

CITY OF TOMBALL

The City of Tomball welcomes feedback and complaints from any member of the public. Complaints are accepted in writing or over the telephone. Complaints will be responded to within 15 business days, when possible.

Complaints of fraud, waste or abuse must be immediately escalated to the City of Tomball Section 504 Standards Officer, regardless of whether the complaint is informal or formal.

Mailing Address:

City of Tomball
501 James Street
Tomball, Texas 77375
Attn: Civil Rights Officer

Phone: (281) 290-1400
Email: mmageo@tomballtx.gov
Business Hours: Monday – Friday, 8 a.m. to 5 p.m.

Texas General Land Office

Complaints should initially contact their local jurisdiction in accordance with their local policies and procedures for customer complaints. However, in the case that the complaint's inquiries or concerns are not addressed with the City, they have the right t to escalate the complaint to the Texas General Land Office (GLO). The GLO will work with the City of Tomball to provide a timely response. The response will be provided within 15 business days of the receipt of the complaint, if possible.

Mailing Address:

Texas General Land Office
Attn: GLO-CDR
PO Box 12873
Austin, Texas 78711-2873

Phone: 844-893-8937 or 512-475-5000
Email: cdr@recovery.texas.gov

City of Tomball
Fair Housing Policy

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

1. City of Tomball 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 Tomball agrees to plan at least one activity during the contract term to affirmatively further fair housing.
3. City of Tomball will introduce and pass a resolution adopting this policy – Resolution Number 2020-21.

CITY OF TOMBALL
INTERNAL MANAGEMENT OF FEDERAL AND/OR STATE FUNDS PROCEDURES

All costs charged by the City must be necessary, reasonable, allowable, and allocable to all Federal and/or State grant programs received administered by the City. The City must assure that all costs are appropriate and eligible including but not limited to the following areas of concern:

1. Administrative requirements - Including duplication of benefits requirements, provisions related to charging pre-award costs, conflict of interest, reporting fraud, and distinction between agencies/government components, contractors, developers, and beneficiaries;
2. Recordkeeping and Reporting requirements - Including records retention and financial reporting requirements;
3. Procurement requirements - Including requirements related to bonding, insurance, suspension and debarment;
4. Contract conditions;
5. Force Account - Including requirements for tracking, documenting, and charging personnel costs and applicable fringe benefits and classification, purchasing, tracking, insuring, and disposing of equipment, supplies, and federally purchased tangible and intangible property;
6. Contract amendments;
7. Contract closeout;
8. Monitoring and Quality Assurance - Including requirements related to preventing fraud, waste, and abuse;
9. Audit - Including Single Audit or program-specific audit requirements

The following is a list of key federal and state regulations governing financial management of grant programs:

a. 24 CFR § 570 Subpart I- governs the state CDBG-DR program;
b. 2 CFR § 200, including all of Subpart E Cost Principles;
c. Uniform Grant Management Standards (UGMS) - Texas Comptroller of Public Accounts and guidance under 2 CFR § 200; and
d. Texas Local Government Code Chapter 171

It is the City's responsibility to be knowledgeable and compliant with these requirements to ensure the appropriate, effective, timely, and eligible use of all funds related to Federal and/or State Programs. The City is responsible for monitoring vendors and projects and compliance with applicable financial management standards, for processing payment requests for funds, and for audit review.

A cost objective is a pool of related costs, which could be related based on the City's departments, function, eligible, activity, agreement with State and/or Federal agencies or any other basis. The term is used to capture a variety of scenarios in which costs may be categorized for purposes of cost allocation or eligibility determinations.

1. As per of 2 CFR § 200.303, the City has established this and other written policies and procedures for internal controls and guidance documentation for responsible financial management of federal and/or state funds and include the adherence to the following:
2. All federal, state, and local conflict of interest provisions, including the requirements of Texas Local Government Code Chapter 171;
3. The City has an established internal control system and documented segregation of duties. Including the appropriate segregation of duties as follows:
    a. No person has complete control over every phase of a significant transaction. For example, the person who authorizes payments to contractors should not draft and issue the payment check and the person who writes a payment check should not reconcile associated bank records;
    b. Monthly bank reconciliation and/or direct deposit monthly statements are reviewed by someone who is not responsible for handling cash or issuing checks;
    c. The person issuing checks for grant expenses does not also handle payroll preparation/issuance of paychecks;
4. The City will take prompt action when an instance of noncompliance is identified internally or through audit findings;
5. The City takes reasonable measures to safeguard protected personally identifiable information (PII) and other information that the City/County considers sensitive consistent with applicable Federal, state, and local laws regarding privacy and obligations of confidentiality.

Per 24 CFR § 570.502, through established budgets and accounting records, the City is responsible for ensuring all Federal and/or State expenditures are authorized in an approved, documented budget and do not exceed the total budget amount and do not exceed the amount in the City's grant agreement(s).
The City will use one of two general methods available to draw federal and/or state grant funds to pay for project and vendor costs: the reimbursement method and the cash advance method.

a. The reimbursement method entails a transfer of grant funds to the City based on actual expenditures already incurred by the City before it requests a draw;
b. The cash advance method entails the transfer of grant funds from the federal and/or state agency based upon the City's received invoices before the actual cash disbursements have been made by the City.

The City establishes a separate account for each grant it receives. When using a cash advance basis process, the City will ensure that all received grant funding is held in an insured, interest-bearing account (2 CFR § 200.305(b)). Distinct accounting information for each grant is created. Accurate records of encumbrances/obligations against distinct line items within each grant for vendor contracts are made. Accurate records on grant awards, unobligated balances, assets, liabilities, expenditures, program income (if any) and applicable interest are kept and supported by sources documentation, including vendor contracts, invoices, and purchase orders.

Pursuant to 2 CFR § 200.302(a), the City's financial management systems, including records documenting compliance with Federal statutes, regulations, and the terms and conditions of the Federal award, are sufficient to permit the preparation of reports required to demonstrate compliance with general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the City's State and/or Federal grant agreement(s).

City through its annual audit process has proven effective control over, and accountability for, all funds, property, and other assets in its possession. The City makes every effort to adequately safeguard all assets and assure that they are used solely for their intended purpose.

Financial Records for all Federal and/or State grant programs include the following:

1. Transaction registry documenting:
    a. All invoices associated with each Request for Payment; and
    b. Source of funds for each invoice (grant funds by activity, matching funds and/or other funds)
2. Source documentation, including the following:
    a. Copies of Requests for Payment;
    b. Addendum record of direct deposit payments;
    c. Verification of deposits;
    d. Monthly bank statements
    e. Check register/transaction ledger;
    f. Employee time sheets (as applicable);
    g. Equipment time record sheets(as applicable);
    h. Property inventory;
    i. Purchase orders, invoices, and contractor requests for payments;
    j. Electronic Transfer Form (EFT);
    k. All original source documents

The City for each grant agreement received, establishes Responsible Persons. Through resolution, the City identifies the Responsible Persons (at least 2, preferably 4 by job title) responsible for both contractual documents (executed City agreement(s), associated amendments, and various program certifications) and financial documents (requests for payment, issuance of check).
The City, where allowable by the Federal and/or State funding program, will authorize direct deposit to receive payments from the agency(ies) to post directly to the City's local bank account.

The City will ensure that there exists staff and contractor capacity necessary to manage all grant funds under its control. The City may procure a Grant administrator to assist with management of grant compliance, subject to 2CFR200 procurement guidelines and requirements.

Eligible/Allowable Costs: All costs charged to the City's grant agreement(s) will be deemed eligible as identified in each Grantor's agreement/implementation manual. Eligible costs are those that conform to the federal/state requirements, including limitations and waivers described in applicable Federal Register Notices, comply with federal cost principles, and align with all associated cross-cutting federal requirements (Davis Bacons and Related Acts, Environmental requirements, etc.) and State and Local law.

The City will assure pursuant to 2 CFR § 200.403, costs meet the following general criteria to be allowable as a charge against any Federal award:

1. Costs must be necessary and reasonable for the performance of the Federal award and be allocable to that award and not to a different award;
2. Costs must conform to any limitations or exclusions set forth in 2 CFR § 200 or in the Federal award as to types or amount of cost items;
3. Costs must be consistent with policies and procedures that apply uniformly to both federally-financed and other activities of the City;
4. Costs must be accorded consistent treatment;
    a. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost;
5. Costs must be determined in accordance with generally accepted accounting principles (GAAP);
6. Costs must be adequately documented

Reasonable Costs (2 CFR § 200.404): A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. In determining reasonableness of a given cost, consideration will be given to:

1. Whether the cost is of a type generally recognized as ordinary and necessary for the operation of the City or the proper and efficient performance of the State and/or Federal award;
2. The restraints or requirements imposed by such factors as: sound business practices; arm's-length bargaining; Federal, state, local, and other laws and regulations; and terms and conditions of the State and/or Federal award;
3. Market prices for comparable goods or services for the geographic area;
4. Whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the City, its employees, the public at large, the State Government and/or Federal Government;
5. Whether the City significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the cost

The City will insure that all grant reimbursement requests meet the definition of Allocable Costs (2 CFR § 200.405 and §200.406) A cost is allocable to a particular grant, City agreement, vendor contract, program or other cost objective if the goods or services involved are chargeable or assignable to that cost objective in accordance with relative benefits received. This standard is met if the cost:

a. Is incurred specifically for that cost objective;
b. Benefits both that cost objective and other work of the City and can be distributed in proportions that may be approximated using reasonable methods; and
c. Is necessary to the overall operation of the City and is assignable in part to the specified cost objective in accordance with 2 CFR § 200.

Any cost allocable to a particular cost objective may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of the Federal awards, or for other reasons. However, this prohibition would not preclude the City from shifting costs that are allowable under two or more cost objectives in accordance with existing Federal statutes, regulations, or the terms and conditions of the Federal awards.

If a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit. If a cost benefits two or more projects or activities in proportions that cannot be determined because of the interrelationship of the work involved, then the costs may be allocated or transferred to benefitted projects on any reasonable documented basis. Costs should only be charged net of all applicable credits. Applicable credits refer to those receipts or reduction-of-expenditure-type transactions that offset or reduce expense items allocable to the cost objective. Examples include:

a. Purchase discounts;
b. Rebates or allowances;
c. Recoveries or indemnities on losses;
d. Insurance refunds or rebates; and
e. Adjustments of overpayments or erroneous charges

To the extent that such credits accruing to or received by the City relate to allowable costs, they must be credited to the State and/or Federal award either as a cost reduction or cash refund, as appropriate. These credits do not constitute program income.

The City will submit a draw request for eligible costs as often as is needed, subject to limitations in grant agreements and at least quarterly throughout the life of a project. The City will submit costs to a Grantor for draw within 60 days of receipt of invoices as allowable.

Pursuant to 24 CFR § 570.489(c), 2 CFR § 200.305(b), and 31 CFR § 205, the City when utilizing the cash advance method will minimize the time elapsing between the transfer of funds from the Federal or State agency and the disbursement by the City for eligible costs. This period must not exceed 5 business days from the date of receipt/deposit of funds.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER: 28	EFFECTIVE DATE: September 7, 2021	PAGE 1 OF 3
ELECTRONIC/DIGITAL SIGNATURE POLICY	REVISED:	APPROVED BY CITY MANAGER: September 7, 2021	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: September 7, 2021	

PURPOSE

The City of Tomball adopts electronic/digital signatures as a means of signing documents and records to promote paperless processing, to reduce the reliance on and cost of paper transactions, and to allow quicker access to documents.

An "electronic signature" is defined in Texas law as "an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record." Tex. Bus. & Com. Code § 322.002(8).

A "digital signature" is a type of electronic signature that provides higher levels of security and universal acceptance than many of the ways to complete an electronic signature. A "digital signature" means an electronic identifier intended by the person using it to have the same force and effect as the use of a manual signature [Gov. Code § 2054.060(e)(1)]. It is considered a manual signature and therefore requires more than an electronic signature. A digital signature is created by cryptographic means.

The purpose of this policy is to increase efficiency by adopting electronic/digital signatures as an alternative to manual signatures on paper documents and to provide a process by which departments can be certified to incorporate electronic signature technology into their electronic business processes. The City recognizes that electronic signatures are becoming a routine way of conducting business and that formal rules governing the use of electronic signatures by the City are necessary. This policy applies to all City departments and divisions that desire to use electronic signatures to conduct transactions both internal and external to the City.

POLICY/PROCEDURE

A department may use electronic/digital signatures to conduct City business transactions and approvals in accordance with the following guteidelines and the Texas Business and Commerce Code, Title 10. Use of Telecommunications, Subtitle B. Electronic Communications, Chapter 322. Uniform Electronic Transactions Act, and Texas Government Code, Sec. 2054.060(e)(1), Digital Signature.

Where policies, laws, regulations, and rules require a signature, that requirement is met if the document contains an electronic/digital signature. Each party to a transaction must agree to conduct the transaction electronically in order for the electronic transaction to be valid. Consent may be implied from the context, surrounding circumstances, including the parties' conduct.

If a law prohibits a transaction from occurring electronically, the transaction must occur in the manner otherwise allowed/required by law. If a law requires an electronic signature to contain specific elements, the electronic signature must contain the elements specified by law.

SUBJECT	NUMBER: 28	EFFECTIVE DATE: September 7, 2021	PAGE 2 OF 3
ELECTRONIC/DIGITAL SIGNATURE POLICY	REVISED:	APPROVED BY CITY MANAGER: September 7, 2021	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: September 7, 2021	

The manner and circumstances in which electronic signatures are acceptable is enumerated in the Texas Uniform Electronic Transactions Act, Tex. Bus. & Com. Code, Chapter 322, et seq, and Texas Government Code, Sec. 2054.060, Digital Signature.

A department converting to an electronic signature system must work with the City's IT Department and the City Secretary's Office, as the City's Records Management Officer, to ensure the following requirements have been met:

- The electronic records and signatures must be maintained in a manner that efficiently and reliably preserves and protects the information over time so that it may be used for recognized governmental and legal purposes.

- The City Attorney should be consulted if the electronic signature system will involve procurement, contracts, real estate, or matters governed by specific statutes or regulations not routinely handled by the department, the City Secretary's Office, or the IT Department.

- Electronic signature systems for transactions involving transfer of funds or committing the City to actions or contracts should account for and minimize the City's financial and legal liability.

- Electronic signature systems for secured transactions or transactions involving sensitive information should protect the City of Tomball and users in terms of legal liability (civil or criminal), privacy, and confidentiality.

- Both the record and the signature must be capable of long-term preservation in a format that will be supported for a duration consistent with the City's adopted retention schedules. After documents have been signed electronically/digitally, a digital version of the executed documents should be stored on a file storage system owned by the City of Tomball so they can be preserved as needed. Any contracts signed electronically/digitally should be forwarded to the City Secretary in order to preserve them for the appropriate retention period.

- The technology must ensure that a signatory cannot reasonably deny signing or sending a document.

- The electronic signature technology must be compatible with relevant software applications.

- The cost and use of the electronic signature method must be compatible with the degree of transactional and systemic risk.

- The IT Department will evaluate the effectiveness of the electronic signature method in terms of verification and system security.

USE OF ELECTRONIC SIGNATURES
Once an electronic signature system has been approved, a department may use electronic signatures in lieu of physical signatures when necessary.

AUTHORITY AND EFFECT OF ELECTRONIC SIGNATURES
In accordance with Sections 322.005(b), 322.007(c) and 322.007(d), Texas Uniform Electronic Transactions Act, Tex. Bus. & Com. Code and Texas Government Code, Sec. 2054.060, Digital Signature, if a law requires a record to be in writing, an electronic record satisfies the law; if a law requires a signature, an electronic signature satisfies the law.

Electronic signatures shall not be used, and shall have no binding authority or effect on City records, where electronic signatures are prohibited by law or other City policies, or where a law prohibits a transaction from occurring electronically/digitally.

This policy shall not preclude the use of any other types of signatures, including without limitation, physical signatures or Facsimile Signatures. This policy shall not limit, alter, modify, or otherwise affect any requirement imposed by law relating to (a) authority, obligations, or procedures required for Facsimile Signatures; (b) the proper procedures and authorizations necessary to execute City records; (c) requirements to legally bind or obligate the City under any contract or agreement; and (d) the legal effectiveness, validity, or enforceability of any City record, including any contract or agreement, signed electronically in violation of any such laws. All laws regarding signing City records shall apply to electronic signatures and electronic records, and all laws regarding signing, adopting, entering in, or executing contracts, agreements, purchase orders, statements of work, ordinances, leases, licenses, and any other document purporting to be legally binding upon or otherwise obligating the City.

In the event that any electronic/digital signature is found by the City Attorney to have been used or applied to a City record or certified in violation of this policy or any other law, the electronic signature shall be null and void and the City record signed electronically/digitally using the unlawful, fraudulent, unauthorized or otherwise improper electronic signature shall also be (a) null and void, (b) discontinued, and (c) unenforceable against the City, unless and until the City record is executed using physical signatures.

CONFLICT AND REPEAL
If the provisions of this policy conflict with any law, that law shall prevail.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
NOTARY PUBLIC PROCEDURES, POLICIES AND PROHIBITIONS	29	September 7, 2021	PAGE 1 OF 1
	REVISED:	APPROVED BY CITY MANAGER: September 7, 2021	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: September 7, 2021	

The City of Tomball wishes to establish reasonable procedures for providing notary services for internal and external customers and in accordance with Texas state laws.

The City of Tomball provides biannual training through the City Secretary's office to encourage the use of proper procedures and policies by the City's notaries public.

Policies and Prohibitions:

Notary services will consist of observing a signature, documenting the signature by signing and stamping the paperwork with a notary seal, and recording all required information in a notary journal. The following conditions apply to customers, clients, and co-workers who request notary services:

1. Notary services will be provided during regular business by any employee/notary to any customer/citizen upon request, provided the notary public is familiar with the service requested.
2. Proper identification must be presented to the notary public when a request for notary service is made. This includes City employees.
3. If a witness is required to notarize a document, the person requesting the notary service must provide the witness. A witness must be 14 years of age or older and must have satisfactory and valid ID.
4. A charge per signature may be assessed by the notary public. A charge for notary services is not required; however, if fees are collected, the proper fee notice must be posted for the public.

The City of Tomball's policies regarding notarizations are:

1. Notarizations may take place only if the signer or signers are present and satisfactory evidence of valid identification has been presented to the notary public.
2. Each notary must keep his/her seal and journal stored safely when not in use.
3. A notary seal and journal are considered the property of the notary, not the City of Tomball.
4. The City of Tomball supports its employees who desire to become notaries public and will pay for the original commission and bonding requirement of each new notary public for the City, for notary journals and notary seals, and for the renewal of the notary public's commission as long as the notary public is employed by the City of Tomball.
5. The State of Texas and the National Notary Association Policy and Procedures govern registered notaries who provide notary services.
6. The City Secretary's Office provides biannual notary public training; City notaries public are encouraged to attend.
7. The City of Tomball does not currently support electronic notarization or online notarization processes.
8. Each notary public is responsible for the purchase of additional (Errors and Omissions Insurance) to cover his/her personal indemnification needs to protect the notary and his/her assets if a mistake or oversight during a notarization leads to unforeseen consequences.

CITY OF TOMBALL ADMINISTRATIVE POLICIES, RULES AND PROCEDURES			
SUBJECT **RECORDS MANAGEMENT REQUIREMENTS FOR ELECTRONIC RECORDS AND E-MAIL**	NUMBER: 30	EFFECTIVE DATE: September 7, 2021	PAGE 1 OF 5
	REVISED:	APPROVED BY CITY MANAGER: September 7, 2021	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: September 7, 2021	

SECTION 1. INTRODUCTION

This policy is intended to establish appropriate and necessary control over city electronic records, including e-mails. In order that the City of Tomball complies with state and federal laws governing electronic records, the City must "establish written procedures for records creation, maintenance and disposition, destroy records on a regular schedule, document electronic records and digital imaging systems, enforce stringent security controls, train staff and monitor work habits, and audit our process.*

This policy applies to electronic records stored on individual computers/laptops, on the City's servers and to e-mail used within the City of Tomball and/or used conjointly with the Internet, and does not supersede any state or federal laws, nor any other government policies regarding confidentiality, information dissemination, or standards of conduct. Generally, city computers, laptops, and e-mail should be used only for legitimate government business; however, brief and occasional e-mail messages of a personal nature may be sent and received if the following conditions are met.

SECTION 2. GENERAL GUIDELINES

Personal use of city computers and/or e-mail is a privilege, not a right. Abuse of the privilege may result in appropriate disciplinary action. Employees need to keep in mind that all electronic records, including e-mails, are recorded and stored along with the source and destination. Management has the ability and right to view employees' electronic records, including e-mails. Recorded electronic records, including e-mails, are the property of the city and, therefore, the taxpayers of the City of Tomball. Thus, they are subject to the requirements of the Texas Public Information Act and the laws applicable to State records retention schedules adopted by the City of Tomball. Employees should be aware that, when sending an e-mail message of a personal nature, there is always a risk that the employees' words/language may be interpreted as 'official' government policy or opinion. Therefore, when an employee sends a personal e-mail, especially if the content of the e-mail could be interpreted as an official government statement, the employee should use the following disclaimer at the end of the message:

> **"This e-mail contains the thoughts and opinions of [employee name] and does not represent official City of Tomball policy."**

SECTION 3. RESTRICTIONS

Personal e-mail should not impede the conduct of government business; only incidental amounts of employee time – periods comparable to reasonable coffee breaks during the day – should be used to attend to personal matters. Racist, sexist, threatening, or otherwise objectionable language is strictly prohibited. City computers and/or e-mail should not be used for any personal monetary interests or gain. Employees should not subscribe to mailing lists or mail services strictly for personal use. Personal e-mail should not cause the City of Tomball to incur a direct cost in addition to the general overhead of e-mail.

**Texas State Library and Archive Commission State and Local Records Management brochure, dated 11/21/2006.*

SECTION 4. POLICY

It is the policy of the City of Tomball to provide for the efficient, economical and effective management of electronic records, including e-mail, in accordance with Texas Administrative Code (TAC), Chapter 7, Sections 7.71-7.79 and Local Government Code (LGC), Chapter 205, Sections 205.001-205.009 (Local Government Bulletin B, Electronic Records Standards and Procedures). TAC, Chapter 7, Section 7.72(d), provides that the governing body of a local government or designated records management officer must administer a program for the management of records created, received, maintained, used, or stored on electronic media.

The City of Tomball desires to adopt a policy for that purpose and to prescribe guidelines and procedures for the management of electronic records, including e-mail, consistent with the Electronic Records Standards and Procedures and in the interest of cost-effective and efficient recordkeeping, including long-term records retention.

Any local government record data may be stored electronically in addition to or instead of source documents in paper or other media, subject to the requirements of Local Government Code Chapter 205. Electronic Storage of Records., Sec. 205.002 Authorization, and rules adopted under it.

SECTION 5. DEFINITIONS

(1) Electronic mail message: A record created or received on an electronic mail system including brief notes, more formal or substantive narrative documents, and any attachments that may be transmitted with the message.
(2) Electronic mail receipt data: Information in electronic mail systems regarding the date and time of receipt of a message, and/or acknowledgment of receipt or access by addressee(s).
(3) Electronic mail systems: A computer application used to create, receive, retain and transmit messages and other records. Excluded from this definition are file transfer utilities.
(4) Electronic mail transmission data: Information in electronic mail systems regarding the identities of sender and addressee(s), and the date and time messages were sent.
(5) Electronic media: All media capable of being read by a computer, including computer hard disks, magnetic tapes, optical disks, or similar machine-readable media.
(6) Electronic record: Any information that is maintained in in a form for computer processing and that satisfies the definition of a government record in the Local Government Code, Chapter 201, Section 210.003(8).
(7) Electronic records system: Any information system that produces, manipulates, and stores city records by using a computer.
(8) "Electronic storage" means the maintenance of local government record data in the form of digital electronic signals on a computer hard disk, magnetic tape, optical disk, or similar machine-readable medium.

(9) Local government record: Any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium or other information recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by a local government or any of its officers or employees pursuant to law, including an ordinance, or in the transaction of public business. The term does not include:

(A) Extra identical copies of documents created only for convenience of reference of research by officers or employees of the local government;
(B) Notes, journals, diaries, and similar documents created by an officer or employee of the local government for the officer's or employee's personal convenience;
(C) Blank forms;
(D) Stocks of publications;
(E) Library and museum materials acquired solely for the purposes of reference or display;
(F) Copies of a document in any media furnished to members of the public to which they are entitled under Chapter 552, Government Code or other state law;
(G) Any records, correspondence, notes, memoranda or documents, other than a final written agreement described by Section 2009.054(c), Government Code, associated with a state department of institution, local government, special district, or other political subdivision of the state that participated as a party, facilitated as an impartial third party, or facilitated as the administrator of a dispute resolution system or organization.

(10) "Local government record data" means the information that by law, regulation, rule of court, ordinance, or administrative procedure in a local government comprises a local government record as defined by Section 201.003.

(11) Mailing list service: An electronic mailing list housing service (e.g., Listserv) used for discussions and announcements within a specified group of individuals. Subscribers to the service participate by sending information to and receiving information from the list using electronic mail messages.

(12) Records management officer: The person who administers the records management program established in each local government under the Local Government Code, Chapter 203, Section 203.025.

SECTION 6. SCOPE

This policy applies to any electronic records, including e-mail messages, created, received, retained, used, or disposed of using the City of Tomball's computer system and electronic mail system.

SECTION 7. RETENTION REQUIREMENTS

The City of Tomball's Declaration of Compliance with the Local Government Records Retention Schedules provides access to the record series and the retention period for each series. It is the **content** and **function** of electronic records, including e-mail messages, that determines the retention period for that record.

The original document must be retained if the document has a retention period of 10 years or more,; for example, originals of ordinances, resolutions, deeds, and valuable contract information (construction of City-owned facilities, large industrial/commercial developments, etc.). Any records that may be of historical value should be retained permanently, in both electronic and physical formats.

All e-mail sent or received by a government is considered a government record. Therefore, all e-mail messages and electronic records must be retained or disposed of according to the City of Tomball's retention requirements. E-mail generally (but not always) falls into one common record series category: Local Schedule GR, 1000-26, Correspondence and Internal Memoranda:

(b) Administrative – Correspondence and internal memoranda pertaining to or arising from routine administration or operation of the policies, programs, services, and projects of a local government. **Retention: 2 years.**

(c) Routine – Correspondence and internal memoranda such as letters of transmittal, requests for publications, internal meeting notice and similar routine matters. **Retention: AV** (after purpose of record is no longer deemed administratively valuable.)

E-mail, the contents of which fall outside the above common category, must be retained in accordance with the City's retention schedule, its content, and function.

SECTION 8. USER RESPONSIBILITIES

It is the responsibility of the user of the e-mail system, with guidance and training from the Records Management Officer, to manage electronic records, including e-mails, according to the government's established retention periods. It is the responsibility of the sender of e-mail messages within the government to retain the messages for the approved retention period. Names of sender, recipient, date/time of the message, as well as any attachments must be retained with the message. Except for listserv mailing services, distribution lists must be able to identify the sender and recipient of the message. User responsibilities may be mitigated by the use of a server level automated classification system.

SECTION 9. MAINTENANCE OF ELECTRONIC MAIL

Records created using an e-mail system may be saved for their approved retention period by one of the following methods:

(1) Print message and any attachments and file in appropriate hard copy file.
(2) Place in folders and save on the server.
(3) Save to removable disk or flash drive, carefully labeled to enable proper disposition.

SECTION 10. DISPOSITION OF ELECTRONIC RECORDS AND E-MAIL

The process for the legal disposition of government records (including electronic records, and e-mails) is subject to the same documentation requirements as any other format or medium. This usually requires management permission and some type of disposition log to adequately document disposition and destruction of electronic records (local governments are not required to keep a disposition/destruction log but the practice is strongly advised). Section 7.78 of the Electronic Records Standards and Procedures (relating to the destruction of electronic records states that:

(a) Electronic records may be destroyed only in accordance with the Local Government Code, Section 202.001;

(b) Each local government must ensure that :

(1) Electronic records scheduled for destruction are disposed of in a manner that ensures protection of any confidential information; and

(2) Magnetic storage media previously used for electronic records containing confidential information are not reused if the previously recorded information can be compromised by reuse in any way.

SECTION 11. TRAINING

In cooperation with the City of Tomball's Information Technology Department, the Records Management Officer will ensure that appropriate training is made available for staff as needed. New employees should participate in training intended to cover the following areas and any employee unfamiliar with the requirements may request training:

- Use of software
- E-mail creation
- Content management
- Storing and filing structures
- Naming conventions
- Retrievals
- Final disposition
- Policies and procedures
- Relevant laws/rules

SECTION 12. EFFECTIVE DATE

This policy shall take effect immediately from and after its passage.

PERSONNEL

31. ~~Concerning Gifts and Plaques for Retiring Employees~~ *(Repealed 1/19/2004)*
32. Pay Policy for Volunteer Fire Fighters (revised 2/1/2016)
33. ~~Regulation of Smoking in City Buildings, City Vehicles, and City Property~~ *(Repealed 1/19/2004)*
34. ~~Tuition Reimbursement~~ *(Repealed 1/19/2004)*
35. City Take-Home Vehicle Policy (revised 07/21/2008)
36. ~~Travel and Expense Reimbursement Policy~~ *(Repealed 1/19/2004)*
37. ~~Temporary Assignments to a Higher Classification~~ *(Repealed 1/19/2004)*
38. Personal Injury and Motor Vehicle Accident Policy (revised 07/20/1998)
39. ~~Preparation of Payroll and Paycheck Issuance~~ *(Repealed 1/19/2004)*
40. ~~Moving Expenses Policy~~ *(Repealed 1/19/2004)*
41. ~~Drug/Alcohol Testing of Employees~~ *(Repealed 1/19/2004)*
42. ~~Certification and Education Pay Policy~~ *(Repealed 1/19/2004)*
43. ~~Hiring Procedure Policy~~ *(Repealed 1/19/2004)*
44. ~~Pay for Vacation and Sick Leave Upon Leaving Employment with City~~ *(Repealed 1/19/2004)*
45. ~~Salary Administration Policy~~ *(Repealed 1/19/2004)*
46. ~~Employee Group Health Insurance - Dependent Coverage~~ *(Repealed 1/19/2004)*

47-55. Reserved

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER: 31	EFFECTIVE DATE: July 20, 1998	PAGE 1 OF 1
~~**POLICY CONCERNING GIFTS AND PLAQUES FOR RETIRING EMPLOYEES**~~ ***(Repealed 1/19/2004)***	REVISED:	APPROVED BY CITY MANAGER: July 20, 1998	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: July 20, 1998	

THIS POLICY WAS REPEALED BY CITY COUNCIL ON JANUARY 19, 2004. SEE PERSONNEL POLICY.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
	32	November 18, 1997	PAGE 1 OF 1
PAY AND TRAINING POLICY FOR VOLUNTEER FIRE FIGHTERS	REVISED: February 1, 2016	APPROVED BY CITY MANAGER: February 1, 2016	
	SUPERSEDES: June 16, 2014	APPROVED BY CITY COUNCIL: February 1, 2016	

The Tomball Fire Department, previously a volunteer based service delivery system, has transitioned to a system which is based on career firefighters working 48 hours on duty followed by 96 hours off duty. The present system requires staffing a minimum level of personnel to insure a response is made to emergency and other incidents. To attain a staffing model that achieves that of national standards, the Department utilizes part-time paid personnel during the day-time hours and volunteer personnel during the night-time hours. The staffing model, utilizing full-time, part-time and volunteer firefighters provides opportunities for volunteer members each night and at other times to achieve the Department's performance goals.

To encourage active participation by volunteer members of the Tomball Fire Department and to ensure adequate staffing to emergency responses, the City Council has established the following pay policy, effective February 1, 2016:

1. Volunteer firefighters will be paid for working night-time and fill-in day-time shifts, seven (7) days a week.

2. Those volunteer firefighters working these shifts will be paid $40.00 per shift.

3. A shift will be defined as a time period of between 10 and 12 consecutive hours.

4. A volunteer may work, and be compensated for, back to back shifts up to a maximum of four shifts (similar to a 48 hour shift of a career position).

5. Volunteer firefighters will respond on the apparatus to which they are assigned for that shift and may respond to calls made within the City's fire district as well as mutual aid calls, when mutual aid is requested by the adjoining district. The City's fire district is defined in Harris County Fire Map, Zone 31 and includes the area inside the city limits as well as inside the boundaries of Harris County Emergency Services District #15.

6. The Assistant Chief of Operations will create the shift assignment schedule for each volunteer participating in the program and will be required to certify at the end of each pay period those members eligible for pay. The report will include the number of shifts completed by each member. Individual checks will be given to each member for the total number of shifts and will be paid on a monthly basis.

7. Shift checks will be issued per City Policy.

8. Volunteer fire fighters with the Tomball Fire Department will be compensated at the rate of $40 per day (shift) to attend up to one week of outside training per year. All volunteer members' training that will involve travel and overnight stays must be pre-approved by the department head. The Fire Department will budget for these classes, travel and other training-related costs.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
NOTARY PUBLIC PROCEDURES, POLICIES AND PROHIBITIONS	29	September 7, 2021	PAGE 1 OF 1
	REVISED:	APPROVED BY CITY MANAGER: September 7, 2021	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: September 7, 2021	

The City of Tomball wishes to establish reasonable procedures for providing notary services for internal and external customers and in accordance with Texas state laws.

The City of Tomball provides biannual training through the City Secretary's office to encourage the use of proper procedures and policies by the City's notaries public.

Policies and Prohibitions:

Notary services will consist of observing a signature, documenting the signature by signing and stamping the paperwork with a notary seal, and recording all required information in a notary journal. The following conditions apply to customers, clients, and co-workers who request notary services:

1. Notary services will be provided during regular business by any employee/notary to any customer/citizen upon request, provided the notary public is familiar with the service requested.
2. Proper identification must be presented to the notary public when a request for notary service is made. This includes City employees.
3. If a witness is required to notarize a document, the person requesting the notary service must provide the witness. A witness must be 14 years of age or older and must have satisfactory and valid ID.
4. A charge per signature may be assessed by the notary public. A charge for notary services is not required; however, if fees are collected, the proper fee notice must be posted for the public.

The City of Tomball's policies regarding notarizations are:

1. Notarizations may take place only if the signer or signers are present and satisfactory evidence of valid identification has been presented to the notary public.
2. Each notary must keep his/her seal and journal stored safely when not in use.
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4. The City of Tomball supports its employees who desire to become notaries public and will pay for the original commission and bonding requirement of each new notary public for the City, for notary journals and notary seals, and for the renewal of the notary public's commission as long as the notary public is employed by the City of Tomball.
5. The State of Texas and the National Notary Association Policy and Procedures govern registered notaries who provide notary services.
6. The City Secretary's Office provides biannual notary public training; City notaries public are encouraged to attend.
7. The City of Tomball does not currently support electronic notarization or online notarization processes.
8. Each notary public is responsible for the purchase of additional (Errors and Omissions Insurance) to cover his/her personal indemnification needs to protect the notary and his/her assets if a mistake or oversight during a notarization leads to unforeseen consequences.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER: 33	EFFECTIVE DATE: January 1, 1997	PAGE 1 OF 1
~~**REGULATION OF SMOKING IN CITY BUILDINGS, CITY VEHICLES, AND CITY PROPERTY**~~ ***(Repealed 1/19/2004)***	REVISED:	APPROVED BY CITY MANAGER: December 16, 1996	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: December 16, 1996	

THIS POLICY WAS REPEALED BY CITY COUNCIL ON JANUARY 19, 2004. SEE PERSONNEL POLICY.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
~~**TUITION REIMBURSEMENT**~~	34	December 18, 1989	PAGE 1 OF 2
	REVISED:	APPROVED BY CITY MANAGER: December 18, 1989	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: December 18, 1989	

THIS POLICY WAS REPEALED BY CITY COUNCIL ON JANUARY 19, 2004. SEE PERSONNEL POLICY.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
CITY VEHICLE POLICY	35	April 19, 1993	PAGE 1 OF 3
	REVISED: July 21, 2008	APPROVED BY CITY MANAGER: July 21, 2008	
	SUPERSEDES: July 20, 1998	APPROVED BY CITY COUNCIL: July 21, 2008	

PURPOSE:

This Administrative Policy establishes regulations for the use of City-owned vehicles on a daily basis and as a take-home vehicle. The purpose of the take-home vehicle policy is to provide a special equipped vehicle at ready access for use in delivering City services required after regular business hours. These regulations establish parameters, which will conserve energy, improve vehicle-operating costs, and extend vehicle life for the City of Tomball.

TAKE-HOME VEHICLES:

DEFINITION

Take-Home Vehicles are vehicles owned, leased, or otherwise under care and control of the City of Tomball and are taken home by the employee after regular working hours in order to respond to City emergencies posing threats to life and/or property. It is understood that use of a City take-home vehicle for City purposes is unavoidably commingled with a small amount of personal use; however, using a City take-home vehicle for the sole purpose of conducting personal business is prohibited. Take-home vehicles shall not normally be used for personal business. Use of the vehicle for personal stops while en route between work and home are allowed if they do not significantly alter the normal route taken.

USE

- Generally, take-home vehicles shall only be authorized for use by personnel subject to emergency callbacks, as they are defined in this directive, or to ensure timely provision of City services during off-duty hours.
- Vehicles must be equipped with tools/equipment necessary for emergency callback.
- Take-home vehicles will only be assigned to personnel that can respond back to the city within 30 minutes.
- Use of the take-home vehicle should normally be limited to City business. Exceptions may be authorized by the appropriate Department Head.
- Employees are responsible for the security of take-home vehicles, and tools/equipment in the vehicle. Any loss or damage shall be reported as soon as possible to the appropriate Department Head.
- Generally, non-city employees are not authorized to be passengers; exceptions may be authorized by the appropriate Department Head.
- In no case shall a person other than a City employee be allowed to drive a City vehicle.

SUBJECT	NUMBER:	EFFECTIVE DATE:	
	35	April 19, 1993	PAGE 2 OF 3
TAKE-HOME VEHICLE POLICY	REVISED: July 21, 2008	APPROVED BY CITY MANAGER: July 21, 2008	
	SUPERSEDES: July 20, 1998	APPROVED BY CITY COUNCIL: July 21, 2008	

CARE OF VEHICLES

To prolong the life and properly maintain City vehicles, employees will ensure that their assigned vehicles have sufficient gas, oil, and other fluids to prevent premature failure, and that all tires are kept properly inflated. The employee is responsible for the condition of the vehicle and that it continues on its scheduled maintenance program as set up by the Fleet Services Department.

Careless, abusive, negligent, or reckless handling or operation of any City vehicle by any employee may result in disciplinary action up to and including termination.

AUTHORIZATION

Authorization for the use of a City take-home vehicle is the responsibility of the City Manager or her designee. Department Heads, acting as designees or while authorizing exceptions, as provided for in this directive, must be able to articulate just cause for any deviation.

A department head may authorize the temporary use of a City take-home vehicle for a special assignment or event.

An "Authorization of Take-Home Vehicle" form must be completed for each potential take-home vehicle and included with the Department's budget each year for authorization by the City Manager or his designee.

REVOCATION

Application of this directive shall coincide with the "reasonable person" theory. All actions associated with the use of take-home vehicles must be reasonable and appropriate, given the nature of the concerned employee's assignment.

Any non-compliance of this administrative procedure may result in immediate suspension from the take-home vehicle program or disciplinary action up to and including termination.

The following information is applicable to both Take-Home and non Take-Home City vehicles:

- All vehicles must be operated in a lawful manner and appropriately maintained under the care and control of the assigned employee. Any problems with the operation of the vehicle should be promptly reported to the Fleet Maintenance department. Said vehicles should be removed from service until the problem can be evaluated and/or corrected.

- Employees will not use City vehicles to haul or tow anything other than City equipment needed in the performance of their job assignment.
- Employees will not possess, purchase, or be under the influence of drugs or alcoholic beverages while operating City vehicles or equipment. Smoking is not allowed in any City vehicle at any time.
- An employee licensed to carry a concealed handgun under Texas law may not carry the concealed handgun in a City vehicle unless the employee is a licensed peace officer of the City and has the approval of their department head.
- Generally, non-city employees are not authorized to be passengers; exceptions may be authorized by the appropriate Department Head.
- In no case shall a person other than a City employee be allowed to drive a City vehicle unless approved by the department head for an authorized use.
- All operators of City vehicles shall possess a valid Texas driver's license. Driving records will be examined on an annual basis.
- Employees who operate City vehicles in the course and scope of their employment must notify their supervisor if and when their driver's license becomes invalid or suspended for any reason.
- City employees, while operating City vehicles, are required to remain within the City limits unless conducting official business or commuting to and from work. Any other exception requires the approval of the department head.
- All employees, if involved in any vehicular collision in a City vehicle or in a private vehicle while performing City duties, shall call the appropriate law enforcement agency and contact their department head or appropriate supervisor. The Human Resources Department will be notified by the supervisor so that an accident report can be completed and an insurance claim can be filed. The employee is also subject to post accident drug testing.

LIABILITY

Depending on the circumstances, the City of Tomball reserves the right to limit its liability for personal losses of the employee in the event of theft of belongings from a city-owned vehicle. The City of Tomball also reserves the right to limit its liability in the event of an accident that is caused by the employee depending on the time and the circumstances of the accident. Any tickets or fines received by the employee during their operation of a city-owned vehicle will be the responsibility of the employee.

Employees assigned a City vehicle will be required to sign a statement indicating that they have read and will comply with the rules and provisions of this policy. Employees who do not comply with the provisions of this policy shall be subject to disciplinary action up to, and including, termination.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
~~**TRAVEL AND EXPENSE REIMBURSEMENT POLICY**~~	36	July 20, 1998	PAGE 1 OF 2
	REVISED:	APPROVED BY CITY MANAGER: July 20, 1998	
(Repealed 1/19/2004)	SUPERSEDES:	APPROVED BY CITY COUNCIL: July 20, 1998	

THIS POLICY WAS REPEALED BY CITY COUNCIL ON JANUARY 19, 2004. SEE PERSONNEL POLICY.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER: 37	EFFECTIVE DATE: July 20, 1998	PAGE 1 OF 1
~~**TEMPORARY ASSIGNMENTS TO HIGHER CLASSIFICATION**~~ ***(Repealed 1/19/2004)***	REVISED:	APPROVED BY CITY MANAGER: July 20, 1998	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: July 20, 1998	

THIS POLICY WAS REPEALED BY CITY COUNCIL ON JANUARY 19, 2004. SEE PERSONNEL POLICY.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
	38	July 20, 1998	PAGE 1 OF 1
PERSONAL INJURY AND MOTOR VEHICLE ACCIDENT POLICY	REVISED:	APPROVED BY CITY MANAGER: July 20, 1998	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: July 20, 1998	

NOTICE OF ON THE JOB INJURY:

1. Report of Injury Within in 24 Hours

   Any employee who sustains any on-the-job injury, however minor, and who is physically able, must report the injury within twenty-four (24) hours or at the beginning of the next regularly scheduled work shift to his/her immediate supervisor and receive such medical treatment as may be necessary. Failure to report the injury to the immediate supervisor within the specified time limit will cause the employee to be ineligible to receive injured employee wage continuation benefits.

2. Written Report

   Employees who are physically able must also complete a First Report of Injury regarding the injury during the next regular work shift after it occurs. Supervisors shall assist employees in completing the First Report of Injury form as necessary. The report shall be submitted to the Department Head and the Personnel Department within 24 hours.

   When an accident causes bodily injury resulting in any limitation of the employee's ability to perform all the duties of his/her job for more than the next calendar day following the date of injury or first medical treatment, the immediate supervisor shall notify the Personnel Department. The employee may qualify for worker's compensation, medical treatment, weekly disability benefits or wage continuation benefits.

MOTOR VEHICLE ACCIDENT:

1. Reporting Accident

   Employees involved in an accident occurring in a City owned vehicle must <u>immediately</u> notify their supervisor or department head. The supervisor or department head shall <u>immediately</u> notify the Personnel Director or Co-ordinator.

   A written report shall be provided in accordance with "Notice of Injury" section of this policy.

2. Medical Attention, Drug/Alcohol Testing

   The Supervisor or Department Head shall arrange for necessary medical attention. The Personnel Department will arrange for drug/alcohol testing in accordance with Ordinance 96-04.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER: 39	EFFECTIVE DATE: July 20, 1998	PAGE 1 OF 1
~~**PREPARATION OF PAYROLL AND ISSUANCE OF PAYCHECKS**~~ ***(Repealed 1/19/2004)***	REVISED:	APPROVED BY CITY MANAGER: July 20, 1998	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: July 20, 1998	

THIS POLICY WAS REPEALED BY CITY COUNCIL ON JANUARY 19, 2004. SEE PERSONNEL POLICY.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER: 40	EFFECTIVE DATE: July 20, 1998	PAGE 1 OF 1
~~**MOVING EXPENSES POLICY**~~	REVISED:	APPROVED BY CITY MANAGER: July 20, 1998	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: July 20, 1998	

THIS POLICY WAS REPEALED BY CITY COUNCIL ON JANUARY 19, 2004. SEE PERSONNEL POLICY.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER: 41	EFFECTIVE DATE: March 5, 1996	PAGE 1 OF 1
~~**DRUG/ALCOHOL TESTING OF EMPLOYEES**~~ ***(Repealed 1/19/2004)***	REVISED:	APPROVED BY CITY MANAGER: March 4, 1996	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: March 4, 1996	

THIS POLICY WAS REPEALED BY CITY COUNCIL ON JANUARY 19, 2004. SEE PERSONNEL POLICY.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
	42	July 20, 1998	PAGE 1 OF 1
~~**CERTIFICATION AND EDUCATION PAY POLICY**~~	REVISED: September 15, 2003	APPROVED BY CITY MANAGER: July 20, 1998	
(Repealed 1/19/2004)	SUPERSEDES:	APPROVED BY CITY COUNCIL: July 20, 1998	

THIS POLICY WAS REPEALED BY CITY COUNCIL ON JANUARY 19, 2004. SEE PERSONNEL POLICY.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
~~**HIRING PROCEDURE POLICY**~~	43	October 1, 1992	PAGE 1 OF 4
	REVISED: 3/24/98	APPROVED BY CITY MANAGER: July 20, 1998	
(Repealed 1/19/2004)	SUPERSEDES:	APPROVED BY CITY COUNCIL: July 20, 1998	

THIS POLICY WAS REPEALED BY CITY COUNCIL ON JANUARY 19, 2004. SEE PERSONNEL POLICY.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
~~**PAY FOR VACATION AND SICK LEAVE UPON LEAVING EMPLOYMENT WITH THE CITY**~~	44	July 20, 1998	PAGE 1 OF 1
	REVISED: October 4, 1999	APPROVED BY CITY MANAGER: July 20, 1998	
(Repealed 1/19/2004)	SUPERSEDES:	APPROVED BY CITY COUNCIL: July 20, 1998	

THIS POLICY WAS REPEALED BY CITY COUNCIL ON JANUARY 19, 2004. SEE PERSONNEL POLICY.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER: 45	EFFECTIVE DATE: July 5, 1999	PAGE 1 OF 2
~~**SALARY ADMINISTRATION POLICY**~~	REVISED:	APPROVED BY CITY MANAGER:	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: July 5, 1999	

THIS POLICY WAS REPEALED BY CITY COUNCIL ON JANUARY 19, 2004. SEE PERSONNEL POLICY.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
~~**EMPLOYEE GROUP HEALTH INSURANCE - DEPENDENT COVERAGE**~~	46	October 1, 2001	PAGE 1 OF 1
	REVISED:	APPROVED BY CITY MANAGER: August 20, 2001	
(Repealed 1/19/2004)	SUPERSEDES:	APPROVED BY CITY COUNCIL: August 20, 2001	

THIS POLICY WAS REPEALED BY CITY COUNCIL ON JANUARY 19, 2004. SEE PERSONNEL POLICY.

47-55. Reserved

UTILITY

56. Emergency Gas Leaks and Repair Policy (revised 05/05/2008)

57. Mowing County Right-of-Way Policy (revised 07/20/1998)

58. Extending Water, Sewer and Gas Utilities to Existing Residences or Business Not Currently Served By Any or All of These Utilities (revised 07/20/1998)

59. Adjustment for Water Loss by Customers (revised 04/18/1995)

60. Incentives for Property Owners to Dedicate Right-of-Way and/or Easements (revised 10/07/1997)

61. Call-Duty Pay (revised 05/17/1999)

62. City Participation in Residential Driveway Installation (revised 07/20/1998)

63. Utility Late Charge Policy (revised 04/18/1995)

64. Infrastructure Improvement Program Policy (revised 11/19/2001)

65. Right-of-way Abandonment Policy (revised 03/07/2011)

66-73. Reserved

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
	56	December 2, 1997	PAGE 1 OF 1
EMERGENCY GAS LEAK REPAIR POLICY	REVISED: 5/5/2008	APPROVED BY CITY MANAGER: May 5, 2008	
	SUPERSEDES: 2/17/2003	APPROVED BY CITY COUNCIL: May 5, 2008	

Gas Line Inspection and Turn-On Procedure

The following procedures must be initiated in order to reinstate service following a gas leak on customer lines or has been turned off more than 59 days.

1. A plumbing permit must be secured at Public Works Building at 501 James Street in the Permit Department by a licensed Plumber or Residential Homeowner.

2. All repairs must be made by a licensed Plumber on all commercial and rental property. Residential Homeowners may repair their own lines. Proof of ownership is required.

3. After repairs, a diaphragm gauge test must be preformed by the Plumber or Residential Homeowner. Test must be inspected by a City Permit Inspector before removing the gauge. The diaphragm gauge shall be installed on the customer's line, immediately downstream of the gas meter. Gas meter must be disconnected from customer's line to perform diaphragm test. Test is from meter to closed valves at the appliances. Call the City Permits Department at (281) 290-1402 between 7:45 a.m. and 5:00 p.m. to schedule City Inspector to witness test. Homeowner or Plumber must be present for City Inspector to approve test.

4. After City Inspector's approval of the diaphragm test, the Plumber or Homeowner shall remove all equipment and reconnect the gas meter to customer's line. Homeowner or Plumber must schedule turn-on to reinstate gas service and light pilots.

Notes:

1. Plumber obtains permit.
2. Plumber installs pipe.
3. Top-out inspection with pressure on pipe.
4. Final inspection with gauge; after green tag, plumber connects pipe to meter.
5. Call City Utility Department (281) 290-1400 to schedule turn-on, after plumbing final.
6. Undue delays for customer convenience to reinstate service may be subject to a customer call-out service fee, after hours.

CITY OF TOMBALL
REGLAS Y PROCEDIMIENTOS ADMINISTRATIVOS

REGLAS DE EMERGENCIA PARA LA REPARACIÓN DE LA LÍNEA DE GAS	NUMERO: 56	FECHA EFICAZ: 2 de diciembre de 1997	PAGINA 1 DE 1
	REVISADO: 5 de mayo de 2008	APROBADO POR ADMINISTRADOR DE LA CUIDAD: 5 de mayo de 2008	
	REEMPLAZA: 17 de febrero de 2003	APROBADO POR AYUNTAMIENTO: 5 de mayo de 2008	

Inspección y Procedimiento para Abertura de la Línea del Gas

Los siguiente son los procedimientos y reglas para reinstalar el servicio de gas después de que el servicio ha estado apagado mas de 59 días o ha tenido un escape de gas en las líneas del lado del cliente:

1. Un permiso de plomería se debe de obtener antes de hacer el trabajo. Solo el maestro plomero o el dueño del la residencia pueden solicitar el permiso. Para solicitar el permiso debe de ir a Departamento de Obras Publicas a 501 James Street, Tomball, TX 77375.

2. Todas las reparaciones comerciales o de casa en renta deben de ser reparados por un plomero con licencia. Los dueños de las residencia pueden hacer sus propias reparaciones pero tienen que demostrar que son los dueños de la propiedad.

3. Después de las reparaciones; el maestro plomero o el dueño de la propiedad deben hacer una prueba del calibrador del diafragma. La prueba tiene que ser inspeccionada por inspector de la ciudad antes de quitar el calibrador. El calibrador del diafragma será instalado en la línea de cliente, inmediatamente bajo corriente del mediador de gas. El mediador de gas debe ser desconectada de la línea del cliente para realizar la prueba del diafragma. La prueba del mediador es para cerrar las válvulas en las aparatos domésticos. Llame al Departamento de Permisos al (281) 290-1402 entre las horas de 7:45 a.m. a 5:00 p.m. y un empleado de la ciudad programara una cita con el inspector de la ciudad para inspeccionar el mediador. El maestro plomero o el dueño de la propiedad deben de estar presente al momento de la inspección.

4. Después de la aprobación del inspector de la ciudad, la prueba del diafragma, el plomero o el dueño deben propiedad quitara todo el equipo y volverá a conectar el mediador de gas a la línea. El plomero o dueño debe programar una cita con inspector de la cuidad para reconectar los pilotos de gas.

Notas para plomeros:
1. El plomero debe obtener el permiso.
2. El plomero instala la línea de gas.
3. Inspección de la tapa hacia afuera con la presión en la línea.
4. Después de la inspección final del medidor se le colocara una etiqueta verde, y el plomero conecta la línea con el medidor.
5. Llame el departamento del permiso para programar la reconexión del servicio de gas.
6. Si por alguna razón el cliente tiene que programar la reinstalación después de horas, se le cobrara un cargo extra.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
MOWING COUNTY RIGHT-OF-WAY POLICY	57	July 20, 1998	PAGE 1 OF 1
	REVISED:	APPROVED BY CITY MANAGER: July 20, 1998	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: July 20, 1998	

Mowing needs are to be assessed by complaint only.

Weeds and/or grass must be at least 18 inches or taller.

County maintenance will be notified with response time limited to 1 week.

City maintenance of County right-of-way is to be limited to 4 times annually.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
EXTENDING WATER, SEWER AND GAS UTILITIES TO EXISTING RESIDENCES OR BUSINESSES NOT CURRENTLY SERVED BY ANY OR ALL OF THESE UTILITIES	58	July 20, 1998	PAGE 1 OF 3
	REVISED:	APPROVED BY CITY MANAGER: July 20, 1998	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: July 20, 1998	

INTENT

It is the intent of the City Council of the City of Tomball to appropriate a fixed amount of funds annually to extend water, sewer, and gas utilities to residences or business within the City.

EXPLANATION

In the normal course of building and development, the purchaser of a lot pays for the ready availability of utilities in the purchase price of the lot. For example, an 80-ft. by 120-ft. lot with all utilities available might cost $10,000. A similar lot without the availability of water, sewer and gas might be available at $4,000. If the City installed utilities to the $4,000 lot from ratepayer revenue, it would mean the owner of the $10,000 lot pays twice, once when he paid for the lot up front and again, through the utility rates, to pay for extending utilities to the $4,000 lot.

The extension of utilities to unserved residences and businesses can be accomplished with mutual benefit for the ratepayer and the unserved business or resident, under certain controlled guidelines. With this explanation in hand, the following policy for extending municipally-owned utilities is adopted:

POLICY

It is the policy of the City of Tomball to extend any or all municipally-owned utilities to unserved residences or businesses on a 'first-come, first-served' basis and within the limits of appropriated funds for that specific program when the following criteria is met:

* Annual estimated revenue to the City in 5 years must equal or exceed the estimated cost of installation to be paid by the City, less capital recovery fees. Revenue is estimated by the Finance Director, based on current average annual billings for the category of use. Construction cost is estimated by the Public Works Director using current unit pricing for materials, equipment use and labor.

* Full payments of required contribution to the City have all been received for the specific program.

SAMPLE CALCULATION
WATER

Residential:

Total Cost to Construct:	$4,000
Capital Recovery:	-2,340 (5 customers)
Net Cost:	$1,660

5 Years' Revenue:	60 months x $17.44/month* = $1,046.40
Payback:	$1,046.40 x 5 Customers = $5,232.00

* Based on previous fiscal year's average residential usage at current rates

Commercial: Same, except will need to be more consumer-specific on estimated revenue.

SAMPLE CALCULATION
SEWER

Residential:

Total Cost to Construct:	$4,000
Capital Recovery:	-2,755
Net Cost:	$1,245

5 Years' Revenue:	60 months x $14.49/month = $ 869.40
Payback:	$869.40 x 5 Customers = $4,347.00

* Based on previous winter months' average usage at current rates and assuming 85% factor for sewer to water customers.

Commercial: Same, except will need to be more consumer-specific on estimated revenue.

SUBJECT	NUMBER:	EFFECTIVE DATE:	PAGE 3 OF 3
EXTENDING WATER, SEWER AND GAS UTILITIES TO EXISTING RESIDENCES OR BUSINESSES NOT CURRENTLY SERVED BY ANY OR ALL OF THESE UTILITIES	58	July 20, 1998	
	REVISED:	APPROVED BY CITY MANAGER: July 20, 1998	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: July 20, 1998	

SAMPLE CALCULATION
SEWER (SEPTIC)

Total Cost to Construct:	$4,000
Capital Recovery:	- 0
Net Cost:	$4,000

5 Years' Revenue:	60 months x $14.49/month = $ 869.40
Payback:	$869.40 x 5 Customers = $4,347.00

SAMPLE CALCULATION
GAS

Total Cost to Construct:	$4,000

5 Years' Revenue:	60 months x $15.00/month = $ 900.00
Payback:	$900.00 x 5 Customers = $4,500.00

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER: 59	EFFECTIVE DATE: April 18, 1995	PAGE 1 OF 1
ADJUSTMENT FOR WATER LOSS BY CUSTOMERS	REVISED:	APPROVED BY CITY MANAGER: April 18, 1995	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: April 18, 1995	

WATER LOSS ADJUSTMENT POLICY

The City of Tomball desires to carry out its duties in a timely and nondiscriminating manner, but with fairness and courtesy to our citizens.

City ordinances establish certain utility charges and penalties when these charges are not paid by the due date. These ordinances allow only for the charges and penalties and do not address exceptions. The only alternative for an unhappy citizen was to address the Council and ask for a waiver. This was not effective delegation and Council decided that staff should handle most exceptions. In April of 1995, City Council authorized City staff to handle the following exception:

EXCESSIVE WATER LOSS

If a citizen has an excessive water loss (normally caused by a leak) and complains to the Utility Billing Department, a one-time adjustment can be made if the customer shows proof that the leak has been repaired. This adjustment may also be used in certain other unusual circumstances, such as a customer having a commode stick or a line open while on vacation. Staff can only grant this adjustment on a one-time, once per twelve-month period, basis. If the customer states that a leak has been fixed, any additional excessive water loss is his responsibility.

This exception is not intended to replace the basic premise that any water that flows through the meter is the customer's responsibility, but it does give staff the ability to help a citizen who might have a problem choosing between repairing a leak and paying a large bill.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
INCENTIVES FOR PROPERTY OWNERS TO DEDICATE RIGHTS-OF-WAY AND/OR EASEMENTS	60	October 7, 1997	PAGE 1 OF 1
	REVISED:	APPROVED BY CITY MANAGER: October 6, 1997	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: October 6, 1997	

The City of Tomball will grant the property owner a free tap, of their choice, in exchange for the donation of right-of-way and/or easement for City roadway projects.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
CALL DUTY PAY	61	July 20, 1998	PAGE 1 OF 1
	REVISED: 5/17/99	APPROVED BY CITY MANAGER: July 20, 1998	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: July 20, 1998	

CALL DUTY PAY

1. A designated Utility Department employee shall perform ACall Duty@ service during unscheduled working hours for a period of seven (7) days.

2. Call Duty shall include a minimum service time of four (4) hours each Saturday and Sunday.

3. For that seven (7) day stand-by period, the City will credit an additional eight (8) hours at the employee=s pay rate to his time sheet. An additional four (4) hours pay will be credited for each holiday falling within this seven (7) day period.

4. All hours **WORKED** above the standard forty (40) hour work week will be paid at time and one-half with a minimum of two hours per call out.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
CITY PARTICIPATION IN RESIDENTIAL DRIVEWAY INSTALLATION ON OPEN-DITCH DRAINAGE STREETS	62	July 20, 1998	PAGE 1 OF 1
	REVISED:	APPROVED BY CITY MANAGER: July 20, 1998	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: July 20, 1998	

CITY PARTICIPATION IN RESIDENTIAL DRIVEWAY INSTALLATION ON OPEN-DITCH DRAINAGE STREETS

1. Customer shall obtain a Driveway Permit from City Hall.

2. Copy of Permit will be forwarded to Department of Public Works.

3. Customer shall contact Public Works for City specifications on culverts (size, class, length, etc.).

4. After customer acquires culverts, notifies City, and stakes location for culverts, City will set culverts for customer at proper grade as soon as possible.

5. Customer will complete driveway in accordance with City standards within the public ROW.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
	63	April 18, 1995	PAGE 1 OF 1
UTILITY LATE CHARGE POLICY	REVISED:	APPROVED BY CITY MANAGER: April 18, 1995	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: April 18, 1995	

LATE CHARGE ADJUSTMENT POLICY

The City of Tomball desires to carry out its duties in a timely and nondiscriminating manner, but with fairness and courtesy to our citizens.

City ordinances establish certain utility charges and penalties when these charges are not paid by the due date. These ordinances allow only for the charges and penalties and do not address exceptions. The only alternative for an unhappy citizen was to address the Council and ask for a waiver. This was not effective delegation and Council decided that staff should handle most exceptions. In April of 1995, City Council authorized City staff to handle the following exception:

LATE CHARGE POLICY

All commercial bills will be due on the third business day of the following month (instead of the last day of the month billed), with late payments accessed for payments not received by this date. Residential and commercial customers who have made the last twelve (12) payments on or before the due date preceding a questioned late charge payment would be entitled to have their late charge waived, if they request it be waived.

If a customer who has been timely asks and has a late charge waived, that customer must make an additional twelve (12) payments in a row before becoming eligible to ask for another waiver

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CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER: 64	EFFECTIVE DATE: November 19, 2001	PAGE 1 OF 1
INFRASTRUCTURE IMPROVEMENT PROGRAM POLICY	REVISED:	APPROVED BY CITY MANAGER: November 19, 2001	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: November 19, 2001	

INFRASTRUCTURE IMPROVEMENT PROGRAM

1. **Owner of developed property** who donates right-of-way or easement for infrastructure improvement project will be provided the service through such dedicated area without connection-related charges, including but not limited to tap fee connections, impact fees, or similar utility connection charges. If the value of the donation exceeds the cost of providing the service, the City will reimburse the owner the difference out of future impact fee collections.

2. **Owner of undeveloped property** who donates right-of-way or easement will be provided service through such dedicated area without charge up to the value of the donation (by crediting the owner=s impact fee up to the value of the donation). If the value of the donation exceeds the impact fee, the City will reimburse the owner the difference out of future impact fee collections. In reference to water and sewer utilities, note that tap fees are not included in the impact fees and will be required to be paid by the Landowner.

Any questions or concerns regarding the above may be addressed to the Director of Public Works, City of Tomball, at (281) 351-5484.

SUBJECT	NUMBER: 65	EFFECTIVE DATE: March 7, 2011	PAGE 1 OF 2
RIGHT-OF-WAY ABANDONMENT POLICY	REVISED:	APPROVED BY CITY MANAGER: March 7, 2011	
	SUPERSEDES: February 21, 2011	APPROVED BY CITY COUNCIL: March 7, 2011	

Right-of-Way Abandonment Policy

1) Purpose

A. This policy establishes general procedures and criteria for the abandonment of the City of Tomball's public rights-of-way (ROW) through instruments other than a plat.

B. If an applicant is abandoning ROW by plat, see the platting requirements as defined in Chapter 70 - Plats and the Subdivision of Land of the Tomball Code of Ordinances.

C. This policy is structured to minimize administrative expenditures and maximize efficiency.

2) Definition

A. ROW abandonment is defined as the intentional and permanent relinquishment of claim and title to real property that forms a segment of the City of Tomball's roadway or utility network or that was acquired or held for future use as a portion of the roadway or utility network.

B. Typically, ROW requested for abandonment includes:

1. Unimproved, unopened ROW that has no pavement, curb/gutter or sidewalk.

2. ROW that exceeds the minimum width requirements, based on street classification.

3. Residual (leftover) ROW resulting from a street or intersection realignment project.

4. ROW that is not necessary to support or maintain the City's roadway network.

3) Abandonment Guidelines

A. ROW can only be abandoned if:

1. It is determined that no substantial public purpose will be served by the City retaining ownership of the ROW;

2. It is not contrary to the public interest;

3. It does not deprive any individual(s) that own property nearby of reasonable means of ingress and egress to their property; and

4. It is not necessary to maintain or advance the City's Major Thoroughfare Plan and/or utility system.

B. City Council may choose to abandon a requested ROW in whole or in part as reasonable to minimize inconsistent or disconnected right-of-ways.

C. The City of Tomball and other utility providers may reserve or require easements within the abandoned ROW.

D. The requestor shall be responsible for all associated costs, including the boundary survey and metes-and-bounds description.

4) Procedure

A. ROW abandonment requests shall be submitted in writing to the City Manager's Office. The request shall include the following:

1. Complete Right-of-Way Abandonment Application;

2. Submit $300 Application Fee;

3. A detailed description of the entire limits or extent of the ROW and the limits to be abandoned, if different;

4. The purpose for the abandonment request;

5. A boundary survey and metes and bounds description of the ROW to be abandoned prepared by a Registered Professional Land Surveyor; and

6. Written confirmation from all owners of real property abutting the ROW, utility providers, drainage districts, and/or other interested agencies stating they have been notified of the requested ROW abandonment and a letter of "No Objection" from each of the concerned entities.

B. The City Manager's Office shall review the request and schedule a public hearing before the City Council.

C. The City shall publish notice of such public hearing in the City's official newspaper at least ten (10) days prior to holding the public hearing and provide written notice to each owner of real property as indicated by the most recently approved HCAD tax roll whose property abuts or lies within 200 feet of the existing right of way to be abandoned.

D. After compliance with the above items the public hearing shall be held. At the public hearing any person desiring to be heard regarding such matter will be given an opportunity to do so. If the request is granted, then the City will prepare an ordinance and quit claim deed for consideration by City Council. (Ordinances must be heard in accordance with the City of Tomball Charter).

CITY OF TOMBALL

RIGHT-OF-WAY ABANDONMENT REQUEST APPLICATION

Please provide the following information & return your submittal to the City Manager's Office, 401 Market St., Tomball, Texas 77375.

Minimum Submittal Requirements

- ☐ $300 application fee;
- ☐ Detailed description of entire limits or extent of the ROW and the limits to be abandoned, if different;
- ☐ Five (5) copies of the Boundary Survey and metes & bounds description of the ROW to be abandoned;
- ☐ Electronic File (PDF) of Boundary Survey and metes & bounds description of the ROW to be abandoned;
- ☐ Copy of letters to utility providers, drainage districts, and/or other interested agencies stating they have been notified of the requested ROW abandonment;
- ☐ Letter of "No Objection" from each of the concerned entities; and
- ☐ Completed and signed application form.

Applicant Information

Name _____

Mailing Address _____

City _____ State _____ Zip Code _____

Phone Number _____ Fax Number _____

E-mail Address _____

Agent or Engineer Information

Name _____

Mailing Address _____

City _____ State _____ Zip Code _____

Phone Number _____ Fax Number _____

E-mail Address _____

We, the undersigned property owners of

_____

(name of subdivision, lot, and block number)

do hereby request that the City of Tomball release and vacate the said Right-of-Way as further described in the attached Boundary Survey.

Adjacent Property Owners Signatures

(please include your name, mailing address, HCAD number of your property, and signature)

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

Certification

I, _____, being one of the above named persons, do hereby certify that the above named persons include all abutting property owners of the property being vacated and released.

Please list the reasons for the request and how this request will benefit the public:

_____

_____

_____

_____

_____

(Signature) (Printed Name)

66-73. Reserved

74. ~~Nepotism~~ *(Repealed 1/19/2004)*

75. Code of Ethics — Ordinance No. 93-06 (revised 05/18/1993)

76. Council Meeting Procedures (revised 03/21/1995)

77. Guidelines for Preparation & Timeliness of Council, Board & Commission Agendas (revised 05/05/2003)

78. Attendance Reports - Boards and Commissions (revised 07/20/1998)

79-85. Reserved

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
~~**NEPOTISM**~~	74	January 17, 1987 December 18, 1989	PAGE 1 OF 1
(Repealed 1/19/2004)	REVISED: May 6, 1995	APPROVED BY CITY MANAGER: July 20, 1998	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: July 20, 1998	

THIS POLICY WAS REPEALED BY CITY COUNCIL ON JANUARY 19, 2004. SEE PERSONNEL POLICY.

SUBJECT	NUMBER:	EFFECTIVE DATE:	
CODE OF ETHICS C ORDINANCE NO. 93-06	75	May 18, 1993	PAGE 1 OF 9
	REVISED:	APPROVED BY CITY MANAGER: May 17, 1993	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: May 17, 1993	

On May 17, 1993, the City Council of the City of Tomball adopted Ordinance No. 93-06 to provide a Code of Ethics as follows:

A**CODE OF ETHICS OF THE CITY OF TOMBALL, TEXAS**@

1.0 Declaration of Policy.

It is hereby determined by the City Council of the City of Tomball, Texas, that the proper operation of government requires that public officers and employees be independent and impartial; that the government=s decisions and policies be made within the proper channels of the governmental structure; that a public office not be used for personal gain; and that the public have confidence in the integrity of its government and its governmental officials.

The purpose of this Code is to enumerate existing state laws which regulate the conduct and activities of City officers and employees, and to promulgate such additional minimum standards as are deemed necessary and appropriate to assure the faithful and impartial administration of the City=s government.

2.0 Definitions.

For the purposes of this Code of Ethics the following words, terms, and phrases shall have the meanings ascribed thereto:

2.01. **City Employee.** Any person employed by the City, including those individuals employed on a part-time basis.

2.02. **City Officer.** The Mayor, members of the City Council, the City Manager, City Secretary, Municipal Court Judge and Clerk, Alternate Judges, and Substitute Judges, and each member and alternate member of all of the City Boards, Commissions, and Committees.

2.03. **City Official.** A City officer or City employee.

3.0. Ethical Principals.

The following Code of Ethics for all City officers and employees is adopted. To further the objectives of this Code of Ethics, certain ethical principles shall govern the conduct of every officer or employee, who shall:

1. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order to merit the respect and confidence of the citizens of Tomball;

2. Recognize that the chief function of local government at all times is to serve the best interests of all of the people;

3. Be dedicated to public service by being cooperative and constructive, and by making the best and most efficient use of available resources;

4. Refrain from any activity or action that may hinder one=s ability to be objective and impartial on any matter coming before the Council or the City. Do not seek or accept gifts or special favors; believe that personal gain by use of confidential information or by misuse of public funds or time is dishonest;

5. Recognize that public and political policy decisions, based on established values, are ultimately the responsibility of the City and City Council; and

6. Conduct business in open, duly noticed meetings in order to be directly accountable to the citizens of Tomball. It is recognized that certain exceptions are made by the State for executive sessions; however, any action as a result of that type of meeting will be handled later in open session.

4.0. Standards of Conduct.

In order to more fully effectuate the policy declared in this Code of Ethics, to assure that all City officials act and conduct themselves both inside and outside the City=s service so as to give no occasion for distrust of their integrity, and to avoid even the appearance of impropriety by any City official, the following standards of conduct are adopted.

4.01. Grant of Special Consideration.

No City official shall grant any special consideration, treatment, or advantage to any citizen, individual, business organization, or group beyond that which is normally available to every other citizen, individual, business organization, or group. This shall not prevent special considerations authorized and granted by the City Council for the purpose of creating incentives necessary to secure or retain employees.

4.02. Appearances on Behalf of Private Interests.

No City official shall represent or appear on behalf of private interests of others before any agency of the City, or any City board, commission, committee, or City Council concerning any case, project, or matter over which the official exercises discretionary authority, nor shall a City official represent any private interest of others in any action or proceeding involving the City, nor voluntarily participate on behalf of others in any litigation to which the City is a party.

4.03. Appearances by Past Officials.

No City official, holding a position which involves decision-making, advisory, or supervisory responsibility, shall, within twelve (12) months following the end of service with the City, represent or appear on behalf of private interests of others before the City or any agency thereof concerning any case, project, or matter over which the official has exercised discretionary authority.

4.04. Securing Special Privileges.

No City official shall use his official position to secure special privilege or exemption for himself or others.

4.05. Gifts.

No City official shall accept or solicit any gift or favor that could reasonably tend to influence that individual in the discharge of official duties or that the official knows or should know has been offered with the intent to influence or reward official conduct.

4.06. Disclosure or Use of Confidential Information.

No City official shall disclose any confidential information gained by reason of his office or employment with the City, concerning any property, operation, policy, or affair of the City, or use such confidential information to advance any personal interest, financial or otherwise, of such official or others.

4.07. Incompatible Outside Activities.

No City official shall engage in any outside activity which will conflict with, or be incompatible with, the City office or employment.

4.08. Incompatible Employment.

No City official shall accept outside employment which is incompatible with the full and proper discharge of his or her duties and responsibilities with the City, or which might impair his or her independent judgment in the performance of his or her public duty.

4.09. Use of City Property for Personal Use.

No City official shall use City supplies, equipment, vehicles, or facilities for any purpose other than the conduct of official City business, unless otherwise specifically provided for by law, ordinance, or City policy.

5.0. State Laws Governing Conduct.

5.01. Conflicts of Interest.

5.01.01. Pursuant to ' 171.001 et seq., Texas Local Government Code, a local public official having a substantial interest in a business entity or piece of real property must file, before any vote or decision is made on any matter affecting the business entity or real property, an affidavit stating the nature and extent of the interest. The official must file the affidavit with the City Secretary, and is required to abstain from any further participation in the matter if (1) the proposed action would have a special economic effect on the business entity that is distinguishable from the effect on the public, or (2) it is reasonably foreseeable that the action would have a special economic effect on the value of the real property which is distinguishable from its effect on the public. An exception to the abstention rule is provided in cases where a majority of members of the entity are likewise required to and do file affidavits.

5.01.02. A substantial interest in a business entity exists when the official (1) owns ten percent (10%) or more of the voting stock or shares of the business entity, or (2) owns ten percent (10%) or more or $5,000 or more of the fair market value of the business entity, or (3) has received from the business entity funds which exceed ten percent (10%) of the official=s gross income for the prior year.

5.01.03. A substantial interest in real property exists when the official has an equitable or legal interest in such property which has a fair market value of $2,500 or more.

5.01.04. A local public official means a member of the City Council or other official of the City, paid or unpaid, who exercises responsibilities which are more than advisory only. A business entity means any entity recognized by law.

5.01.05. It is an offense for a local public official to act as a surety for a business entity that is contracting the with the City, or to act as a surety on any official bond required of an officer of the City. ' 171.003.

5.01.06. A local public official is considered to have a substantial interest if a person related to the official in the first degree by consanguinity or affinity has a substantial interest. ▪171.002(c).

5.01.07. The provisions of ▪171.001 et seq., are IN ADDITION to any other municipal charter provisions or municipal ordinances defining and prohibiting conflicts of interest.

5.02. Bribery.

It is unlawful for a City official to accept or agree to accept (1) any benefit as consideration for a decision, opinion, recommendation, vote, or other exercise of discretion as a public servant or (2) any benefit as consideration for a decision, vote, recommendation, or other exercise of official discretion in a judicial or administrative proceeding, or (3) any benefit as consideration for a violation of a duty imposed by law on a public servant. ▪36.02, Penal Code.

5.03. Gifts to Public Servants.

5.03.01. It is unlawful for a City official to solicit, accept, or agree to accept any benefit from a person the official knows is subject to regulation, inspection, or investigation by the official or the City. ▪36.08(a), Penal Code.

5.03.02. In the event of litigation involving the City, it is unlawful for any City official to solicit, accept, or agree to accept any benefit from a person against whom the official knows litigation is pending or contemplated by the official or the City. ▪36.08(c), Penal Code.

5.03.03. It is unlawful for a City official who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of government to solicit, accept, or agree to accept any benefit from a person the official knows is interested in or likely to become interested in any contract, purchase, payment, claim, or transaction involving the exercise of his discretion. ▪36.08(d), Penal Code.

5.03.04 It is unlawful for a City official who has judicial or administrative authority, is employed by or in a tribunal having judicial or administrative authority, or who participates in the enforcement of the tribunal=s decision, to solicit, accept, or agree to accept any benefit from a person the official knows is interested in or likely to become interested in any matter before the official or tribunal. ▪36.08(e), Penal Code.

5.03.05. Exceptions to Gifts to Public Servants.

The provisions of ▪36.08, Penal Code, described above, do not apply to (1) fees prescribed by law to be received by the public official or any other benefit to which the official is lawfully entitled and for which the official has given legitimate consideration; (2) gifts or other benefits conferred on account of kinship or personal, professional, or business relationships independent of the official=s status with the City; (3) certain honorariums in consideration of legitimate services; (4) benefits consisting of food, lodging, transportation, or entertainment accepted as a guest and reported as required by law; or (5) benefits for which statements must be filed pursuant to ▪251.001 and ▪251.012, Texas Election Code, if the benefit and source of any benefit exceeding fifty dollars ($50.00) is reported and the benefit is used solely to defray expenses which accrue in the performance of duties or activities in connection with office which are nonreimbursable by the City. ▪36.10, Penal Code.

5.04. Tampering with Governmental Records.

It is unlawful for any person to knowingly make a false entry in, or false alteration of, a governmental record, or to make, present, or use any record, document, or thing with knowledge of its falsity with the intent that it be taken as a genuine governmental record, or to intentionally destroy, conceal, remove, or otherwise impair the verity, legibility, or availability of a governmental record. ▪36.10, Penal Code.

5.05. Impersonating Public Servant.

It is unlawful for any person to impersonate a City official with intent to induce another to submit to his pretended official authority or to rely on his pretended official acts. ▪37.11, Penal Code.

5.06. Misuse of Official Information.

It is unlawful for a City official, in reliance on information to which he has access as a result of his office and which has not been made public, to acquire or aid another in acquiring a pecuniary interest in any property, transaction, or enterprise that may be affected by the information or to speculate or aid another in speculating on the basis of the information. ▪39.03, Penal Code.

5.07. Disrupting Meeting or Procession.

It is unlawful for any person, with intent to prevent or disrupt a lawful meeting, to obstruct or interfere with the meeting by physical action or verbal utterance. ▪42.05, Penal Code.

5.08. Official Oppression.

It is unlawful for a City official to intentionally subject another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that he knows is unlawful, to intentionally deny or impede another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing his conduct is unlawful, or to intentionally subject another to sexual harassment. ▪39.02, Penal Code.

5.09. Official Misconduct.

It is unlawful for a City official, with intent to obtain a benefit or with intent to harm another, to intentionally or knowingly violate a law relating to his office or employment or to misapply any thing of value belonging to the government that has come into his custody or possession by virtue of his office of employment. ▪39.01, Penal Code.

5.10. Nepotism.

It is unlawful for any City official to appoint, or vote for the appointment, to any office, employment or duty, of any person related within the second degree by affinity or within the third degree by consanguinity to the person so appointing or so voting, or to any other member of a board or governing body to which the person so voting or appointing may be a member, when the salary, fees, or compensation of such appointee is to be paid out of public funds. An exception is provided for persons who have been continuously employed in such office, employment or duty for the following periods prior to the election or appointment, as applicable, of the officer or member related to such employee in the prohibited degree: (1) at least thirty (30) days, if the officer or member is appointed, or (2) at least six (6) months, if the officer or member is elected.

When a person is allowed to continue in an office, position, or duty because of an exception above, the officer who is related to such person in the prohibited degree shall not participate in the deliberation or voting upon the appointment, reappointment, employment, confirmation, reemployment, change in status, compensation, or dismissal of such person, if such action applies only to such person and is not taken with respect to a bona fide class or category of employees. Art. 5996a, Tex. Rev. Civ. Stat. Ann.

5.11. Disclosure of Interest in Property.

It is unlawful for a City official, or a person elected, appointed, or employed as a City official but for which office such person has not yet qualified, to fail to make public disclosure of any legal or equitable interest he may have in property which is acquired with public funds, provided such official has actual notice of the acquisition or intended acquisition. The public disclosure required is the filing of an affidavit with the county clerks of all counties in which the property is located and wherein the official resides at least ten (10) days prior to the acquisition. Article 6252-9e, Tex. Rev. Cit. Stat. Ann.

6.0. Violations.

6.01. Any person violating any standard contained in Article 4.0 above shall be deemed guilty of a misdemeanor and, upon conviction thereof shall be fined in an amount not to exceed $500. Each day of violation shall constitute a separate offense.

6.02. Penalties for violations of conduct described in Article 5.0 above are as set forth in the applicable statutory provision.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER: 76	EFFECTIVE DATE: March 21, 1995	PAGE 1 OF 11
COUNCIL MEETING PROCEDURES	REVISED:	APPROVED BY CITY MANAGER: March 20, 1995	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: March 20, 1995	

On March 20, 1995, by Ordinance No. 95-03, the City Council of the City of Tomball provided for Rules of Procedure for the Conduct of City Council Meetings, in accordance with Section 6.13 of the City Charter.

Such rules are set out below in the following Sections of this Policy.

Section 1. RULES OF PROCEDURE ADOPTED. The following Rules of Procedure (the "rules") are adopted by the City Council (the "Council") in accordance with Section 6.13 of the City Charter of the City of Tomball. These rules shall govern all meetings and proceedings of the City Council, the order of business, and the conduct of City Council members and persons in attendance at such meetings.

Additionally, these principles, parliamentary procedures, and rules for citizen participation shall be adhered to by all City Commissions, Boards, and Committees, to the extent such rules of procedure are not inconsistent with the public business to be conducted by such a body.

Section 2. PURPOSE AND GUIDING PRINCIPLES. These rules are simple, and meant to be kept simple. Strict technical rules tend to impede rather than advance the legislative process. Reason, common sense, and cooperation must prevail in the conduct of City business. Dissent and debate are essential and beneficial elements of our system of free and open government, but rules should not be used to hinder the process, however the ultimate outcome is viewed by an individual or group.

Section 3. MEETINGS.

3.1. **Regular Meetings.** In accordance with Section 6.12 of the City Charter, the Council shall conduct regular meetings on the first (1st) and third (3rd) Mondays of each month. Any time a regular meeting date falls on a holiday observed by the City of Tomball, such regular meeting shall be scheduled and held on the next calendar day which is not a holiday observed by the City of Tomball, unless the Council takes action in advance, by resolution or ordinance, to reschedule such meeting.

3.1.1. All regular meetings shall begin promptly at 7:00 p.m. (See Workshop meetings below).

3.1.2. Regular meetings shall be held at the City Hall as required by the Charter.

3.2. **Special Meetings.** In accordance with Section 6.12 of the City Charter additional special meetings may be called upon written request of the Mayor or any three (3) Council members. If a majority of the City Council members at a public meeting request a subsequent special meeting, a special meeting shall be scheduled at the earliest practical time as requested. The Council meeting minutes reflecting the request to call a special meeting shall also reflect the scheduled date and time of such special meeting.

3.2.1. Special meetings may be called to address and act on matters which should not be delayed until a regular meeting.

3.2.2. Special meetings shall be called to begin promptly at 7:00 p.m., unless circumstances reasonably require a different starting time, in which event the circumstances shall be stated on the meeting agenda.

3.2.3. Except in unusual circumstances, which shall be stated on the meeting agenda, special meetings will be held at the City Hall.

3.3. **Workshop Meetings.** In accordance with Section 6.12 of the City Charter, additional workshop meetings may be called upon written request of the Mayor or any three (3) Council members. If a majority of the City Council members at a public meeting request a subsequent workshop meeting, a workshop meeting shall be scheduled at the earliest practical time as requested. The Council meeting minutes reflecting the request to call a workshop meeting shall also reflect the scheduled date and time of such workshop meeting.

3.3.1. The purpose of workshop meetings is to give Council the opportunity to discuss in depth or explore in detail subjects of interest to the City.

3.3.2. **No action item(s)** shall be placed on the agenda for a workshop meeting.

3.3.3. Workshop meetings shall begin promptly at 5:00 p.m. preceding a regular or special meeting. If circumstances reasonably require a different starting time or a different date, such circumstances shall be stated on the meeting agenda.

3.3.4. As circumstances require, public hearings may be held at workshop meetings for the convenience of the public.

3.3.5. Except in unusual circumstances, which shall be stated on the meeting agenda, workshop meetings will be held at the City Hall.

3.4. **Public Meetings: Executive Sessions.** All meetings of the City Council are open to the public, in compliance with the Texas Open Meetings Act. Further, the City Council may conduct executive sessions in compliance with the Texas Open Meetings Act.

4.1. **Items on the Agenda.** An item may be placed on the agenda by the Mayor or City Manager. The City Manager, working in conjunction with the Mayor, will exercise their best judgment in determining what other items of City business should come before the Council. City staff seeking to have an item placed on an agenda shall submit that item to the City Manager's office for approval. If two (2) or more of the City Council members make a request in writing that an agenda item be placed on the agenda for any subsequent meeting, then such item shall be placed on the agenda for discussion and/or action as requested. A City Council member, in accordance with Section 551.042 of the Texas Government Code, may propose an item for inclusion on the agenda for a subsequent meeting, and any deliberation or decision on such item shall be limited to the proposal to place the item on the agenda.

4.2. **Submission of Items and Backup Materials.** Items to be placed on the agenda, including the materials to be distributed to Council in connection with the items, must reach the City Secretary's office at the City Hall before 12:00 o'clock noon on the Wednesday of the week preceding the Council meeting.

4.3. **Packets.** The agenda packets for all Regular Meetings will be available in City Hall after 4:00 P.M. on Thursday preceding the Monday Meetings. This should afford ample time for all Council members to inquire into the nature of each matter to be discussed.

4.4. **Notice to Media.** The City Secretary's office will assume responsibility for issuing to newspapers, radio and television stations, which have requested such notification, a copy of the agenda advising them that the regular meeting will be held on the following night. The City Secretary's office will also assume the responsibility for compliance with the Open Meetings Law.

4.5. **Consideration Limited to Agenda Items.** Except for discussions pertaining to announcements or to requests to have items placed on a subsequent agenda, the Council will restrict consideration only to the item or items on the current agenda.

4.6. **Organization and Order of Agenda.**

4.6.1. Call to Order/Roll Call/Announce that a quorum is present.

4.6.2. Pledge of Allegiance and Invocation.

4.6.3. Public Comments and Receipt of Petitions - citizens desiring to be heard will be given the opportunity. Petitions will be received. (See rules for "Citizen Participation at Meetings" below.)

4.6.4. Reports and Announcements.

4.6.5. Approval of Minutes.

4.6.6. Old Business, by item, discussion/action - Final passage of ordinances and other business pending from a previous Council meeting.

4.6.7. New Business, by item, discussion/action - New ordinances, resolutions, budget amendments and changes, bid openings and bid awards, contracts, policies, and other matters to be considered and/or acted upon.

4.6.7.1. New Business shall include all public bid openings.

4.6.8. Consent Agenda - items requiring little or no discussion. If one or more members of Council desire to remove an item from the consent agenda, such item(s) shall be considered and acted upon separately.

4.6.9. Executive Session.

4.6.10. Final Comments - Mayor and Council.

4.6.11. Adjournment.

Section 5.0. COUNCIL PROCEEDINGS. In accordance with Section 6.13 of the City Charter, four (4) Council members, one of whom may be the Mayor, shall constitute a quorum for the purpose of transaction of business and no action of the Council shall be valid or binding unless adopted by the affirmative vote of three (3) or more members of the Council.

Section 6.0. PARLIAMENTARY PROCEDURE. In all Council meetings the following commonly used rules of parliamentary procedure will be followed. In the event that conflict results in gridlock, and reasonable compromise fails to move the Council forward in the conduct of City business, then Robert's Rules of Order will be followed as necessary.

The rules are as follows:

6.1. **Questions to Contain One Subject**. All questions (motions) submitted for a vote shall contain only one subject. If a question contains two or more points under one subject, any member may require a division, if the question reasonably admits of a division.

6.2. **Main Motion**. A subject is introduced by a main motion. Once seconded, no other topics should be taken up until after the motion is disposed of.

6.3. **Second**. Any motion requires a second or it dies for lack of a second.

6.4. **Motion to Amend**. This motion is used when the intention is to change, add, or omit some part of a main motion. This motion is debatable and requires a majority vote of the members present for passage. A motion to amend is not amendable. First a vote is held on the motion to amend. If that vote is affirmative, the second vote is held on the main motion as amended.

6.5. **Motion to Table or Postpone to a Certain Time**. This motion would require that consideration of a main motion be delayed until a certain, stated time - for, among other reasons, to obtain more information. A future date certain should be set when the subject would be considered. This motion is debatable and requires a majority vote of the members present for passage.

6.6. **Motion to Table Indefinitely**. This motion postpones consideration of the main motion in such a way that the issue being discussed may be taken up at an unspecified, later date when a majority of the members present vote to "call it from the table." This motion is not debatable and requires a majority vote of the members present for passage.

6.7. **Motion to Move the Question or Call the Question**. This motion is made to end discussion that has become lengthy or repetitious. When seconded, the presiding officer immediately moves or calls the vote on the question of closing the discussion. This motion is not debatable and requires a majority vote of the members present for passage.

6.8. **Motion to Reconsider**. A vote may be reconsidered during the same meeting on motion made by a member who voted on the prevailing (winning) side of the issue. This motion is debatable and requires a majority vote of the members present for passage. First a vote is held on the motion to reconsider. If that vote is affirmative, the second vote is held on the issue to be reconsidered.

6.9. **Reconsideration of a Subject when Defeated**. When an ordinance, resolution, motion, or other measure has been placed on the agenda, voted on, and defeated, the same question shall not again be placed on the agenda for a subsequent meeting to be considered by the Council until a lapse of ninety (90) days, unless a majority of Council present vote, at a public meeting, that the question be placed on the agenda of a subsequent meeting, stating the date.

6.10. **Suspension of Rules: Order of Agenda**. Consistent with State law and the City Charter, any one or all of these rules of procedure may be suspended in order to allow a particular consideration of a subject or matter, provided a majority of the members present vote in favor of such suspension; provided further, the order of business on the agenda may also be suspended by such a majority vote. This motion is debatable.

6.11. **Vote**. The presiding officer shall call for a vote by requesting "all in favor say aye" and "all opposed say nay." The presiding officer or any other member may request a roll call vote at any time, including immediately after a voice vote. Except for the "majority vote of the members present" provided for in applying these procedural rules, any action by Council shall require the affirmative vote of three (3) or more members of the Council (the Mayor has a binding vote only in the case of a tie), in accordance with Section 6.13 of the City Charter. A Council member shall state the reason for an abstaining vote, in accordance with Section 6.13 of the City Charter.

6.12. **Frivolous or Delaying Motions.** The presiding officer shall not entertain any motion which is frivolous or clearly made for the purpose of delay. In the event a conflict develops, any member may call for a vote (majority of the members present) to consider the matter or to move along.

6.13. **Point of Order.** A point of order can be raised at any time and supersedes any issue being discussed at the time. A member who believes the rules are not being followed may use this mechanism to call attention to the problem. The presiding officer must rule on the point of order before proceeding.

6.14. **Questions and Inquiries**. A member may ask about correct procedures, ask for facts, ask to speed things along, for a recess for comfort and convenience, or other relevant questions and inquires. The presiding officer responds to the question or refers it to the proper person.

6.15. **Limit Debate.** The Council may agree to limit debate on any subject before it is discussed or debated. The agreement should be formalized by majority vote of the members present.

6.16. **Recessed Meetings**. Recessing a meeting is not a favored practice. However, if circumstances require, any meeting of the council may be recessed to a later time, provided that no recess shall be for a longer period than until the next scheduled meeting. Prior to the recess the presiding officer shall announce the time, date, and subject(s) of the meeting to be reconvened. A new agenda shall be posted for the reconvened meeting, making clear reference to the recessed meeting. The presiding officer may declare the meeting recessed without waiting for a motion. A member may move to recess under the same conditions. When the meeting is recessed, the meeting is immediately halted. The motion by a member is not debatable and a majority vote of the members present is required for passage.

6.17. **Motion to Adjourn**. If the time set for adjournment has arrived or if there is no further business, the presiding officer may declare the meeting recessed without waiting for a motion. A member may move to recess under the same conditions. When the meeting is recessed, the meeting is immediately halted. The motion by a member is not debatable and a majority vote of the members present is required for passage.

6.18. **Procedural Summary**. The following summary of these procedural rules is included for ease of reference. In the event of an interpretation conflict between this summary and the narrative provisions of these procedural rules, the narrative procedural rules shall control.

MOTION	DEBATABLE	AMENDABLE	MAJORITY VOTE OF MEMBERS PRESENT
Main Motion	yes	yes	yes
Motion to amend	yes	no	yes
Table or Postpone to a certain time	yes	yes	yes
Table indefinitely	no	no	yes
Move or call question	no	no	yes
Reconsider	yes	yes	yes
Suspend Rules	yes	yes	yes
Point of Order	no	no	(Presiding Officer)
Limit Debate	yes	yes	yes
Recess	no	no	yes
Adjourn	no	no	yes

Section 7.0. CITY COUNCIL MEMBERS DECORUM AND DEBATE. When a measure is presented for consideration to the Council, the presiding officer shall recognize the appropriate individual to present the matter. When two (2) or more members wish to speak, the presiding officer shall name the member who is to speak first. No member of the Council shall interrupt another while speaking, except to make a point of order. The presiding officer shall not be obligated to recognize any Council member for a second comment on the subject or amendment until every Council member wishing to speak has been allowed a first comment. Council members shall also have the right to yield the floor to another member.

Council members should not indulge in personal attacks, use personally offensive language, arraign motives of Council members or staff, charge deliberate misrepresentation, or use language tending to hold a member of the City Council or staff up to contempt.

If a member is transgressing the rules of the Council, the presiding officer shall, or any Council member may, call him/her to order, in which case he/she shall immediately be quiet unless permitted to explain. The Council shall, if appealed to, decide the matter by majority vote of the members present without debate. If the decision is in favor of the member called to order, he/she shall then be at liberty to proceed, but not otherwise, in compliance with these rules.

Section 8. DUTIES OF MAYOR OR PRESIDING OFFICER. At all meetings it is the responsibility of the presiding officer to use the rules of procedure appropriately so that good order and reasonable decorum are maintained and the business of the meeting goes forward. The presiding officer's duties include:

1. calling the meeting to order at the time set.
2. following the agenda and clarifying to the members what is being voted on at all times.
3. ensuring that the rules and procedures for the conduct of meetings are followed.
4. dealing firmly with whispers, commotion, disruptions, and frivolous motions.
5. ensuring that debate is confined to the merits of the question and that personal comments are avoided.
6. ensuring that the rules for citizen participation are followed.
7. remaining calm and dealing fairly with all sides of an issue, regardless of personal opinion.
8. ensuring that City business is handled expeditiously during Council meetings.

Section 9.0. CITIZENS= PARTICIPATION AT MEETINGS.

9.1. **Rules for Speakers.**

9.1.1. **Recognition**. Citizens will be allowed to speak at a meeting; however, before a member of the public may address City Council or speak at a meeting, the presiding officer must first recognize the member of the public who wishes to speak and announce that the person may proceed.

9.1.2. **Time Limit**. The presiding officer, or the City Council by majority vote of the Council members present, may set a reasonable time limit for any citizen or person in attendance who desires to address the council or speak at a meeting.

9.1.3. **Identification**. All members of the public speaking before Council shall preface their statements with their name and home address for the record.

9.1.4. **Speaking from the podium**. All speakers must come to the podium, unless the presiding officer permits speakers to make their statements from their seat in the meeting room.

9.1.5. **Spokesperson**. Speakers with similar or common interests are encouraged to select someone to act as a spokesperson in order to move the proceedings along. The presiding officer may urge the implementation of this rule at any time.

9.1.6. **Public Comments and Receipt of Petitions: Public Hearings**. Any person desiring to be heard by the City Council on any matter shall be heard during that part of the meeting reserved for public comments and receipt of petitions, or as scheduled for a public hearing.

9.1.7. **Scheduled Speakers**. Speakers may request, in writing, an opportunity to be placed on the agenda to speak at a meeting concerning a specific matter, as identified in their written request. Written requests to be placed on the agenda to speak must be delivered to the City Secretary, or the City Secretary's designee, by 12:00 o'clock noon on Wednesday of the week preceding the regular, special, or workshop meeting of the City Council. In the event that the number of speakers who request to be scheduled on the agenda indicates that the comments will be lengthy or repetitious, the presiding

officer may schedule such matter for a public hearing or make other appropriate arrangements to ensure that the conduct of the City's business is not unduly impeded.

9.1.8. **Speaking During Consideration of Agenda Items**. The presiding officer at his or her own discretion, or by majority vote of the Council members present, may recognize a person or persons in attendance and allow such person(s) to speak prior to consideration and discussion of an agenda item by the City Council. Any further discussion of the same matter shall likewise be at the discretion of the presiding officer, or by majority vote of Council members present.

9.1.9. **Rules Not to Restrict the City**. These rules for speakers will not be construed or applied in such a manner that they restrict the ability of the Mayor, or the City Council by majority vote of the members present, to reasonably limit or expand the debate and discussion of any item, when necessary in the City's best interest.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
	77	July 20, 1998	PAGE 1 OF 1
GUIDELINES FOR PREPARATION AND TIMELINESS OF COUNCIL, BOARD AND COMMISSION AGENDAS	REVISED: May 5, 2003	APPROVED BY CITY MANAGER: May 5, 2003	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: May 5, 2003	

The following guidelines are set out for preparation and timeliness of Council agendas:

Items on the Agenda. An item may be placed on the agenda by the Mayor or City Manager. The City Manager, working in conjunction with the Mayor, will exercise their best judgment in determining what other items of City business should come before the Council. City staff seeking to have an item placed on an agenda shall submit that item to the City Manager's office for approval. If two (2) or more of the City Council members make a request in writing that an agenda item be placed on the agenda for any subsequent meeting, then such item shall be placed on the agenda for discussion and/or action as requested. A City Council member, in accordance with Section 551.042 of the Texas Government Code, may propose an item for inclusion on the agenda for a subsequent meeting, and any deliberation or decision on such item shall be limited to the proposal to place the item on the agenda.

Submission of Items and Backup Materials. Items to be placed on the agenda, including the materials to be distributed to Council in connection with the items, must reach the City Secretary's office at the City Hall before 12:00 o'clock noon on the Wednesday of the week preceding the Council meeting.

Packets. The agenda packets for all Regular Meetings will be available in City Hall after 4:00 P.M. on Thursday preceding the Monday Meetings. This should afford ample time for all Council members to inquire into the nature of each matter to be discussed.

The following deadlines for submission of items and backup materials for agenda packets have been established for boards listed below:

Planning Commission: Submission of agenda items and materials no later than 12 noon the first Monday of each month.

Parks Board: Submission of agenda items and materials no later than 12 noon the last Monday of each even-numbered month.

Items not submitted in a timely manner for any of the above boards will be held until the next meeting for that board, commission, or committee.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
	78	July 20, 1998	PAGE 1 OF 1
ATTENDANCE REQUIREMENTS - BOARDS AND COMMISSIONS	REVISED:	APPROVED BY CITY MANAGER: July 20, 1998	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: July 20, 1998	

Every Board, Commission or Committee member is expected to maintain a suitable attendance record. It is important to keep in mind that attendance is very important to the Board, Commission or Committee. Because attendance is important, the City Council has adopted an attendance policy of no more than three (3) consecutive absences without an excuse for regular board, commission or committee members. The Chair of the Board, Commission or Committee can excuse a member=s absence.

The term Ameetings@ includes all meetings of the board and all meetings of the board=s subcommittees on which the member serves. The secretary of the Board, Commission or Committee is responsible for keeping track of the members= attendance. If a member does not follow the attendance policy, the member can be removed from service by a vote of the City Council.

79-85. Reserved

CODE ENFORCEMENT

86. High Grass and Weed Violation Process (revised 08/05/1993)

87. Action Request Forms (revised 07/20/1998)

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
HIGH GRASS AND WEED VIOLATION PROCESS	86	August 5, 1993	PAGE 1 OF 1
	REVISED:	APPROVED BY CITY MANAGER: August 4, 1993	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: August 4, 1993	

City Hall - Front Desk

Receive complaint; complete applicable parts of Citizen Concern (2-part) form. Deliver original to Code Enforcement Officer.

Public Works

Step 1 -- Inspect property to verify violation exists and determine name and address (in Tax Department) after finding a more accurate location.

Step 2 -- Notification process.

Step 3 -- Inspect property to determine if property owner has remedied the violation. If violation remedied at this step, drop down to Step 6, underlined.

Step 4 -- Requisition to Purchasing Clerk for contractual mowing, providing contractor name and estimated cost. Purchase Order prepared and service procured.

Step 5 -- Property owner mailed copy of invoice with letter requesting reimbursement, within 2 weeks.

Step 6 -- Deposit reimbursement by property owner through City Hall-Front Desk, recording payment on the original copy of the Citizen Concern form (also returned to City Hall-Front Desk)

OR

File a lien on the property and return original of Citizen Concern form to City Hall-Front Desk with copy of invoice attached.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER:	EFFECTIVE DATE:	
ACTION REQUEST FORMS	87	July 20, 1998	PAGE 1 OF 3
	REVISED:	APPROVED BY CITY MANAGER: July 20, 1998	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: July 20, 1998	

CODE VIOLATIONS

Code Violation Forms (see attached) are available to all City employees and shall be carried in all City vehicles. When a Code violation is observed the employee completes the form and returns to the Code Enforcement Officer for investigation. The Code Enforcement Officer shall make an inspection and begin the notification process when applicable. When necessary the form shall be forwarded to the appropriate department.

Upon completion of investigation the form is returned to the Front Office of City Hall with the resolution of said violation.

CITIZEN CONCERNS

Citizen Concern Forms (see attached) are available the front office of City Hall or Utilities Office. When a complaint is received from a citizen the employee shall complete the form and forward to the appropriate department for handling.

Upon completion of investigation the form shall be returned to the City Hall front office with the resolution of said complaint. The complainant shall be notified of the results.

CITY OF TOMBALL
CODE VIOLATIONS

Complaint or Concern: _____

_____

_____

Address if available: _____

_____

Complainant (Optional): _____ Date: _____

RETURN TO CODE ENFORCEMENT OFFICER: _____ (Please initial & note date received)

ROUTING:
Complaint forwarded to: _____ (Please initial & note date received)

RESOLUTION: _____

_____

_____

_____

_____

Returned to City Hall Front Counter on: _____

No. ____

CITY OF TOMBALL
CITIZEN CONCERNS

Name of Concerned Party: _____

Address & telephone #: _____
(Optional Information)

Complaint or Concern: _____
_____
_____
_____
_____

Complaint taken by: _____ Date: _____

ROUTING:
Complaint forwarded to: _____
(Please initial & note date received)

RESOLUTION: _____
_____
_____
_____
_____

Returned to City Hall Front Counter on: _____
(Please initial & note date received)
FOLLOW UP:
Explanation given to customer: _____
Complaint satisfied by administration: _____
No follow up needed: _____