

NOTICE OF A MEETING
OF THE CITY COUNCIL OF THE CITY OF HEMPSTEAD

Notice is hereby given that a Regular Meeting of the City Council of the City of Hempstead will be held on **Monday, the 18th day of October, A.D., 2021 at 6:00 P.M.** at the **Hempstead Recreation Center, 635 Business Highway 290 E, Second Floor, Hempstead, Texas**, at which time the following subjects will be discussed, to-wit:

1. Call to order and invocation.
2. Pledge of Allegiance.
3. Public Comments.
4. Consideration and action on minutes of September 20, 2021; September 28; 2021; and October 4, 2021 Meetings.
5. Consideration and action on a Resolution of the City of Hempstead, Texas approving a Public Property Finance Contract and matters related thereto.
6. Consideration and action on a Resolution of the City of Hempstead, Texas awarding a bid for Utility Line Repair.
7. Consideration and action on a Resolution of the City of Hempstead adopting Procurement Policies and Procedures.
8. Consideration and action on Resolution of the City of Hempstead, Texas authorizing Street Closures for the Festival of Lights to be held on December 11, 2021.
9. Consideration and action on a Resolution of the City of Hempstead, Texas revising fees and procedures for rental of the Depot Park.
10. Sales Tax for October 2021.
11. Consideration and action on payment of C&C Sports and Apparel Invoice.
12. Consideration and action on payment of current bills.
13. Adjourn City Council Meeting.

The City Council of the City of Hempstead reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed below authorized by Texas Government Code, Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development), and 551.086 (Certain Public Power Utilities: Competitive Matters). Council may act in Open Session on any item listed for Executive Session.

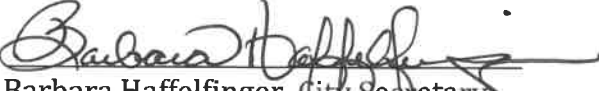
Dated this the 15th day of October, A.D., 2021.

By: 
Barbara Haffelfinger, City Secretary

I, the undersigned authority, do hereby certify that the above Notice of a Regular Meeting of the governing body of the City of Hempstead is a true and correct copy of said Notice, and that a true and correct copy of said Notice was posted on the City Hall bulletin board and entrances to City Hall, in the City Hall of said City of Hempstead, Texas, a place convenient

and readily accessible to the general public at all times, and that said Notice was posted on October 15, 2021 at 3:00 P.M. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this the 15th day of October, A.D., 2021.

By: 
Barbara Haffelfinger, City Secretary

PUBLIC PARTICIPATION BY TELEPHONE

The City of Hempstead City Council **may** conduct the meeting scheduled at **6:00 P.M. on Monday the 18th day of October at the Hempstead Recreation Center, 635 Business Highway 290 E, Second Floor, Hempstead, Texas.** The public will be permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting. A recording of the telephonic meeting will be made and will be available to the public upon written request.

The toll-free dial-in number to participate in the meeting telephonically is:

1-346-248-7799; Access Code 989-478-2100

IF CITY COUNCIL MEMBERS ARE GOING TO APPEAR BY VIDEOCONFERENCE A QUORUM OF COUNCILMEMBERS MUST BE PRESENT AT THE LOCATION.

NOTICE OF MEETING BY VIDEO CONFERENCE

The City of Hempstead City Council **may** conduct the meeting scheduled at **6:00 P.M. on Monday, the 18th day of October at the Hempstead Recreation Center, 635 Business Highway 290 E, Second Floor, Hempstead, Texas** by videoconference in addition to allowing in person attendance. A quorum of the City Council will be physically present at the Hempstead Recreation Center, 635 Business Highway 290 E, Second Floor, Hempstead. The public may participate in the City Council Meeting by using the following information:

1-346-248-7799, Access Code 979-478-2100

CERTIFICATE OF SECRETARY

**THE STATE OF TEXAS §
 § CITY OF HEMPSTEAD, TEXAS
COUNTY OF WALLER §**

I, the undersigned, Secretary of the City of Hempstead, Texas, **DO HEREBY CERTIFY** as follows:

1. On the 18th day of October, 2021, a regular meeting of the City Council of the City was held at a meeting place within the City; the duly constituted officers and members of the City Council being as follows:

Dave Shelburne	Mayor
Lonnie Garfield	Mayor Pro Tem
Erica Gillum	Councilman, Position 1
Cindy Pearce	Councilman, Position 2
Raul Villarreal	Councilman, Position 3
Chase Murray	Councilman, Position 4

all of said persons were present at said meeting, except _____, thus constituting a quorum. Among other business considered at said meeting, the attached resolution entitled:

**RESOLUTION OF THE CITY OF HEMPSTEAD, TEXAS
APPROVING A PUBLIC PROPERTY FINANCE CONTRACT
AND MATTERS RELATED THERETO**

was introduced and submitted to the City Council for passage and adoption. After presentation and due consideration of the resolution, and upon a motion being duly made and seconded, the resolution was finally passed and adopted by the City Council to be effective immediately by the following vote:

_____ voted "*For*" _____ voted "*Against*" _____ abstained

all as shown in the official Minutes of the City Council for the meeting held on the aforesaid date.

2. That a true, full and correct copy of the Resolution adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; that the Resolution has been duly recorded in the City Council's minutes of such meeting; that the above and foregoing paragraph is a true, full and correct excerpt from the City Council's minutes of such meeting pertaining to the adoption of the Resolution; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the City Council as indicated therein; that each of the officers and members of the City Council was duly and sufficiently notified officially and personally, in advance, of the date, hour, place and subject of the aforesaid meeting, and that the Resolution would be introduced and considered for adoption at such meeting, and each of such officers and members consented, in advance, to the holding of such meeting for such purpose; that such meeting was open to the public as required by law; and that public notice of the date, hour, place and subject of such meeting was given as required by the Open Meetings Law, Chapter 551, Texas Government Code.

IN WITNESS WHEREOF, I have hereunto signed my name officially, this the 18th day of October, 2021.

Mayor

City Secretary

**RESOLUTION OF THE CITY OF HEMPSTEAD, TEXAS APPROVING A
PUBLIC PROPERTY FINANCE CONTRACT AND MATTERS RELATED
THERE TO**

WHEREAS, CITY OF HEMPSTEAD, TEXAS ("City") proposes to enter into the **PUBLIC PROPERTY FINANCE CONTRACT ("Finance Contract")** with **PROSPERITY BANK ("Lender")** to enable the City to finance the acquisition of \$679,000.00 principal amount of personal property (as described in Exhibit A to the Finance Contract) and closing costs with the intent that the interest portion of the Finance Contract Payments (as defined in the Finance Contract) therefor of 2.990% per annum, be excluded from gross income for federal income tax purposes and, as security for such Finance Contract Payments, the City has agreed to pledge its ad valorem taxes, and to make payments, as set forth in the Finance Contract sufficient to pay both the principal and interest portion of the Finance Contract Payments under the Finance Contract; and

WHEREAS, the Finance Contract has been presented to this meeting.

**NOW THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY AS
FOLLOWS:**

Section 1. (a) That the City Council agrees to enter into the Finance Contract in order to finance acquisition of the personal property and to pay closing costs, in the principal amount of \$679,000.00 at an interest rate of 2.990% per annum, and, in order to secure the Finance Contract, to pledge its ad valorem taxes in accordance with said Finance Contract.

(b) A special fund to be designated "City of Hempstead, Texas Finance Contract Debt Service Fund" (the "Debt Service Fund") is hereby created solely for the benefit of the Finance Contract, and the Debt Service Fund shall be established and maintained by the City at an official depository bank of the City for as long as the Finance Contract, or interest thereon, is outstanding and unpaid. The Debt Service Fund shall be kept separate and apart from all other funds and accounts of the City and shall be used only for paying the interest on and principal of the Finance Contract. All ad valorem taxes levied and collected for and on account of the Finance Contract shall be deposited, as collected into the Interest and Sinking Fund.

(c) During each year while the Finance Contract is outstanding and unpaid, if other available funds of the City are insufficient, the City shall compute and ascertain, as a part of the City's tax, a rate and amount of ad valorem tax which will be sufficient to raise and produce the money required (i) to pay the interest on the Finance Contract as such interest comes due and (ii) to provide and maintain a sinking fund adequate to pay the principal installments of such Finance Contract as such principal installments mature. Such tax shall be based on the latest approved tax rolls of the City, with full allowance being made for tax delinquencies and the cost of tax collection. If other available funds of the City are insufficient, such rate and amount of ad valorem tax is hereby levied and ordered to be levied against all taxable property in the City for each year while the Finance Contract (or any portion or installment thereof) is outstanding and unpaid; and such tax shall be assessed and collected each such year. Such ad valorem taxes sufficient to provide for the payment of the interest on and principal of the Finance Contract, as such interest comes due and such principal matures, are hereby pledged irrevocably from the tax of the City for such payment, within the limits prescribed by law.

(d) In addition, there is hereby appropriated from funds currently on hand and available for such purpose an amount equal to the debt service on the Finance Contract due in fiscal year 2022.

Section 2. That any one or more of the Authorized Officers of the City listed in Section 3 below be, and each of them hereby is, authorized to execute, acknowledge and deliver in the name and on behalf of the City to the Lender the Finance Contract, such Finance Contract to be in substantially the form presented to this meeting with such changes as the signing officer shall determine to be advisable. Further, said Authorized Officers are authorized to execute, acknowledge and deliver in the name and on behalf of the City any other agreement, instrument, certificate, representation and document, and to take any other action as may be advisable, convenient or necessary to enter into such Finance Contract; the execution thereof by any such Authorized Officer shall be conclusive as to such determination.

Section 3. That for the purpose of this resolution, the following persons, or the persons holding the following positions, are "*Authorized Officers*" duly authorized to enter into the transaction contemplated by this resolution in the name and on behalf of the City:

<u>Title</u>	<u>Name</u>
Mayor	Dave Shelburne

Section 4. That there is hereby authorized the continuing execution and delivery by the Authorized Officers or any one of them in the name of and on behalf of the City, the Finance Contract in substantially the form presented to this meeting with such changes as the signing officer shall determine advisable, and the execution thereof shall be conclusive as to such determination.

Section 5. The acquisition and financing of the personal property which is described in or incorporated by reference in the Finance Contract is hereby approved by the City Council. The Authorized Officers shall be authorized to make replacements or otherwise substitute other similar personal property for any of the items so described or incorporated if necessary due to inability of any vendor or supplier to deliver an item of personal property so long as such substitution of any item of personal property does not frustrate the purpose of the City for which the personal property is being acquired or result in an increase in the amount required to be paid by the City for the personal property, as provided in Section 1 hereof.

Section 6. That this Resolution shall take effect immediately.



City of Hempstead

1125 Austin Street • Hempstead, Texas 77445 • Tel: 979-826-2486 • Fax: 979-826-6703

RESOLUTION NO. 21-_____

CITY OF HEMPSTEAD AWARDING BID ON UTILITY LINE REPAIR

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HEMPSTEAD, TEXAS:

That the City hereby awards a contract to D & S Construction for Utility Line Repair in accordance with the terms contained in the bid document package. This award may be terminated at any time if the work is not performed to the satisfaction of the City Council.

PASSED AND APPROVED this the 18th day of October, A.D., 2021.

APPROVED:

Dave Shelburne, Mayor

ATTEST:

Barbara Haffelfinger, City Secretary

**UTILITY LINE REPAIR
BID OPENING – TABULATION SHEET**

October 13, 2021 @ 10:00 A.M.

Present: Rooster Smith, Pat Coleman, Kollye Kilpatrick, Barbara Haffelfinger

Two bids received from:

D & S Contracting, Inc.:

A. Base Bid:

- | | |
|--|--------------|
| 1) John Deer Backhoe or equal, with a qualified operator
who is also a qualified pipelayer: | \$115.00 hr. |
| 2) Furnish one pipelayer/helper to assist pipelayer | \$ 65.00 hr. |

B. Supplemental Bid Items:

- | | |
|--|--------------|
| 1) Furnish one laborer to assist two men | \$ 65.00 hr. |
|--|--------------|

Total	<u>\$245.00</u>
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Elite Utility Services, Inc.:

A. Base Bid:

- | | |
|--|--------------|
| 1) John Deer Backhoe or equal, with a qualified operator
who is also a qualified pipelayer: | \$185.00 hr. |
| 2) Furnish one pipelayer/helper to assist pipelayer | \$ 55.00 hr. |

B. Supplemental Bid Items:

- | | |
|--|--------------|
| 1) Furnish one laborer to assist two men | \$ 40.00 hr. |
|--|--------------|

Total	<u>\$280.00</u>
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LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

FORM CIS

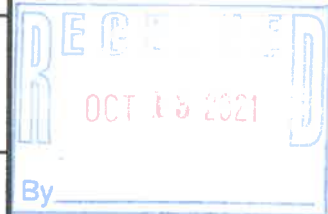
(Instructions for completing and filing this form are provided on the next page.)

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with Chapter 176, Local Government Code.

OFFICE USE ONLY

Date Received



1 Name of Local Government Officer

Rooster Smith

2 Office Held

Chief of Staff

3 Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code

D & S Contracting, Inc.

4 Description of the nature and extent of employment or other business relationship with vendor named in item 3

Owner of business is my brother.

5 List gifts accepted by the local government officer and any family member, if aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100 during the 12-month period described by Section 176.003(a)(2)(B).

Date Gift Accepted NA Description of Gift None

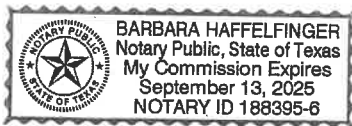
Date Gift Accepted NA Description of Gift None

Date Gift Accepted NA Description of Gift None

(attach additional forms as necessary)

6 AFFIDAVIT

I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to each family member (as defined by Section 176.001(2), Local Government Code) of this local government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a)(2)(B), Local Government Code.



Signature of Local Government Officer

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Rooster Smith, this the 13th day of October 20 21, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Barbara Haffelfinger
Printed name of officer administering oath

Notary Public
Title of officer administering oath



City of Hempstead

1125 Austin Street • Hempstead, Texas 77445 • Tel: 979-826-2486 • Fax: 979-826-6703

RESOLUTION

NO. 21-_____

CITY OF HEMPSTEAD PROCUREMENT POLICIES AND PROCEDURES

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HEMPSTEAD,
TEXAS:**

That the City of Hempstead Procurement Policies and Procedures attached hereto as "Exhibit A" is hereby adopted for all purposes as though set forth in its entirety in this resolution.

PASSED AND APPROVED this the 18th day of October, A.D., 2021.

APPROVED:

Dave Shelburne, Mayor

ATTEST:

Barbara Haffelfinger, City Secretary

PLEASE PRINT ON CITY LETTERHEAD

CITY OF XXX
PROCUREMENT POLICIES AND PROCEDURES

The City of XXX follows the procurement standards in 2 CFR 200.317 – 2CFR 200.327 and Appendix II to Part 200 for procurement actions to be funded with Federal funds. All attempts are made to adhere to these policies and procedures and updates are made as needed. The entirety of the language found in 2 CFR 200.317 – 2 CFR 200.327 may not be applicable in all instances, programs, and/or situations. This document contains the most current 2 CFR 200.317 – 2 CFR 200.327 language available at the adoption of these policies and procedures.

§200.317 Procurements by states.

When procuring property and services under a Federal award, a State must follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will comply with §§200.321, 200.322, and 200.323 and ensure that every purchase order or other contract includes any clauses required by §200.327. All other non-Federal entities, including subrecipients of a State, must follow the procurement standards in §§200.318 through 200.327.

§200.318 General procurement standards.

(a) The non-Federal entity must have and use documented procurement procedures, consistent with State, local, and tribal laws and regulations and the standards of this section, for the acquisition of property or services required under a Federal award or subaward. The non-Federal entity's documented procurement procedures must conform to the procurement standards identified in §§200.317 through 200.327.

(b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(c)(1) The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

(2) If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with

a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

(d) The non-Federal entity's procedures must avoid 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.

(e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. Competition requirements will be met with documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements.

(f) The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(g) The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(h) 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.

(i) 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 the basis for the contract price.

(j)(1) The non-Federal entity may use a time-and-materials 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:

(i) The actual cost of materials; and

(ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

(2) 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.

(k) 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.

[85 FR 49543, Aug. 13, 2020, as amended at 86 FR 10440, Feb. 22, 2021]

§200.319 Competition.

(a) 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.

(b) 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:

(1) Placing unreasonable requirements on firms in order for them to qualify to do business;

(2) Requiring unnecessary experience and excessive bonding;

(3) Noncompetitive pricing practices between firms or between affiliated companies;

(4) Noncompetitive contracts to consultants that are on retainer contracts;

(5) Organizational conflicts of interest;

(6) 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; and

(7) Any arbitrary action in the procurement process.

(c) 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.

(d) The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations:

(1) 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 which 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 which must be met by offers must be clearly stated; and

(2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(e) The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which 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.

(f) Noncompetitive procurements can only be awarded in accordance with §200.320(c).

§200.320 Methods of procurement to be followed.

The non-Federal entity must have and use documented procurement procedures, consistent with the standards of this section and §§200.317, 200.318, and 200.319 for any of the following methods of procurement used for the acquisition of property or services required under a Federal award or sub-award.

(a) **Informal procurement methods.** When the value of the procurement for property or services under a Federal award does not exceed the *simplified acquisition threshold (SAT)*, as defined in §200.1, or a lower threshold established by a non-Federal entity, formal procurement methods are not required. The non-Federal entity may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the SAT include:

(1) **Micro-purchases—(i) Distribution.** The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (See the definition of *micro-purchase* in §200.1). To the maximum extent practicable, the non-Federal entity should distribute micro-purchases equitably among qualified suppliers.

(ii) **Micro-purchase awards.** Micro-purchases may be awarded without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly. Purchase cards can be used for micro-purchases if procedures are documented and approved by the non-Federal entity.

(iii) **Micro-purchase thresholds.** The non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the non-Federal entity must be authorized or

not prohibited under State, local, or tribal laws or regulations. Non-Federal entities may establish a threshold higher than the Federal threshold established in the Federal Acquisition Regulations (FAR) (<https://www.ecfr.gov/current/title-48/chapter-1/subchapter-A/part-2/subpart-2.1>) in accordance with paragraphs (a)(1)(iv) and (v) of this section.

(iv) **Non-Federal entity increase to the micro-purchase threshold up to \$50,000.** Non-Federal entities may establish a threshold higher than the micro-purchase threshold identified in the FAR in accordance with the requirements of this section. The non-Federal entity may self-certify a threshold up to \$50,000 on an annual basis and must maintain documentation to be made available to the Federal awarding agency and auditors in accordance with §200.334. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:

(A) A qualification as a low-risk auditee, in accordance with the criteria in §200.520 for the most recent audit;

(B) An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,

(C) For public institutions, a higher threshold consistent with State law.

(v) **Non-Federal entity increase to the micro-purchase threshold over \$50,000.** Micro-purchase thresholds higher than \$50,000 must be approved by the cognizant agency for indirect costs. The non-federal entity must submit a request with the requirements included in paragraph (a)(1)(iv) of this section. The increased threshold is valid until there is a change in status in which the justification was approved.

(2) **Small purchases**—(i) **Small purchase procedures.** The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the non-Federal entity.

(ii) **Simplified acquisition thresholds.** The non-Federal entity is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk and its documented procurement procedures which must not exceed the threshold established in the FAR. When applicable, a lower simplified acquisition threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations.

(b) **Formal procurement methods.** When the value of the procurement for property or services under a Federal financial assistance award exceeds the SAT, or a lower threshold established by a non-Federal entity, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with §200.319 or paragraph (c) of this section. The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold the non-Federal entity determines to be appropriate:

(1) **Sealed bids.** A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms

and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction, if the conditions.

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

(A) A complete, adequate, and realistic specification or purchase description is available;

(B) Two or more responsible bidders are willing and able to compete effectively for the business; and

(C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(ii) If sealed bids are used, the following requirements apply:

(A) Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;

(B) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;

(C) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;

(D) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(E) Any or all bids may be rejected if there is a sound documented reason.

(2) **Proposals.** A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:

(i) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;

(ii) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and making selections;

(iii) Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the non-Federal entity, with price and other factors considered; and

(iv) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services through A/E firms that are a potential source to perform the proposed effort.

(c) **Noncompetitive procurement.** There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:

(1) The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (see paragraph (a)(1) of this section);

(2) The item is available only from a single source;

(3) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;

(4) The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity; or

(5) After solicitation of a number of sources, competition is determined inadequate.

§200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.

(a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

(b) Affirmative steps must include:

(1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

(2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

(3) 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;

(4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

(5) 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

(6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (b)(1) through (5) of this section.

§200.322 Domestic preferences for procurements.

(a) 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.

(b) For purposes of this section:

(1) "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.

(2) "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.

§200.323 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.

§200.324 Contract cost and price.

(a) The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals.

(b) The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be 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.

(c) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under subpart E of this part. The non-Federal entity may reference its own cost principles that comply with the Federal cost principles.

(d) The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

§200.325 Federal awarding agency or pass-through entity review.

(a) 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.

(b) The non-Federal entity must make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:

(1) The non-Federal entity's procurement procedures or operation fails to comply with the procurement standards in this part;

(2) 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;

(3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;

(4) 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

(5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.

(c) 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.

(1) 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;

(2) 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.

§200.326 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.

§200.327 Contract provisions.

The non-Federal entity's contracts must contain the applicable provisions described in Appendix II to this part.

Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

- (A) Contracts for more than the simplified acquisition threshold, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by [41 U.S.C. 1908](#), must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
- (B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.
- (C) Equal Employment Opportunity. Except as otherwise provided under [41 CFR Part 60](#), all contracts that meet the definition of “federally assisted construction contract” in [41 CFR Part 60-1.3](#) must include the equal opportunity clause provided under [41 CFR 60-1.4\(b\)](#), in accordance with [Executive Order 11246](#), “Equal Employment Opportunity” ([30 FR 12319](#), 12935, [3 CFR Part, 1964-1965 Comp.](#), p. 339), as amended by [Executive Order 11375](#), “Amending [Executive Order 11246](#) Relating to Equal Employment Opportunity,” and implementing regulations at [41 CFR part 60](#), “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”
- (D) [Davis-Bacon Act](#), as amended ([40 U.S.C. 3141-3148](#)). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the [Davis-Bacon Act](#) ([40 U.S.C. 3141-3144](#), and [3146-3148](#)) as supplemented by Department of Labor regulations ([29 CFR Part 5](#), “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act ([40 U.S.C. 3145](#)), as supplemented by Department of Labor regulations ([29 CFR Part 3](#), “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.
- (E) [Contract Work Hours and Safety Standards Act](#) ([40 U.S.C. 3701-3708](#)). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with [40 U.S.C. 3702](#) and [3704](#), as supplemented by Department of Labor regulations ([29 CFR Part 5](#)). Under [40 U.S.C. 3702](#) of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible

provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of [40 U.S.C. 3704](#) are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under [37 CFR § 401.2](#) (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of [37 CFR Part 401](#), "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

(G) Clean Air Act ([42 U.S.C. 7401-7671q](#).) and the **Federal Water Pollution Control Act** ([33 U.S.C. 1251-1387](#)), as amended - Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the **Clean Air Act** ([42 U.S.C. 7401-7671q](#)) and the **Federal Water Pollution Control Act** as amended ([33 U.S.C. 1251-1387](#)). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689) - A contract award (see [2 CFR 180.220](#)) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at [2 CFR 180](#) that implement Executive Orders 12549 ([3 CFR part 1986](#) Comp., p. 189) and 12689 ([3 CFR part 1989](#) Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than [Executive Order 12549](#).

(I) Byrd Anti-Lobbying Amendment ([31 U.S.C. 1352](#)) - Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by [31 U.S.C. 1352](#). Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See § 200.323*

(K) See § 200.216**

(L) See § 200.322***

***§ 200.323 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.

****§ 200.216 Prohibition on certain telecommunications and video surveillance services or equipment.**

(a) [Recipients](#) and sub [recipients](#) are prohibited from obligating or expending [loan](#) or grant funds to:

- (1) Procure or obtain;
- (2) Extend or renew a [contract](#) to procure or obtain; or
- (3) Enter into a [contract](#) (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in [Public Law 115-232](#), section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any [subsidiary](#) or affiliate of such entities).
 - (i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any [subsidiary](#) or affiliate of such entities).
 - (ii) Telecommunications or video surveillance services provided by such entities or using such equipment.
 - (iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

(b) In implementing the prohibition under [Public Law 115-232](#), section 889, subsection (f), paragraph (1), heads of executive agencies administering [loan](#), grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.

(c) See [Public Law 115-232](#), section 889 for additional information.

(d) See also [§ 200.471](#).

*****§ 200.322 Domestic preferences for procurements.**

(a) 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.

(b) For purposes of this section:

(1) "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.

(2) "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.

These Policies and Procedures are passed and approved by the City of [XXX](#)
through the City Council on [\(enter date\)](#).

Name

Mayor or City Manager (whomever the Council designates to sign)



City of Hempstead

1125 Austin Street • Hempstead, Texas 77445 • Tel: 979-826-2486 • Fax: 979-826-6703

RESOLUTION NO. 21-_____

STREET CLOSURES FOR HEMPSTEAD COMMERCE AND CIVIC ASSOCIATION FESTIVAL OF LIGHTS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HEMPSTEAD, TEXAS:

To approve the following street closures on December 11, 2021 for the Festival of Lights celebration as follows:

Parade Route: San Antonio Street to FM 1887 to downtown, take a right on Bremond Street and then a left on 12th Street and parade will end at 12th and Main Street. The parade will start at 5:45 P.M. and will end at 6:30 P.M.

PASSED AND APPROVED this the 18th day of October, A.D., 2021.

APPROVED:

Dave Shelburne, Mayor

ATTEST:

Barbara Haffelfinger, City Secretary

PARADE ORDINANCE OF THE CITY OF HEMPSTEAD, TEXAS

PARADE: Any parade, march or procession of any kind, or any similar display consisting of ten or more persons or ten or more vehicles or ten beasts of burden in or upon any public roadway in the City of Hempstead.

APPLICATION: A person seeking a parade permit shall file an application with the Chief of Police not less than five days nor more than sixty days before the date on which it is proposed to conduct the parade.

1. City of Hempstead Commerce and Civic Association
Applicant Name
733 12th Street, Hempstead, Tx 77445
Mailing Address of Applicant / City / State / Zip Code
Telephone Number 979-921-5095
2. Cheryl Hardwick
Chairman Name
P.O. Box 1155, Hempstead, Texas 77445
Mailing Address of Chairman / City / State / Zip Code
Telephone Number 713-560-0446
3. Date of Parade: Saturday, December 11, 2021
4. Route of the parade (include the starting point and termination point):
San Antonio Street to FM 1887 to downtown
take a right on Bremond Street and then
a left on 12th Street and parade will end
at 12th Street and Main Street
5. The number of persons, animals and vehicles which constitute such parade, the type of animals and description of vehicles:
Cars, Trucks, floats, horses, and walkers
6. The time of day when such parade will start and terminate:
Line Up time is 5:00 PM. Parade will
begin at 5:45 PM and will end at 6:30 PM.

7. Will the parade occupy all or only a portion of the width of the street proposed to be traversed? Please explain.

Parade will occupy all of the street.

8. Name of all streets and location of any assembly areas needed for such parade.

9th Street, Hempstead High School Parking lot and San Antonio Street

9. The time at which units of the parade will begin assembly:

5:00 P.M.

10. The interval of space to be maintained between units of such parade.

3 car lengths

The minimum and maximum speed of the parade: 10 miles per hour

The maximum length of such parade in miles or fractions thereof:

1/2 to 1 mile long

11. If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall also file a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.
12. The name and mailing address of the person, if different from the applicant, to whom notice should be provided in the event that the parade permit is denied by the Chief of Police.

Name of Person

Telephone Number

Mailing Address / City / State / Zip Code

13. The name and mailing address of the person, if different from the applicant, to whom notice should be addressed in the event appeal is filed pursuant to the applicable provisions of this code.

Name of Person

Telephone Number

Mailing Address / City / State / Zip Code

14. The maximum number of platoons or units and the maximum and minimum intervals of space to be maintained between units of such parade.

80 Entries at the Most
3 car lengths between entries

15. The materials used in the construction of floats used in any parade shall be of fire-retardant materials and shall be subject to such requirements concerning fire safety as may be determined by the City Fire Chief.

INSURANCE: In addition thereto, no parade permit shall be issued unless the applicant therefor shall obtain a comprehensive general liability insurance policy, issued by an insurance company authorized to do business in the State of Texas, with coverage that includes the assembly area, the parade route, the disbanding area of the parade, and any other areas used by the participants of the parade. The City shall be named as an additional insured on the policy. The policy limits of said insurance shall not be less than:

Property Damage	\$ 5,000.00 each occurrence
Bodily Injury or Death	\$25,000.00 each person
	\$50,000.00 each occurrence

PROOF OF INSURANCE: At the time of the application for the parade permit, satisfactory proof that the required insurance has been obtained must be presented to the Chief of Police. The requirement for satisfactory proof may be complied with either by depositing the insurance policy itself with the Chief of Police or by furnishing a certificate of insurance, meeting the following specifications to the Chief of Police.

- (a) The insurance policies issued should be listed and for each policy the type of insurance, policy number, expiration date and limits of liability should be shown.
- (b) The certificate should designate the City of Hempstead as a certificate holder and as additional insured, and should contain a statement to the effect that the policies listed are in force and that in the event of cancellation or any material change in a policy affecting the certificate holder, at least ten (10) days prior written notice will be given to the certificate holder.
- (c) Below the schedule of insurance in force, the certificate should include a statement substantially as follows:
"The comprehensive general liability policy listed above includes coverage of designated premises and coverage for contractual liability in compliance with the provisions of Ordinance

in Chapter 4, Section 14 of the City Code of Hempstead, Texas, for a parade to be held on the 11th day of December, 2021.

- (d) The certificate should be signed by an authorized agent of the issuing company or companies and should have attached a copy of a power of attorney evidencing the agent's authority.

MODIFICATION BY CHIEF OF POLICE: The City Chief of Police shall be authorized to modify the route, time and manner of conduct of a proposed parade as may be deemed necessary to protect the safety and welfare of the public, including preservation of access to public buildings and maintenance of vehicular and pedestrian traffic flow, provided that the applicant's right of free speech is not denied thereby.

The following specific factors may be considered by the City Chief of Police in making such modifications as are necessary for the accommodation of the competing public interests of free expression and public safety; that:

- (a) The conduct of the parade will or is likely to substantially interrupt the safe and orderly movement of other traffic, both vehicular and pedestrian;
- (b) The conduct of the parade will or is likely to require the diversion of so great a number of police officers of the City to properly police the line of movement and prevent normal police protection to the City;
- (c) The concentration of persons, animals or vehicles at assembly points of the parade will or is likely to unduly interfere with proper fire and police protection or ambulance service.

NOTICE TO THE APPLICANT: The City by and through its Chief of Police shall, within five (5) days of receipt of the application, notify the applicant that a permit has either been approved or denied. Any such notice of denial shall be made in writing and sent by certified mail with return receipt requested, to the applicant or other specially designated person, and shall indicate the reason(s) for such denial.

APPEAL OF DENIAL OF PARADE PERMIT: In the event the Chief of Police denies or revokes a parade permit, this action shall be final unless the applicant or permittee shall, within two (2) days after the receipt of notice of such denial, files with the City Council a written appeal. The City Council shall, within twenty-four (24) hours after the appeal is filed, consider all the evidence in support of or against the action appealed, and render a decision either sustaining or reversing the denial. The decision of the City Council shall be final.

DUTIES OF PERMITTEE: The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

COMPLIANCE WITH PERMIT CONDITIONS WITH OTHER LAWS: It shall be unlawful for any person participating in any parade for which a permit hereunder has been issued, to fail to comply with all directions and conditions of such permit and all applicable laws and ordinances.

IF ANY PROVISION, section, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid (or for any other reason unenforceable), the validity of the remaining portion of the ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Hempstead in adopting, and the Mayor in approving this ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity or any other portion, provision or regulation.

WHEREAS, an emergency is apparent for the immediate preservation of order, health, safety and general welfare of the public, the nature of such emergency being the urgent need to provide the free exercise by citizens of rights guaranteed by the Constitutions of the United States and in the State of Texas while preserving and protecting the public's right to utilize the streets and highways, which emergency requires that this ordinance become effective immediately upon its passage; therefore the rule requiring that ordinances be read on three (3) separate days is hereby suspended, and by this ordinance shall become effective immediately upon its passage.

INDEMNIFICATION: The applicant and any other person, organization, firm or corporation on whose behalf the application is made, by filing such application does represent, stipulate, contract and agree that they will jointly and severally indemnify and hold the City harmless against liability for any and all claims for damage to property, or injury to, or death of persons arising out of or resulting from the issuance of the permit or the conduct of the parade per its participants.



City of Hempstead

1125 Austin Street • Hempstead, Texas 77445 • Tel: 979-826-2486 • Fax: 979-826-6703

RESOLUTION NO. 21-_____

CITY OF HEMPSTEAD DEPOT PARK RENTAL

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HEMPSTEAD, TEXAS:

That the City hereby adopts a fee of \$50.00 for rental of the Depot Park. An additional refundable fee of \$50.00 will also be collected at time of rental. The refundable fee will be returned to the Organization renting the depot upon inspection by a City Employee that all items on the rental agreement cleaning list were completed.

PASSED AND APPROVED this the 18th day of October, A.D., 2021.

APPROVED:

Dave Shelburne, Mayor

ATTEST:

Barbara Haffelfinger, City Secretary

DEPOT PARK- RENTAL APPLICATION

APPLICANT INFORMATION:

Name of contact or organization: _____

Contact person (if different from above): _____

Address: _____ City: _____ Zip: _____

Telephone: _____ Email: _____

FACILITY INFORMATION:

Name of your event: _____

NO GARAGE SALES

Today's Date: _____ Reservation Date: _____

Reserve time: _____ AM / PM To _____ AM / PM

CHECKLIST:

Cleaning List	Complete - per customer	Comments	Complete - per city
Clean grills			
Clean smokers			
Clean floors			
Bag trash & haul away			
DO NOT UNDER ANY CIRCUMSTANCE PLACE TRASH IN SMOKERS!			
Turn off lights			
Turn off fans			

Fee: \$ _____ Non-refundable fee: \$ _____

The City of Hempstead shall be held harmless against liability for any and all claims for damages or injury to any person arising out of or resulting from use of the Hempstead Depot Park.

Signature: _____ Date: _____



Tax Allocations

City Sales and Use Tax Comparison Summary October 2021

Download and further analyze current and historic data using the [Texas Open Data Center External Link](#).

NOTE: Some jurisdictions may have changed tax rates, thus affecting the comparison. See Local Sales Tax Rate Information Report [comptroller.texas.gov/taxes/sales/rate-report.php] for a list of jurisdictions who have changed rates in the preceding 14 months.

U/C = Unable To Compute Percentage Change

Total Net Payments This Period: **\$584,031,478.39**; Comparable Payment Prior Year: **\$486,338,477.25**; Percent Change: **20.09%**

Total Payments YTD: **\$5,842,664,991.08**; Total Prior Year Payment YTD: **\$5,130,630,549.40**; Percent Change: **13.88%**

Search

City	Net Payment This Period	Comparable Payment Prior Year	% Change	Payment YTD	Prior Year Payment YTD	% Change
Haskell	\$66,439.54	\$62,650.76	6.04%	\$681,352.05	\$595,254.97	14.46%
Haslet	\$459,467.72	\$342,556.77	34.12%	\$4,024,595.03	\$3,220,738.81	24.95%
Hawk Cove	\$3,601.16	\$3,605.09	-0.10%	\$35,708.22	\$29,941.26	19.26%
Hawkins	\$32,988.79	\$25,252.61	30.63%	\$360,702.04	\$279,412.50	29.09%
Hawley	\$33,653.21	\$8,593.76	291.60%	\$136,275.41	\$95,362.57	42.90%
Hays	\$1,665.90	\$1,374.38	21.21%	\$18,771.17	\$17,023.25	10.26%
Hearne	\$129,761.51	\$119,066.60	8.98%	\$1,131,625.94	\$1,401,930.56	-19.28%
Heath	\$178,433.77	\$156,937.62	13.69%	\$1,859,512.87	\$1,608,423.83	15.61%
Hebron	\$12,025.26	\$8,729.38	37.75%	\$105,333.18	\$89,748.83	17.36%
Hedley	\$626.53	\$549.99	13.91%	\$10,700.40	\$8,601.70	24.39%
Hedwig Village	\$176,213.44	\$122,776.93	43.52%	\$1,675,741.39	\$1,535,351.30	9.14%
Helotes	\$732,270.22	\$483,797.90	51.35%	\$6,651,700.41	\$4,696,328.16	41.63%
Hemphill	\$43,167.42	\$32,368.28	33.36%	\$497,511.27	\$401,829.21	23.81%
Hempstead	\$173,671.78	\$149,646.36	16.05%	\$1,672,327.03	\$1,536,668.64	8.82%
Henderson	\$547,016.86	\$479,077.16	14.18%	\$5,578,130.12	\$5,216,991.70	6.92%
Henrietta	\$57,502.75	\$47,816.44	20.25%	\$577,829.60	\$496,301.92	16.42%
Hereford	\$227,522.21	\$208,179.44	9.29%	\$2,422,064.94	\$2,248,454.17	7.72%
Hewitt	\$272,112.42	\$248,127.84	9.66%	\$2,753,191.57	\$2,549,196.38	8.00%
Hickory Creek	\$158,753.06	\$141,445.17	12.23%	\$1,717,120.16	\$1,504,948.38	14.09%
Hico	\$42,003.74	\$32,985.80	27.33%	\$434,660.43	\$393,653.10	10.41%

Rows 441 to 460 of 1168 Total

If you have questions about Tax Allocation Payment Distribution Schedule, please contact us [<mailto:Taxalloc.RevAcct@cpa.texas.gov>].